

STAFF REPORT

Planning & Zoning Commission: August 14, 2006
Board of County Commissioners: September 13, 2006
Planning and Zoning Commission: October 9, 2006

APPLICANT: Glen Lakes Partnership **FILE NUMBER:** H-06-84

PURPOSE: Master Plan Revision to combine previously approved master plans in order to reconfigure commercial and open space areas, relocate a roadway, and reduce setbacks

GENERAL

LOCATION: West side of US 19, north of Glen Lakes Boulevard

LEGAL

DESCRIPTION: A portion of Section 13, Township 22 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

North: CPDP
South: PDP(GHC)
East: PDP(SF)
West: CPDP & PDP(RR)

Surrounding Land Uses

Undeveloped
Undeveloped
Undeveloped
Undeveloped, Residential

SUMMARY OF REQUEST

The petitioner has submitted a request for a master plan revision on property along US 19. The subject property comprises two distinct areas which were previously part of separate master plans. The petitioner proposes to combine these two areas into a unified master plan. The plan proposes commercial development over 65,000 square feet in size, a reconfiguration of commercial and open space areas and Outer Banks Drive, and reduces setbacks along US 19.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP and is designated as commercial on the applicable master plans.

2. The property comprises approximately 24.6 acres.
3. A portion of the property has been developed with the Glen Lakes Welcome Center and a storage area. The remainder of the site is undeveloped.
4. The site is wooded but does not appear to contain majestic and specimen trees.
5. The subject property has access from Outer Banks Rd and US Hwy 19.
6. The subject property is located within commercial and residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil types are Tavares Fine Sand and 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 within Flood area C.
9. The subject property contains a portion of a SPA, but does not contain wetlands or WHPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the property.
11. There are adequate public facilities available to serve the development on the subject property.
12. The petitioner has requested Master Plan Revision to reduce setbacks.

STAFF DISCUSSION

The petitioner has submitted a master plan on property located on the north side of Glen Lakes Boulevard, west of US 19. A portion of the site has been developed with the Glen Lakes Welcome Center, a portion with a storage area for RVs, boats, etc., and a vacant portion for future development with commercial pursuits.

Glen Lakes Welcome Center and the RV storage were approved as Phase I of Glen Lakes in 1987. The undeveloped portion of the site lying north of Phase I was part of a master plan approved in 2006.

The petitioner proposes to develop the commercial acreage in two phases, the first phase will include 101,550 square feet of development on 13.23 acres plus the existing 8,000 square foot office which

is utilized as the Welcome Center. The plan submitted indicates a large shopping center on the project with several outparcels and a DRA along the northwest portion of the site. The second phase will include the remaining acreage to be developed with 70,450 square feet of commercial space and 2.11 acres of open space. The plan provides a master plan layout for the northern portion of the site which the petitioner indicates is the first phase, but no detail is depicted relative to Phase 2. The depiction on the plan for Phase 2 is not adequate to approve at this time and would require future approval through the master plan process.

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 and all applicable LDRs relating to large retail development will be required at the time of permit review. The master plan does not comply with the parking arrangement standards which would require a minimum of 20% of the required parking be placed along the side or the rear of the development, nor does it provide the minimum 35' buffer along all streets serving a large retail development. The petitioner should be required to submit a revised master plan prior to the BCC meeting demonstrating conceptual compliance with the County's Big Box regulations.

Staff has reviewed the request with the County Engineer. Concerns were raised regarding the rear access to the project from the frontage road. A revision to the master plan as discussed above would also serve to ultimately improve the connection of the project to the frontage road. The County Engineer further indicated that the frontage road would have to be designed to meet the minimum frontage road standards.

Access to the project is proposed via a frontage road system, and two access points to US 19. The frontage road system consisting of Glen Lakes Boulevard, Outer Banks, and the new entrance to US 19 meets the frontage road ordinance requirements. Construction of the project will trigger the extension of Outer Banks north to the second connection to US 19 and construction of the new entrance to US 19.

The plan as submitted does not provide for any golf cart access into the project, nor pedestrian access. Sidewalks are required along the frontage road. The plan should be modified to accommodate golf cart access.

A sink feature is located to the west of the area under consideration for this master plan revision. The 500' special protection area (SPA) associated with this feature overlaps the area under consideration. Commercial uses with central services are allowable within the designation with the exception of facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986, recycling facilities associated with hazardous materials, hazardous waste generators other than conditionally exempt small quantity generators or small quantity generators as classified by DEP, or the discharge of untreated stormwater or regulated substances.

