

STAFF REPORT

Planning & Zoning Commission: June 13, 2005
Board of County Commissioners: July 13, 2005
Board of County Commissioners: September 14, 2005

APPLICANT: Carmel Ceraolo of Tri-City Ltd. **FILE NUMBER:** H-05-50

PURPOSE: Establishment of a Master Plan for Property zoned PDP(GHC)/Planned Development Project (General Highway Commercial)

GENERAL

LOCATION: West side of US 19, south of Outer Banks Drive, approximately 850' south of Glen Lakes Boulevard

LEGAL

DESCRIPTION: A portion of Section 13, Township 22 South, Range 17 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 14 LETTER OF CONCERN: 2

STAFF FINDINGS:

Surrounding Zoning

North: PDP(GHC)
South: AG
East: PDP(GHC), AG
West: PDP(MF)

Surrounding Land Uses

Glen Lakes Entrance Feature
Undeveloped
Undeveloped
Single family

SUMMARY OF REQUEST

The petitioner requests to establish a master plan for property zoned PDP(GHC). The subject property is located on the west side of US 19, south of Outer Banks Drive, approximately 850' south of Glen Lakes Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 19.5 acres.

3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from US 19 and Outer Banks Drive.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Tavares fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site; central water is available per ordinance to serve the subject site, however central sewer is not. The Utilities Department notes that two (2) force mains are proximate to the site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family residential uses, the Glen Lakes welcome center and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to establish a master plan for property zoned PDP(GHC). The BCC approved a rezoning on the subject property in 1987 from AG to PDP(GHC). The PDP(GHC) zoning category allows all of the C-1 general commercial uses. The subject property does not have a valid master plan meeting the County LDRs. The narrative indicates the concept of the master plan is for a shopping plaza with potentially two (2) anchor tenants and the potential for two (2) outparcels. The plan shows a 132,000 square foot retail plaza and a 4,500 square foot outlying retail building. The plan provided meets the required setbacks for a commercial PDP.

The PDP rules require a commercial PDP to provide a minimum 5' buffer between the proposed development and a use which is residential, agricultural or agricultural-residential. Glen Lakes single family development is located to the west of the subject property and an undeveloped AG parcel is located to the south of the subject property. The plan shows a 35' buffer along the western property line and a 20' buffers along the north and south property lines. The narrative indicates existing trees will be maintained in the buffer areas where possible to preserve natural vegetation and screening. The Planning staff is of the opinion that if the request is approved, the petitioner shall provide the buffers as indicated on the plan with landscape plantings required to supplement the buffer area if the buffer is not maintained at 80% opacity is approved.

The petitioner is proposing a 132,000 square foot retail plaza, and a 4,500 commercial outparcel. The County's LDRs provide that development greater than 65,000 square feet in size may be approved through approval of a Planned Development Project. Because of the intensity of development, the BCC may require additional conditions to ensure appropriateness at a particular location. The following items are those the BCC may additionally address, with the proposal regarding each made by the petitioner:

1. Enhanced screening and/or location of air conditioning and/or operational equipment.

The petitioner has indicated that the buffers along the western, northern and eastern property lines will be enhanced with additional landscaping. The petitioner proposes planting evergreen trees in the gaps of the existing tree canopy in the proposed 35' buffer along the western property line. Additionally, the petitioner has indicated that along the northern and southern property lines, berms will be constructed with understory shrubs to help screen the development from neighboring properties. It is the staff's position the proposals regarding buffering are sufficient to reduce visual impacts associated with the subject development.

2. Limitations on hours of operation to ensure operational compatibility

The petitioner has indicated that the center will have normal business hours of approximately 7 a.m. to 10 p.m. It is staff's opinion the hours are appropriate.

3. Screening and/or location of loading areas and loading docks.

The petitioner has indicated that the loading areas will be in the rear of the proposed buildings away from public eye. The loading areas as proposed would be along the western boundary adjacent to the existing residential development. It is the staff's opinion the existing wall and proposed buffer with enhanced plantings would mitigate any negative impacts associated with the location of the loading areas.

4. Enhanced lighting beyond minimum standards.

The petitioner has indicated that lighting will be enhanced on the interior of the development to ensure public safety. Lighting close to the perimeter of the development will be kept low to avoid offsite lighting of adjacent properties. The petitioner has verbally indicated that the term low means low in height as well as low light emission. The petitioner's proposal does not include any quantifiable standards; however, the development of the site will require compliance with the County's big box regulations. The Big Box regulations require that all outdoor light fixtures emitting 2,050 lumens or more shall full cutoff fixtures if they are within 30' of the property line. It is the staff's opinion that limiting the height of the perimeter lighting to 10', and requiring cut-off fixtures along the western line would adequately address project lighting.

The 132,000 square foot building is depicted along the western boundary of the site, setback 95' from the western property line.

The petitioner further indicates that a pedestrian circulation plan to increase pedestrian safety in the parking lot. Development of the site will have to comply with the County's LDRs for large retail developments which require accommodation of pedestrian features during permit review.

The petitioner has not indicated proposed minimum internal lot setbacks. If the request is approved, the Planning staff recommends minimum internal lot standards of 35' from the frontage road, 20' from the side and 35' from the rear.

The petitioner has verbally indicated an interest in providing golf cart access and parking to the project for the Glen Lakes residents. The staff would not object to the proposal, but utilization of public roadways for golf cart use would require specific Board approval. The petitioner would be required to obtain the appropriate approval at the time of permit approval.

