

**STAFF REPORT**

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

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**APPLICANT:** Team Retail, LLC **FILE NUMBER:** H-06-38

**PURPOSE:** Rezoning from AG (Agricultural) to PDP(GC)/Planned Development Project(General Commercial) with a reduction in setbacks

**GENERAL**

**LOCATION:** South side of SR 50, approximately 2,400' west of Mariner Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 32, Township 22 South, Range 18 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: C-2  
South: AG  
East: AG  
West: AG

Surrounding Land Uses

LifeSouth, Commercial, undeveloped  
Evergreen Woods  
HealthSouth  
Hospice

**SUMMARY OF REQUEST**

The petitioner proposes to rezone from AG to PDP(GC) with a reduction in setbacks. The subject property is located on the south side of SR 50, approximately 2450' west of Mariner Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 17 acres.
3. The site is undeveloped.
4. The site contains specimen, but no majestic, trees.

5. The subject property has access from Cortez 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 a WHPA-2, but no wetlands or 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 subject property is located on a section of Cortez Boulevard that has no additional capacity.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by commercial and institutional uses, and undeveloped parcels.
14. The petitioner has requested a setback reduction from 125' to 75' along Cortez Boulevard, which is a deviation from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner proposes to rezone from AG to PDP(GC) in order to develop the site with a 165,600 square foot retail center and three outparcels with a combined 60,000 square footage of retail space. The narrative and plan indicate three (3) outparcels will be located along the front. The plan proposes perimeter setbacks as follows: 75' front, 20' side and 35' rear. The Planning staff notes the BCC has approved setback reductions from Cortez Boulevard from 125' to 75' when a frontage road is provided; the Planning staff does not object to the 75' front setback with the provision of the frontage road.

The petitioner proposes minimum outparcel lot sizes of 20,000 square feet and internal outparcel lot setbacks as follows: 75' front, 0' side and 25' rear. The Planning staff is of the opinion 0' side setbacks are not inappropriate between the adjacent internal lots #2 and #3, but the minimum

setbacks adjacent to the side property lines should be 20' and the minimum setbacks from the frontage road and entrance access roads should be a 35'.

The plan shows 20,988 square feet of undisturbed habitat along the south property line. The Planning staff is of the opinion this will serve as a buffer adjacent to the property to the south.

Developments with greater than 65,000 square feet require approval through the Planned Development process. 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 indicates that the air conditioners are proposed to be on the roof of the structure and will be screened by a parapet wall. The petitioner notes no single family zoning is located within 500' of the subject property.

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

The petitioner indicates the deed restrictions will limit operations of any proposed commercial operations and there will be no 24 hour tenants. The narrative indicates that deliveries to the site will be limited by the deed restrictions to between the hours of 7 a.m. and 11:59 p.m. daily.

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

The narrative notes that no single family zoning is located within 100' of the site. Masonry walls 10' in height will be used to screen the loading and unloading areas.

4. Enhanced lighting beyond minimum standards.

The narrative indicates the proposed site lighting will be standard, with 2050 lumens, with semi-cutoff for the proposed lighting and full cutoff for fixtures within 30' of the property lines. The narrative notes the developer proposes full cutoff fixtures for all fixtures of 2050 lumens internal and adjacent to the property lines.

In addition, the project is considered a large retail development pursuant to the County's LDRs. Development of the site will be required to conform with the county's "big box" regulations.

The narrative indicates central water and sewer service will be provided to the site. The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 12" water line is located on the south side of Cortez Boulevard, approximately 200' west of the subject property. An 8" gravity sewer system is located along the north side of the property within an

existing utility easement. 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 Transportation Planning Coordinator indicates that the subject property is located on a section of Cortez Boulevard that has no additional capacity. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. 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 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 multiple parking drive aisles intersecting the frontage road which is not acceptable. The County Engineer notes that if the request is approved, the frontage road will have to be redesigned to meet County standards and stub the road out to the west.

The plan shows five (5) access points on Cortez Boulevard; three (3) provide access to the main parcel and two (2) provide access to the outparcels. The narrative indicates the petitioner proposes relocating an existing full access median the west of the subject property to a location in front of the site, in order to provide full access to the site. The County Engineer has reviewed the proposal and indicated that moving the existing median opening to the western boundary of the project is not acceptable. Additionally, it is the County Engineer's position that access to the overall site should be limited to a maximum of two access points.

The FDOT has been notified of the request; no response has yet been received.

### **FINDINGS OF FACT**

The area is characterized by commercial and institutional uses, and undeveloped parcels. Commercial and institutional uses are located to the north across Cortez Boulevard on property zoned C-2. Institutional uses are located to the east, west and south. HealthSouth is located to the east. The hospice property is located to the west. Evergreen Woods is located to the south.

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 staff is of the opinion that rezoning from AG to PDP(GC) with a reduction in setbacks is appropriate, based on the following conclusions:

1. The rezoning would be compatible with the surrounding land uses.
2. The setback reduction requested are justified with the provision of the frontage road.
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 rezoning 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 rezone from AG to PDP(GC) with a reduction in setbacks, 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 petitioner will be required to construct the frontage road across the property at the time of development of the site.
3. The frontage road will have to be redesigned to meet County standards and shall be stubbed out to the west.

4. The maximum number of access points shall be limited to two (2):
5. The minimum perimeter setbacks are as follows:

From Cortez Boulevard:	75'
From the east and west property lines:	20'
From the south property line:	35'
From the frontage road:	35'
6. The minimum internal lot setbacks are as follows:

From Cortez Boulevard:	75'
From internal sides between outparcels #2 and #3:	0'
From rear lots:	25'
From the frontage road and entrance access roads:	35'
7. 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.
8. Minimum outparcel size is 20,000 square feet.
9. 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:**