

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 9, 2007
Board of County Commissioners: May 9, 2007

APPLICANT: Bricklemyer, Smolker & Bolves, P.A.

FILE NUMBER: H-06-122

PURPOSE: Establishing a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses, namely, automobile specialty establishments, retail plant nurseries with outside storage, with a deviation from the design standards for large retail project, namely outdoor display and sales areas

GENERAL

LOCATION: East side of Barclay Avenue, approximately 1700' north of Spring Hill Drive/Barclay Ave intersection

LEGAL

DESCRIPTION: A portion of Section 15, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner has submitted a request for establishing a master plan on property zoned PDP(GC)/Planned Development Project (General Commercial) in the Holland Spring Development of Regional Impact (DRI), Commercial Tract 3. The petitioner is proposing to develop the approximately 23.66 subject site with a 184,954 square foot 24-hour big box retail center (Wal-Mart Supercenter) and an approximate one (1) acre outparcel.

The petitioner has requested specific C-2/(Highway Commercial) uses to accommodate display and sales of merchandise or services specific to their business:

1. Automobile specialty establishments would permit on a limited bases the sale and display of lawn equipment, ATV's and/or go-karts.

2. Retail plant nurseries with outside storage would permit the sale of plants, packaged mulch, soil, and/or fertilizer and landscape material and tools.
3. The petitioner is requesting a deviation from outdoor display and/or sales areas, which is any permanent display area not within the building which face a public right-of-way. Such areas must be shielded from view by a wall made from architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone, or concrete with architectural finish and incorporated into the overall design of the building.

The petitioner is not proposing a Tire & Lube Express which would require specific C-2 uses (tire and automotive accessory establishment or automobile and truck repair establishment).

SITE CHARACTERISTICS:

Site Size: 23.66 acres

Surrounding Zoning; Land Uses: North: PDP(MF); Suncoast Villa Apartments
South: PDP(GC); Publix Plaza
East: C/PDP; Undeveloped
West: PDP(SF); Single family

Current Zoning: PDP(GC)/Planned Development Project (General Commercial)

Future Land Use Map Designation: Residential; The DRI predates adoption of the Comprehensive Plan and development is controlled by Map H of the DRI

Flood Zone: C

SITE CIRCUMSTANCES:

The Holland Spring DRI is a mixed use development which includes single family, multifamily, commercial, recreation, institution and public facilities, and was originally approved on April 12, 1983, by the Hernando County Board of County Commissioners. The Holland Spring DRI has since been modified on eleven occasions with the most recent modification being May 11, 2005, where the Board of County Commissioners approved an extension to the Holland Springs Development Order until April 26, 2008. The DRI establishes acreage and square footage for the specified land uses within the DRI, and is generally regulated by Map H of the DRI.

The original DRI was approved for 137,500 square feet of neighborhood commercial and 137,400 square feet of office space on 35.95 acres. In 1989, the petitioner requested a modification to clarify the commercial uses permitted in the project. It was requested that the neighborhood commercial uses be modified to correspond to the uses allowed in the C-1/(Commercial District) with specific C-2 uses to include drive-in restaurants, tire and auto accessory establishments, alcoholic beverage dispensation, publishing and printing and domestic rental establishments. On March 27, 1990, the Board of County Commissioners approved the request to allow C-1 uses, but did not approve the petitioner's blanket request to apply the requested C-2 uses to the Holland Spring commercial sites. However, the Board of County Commissioners had agreed that future requests for C-2 uses within the project would be subject to Board approval on a case by case basis and shall not be considered a substantial deviation to the DRI approval. This modification also increased the amount of commercial square footage to 282,000 square feet and reduced the office space to 37,400 square feet.

Map H of the original Holland Spring DRI had several properties allocated for commercial use. In 2001 the petitioner requested that the commercial properties be relocated within the DRI and that the commercial acreage be increased to 41.95 acres. This modification resulted in the relocation of 9.2 acres of commercial along Elgin Boulevard to Barclay Avenue, the conversion of six (6) acres of multifamily to commercial and the elimination 37,400 square feet of office space. The amount of commercial acreage was increased, but not the square footage, which remained at 282,000 square feet.