The maximum building area permitted for single buildings or single site development with multiple buildings with the same use and owned and managed by the same entity in the commercial zoning district is limited to 65,000 square feet. Any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet may apply for approval through the Planned Development Project process. The petitioner is proposing over 65,000 square feet. The ordinance provides the BCC the ability to address the following in determining whether the larger development is appropriate:

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

The narrative provided by the petitioner indicates that the air conditioners for the proposed development will be on the roof of the structures on the larger buildings and screened with walls and landscaping on the smaller buildings. The roof top units shall be screened on all sides with a parapet wall. In addition, no single family residential zoning is located within 250' of the larger building. The petitioner's proposal addresses the screening issue.

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

The petitioner has indicated that deed restrictions will be established so that no 24 hour tenants are allowed. Deliveries to the center will be limited by deed restriction between the hours of 7:00 a.m. and 11:59 pm daily. The County does not enforce deed restrictions so without performance conditions on the zoning, the county cannot ensure the hours of operation. The BCC has the ability to limit the hours of operation to ensure appropriateness at this particular location. Given the separation of proposed phase I to the proposed SF development, it is the staff's opinion that limitations on hours of operation would not be necessary.

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

The petitioner's narrative indicates that because there is no single family zoning within 100 feet of the site, there is no potential for loading zones to be within 100' of residential. The petitioner indicates that they will utilize masonry walls 8' in height to screen the loading and unloading areas.

4. Enhanced lighting beyond minimum standards.

The minimum county LDRs require site lighting to be semi cutoff for internal lighting and full cut-off fixtures within 30 feet of the property line. The developer proposes full cut-off fixtures for all fixtures of 2050 lumens internal and adjacent to the property line. It is recommended that all lights along the perimeter shall be full cut-off fixtures with external shields, no greater than 20' in height.

The petitioner proposes no changes to the previously approved perimeter setbacks which are 35' from the frontage road (north, south and west), and 75' from US 19. The petitioner proposes internal lot setbacks of 0' side and 25' rear, with 0' between phase 1 & 2. The staff would have no objections to the setbacks proposed.

The Utilities Department indicated that there is an existing 16-inch water line on the west side of US 19, which ends approximately 1,200-feet north of Glen Lakes Blvd. There is also an existing 12-inch waterline on the north side of Outer Banks Drive. There is an existing 8-inch gravity sewer system within Outer Banks Drive.

The FDOT has been notified of the proposed request, no comments have been received.

FINDINGS OF FACT

The property is located along US 19 in front of the Glen Lakes Residential subdivision.

The property is located within a commercial, residential and conservation land use classification. The residential land use category allows with performance conditions multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities. The property is currently zoned Commercial. The BCC previously made a determination that with the provision of the extension of the frontage road from Glen Lakes Boulevard, commercial development on this site was not inconsistent with the adopted Comprehensive Plan provided the petitioner could demonstrate the ability to utilize the frontage road.

Portions of the proposed Master Plan Revision to combine previously approved master plans in order to reconfigure commercial and open space areas, relocate a roadway, and reduce setbacks are appropriate, based on the following conclusions:

1. The master plan for proposed Phase I be revised to depict conceptual compliance with the County's Large Retail Development Regulations would be compatible with the surrounding land uses.
2. Insufficient detail has been provided relative to proposed Phase 2; consequently the plan is not approved at this time.
3. The master plan for proposed Phase I 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, it is recommended that Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the master plan on proposed Phase 1 only with the following performance conditions:

1. The petitioner must obtain all necessary 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. Minimum Perimeter setbacks:

From US 19: 75'
From frontage road: 35'
From Glen Lakes Boulevard: 35'
3. Minimum outparcel setbacks:

Side: 0'
Rear: 35'
4. The frontage road shall meet the minimum facility design guidelines.
5. The intensity approved on proposed phase I is pursuant to the petitioner's narrative.
6. Masonry walls 8' in height shall be utilized to screen the loading and unloading areas.
7. 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' in height.
8. The petitioner shall pay their proportionate fair share of the future traffic signal at Glen Lakes Boulevard and US 19, and either of their other entrances.
9. Prior to BCC, the petitioner shall submit a revised master plan indicating conceptual compliance with the large retail development regulations, enhance interconnection with phase 2 of the project, and accommodate golf carts.

10. The existing frontage road system consisting of Glen Lakes Boulevard and Outer Banks shall be extended north to the new project entrance to U.S. 19. Construction of the project will trigger the extension of Outer Banks north to the second project entrance to US 19 and construction of the northern project entrance.
11. The access to proposed phase 2 from US 19 is not approved at this time.
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:

On August 14, 2006, the Planning and Zoning Commission voted 3-2 to postpone consideration of the request until their October 9, 2006, hearing at 9:00 a.m.

BCC ACTION:

On September 13, 2006, the BCC voted 5-0 to postpone consideration until their November 8, 2006, hearing at 9:00 a.m.