

STAFF REPORT

Planning & Zoning Commission: October 10, 2005
Board of County Commissioners: November 9, 2005
Board of County Commissioners: January 11, 2006
Board of County Commissioners: March 15, 2006
Board of County Commissioners: April 12, 2006

APPLICANT: Jonathan E. Klein/Diversified Property Group LLC 4
FILE NUMBER: H-05-81

PURPOSE: Establishment of a PDP(GC)/Planned Development Project (General Commercial) Master Plan

GENERAL

LOCATION: North side of State Road 50, east side of Brookridge Central Boulevard, west side of Grove Road

LEGAL

DESCRIPTION: A portion of Section 27, Township 22 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 50

STAFF FINDINGS:

Surrounding Zoning

North: PDP(MH), PDP(SU), PDP(GHC)
South: C-1, C-2, R-1A, PDP(GHC), PDP(GC)
East: PDP(GHC)
West: PDP(GHC)

Surrounding Land Uses

Brookridge MHP, ALF, developed
Commercial, undeveloped
ALF, commercial, undeveloped
Commercial, undeveloped

SUMMARY OF REQUEST

The petitioner requests to establish a master plan for property zoned PDP(GC). The subject property is located on the north side of State Road 50, on the east side of Brookridge Central Boulevard and on the west side of Grove Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC).

2. The property comprises approximately 22.86 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Cortez Boulevard, Grove Road and Brookridge Central Boulevard.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler 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 contains wetlands and a WHPA-2, but no SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. The adequate public facility review indicates that there are capacity issues associated with State Road 50.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by a mobile home residential, commercial and institutional uses, and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to establish a PDP(GC) master plan on the subject property. The BCC approved the rezoning of the property to PDP(GHC) in 1972. The subject property does not have a valid master plan currently associated with it.

The petitioner proposes developing the approximately 23 acre site with retail commercial uses. The narrative proposes a maximum of 154,103 square feet of retail commercial space. The narrative and plan show a strip shopping center with approximately 134,400 square feet of retail space and three (3) outparcels containing 3,671 square feet, 8,000 square feet and 8,000 square feet of retail space, respectively. If the request is approved, the petitioner will have to meet the LDRs regarding large retail projects.

The narrative indicates the development will comply with the County's setback requirements. The plan provided meets the commercial PDP building setbacks, with the exception of the buildings in the two eastern outparcels, shown with 30' setbacks from the north/rear property line. If the request is approved, the petitioner will have to provide a revised plan meeting the commercial PDP setback requirements.

The plan indicates 803 parking spaces are proposed. If the request is approved, the petitioner will be required to provide parking as required per the LDRs.

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 proposes a 13' landscaped buffer along the north property line from Brookridge Central Boulevard to the existing assisted living facility in order to mitigate potential impacts to residents of the Brookridge Community. The proposed buffer is to include a pre-cast concrete panel wall not to exceed 8' in height providing 100% opacity between the proposed development and the Brookridge Community. Additionally, the petitioner proposes providing a screen of living plant material consistent with Chapter 10 of the Code planted adjacent to the wall for increased buffering. It is the staff's position the proposed buffer is sufficient to reduce visual impacts associated with the subject development.

2. Limitations on hours of operation to ensure operational compatibility.

The petitioner has not proposed any limitations on the hours of operation. The BCC has the ability to limit the hours of operation to ensure appropriateness at this particular location. Given the proximity of the residential development adjacent to the "main parcel" proposed for large retail development, it is the staff's opinion that a limitation on the hours of operation from 7:00 a.m. to 11:00 p.m. would be appropriate.

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

The plan indicates the loading areas will be in the rear of the proposed buildings away from the public eye. The loading areas as proposed would be along the northern boundary adjacent to the existing residential development, parallel to the proposed buildings. It is the staff's opinion the proposed buffer would mitigate any negative impacts associated with the location of the loading areas provided they are situated as depicted on the plan.

4. Enhanced lighting beyond minimum standards.

The petitioner indicates the lighting for the development will be designed to not adversely impact the adjacent residential development. The petitioner's proposal does not include any quantifiable standards. The Planning staff is of the opinion that if the request is approved, the developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing the lighting along the northern boundary, where adjacent to the Brookridge mobile home park, shall be cut-off fixtures, no greater than 10' in height.

The plan does not reflect a pedestrian circulation plan; if the request is approved, 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 subject property has access to Cortez Boulevard. 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. The plan shows a frontage road on the property, connecting Brookridge Central Boulevard and Grove Road. A sidewalk will be required along the frontage road. The petitioner indicates a portion of the 35' buffer required by the County's Large Retail Development regulations within the right-of-way of the frontage road which is not allowable. Accommodation of the required buffer, and the rear setbacks along two outparcels at the east of the project appear to impact development of these outparcels without deviations. The petition has not been advertised to accommodate setback deviations at this time.

The property is located on a section of Cortez Boulevard which is no longer able to pass the required adequate public facility review. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of construction plans for commercial development. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The plan shows an access to Brookridge Central Boulevard at approximately the midpoint of the project. The plan depicts approximately 25' of the access on the subject property, and approximately 25' on the property to the north in the form of an easement. The County Engineer indicates no objection to the petitioner's proposal provided the 25' on the property to the north is a perpetual easement for public use as a roadway and associated drainage.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property lies within a WHPA-2 for a public supply well according to County data resources. The proposed land use is allowable within this designation.

