

STAFF REPORT

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

APPLICANT: Nature Coast Commons, LLC **FILE NUMBER:** H-07-08

PURPOSE: Master Plan revision to modify approved buffers

GENERAL

LOCATION: West side of US 19, 2200' south of Osowaw Boulevard, east of Algood Road

LEGAL

DESCRIPTION: A portion of Section 29 and 30, 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(GC)

Walmart

South: PDP(IND)

Dicoese of St. Petersburg

East: C-2

Commercial Uses

West: AG/AR-2/PDP(MH)

Mobile Homes, Undeveloped Parcels

SUMMARY OF REQUEST

The petitioner requests a Master Plan revision to modify a vegetative buffer along the west boundary in the northern DRA.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC)/Planned Development Project (General Commercial) with C-2 uses.
2. The property comprises approximately 49.47 +/- acres.
3. The site is currently undeveloped.
4. The site may contain majestic and specimen trees.

5. The subject property has access from Algood Road, Wendy Court, and US 19 (Commercial Way).
6. The subject property is located within the Public Facility and Commercial land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Myakka Find 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 in flood zone X.
9. The subject property contains no wetlands, 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 development on the subject property.
12. The surrounding area is characterized by a mix of vacant unimproved lands, commercial and residential land uses.

STAFF DISCUSSION

The petitioner has submitted a request to amend the approved PDP Master Plan (H-06-72) entitled “Nature Coast Commons”. Specifically, the petitioner requests to amend condition # 7, pertaining to wetland protections in the northern drainage retention area (DRA). The petitioner’s narrative states condition #7 would create unnecessary jurisdictional wetland impacts within the northern DRA. The approximate jurisdictional wetlands line within the northern DRA has been revised by the petitioner’s environmental consultant, and is currently under review by the Southwest Florida Water Management District (SWFWMD).

The approved condition for wetland protection in the northern DRA states:

There shall be a 35' natural buffer along the west boundary of the northern DRA. The western 20' within the DRA shall be planted with enhanced wetland vegetation and shall be in addition to the 35' buffer for a total of 55 feet within the DRA. There shall be a ten foot concrete/masonry wall, or berm with concrete/masonry wall, between the 35' natural vegetative buffer and the enhanced 20' wetland vegetation planted buffer in the northern DRA.

The applicant has proposed the following changes to condition #7:

There shall be a 35' natural buffer along the west boundary of the northern DRA. The western 20' within the DRA shall be a natural buffer and/or planted with enhanced wetland vegetation and shall be in addition to the 35' buffer for a total of 55 feet within the DRA. There shall be a ten foot concrete/masonry wall east of the 35' natural vegetative buffer and the SWFWMD and/or Army Corps of Engineers(ACOE) approved jurisdictional wetlands in the northern DRA. The wall location may be subject to SWFWMD and/or ACOE permitting if located within an enhanced vegetation buffer.

The petitioner has also requested that the two buffers be maintained in a natural state, unless SWFWMD and/or the ACOE otherwise require modifications to the jurisdictional wetlands and upland buffers such as the removal of exotic/invasive plant species and enhanced wetlands plantings.

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 owners' 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.

FINDINGS OF FACT

The subject property received Master Plan approval in 2006. The subject property is located in the Public Facilities and Commercial land use classifications on the adopted Future Land Use Map.

The petitioner's request to revise condition #7 of the approved Master Plan is appropriate based on the following conclusions:

1. The proposed revision is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.
2. The proposed Master Plan revision is justified with an increase in the buffer area of the northern DRA to approximately 55' in width. The proposed revision avoids and/or minimizes impacts to the existing wetlands system with the placement of a ten foot concrete/masonry wall east of the 35' vegetative buffer and the SWFWMD and/or ACOE approved jurisdictional wetlands.

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 the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to revise condition # 7 of the approved Master Plan, 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. There shall be a 35' natural buffer along the west boundary of the northern DRA. The western 20' within the DRA shall be natural buffer and/or planted with enhanced wetland vegetation and shall be in addition to the 35' buffer for a total of 55 feet within the DRA. There shall be a ten foot concrete/masonry wall east of the 35' natural vegetative buffer and the SWFWMD and/or ACOE approved jurisdictional wetlands in the northern DRA. The wall location may be subject to SWFWMD and/or ACOE permitting if located within an enhanced vegetation buffer.
3. All other conditions of H-06-72 shall remain in full force and effect.
4. 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.