The petitioner proposes serving the site with central water and sewer service. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site; central water is available per ordinance to serve the subject site, however central sewer is not. The Utilities Department notes that two (2) force mains are proximate to the site. The petitioner proposes accessing the County's central sewer system via an onsite lift station and force main tap to the County's existing force main in the US 19 ROW.

The subject property has frontage on US 19. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. A 50' wide access road is indicated through the project connecting to Outer Banks Drive and ultimately to Glen Lakes Boulevard. The plan indicates a 35' buffer along US 19, which is required by the commercial design standards for large retail projects. The LDRs require that the 35' buffer be comprised of retained natural vegetation or planted with native plant species. Part of the 35' buffer is located in the right of way of the frontage road. If the request is approved, the plan will have to be revised to move the frontage road out of the required 35' buffer.

The Transportation Planning Coordinator indicates that US 19 has capacity to support the proposed development at this location.

The plan provided shows right-in/right-out/left in access from US 19 with additional turn lanes proposed. The County Engineer does not object to the proposed access to US 19. The County Engineer notes the proposed vehicular access in the northwest corner of the proposed plan does not appear to meet the County's facility design guidelines; if the request is approved, the internal access will have to be redesigned as required by the County Engineer. The petitioner proposes cooperating with the County and the FDOT by providing their fair share of the cost for a future traffic signal at the US 19/Glen Lakes Boulevard intersection. The County Engineer indicates that if the request is approved, the petitioner should provide his fair share of the cost for the traffic signal at that location.

The FDOT, SWFWMD and the Gulf Coast Conservancy have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by single family residential uses and undeveloped parcels. The Glen Lakes entrance feature is located north of the subject property. Glen Lakes single family villas are located to the west of the subject property. Undeveloped AG property is located to the south. Undeveloped property zoned PDP(GHC) and AG is located across US 19 to the east.

Policy 1.01L(1) provides for the establishment of a commercial land use category, in which land uses such as commercial, recreation, office and professional, minor public facilities, and minor institutional uses are allowed. The subject property is located within a commercial land use classification on the adopted Future Land Use Map and is currently zoned general commercial.

The staff is of the opinion that the establishment of the proposed master plan is appropriate, based on the following conclusions:

1. The proposed master plan would be compatible with the surrounding land uses.
2. The existing wall and proposed buffering along the western property line provide adequate separation between the proposed commercial project and the adjacent single family development.
3. The proposed master plan is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or

construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff’s report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner’s request for the establishment of a master plan for property zoned PDP(GHC), with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The perimeter setbacks are as follows:

From US 19:	125'
From the north property line:	35'
From the west property line:	95'
From the south property line:	35'
3. The minimum internal lot setbacks are as follows:

From the frontage road:	35'
From the side lot lines:	20'
From the rear lot line:	35'
4. The frontage road shall be reconfigured out of the required 35' buffer along US 19.
5. The petitioner shall provide his fair share of the cost for a future traffic signal at the US 19/Glen Lakes Boulevard intersection.
6. The buffers along the western, northern and southern property lines shall be provided as indicated on the plan with enhanced landscaping to provide a minimum of 80% opacity. Along the western boundary, existing trees shall remain with infill tree plantings. The developer shall enhance the buffers along the northern and southern property lines with berms with understory shrubs as indicated in the narrative.

7. The retail hours of operation shall be no earlier than 7 a.m. and no later than 10 p.m.
8. The development is approved with the right-in/right-out/left in access on US 19 as indicated on the master plan.
9. The project shall be served by central sewer.
10. The lighting along the western boundary shall be cut-off fixtures, no greater than 10' in height.
11. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner’s request for the establishment of a master plan for property zoned PDP(GHC), with the following modified performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The perimeter setbacks are as follows:

From US 19:	125'
From the north property line:	35'
From the west property line:	95'
From the south property line:	35'
3. The minimum internal lot setbacks are as follows:

From the frontage road:	35'
From the side lot lines:	20'
From the rear lot line:	35'
4. The frontage road shall be reconfigured out of the required 35' buffer along US 19.
5. The petitioner shall provide his fair share of the cost for a future traffic signal at the US 19/Glen Lakes Boulevard intersection.

6. The buffers along the western, northern and southern property lines shall be provided as indicated on the plan with enhanced landscaping to provide a minimum of 90 % ~~80%~~ opacity. Along the western boundary, existing trees shall remain with infill tree plantings. The developer shall enhance the buffers along the northern and southern property lines with berms with understory shrubs as indicated in the narrative.
7. ~~The retail hours of operation shall be no earlier than 7 a.m. and no later than 10 p.m.~~
(Note: staff has no objections to P&Z modification)
8. The development is approved with the right-in/right-out/left in access on US 19 as indicated on the master plan.
9. The project shall be served by central water and sewer.
(Note: staff has no objections to P&Z modification)
10. The lighting along the western boundary shall be cut-off fixtures, no greater than 10' in height. The developer shall provide a lighting plan which reduces lighting intensity during non-operating hours. (Note: staff has no objections to P&Z modification)
11. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

BCC ACTION:

On July 13, 2005, the Board of County Commissioners voted 4-0 to postpone the petitioner's request for the establishment of a master plan for property zoned PDP(GHC) until the September 14, 2005, BCC meeting at 9:00 a.m.

BCC ACTION:

On September 14, 2005, the Board of County Commissioners voted 5-0 to deny the petitioner's request for the establishment of a master plan for property zoned PDP(GHC).