

STAFF REPORT

Planning & Zoning Commission: January 8, 2007
Board of County Commissioners: February 14, 2007
Planning & Zoning Commission: February 12, 2007
Board of County Commissioners: March 14, 2007

APPLICANT: Beth & Wendy Corporation **FILE NUMBER:** H-06-128

PURPOSE: Establishing a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial), with a reduction in setbacks

GENERAL

LOCATION: South side of SR 50, at the intersection of SR 50 and Sherman Hills Blvd

LEGAL

DESCRIPTION: A portion of Section 32, Township 22 South, Range 21 East, Hernando County, FL

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: PDP(GC)

Undeveloped

South: AG

Undeveloped

East: AG

Undeveloped

West: PDP(GHC)

Winn Dixie Shopping Center

SUMMARY OF REQUEST

The applicant requests to establish a master plan for the subject property zoned PDP(GC)/Planned Development Project (General Commercial), with a reduction in setbacks.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(GHC)/Planned Development Project (General Highway Commercial).
2. The property comprises approximately 8.28 acres.

3. The site is currently undeveloped.
4. The site may contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard (SR 50).
6. The subject property is located within a Planned Development Land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler Fine Sand and Sparr 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 a Wellhead Protection Area 2 (WHPA 2).
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are public facilities available to serve development on the subject property. The applicant will be required to demonstrate adequate capacity at the time of construction plan review.
12. The surrounding area is characterized by a mixture of commercial, vacant unimproved parcels.
13. The petitioner has requested a reduction on setbacks along SR 50 from 125' to 75'. The request is a deviation from the County's land development regulations (LDRs).

STAFF DISCUSSION

The petitioner has submitted a request to establish a master plan on property zoned PDP(GHC)/Planned Development Project (General Highway Commercial) and PDP(GC)/Planned Development Project (General Commercial). The subject property consists of six (6) lots encompassing approximately 8.28 +/- acres and is located in the I-75/SR50 Planned Development District.

In addition to master plan approval, the applicant has also requested a 50' deviation to the 125' setback along SR 50, to permit a 75' setback. The petitioner has shown the ability to connect to an existing frontage road west of the subject property. The frontage road system will be continued

through the subject site as a reverse frontage road. The County has approved a request for setback reductions when the petitioner has provided a reverse frontage road.

The subject property consists of six proposed (6) lots adjacent to the existing Winn Dixie shopping center. The project site would be accessed from SR 50 by an existing driveway. The existing driveway would be extended as a frontage road as part of the proposed master plan and would connect to the future extension of Sherman Hills Boulevard into the proposed Sunrise DRI south of SR 50 along the east property line.

The development of the subject property shall meet the requirements of the Land Development Regulations for vegetative buffering, setbacks, signage, off street parking, and commercial design standards.

The County Engineer has reviewed the request and indicated that the portion of right-of-way delineated along the east property line of the master plan would need to properly align with the future extension of Sherman Hills Boulevard on the north side of SR 50.

The County Transportation Coordinator has reviewed the request and indicated that portions of SR 50 located both east and west of I-75 have limited traffic capacity. A Level of Service determination would be required at the time of conditional plat review.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 6-inch water line is located on the south side of SR 50. There is an existing 6-inch gravity sewer service (Lateral) at the southeast corner of the parcel. Capacity availability 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/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

Soils and vegetation in this area are typical of gopher tortoise habitat. Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction. If gopher tortoises or any other listed species are present, this will give the property owner and/or the owner's representative a chance to examine all available options before construction begins. They should be advised to contact the Florida Fish and Wildlife Conservation Commission to discuss available options. Due to the species' protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit.

The subject property is within a WHPA 2 associated with a public supply well. The proposed use is allowable within this designation.

FINDINGS OF FACT

The subject property is located in an area with a mixture of commercial and vacant unimproved parcels.

The proposed master plan is consistent with the following policies and objectives of the Hernando County Comprehensive Plan:

Policy 1.01L(6): The Land Development Regulations shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access.

Objective 1.07B: Efficiently utilize the commercial/industrial value of the I-75 corridor, through master planning of land uses, roadway network, infrastructure and aesthetics.

Policy 1.07B(1): Establish a Planned Development Land Use Category on the Future Land Use Map, which allows for a mixture of the following land uses: commercial, industrial, residential, multi-family, recreation and public facilities. The Planned Development Land Use Category shall extend between the County's existing (SR50) I-75 interchange and where Lockhart Road crosses I-75 and from Lockhart Road to the abandoned railroad right-of-way.

Policy 1.07B(3): The master plan for the Planned Development Land Use Category shall incorporate the following standards or concepts:

- a. Commercial usage from 10-25% of the land area.

Policy 1.07B(4): Land development approvals shall be generally consistent with the master plan.

The establishment of a PDP(GC)/Planned Development Project (General Commercial) master plan is appropriate, based on the following conclusions:

1. The proposed master plan would be compatible with the surrounding land uses in the area with performance conditions.
2. 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 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:

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 general commercial/general highway commercial master plan with a reduction in setbacks 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. Access to the Sherman Hills Boulevard extension shall be designed to ensure that the collector road aligns with the portion of roadway located on the north side of SR 50. Sufficient right of way for the extension to the south shall also be provided.
3. Minimum Setbacks are as follows:
 - From SR 50: 75'
 - From Future Collector Road: 35'
 - From Proposed Driveway: 35'
 - From Project Boundary: As shown on Master Plan
4. Any development beyond what the existing infrastructure can accommodate will require the developer to enter into an enforceable development agreement to participate and contribute their proportionate share to fund needed infrastructure improvements. This will occur prior to the issuance of concurrency determination.
5. The site shall provide a right-of-way reservation along SR 50 in accordance with any applicable requirements of FDOT.
6. 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 ACTION:

At the January 8, 2007 meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of the proposed request until their February 12, 2007, hearing at 9:30 a.m.

NOTE:

On January 8, 2007 the Planning and Zoning Commission postponed the petition and requested additional information regarding the subject properties alignment to Sherman Hills to the north and an agreement from all interested parties on the alignment. The petitioner has submitted a new plan per the Planning and Zoning request exhibiting the proposed uses and road alignment on the north and the petitioner's proposed alignment on the subject property on the south. As of date, the petitioner has not demonstrated an agreement by all interested parties and the final alignment of Sherman Hills Boulevard on the south.