

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007
Board of County Commissioners: June 20, 2007

APPLICANT: Del Lago Ventures, Inc.

FILE NUMBER: H-07-19

PURPOSE: Rezoning from C-1/(Commercial) and R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial)

GENERAL

LOCATION: Northeast corner of Broad Street (US 41) and Highbury Boulevard

LEGAL

DESCRIPTION: A portion of Section 17, Township 23 South, Range 19 East, Hernando County, FL

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

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner requests a rezoning of 11 platted residential lots from C-1/(Commercial) and R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial) in order to construct a 4,997 square foot convenience store with 12 fueling stations.

Proposed Minimum Perimeter Setbacks:

Front (Broad St):	125'
Rear (Fourth St):	35'
Side (Stromberg Ave):	20'
Side (Highbury Blvd):	20'

SITE CHARACTERISTICS:

Site Size:	2.09 acres
Surrounding Zoning; Land Uses:	North: R-1A; Mobile Home South: C1; Non-conforming Single Family & Multifamily

Current Zoning: East: R-1A; Mobile Homes
West: C1; undeveloped
R-1A/(Residential)

Future Land Use Map Designation: Commercial & Residential

Flood Zone: C

SITE CIRCUMSTANCES:

The petitioner has indicated that the subject site is comprised of six (6) homes existing on 11 platted residential lots located between Highbury Boulevard and Stromberg Avenue. As indicated in the narrative all homes will be demolished to allow for the development of the gas and convenience store.

ENVIRONMENTAL REVIEW:

Soil Type: Nobleton Fine Sand & Flemington Fine Sandy Loam

Hydrologic

Features: According to County data resources there are no wetlands, Well Head Protection Areas (WHPA’s) or Special Protection Area (SPA’s).

Flemington fine sandy loam, 2 to 5 percent slopes has a perched water table above the Bt horizon (clay accumulation), and is saturated for 1 to 4 months during the wet season. This soil has medium potential for dwellings, and small commercial buildings if proper water control measures are used, and footings and foundations are increased in size and strength. Potential for roads and streets is low even if the unsuitable soil material is replaced.

ENGINEERING & TRANSPORTATION REVIEW:

The property is located on the signalized north east corner of Broad Street (US 41) and Highbury Boulevard/Spring Hill Drive intersection. The petitioner has indicated that they will improve Highbury Boulevard and Stromberg Avenue from Broad Street to Fourth Street to accommodate the proposed traffic flow. The subject property has two (2) proposed access points, one from Highbury Boulevard and the second from Stromberg Avenue. No direct access to Broad Street is proposed.

The County’s frontage road ordinance requires property’s along US 41 to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County. As

illustrated on the petitioner's master plan, Fourth Street will be utilized as a proposed reverse frontage road for the subject property.

The County Engineer has reviewed the subject request and has indicated that due to demand, the petitioner must upgrade Fourth Street as the frontage road at time of development to County standards. Access to site is approved as illustrated on the site plan, with no access to US 41 permitted. The County Engineer has also indicated that the petitioner must provide a sidewalk connection from the proposed building to the existing sidewalk along US 41.

The Transportation Planning Coordinator has indicated that the capacity along US 41 is operating at LOS B in this area.

In the long range thoroughfare plan, US 41 will need to be expanded to a 6 laned facility in this area; however, no improvements have been planned and programmed at this time. Expansion of the roadway to a 6 lane section would result in additional right of way per FDOT requirements along the front of the subject property. The master plan submitted depicts a drive aisle within the front setback area. When US 41 is expanded in the future, this area would be impacted to an extent that could affect any future business developed on the site. The Transportation Planning Coordinator has indicated additional right-of-way will be required due to FDOT future expansion of Broad Street (US 41) to six (6) through lanes with additional turn lanes for the Spring Hill Drive/Broad Street (US 41) intersection.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12-inch water line is located approximately 2,200 feet on the west side US 41. A 12-inch force main is located on the west side of US 41.

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 sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits.

LAND USE REVIEW:

The petitioner proposes a 5' landscape buffer along the entire perimeter of the subject site. Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family lots abut the subject property and along all property lines abutting public right of way. The vegetative buffer may include berms, fences, or walls. If approved, the petitioner must provide adequate buffering to prevent noise pollution into neighboring residential uses.

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as require by County LDR, in order to retain all light on site and prevent any light spillage into neighboring residential uses.

The subject property is located within the airport influence zone as identified in the County LDRs. Certain uses face restrictions within the airport influence zone. The Airport Director indicates that if the request is approved, the petitioner shall provide an avigation easement.

COMPREHENSIVE PLAN REVIEW:

The subject property is located generally within the Commercial land use classification on the adopted Future Land Use Map. However, the portion of the property being utilized for drainage retention is within the Residential land use classification on the adopted Future Land Use Map.

The petitioner is requesting a determination that the drainage retention area is part of the commercial corridor.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

Comment: The proposed drainage retention area is located within a Residential land use classification and encroaches into an established residential neighborhood. The project should be reduced in size and scope to eliminate the need for the off-site retention.

Policy 1.01L(3): New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

Comment: With the exception of the drainage retention area, the project lies within a Commercial land use classification on the adopted comprehensive plan. The petitioner is requesting a determination that the corridor width reaches the drainage retention area as well. However, the logical width of the commercial corridor would be Fourth Street, which provides a clear separation between the commercial and residential designations.

Rezoning from C-1/(Commercial) and R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial), excluding the portion proposed for the drainage retention area east of Fourth Street, is appropriate due to the subject site's consistency with the adopted comprehensive plan; however, the commercial corridor should not be expanded east beyond Fourth Street.

1. The buffering required by the County's Planned Development Project regulations provide adequate separation between the proposed development and the residential uses to the north, south and east.
2. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
3. PDP(GC)/Planned Development Project (General Commercial) is consistent with the Commercial land use classification on the adopted Future Land Use Map.

NOTICE OF APPLICANT RESPONSIBILITY:

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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from C-1/(Commercial) and R-1A/(Residential) to PDP(GC)/Planned Development Project (General Commercial), excluding the portion proposed for the drainage retention area east of Fourth Street, 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 setbacks are approved as follows:

From Broad Street:	125'	plus additional Right of Way required along Broad Street (US 41)
From Fourth St:	20'	
From Stromberg Ave:	35'	
From Highbury Blvd:	20'	
3. A 10' wide vegetative buffer with 80% opacity and a six (6) foot wall or opaque fence shall be provided on the east side of the property along Fourth Street. The wall or fence shall be placed along the inside of the buffer with landscape facing residential uses.
4. Development of the property shall comply with the County's flood plain management ordinance, the requirements of the County Engineer, and Facility Design Guidelines pertaining to development in the 100 year flood plain.
5. Access shall be as depicted on the master plan.
6. The development shall be served by central water and sewer.
7. The petitioner shall follow all requirements from South Florida Water Management District for capping and abandoning existing wells on the existing residential lots.
8. Additional right-of-way shall be reserved for the site frontage along Broad Street (US 41) as required by FDOT and shown on the revised master plan. There shall be no improvements within the reserved area.
9. The developer shall provide an avigation easement.
10. The project shall be reduced in size and scope to relocate the proposed drainage retention area to the west side of Fourth Street.
11. Due to the intensity of the proposed project the petitioner shall comply with the County's frontage road ordinance and upgrade Fourth Street as the frontage road at time of development to County standards.
12. The petitioner shall provide a sidewalk connection from the proposed building to the existing sidewalk along US 41.
13. The petitioner shall improve Highbury Boulevard and Stromberg Avenue to County standards, from Broad Street to Fourth Street at time of development.

14. 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.