An additional modification to the DRI resulted in the development of a 57,300 square foot self-storage facility within the approved commercial acreage. The modification permitted the use of a conversion factor based upon traffic generation which reduced the self-storage square footage from 57,300 square feet to 3,870 square feet of the approved commercial space within the development.

As it currently exists, the Holland Spring DRI is approved for 282,000 square feet of commercial use. Development taken from as-built information is 88,517 square feet of commercial, leaving 193,483 square feet of commercial space for development on the proposed site and outparcel. According to the application submitted by the petitioner, the proposal is to develop the subject site with a 184,954 square foot big box retail center (Wal-Mart Supercenter) and approximate one (1) acre outparcel. The petitioner has not stated the intended use for the outparcel, but has indicated that they would not exceed the commercial vesting allowed by the DRI and would seek separate master plan approval at the time of development.

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

Hydrologic

Features: The subject property contains no wetlands, Wellhead Protection Areas (WHPA), or Special Protection Areas (SPA) according to County data resources.

Habitat: The site may contain majestic and specimen trees. Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction. Due to the species' protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit. As part of the Development of Regional Impact, there were specific requirements relative to wildlife mitigation. Documentation of compliance will have to be provided by the petitioner prior to any development on the site. 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.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12-inch water line is located on the eastern side of Barclay Road. A 8-inch gravity sewer line is located along the eastern side of Barclay Road. There is also an existing 8-inch sewer force main located along the west half of the southern property line, from there the force main turns north and crosses the south eastern corner of the parcel.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits.

ENGINEERING & TRANSPORTATION REVIEW:

The Holland Spring DRI was originally approved with 41,262 total average daily vehicle trips and 28,883 external vehicle trips. As stated, the petitioner is requesting a 184,954 square foot big box retail center (Wal-Mart Supercenter). Based on the proposed square footage and trip ends per 1,000 square feet, the proposed development would yield

approximately 9,101 average daily trips and 6,371 external vehicle trips as estimated on the Table below.

Existing Uses	Square Footage	Avg Daily Trips	30% External Trips
DRI Approved Commercial Sq Ft	282,000		
DRI As-built Commercial Sq Ft	88,517	7,667	5,367
Remaining Commercial Sq Ft	193,483		
Proposed Big Box (Wal Mart Supercenter) Sq Ft	184,954	9,101	6,371
Remaining Commercial Sq Ft	8,529		
Total DRI Trips Approved		41,262	28,883
Estimated Build-out less Outparcel		39,826	27,878
Residential	2,254 units	20,679	14,475
Commercial		16,769	11,738
Other Non Residential		2,378	1,665

DRI numbers obtained from original development order
 Trip Data for proposed big box collected from 6th Edition ITE Manual
 30% external trip ends taken from DRI
 Residential units taken from as-built information

It is estimated that the average daily and external vehicle trips for the Holland Spring DRI would not be exceeded with the addition of the proposed big box retail center. Chapter 380.06, Florida Statutes governs developments of regional impact. Subsection (19) of the statute establishes criteria for changes to a DRI which mandate the necessity for further DRI review, including a 15% increase in the number of external vehicle trips generated by the development above that which was projected during the original DRI review. The proposed use does not exceed the statutory criteria.

The site plan proposes the development would be accessed via three (3) entrances to Barclay Road, and one future connection to Spring Hill Drive via a separate access road. The north access to Barclay Road is proposed as a left-in and right-in/right-out with a deceleration lane. The central access to Barclay Road is proposed as a left-in and right-in/right-out with a deceleration lane. The access to the south along Barclay Road which aligns with Minnie Drive, is proposed for a full signalized intersection. The access point to Spring Hill Drive will be provided on the southeast portion of the property as a stub out for the project's frontage road as a future connection to a proposed access road. Due to the proximity of the Spring Hill access to the Suncoast Parkway, the future access will be limited to a right-in/right-out.

The County Transportation Coordinator indicates that Barclay Road is scheduled for capacity improvements for the segment of Elgin Boulevard to Spring Hill Drive in 2007. The Transportation Coordinator further indicates that the petitioner must demonstrate the ability

to accommodate any necessary operational improvements over and above the proposed capacity improvements at the time of development.

