

STAFF REPORT

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

APPLICANT: Gulfstream Spring Hill, LLC **FILE NUMBER:** H-06-129

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

GENERAL

LOCATION: West side of Commercial Way, south side of Osowaw Blvd

LEGAL

DESCRIPTION: A portion of Section 29, Township 23 South, Range 17 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(GHC)
South: PDP(GC)
East: PDP(SU)
West: PDP(GHC)

CVS Pharmacy
Retail Plaza/Blockbuster, Great Clips
Commercial
Wal-Mart Supercenter

SUMMARY OF REQUEST

The petitioner has submitted a request to establish a master plan on property zoned PDP(GHC)/ Planned Development Project (General Highway Commercial), with a reduction in setbacks. The subject property is located at the southwest corner of Commercial Way (U.S. Hwy 19) and Osowaw Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC)/Planned Development Project (General Highway Commercial).
2. The property comprises approximately 1.08 acres.

3. The site is currently undeveloped.
4. The site does not contain majestic and specimen trees.
5. The subject property has access from Commercial Way (U.S. Hwy 19).
6. The subject property is located within a public facility and commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand Anclote 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, but no Wellhead Protection Areas (WHPA) or Special Protection Areas (SPA) according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by a commercial uses.
13. The petitioner has requested a reduction on setbacks from Osowaw Boulevard from 75' to 35'. 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), with a reduction in setbacks. The subject property was shown as a commercial outparcel on an existing master plan which the petitioner seeks to modify.

The master plan submitted proposes developing the subject site, an outparcel to the existing Walmart Supercenter, with a 10,880 square foot retail strip center. The subject site will obtain its only access from the existing reverse frontage road to the west, that extends from Wendy Court to Osowaw Boulevard. The petitioner has proposed internal setbacks as follows: U.S. Hwy 19 (East) 75', Osowaw Boulevard (North) 35', frontage road (West) 35' and south 20'. The petitioner has requested a reduction in setbacks along Osowaw Boulevard. In 1991 the Board of County Commissioners

denied a similar request for the reduction in setbacks along Osowaw from 75' to 50'. The petitioner has not provided justification for the reduction in setbacks. The site is small with environmental limitations. In addition, the setbacks should be maintained to accommodate any additional parking and/or retention required.

The County Engineer is requesting that the petitioner provide sidewalks along U.S. Hwy 19 in accordance with Facility Design Guidelines. Additionally, the County Engineer indicated that the petitioner has not demonstrated adequate parking for the subject site. If approved the petitioner will be required to meet all County LDR parking requirements on site, with no required parking on adjacent property.

The Transportation Planner has indicated that the adjacent property currently used for parking may be used in the future as a bus transfer station.

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 west side of US Hwy 19 and the south side of Osowaw Boulevard. There is an existing 10-inch force main on the west side of US Hwy 19. 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/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The County's Environmental Planner as indicated the subject property is low with respect to the surrounding grade, contains low quality wetlands and receives stormwater from the west side of the adjacent access road. Since this is an out parcel and will require fill for development, the applicant shall document that appropriate stormwater volume has been previously mitigated for and permitted as part of the adjacent project, otherwise the applicant will be required to obtain a SWFWMD Environmental Resource Permit (ERP). Since the parcel receives off-site stormwater runoff from adjacent property the design also needs to ensure that the current volume is accommodated.

The updated floodplain mapping shows the out parcel to be within the 100 year floodplain. Therefore, the applicant must provide the proper floodplain mitigation.

FINDINGS OF FACT

The subject property received rezoning/master plan approval in 1991. There is a developed Wal-Mart Supercenter west of the site, commercial businesses to the south, and to the east. The project is located along a major arterial roadway.

The County's generalized mapping indicates the subject property is located within the public facilities and commercial land use classifications on the adopted Future Land Use Map series.

In 1991, when the commercial parcel to the west was submitted for rezoning from AG (Agricultural) to PDP(GHC)/ Planned Development Project (General Highway Commercial) with a master plan, it was determined that the request was consistent with the provisions of the comprehensive plan at that time.

The establishment of a PDP(GHC)/ Planned Development Project (General Highway 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 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:

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 PDP(GHC)/ Planned Development Project (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. The minimum setbacks are as follows:
U.S. Hwy 19 (East): 75'
Osowaw Boulevard (North): 75'
Frontage road (West): 35'
South: 20'
3. Development shall be generally in conformance with the plan submitted.

4. The petitioner shall provide all required parking onsite.
5. If it is determined by the County Engineer that compensatory floodplain storage is required, the petitioner shall provide floodplain mitigation.
6. Access is approved as indicated on the master plan.
7. The site's stormwater plan shall accommodate the current volume of offsite stormwater received on the site.
8. The applicant shall provide sidewalks as required by the County's Facility Design Guidelines.
9. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners 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 Board of County Commissioners approval will result in the zoning becoming null and void.

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