The narrative indicates no wetlands have been identified on-site. The County's generalized mapping indicates that the property may contain a wetland area. If a wetland is on the site, any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.

The Florida Turnpike Enterprise has no comments regarding the request. The City of Brooksville has no concerns regarding the request. The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by mobile home residential, commercial and institutional uses, and undeveloped parcels. Brookridge Mobile Home Park and the Atria ALF are located to the north of the subject property. Commercial uses are located to the east and west on parcels zoned PDP(GHC). Commercial uses are located to the south, across Cortez Boulevard, on parcels zoned C-1 and C-2.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

Objective 1.04C indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured. Cortez Boulevard does not have the capacity to support the proposed commercial development. In order to mitigate the transportation impacts associated with the development, the petitioner will be required to enter into an agreement with the County addressing transportation issues associated with development of this site. The petitioner has initiated the process to develop an agreement with the County.

The staff is of the opinion that the establishment of a PDP(GC) master plan is appropriate, based on the following conclusions:

1. The proposed master plan would be compatible with the surrounding land uses along Cortez Boulevard.
2. The proposed buffer and wall along the northern property line will provide adequate separation between the proposed commercial project and the adjacent mobile home residential development.

3. An agreement between the petitioner and the County addressing the transportation issues will ensure necessary facilities and services are provided to maintain public health, safety and general welfare.
4. The master plan is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.

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 Concurrence. 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 to establish a PDP(GC) master plan, 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 developer shall provide a frontage road at the time of development.
3. The minimum perimeter setbacks are as follows:

From Cortez Boulevard:	125'
From the west property line:	35'
From the east property line:	35'
From the north property line:	35'
4. 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'

5. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
6. The access at the midpoint of the project along Brookridge Central Boulevard is required. The easement indicated on the master plan relating to this access shall be a perpetual easement for public use as a roadway and associated drainage. The northern access along Brookridge Central Boulevard may be allowed with approval by the County Engineer.
7. The loading docks shall be parallel to the buildings as depicted on the master plan.
8. The hours of operation applicable to the large retail development on the main parcel adjacent to Brookridge shall be limited to 7:00 a.m. to 11:00 p.m.
9. If wetlands exist on the site, any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.
10. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the northern boundary where adjacent to the Brookridge mobile home park shall be cut-off fixtures, no greater than 10' in height.
11. The developer shall provide a minimum 10' wide landscaped buffer including a pre-cast concrete panel wall not to exceed 8' in height providing 100% opacity between the proposed development and the Brookridge Community. Additionally, the petitioner shall meet all applicable LDRs for landscaping.
12. 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 to establish a PDP(GC) master plan, 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 developer shall provide a frontage road at the time of development.
3. The minimum perimeter setbacks are as follows:
 - From Cortez Boulevard: 125'
 - From the west property line: 35'
 - From the east property line: 35'
 - From the north property line: 35'
4. 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'
5. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
6. The access at the midpoint of the project along Brookridge Central Boulevard is required. The 25' easement indicated on the master plan relating to this access shall be a perpetual easement and may be obtained from either the north or the south property for public use as a roadway and associated drainage. The northern access along Brookridge Central Boulevard may be allowed with approval by the County Engineer. [The Planning & Zoning Commission agreed to the petitioner's proposed revision of this condition. The staff does not object to the revision.]
7. The loading docks shall be parallel to the buildings as depicted on the master plan.
8. ~~The hours of operation applicable to the large retail development on the main parcel adjacent to Brookridge shall be limited to 7:00 a.m. to 11:00 p.m. (Need to discuss further)~~
- ~~8.~~ 9. If wetlands exist on the site, any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.
- ~~10.~~ 11. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the northern boundary where adjacent to the Brookridge mobile home park shall be full cut-off fixtures with external shields, no greater than ~~10'~~ 20' in height. [staff does not object]
- ~~11.~~ 12. The developer shall provide a minimum 10' wide landscaped buffer including a pre-cast concrete panel wall not to exceed 8' in height providing 100% opacity between the proposed development and the Brookridge Community. Additionally, the petitioner shall meet all applicable LDRs for landscaping.

- ~~12.~~ 13. 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.
13. Golf cart access and parking to accommodate the Brookridge residents shall be allowed if legally possible. [The petitioner indicated he would provide a revised plan prior to the BCC hearing showing golf cart access and parking to accommodate the Brookridge residents. The staff does not object to this feature.]
14. The petitioner shall pay his fair share for a traffic signal at the Cortez Boulevard/Grove Road intersection.

BCC ACTION:

On November 9, 2005, the Board of County Commissioners voted 5-0 to postpone consideration of the request until the January 11, 2006, BCC hearing at 9:00 a.m. On January 11, 2006, the Board of County Commissioners voted 5-0 to postpone this petition until March 8, 2006, at 9:00 a.m.

NOTE: The March 8, 2006, Land Use hearing date was moved to March 15, 2006; therefore, this petition was readvertised for the March 15, 2006, hearing.

On March 15, 2006, the Board of County Commissioners voted 5-0 to postpone this petition until April 12, 2006, at 9:00 a.m.