The Engineering Department has made the following recommendations:

1. The developer shall coordinate the design of all access connections to Barclay Road with the County Engineer.
2. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the frontage road.
3. The developer shall provide an access management study and traffic analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. The study shall also include a traffic signal warrant analysis for the proposed signal at Minnie Drive and Barclay Road. The developer shall be responsible for the full cost of the traffic signal if warranted. In addition, the developer shall be responsible for all improvements determined by the access management study and traffic analysis.
4. The north access to Barclay Road shall be designed to accommodate a right-in/right-out and left-in ingress/egress.
5. The central access to Barclay Road shall be designed to accommodate a right-in/right-out and left-in ingress/egress.
6. The southern entrance on Barclay Road would require right and left turn lanes into the property.
7. The frontage road intersection with the southwestern parking lot access shall be designed with straight 90-degree access points.
8. The southeastern parking lot access with the frontage road shall be designed as a "T" intersection.
9. According to County data resources, portions of the subject property are within flood prone areas. Development of the property shall comply with the County's flood plain management ordinance and Facility Design Guidelines pertaining to development in the 100 year flood plain.

LAND USE REVIEW:

The subject request is considered a large retail development and as such must comply with the standards provided for in the LDRs. The standards include, but are not limited to, architectural style, parking design, internal pedestrian circulation, and buffering. The master plan approval is a conceptual review. All applicable LDRs relating to large retail development must be met at the time of permit review.

The petitioner is proposing approximately 184,954 square feet of commercial square footage. The Holland Springs DRI has an allocated 195,758 square feet of commercial development remaining. The County's LDRs provide that development greater than 65,000 square feet in size require approval as a Planned Development Project. Because of the intensity of development, the County may require additional conditions to ensure appropriateness at a particular location. The following items are those the County must address under these requirements:

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

The petitioner has indicated that all air conditioning units and refrigeration units will be located on top of the structure.

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

No limitations on hours of operation are being proposed by the applicant. Due to the fact that the site is not along a major highway, and is proximate to schools and a residential neighborhood, a limitation on the hours of operation including deliveries should be considered.

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

The projects loading bays/docks are adjacent to an existing mini-storage facility. The County LDR's require that all loading bays and loading docks must be screened from view from the public right-of-way or single family residential district property line. Screening may include landscape plantings, berms, fences or walls. The petitioner has provided a landscape buffer along the north property line.

4. Enhanced lighting beyond minimum standards.

The minimum county LDRs require site lighting to be semi cut-off for internal lighting and full cut-off fixtures within 30 feet of the property line. The petitioner has indicated the

development will comply with the LDRs regarding lighting. No additional enhancements beyond the ordinance requirements are proposed.

The County Design Standards for large retail projects provide guidelines for creating safer, efficient, pedestrian-friendly projects with human scale orientation, while discouraging large, nondescript buildings and "unfriendly" pedestrian design, limited landscaping, and vast non-shaded parking lots. The petitioner will be required to submit detailed elevation plans and/or renderings at the time of permitting illustrating the proposed facade and site design in order to assure the proposed structure is architecturally appealing and meets County design requirements.

The applicant is requesting a deviation from the County's standards for large retail development pertaining to the outdoor storage and display of materials and merchandise, and approval of a specific C-2 uses to permit the outdoor display of retail plant and landscape material. Because the site is not located on a major highway and is proximate to residential areas, the requested deviation should not be permitted.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a Residential land use classification on the adopted Future Land Use Map; however, the DRI predates adoption of the Comprehensive Plan and development is controlled by the Holland Spring DRI Map H.

Policy 1.01A(9) The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

Comment: The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

Policy 1.01L(5): Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

Comment: Any approval should include appropriate performance conditions to address potential negative impacts from the development.

Policy 1.01M(2) Community Commercial Nodes

1. Will be located in areas designated on the Future Land Use Map Series as locations appropriate for nodal commercial development;
2. Will be located proximate to the intersection of two roadways of a status of collector road or greater;
3. Full median cuts will generally not be allowed any closer than 660 feet from the intersection to maintain the proper functioning of the intersection;
4. Will be located on the fringe, not the interior, of residential areas;
5. Will not compromise the integrity of the residential areas;
6. Will generally range from 40-60 acres in size.

Comment: The commercial area approved by Map H of the Holland Spring DRI on Barclay and Spring Hill Drive totals approximately 42 acres, according to the County comprehensive plan. The size range for nodes would generally be from 40-60 acres. If approved, the request would be consistent with the criteria relating to general commercial nodes, with appropriate performance conditions.

Policy 1.01A(4) Development within a PDP shall occur according to limitations of use, design, density, coverage, and phasing stipulated on an approved Development plan.

Comment: The County land development regulations require the petitioner to submit detailed elevation plans and/or renderings illustrating the proposed facade design at the time of permitting in order to ensure the proposed structure is architecturally appealing and meets County LDR requirements.

Policy 1.01R(2) In order to promote a harmonious built environment, performance standards to be included in the LDR's may cover such issues as services, access, noise, bulk, height, traffic, buffers, open space, acreage minimums or maximums, landscaping, signage, timing, architectural and aesthetic designs.

Comment: The proposed development should be designed in such a way that it provides a neighborhood and pedestrian friendly environment, and any approval should include appropriate performance conditions.

The establishment of a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) is appropriate with performance conditions, based on the following conclusions:

1. The proposed master plan is consistent with the terms and conditions of the Holland Spring DRI.
2. The proposed master plan does not exceed the general commercial square footage and external trip ends approved for the Holland Springs DRI.
3. The master plan is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to appropriate performance conditions.

NOTICE OF APPLICANT RESPONSIBILITY:

The master plan 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to establish a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) with the following 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 petitioner shall provide the appropriate operational and access management techniques and improvements, which may include, but not be limited to auxiliary turn lanes for site ingress, limited and/or directional drives and shared drives or internal roadway and off-site improvements, as determined by the County Engineer during site development review.
3. The developer shall provide an access management study and traffic analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. The study shall also include a traffic signal warrant analysis for the proposed signal at Minnie Drive and Barclay Road. The developer shall be responsible for the full cost of the traffic signal if warranted. In addition, the developer shall be responsible for all operational improvements determined by the access management study and traffic analysis.
4. The petitioner shall maintain the following perimeter setbacks:

Front:	75'
Side:	20'
Rear:	35'
5. The frontage road proposed along the project southern portion must align with Minnie Drive and meet the minimum frontage road requirements, and shall provide for the right of cross access to the east.
6. Access connections to the frontage road and internal access driveways shall be designed in accordance with the requirements of the County Engineer.
7. Access to Barclay Road shall be designed in accordance with the requirements of the County Engineer.
8. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the frontage road.
9. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the buildings developed on the subject property.
10. Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) within the proposed development shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building.
11. The deviation from the County's design standards for large retail development to permit the outdoor display of merchandise, products and sales area, including but not limited to plant and landscape material, visible from a public right of way is not

- approved. The pallet and bale storage area, including shipping containers, shall be limited to the area designated on the site plan.
12. The hours of operation for the general public, including deliveries to the site, shall be limited to 8:00 AM to 10:00 PM, Monday through Sunday.
 13. The development shall not be open to the general public until the widening of Barclay Road and required access improvements in the vicinity of the site are substantially complete, as determined by the County Engineer.
 14. The developer shall develop a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the western boundary of the project shall be full cut-off fixtures with external shields, no greater than 20 feet in height.
 15. A stub out for the project's frontage road shall be provided as a future connection to any proposed access road to the east.
 16. The development must provide detailed elevation plans and/or renderings and site plans illustrating the proposed facade and site design at the time of permitting. The site and building design must demonstrate compliance with the County's design standards for large retail development, and shall use architectural features, textures and materials consistent with the other development in the area.
 17. As part of the Development of Regional Impact, there were specific requirements relative to wildlife mitigation. Documentation of compliance will have to be provided by the petitioner prior to any development on the site. 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 and copies of any required permits shall be provided prior to the issuance of building permits.
 18. Development of the property shall comply with the County's flood plain management ordinance and Facility Design Guidelines pertaining to development in the 100 year flood plain.
 19. The outparcel shall have no direct access to Barclay Road.
 20. There shall be no gasoline service station developed on the approximate one (1) outparcel.
 21. The outparcel shall seek separate master plan approval at the time of development.

22. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 business 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 calendar days from BCC approval will result in the zoning becoming null and void.