

STAFF REPORT

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

APPLICANT: Boos Development Group

FILE NUMBER: H-07-20

PURPOSE: Establishing a Master Plan on property zoned CPDP/Combined Planned Development Project

GENERAL

LOCATION: Northwest corner of County Line Road and Mariner Boulevard

LEGAL

DESCRIPTION: A portion of Section 31, Township 23 South, Range 18 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 to establish a master plan on a 20.53 acre property zoned CPDP/Combined Planned Development Project. A portion of the site, 2.70 acres will be developed with a 3,030 square foot, five (5) fueling station convenience store. With the exception of the required frontage road and cross access, the petitioner's intent as part of this 20.53 acre approval, is to only develop the 2.70 acre parcel and leave the remaining 17.8 acres to be developed in the future by a separate entity which will require a separate master plan approval prior to its development.

Proposed 2.70 Acre Parcel Perimeter Setbacks

North:	35'
South (County Line Road):	125'
East Mariner Boulevard):	125'
West:	35'

SITE CHARACTERISTICS:

Site Size: 20.53 acre (Development will occur on 2.70 acres)

Surrounding Zoning; Land Uses:	North: MF & OP; Multifamily and Doctor Office South: Pasco County East: PDP(GHC); Publix Shopping Center West: AR2; Undeveloped, Liquor Store & Pawn Shop
Current Zoning:	CPDP/Combined Planned Development Project
Future Land Use Map Designation:	Commercial
Flood Zone:	C

SITE CIRCUMSTANCES:

The Seven Hills DRI is a mixed use development which includes single family, multifamily, commercial, recreation, institution and public facilities, and was originally approved on August 25, 1987, by the Hernando County Board of County Commissioners. The Seven Hills DRI has since been modified on several occasions with the most recent modification being March 14, 2006, where the Board of County Commissioners approved an extension to the Seven Hills Development Order until November 30, 2008. The DRI establishes acreage and square footage for the specified land uses within the DRI, and is generally regulated by Map H of the DRI.

The original Seven Hills DRI was approved for 720,00 square feet and 26,784 traffic trip ends for commercial use. It is estimated that through 2005, approximately 122,600 square feet of commercial had occurred, which generated approximately 4,561 daily traffic ends. As stated, a portion of the 20.53 acre site, 2.70 acres will be developed with a 3,030 square foot, five (5) fueling station convenience store. According to Institute of Transportation Engineers (ITE), the proposed use will not exceed the existing Seven Hills DRI commercial trips.

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

Hydrologic

Features: The subject property contains no wetlands, Wellhead Protection Areas (WHPA), or Special Protection Areas (SPA) according to County data resources.

Habitat: The site may contain majestic and specimen trees. Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Peromyscus floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there

is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction. Due to the species' protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit. As part of the Development of Regional Impact, there were specific requirements relative to wildlife mitigation. Documentation of compliance will have to be provided by the petitioner prior to any development on the site. 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.

ENGINEERING & TRANSPORTATION REVIEW:

The proposed site is located at the north west signalized intersection of County Line Road and Mariner Boulevard. The submitted site plan proposes that the 2.70 acre development would be accessed via two (2) direct entrances, one (1) along County Line Road and one (1) along Mariner Boulevard which are proposed as a right-in/right-out.

The petitioner has also indicated that they will develop the frontage road system for the entire 20.53 acre parcel upon development of the convenience store. The proposed frontage road system would provide an additional two full access points at the southwest corner of the larger site and one which will connect to the existing Quality Drive stub out at the northeast corner of the larger site.

The submitted plan shows right-of-way taking along the parcel's east and south property line.

The County Engineer has reviewed the petitioner's request and indicated that the petitioner must coordinate the access of the larger parcel's southwest corner as a shared access point with the property owner to the west to assure alignment with Pasco County's Old Shady Hills Road. The County Engineer also indicates that the 2.70 acre parcel's access point to County Line Road must have a concrete separator to assure proper traffic flow.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 8-inch water line is located on the east side of Mariner Boulevard A 10-inch force main is located along County Line Road.

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 has indicated the use of five (5) foot landscape buffers along the perimeter of the 2.70 acre site. The development of the subject property shall meet the requirements of the Land Development Regulations for vegetative buffering, setbacks, signage, off street parking, and commercial design standards.

The petitioner has indicated that a 25' foot landscape buffer will be provided along the larger parcels northern property line which abuts The Palms of Seven Hills subdivision.

The plan depicts 19 parking spaces. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The County's frontage road ordinance requires property along County Line Road to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County.

Development will have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a Commercial land use classification on the adopted Future Land Use Map; however, the DRI predates adoption of the Comprehensive Plan and development is controlled by the Seven Hills DRI Map H.

Policy 1.01A(9) The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

Comment: The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

Policy 1.01L(5): Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

Comment: Any approval should include appropriate performance conditions to address potential negative impacts from the development.

Policy 1.01L(6): The Land Development Regulations shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access.

Policy 1.01L(8): indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity.

Comment: Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family lots abut the subject property. The vegetative buffer may include berms, fences, or walls.

The establishment of a Master Plan on property zoned CPDP/Combined Planned Development Project is appropriate with performance conditions, based on the following conclusions:

1. The proposed master plan is consistent with the terms and conditions of the Seven Hills DRI.
2. The proposed master plan does not exceed the general commercial square footage and external trip ends approved for the Seven Hills DRI.
3. The master plan is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to appropriate performance conditions

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 Concurrency. 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 establish a Master Plan on property zoned CPDP(GC)/Combined Planned Development Project 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. Perimeter setbacks shall be as indicated on the master plan.
3. Access shall be as depicted on the master plan.
4. The development shall be served by central water and sewer.
5. The petitioner shall provide the appropriate operational and access management techniques and improvements, which may include, but not be limited to auxiliary turn lanes for site ingress, limited and/or directional drives and shared drives or internal roadway and off-site improvements, as determined by the County Engineer during site development review.
6. The proposed frontage road must meet the minimum frontage road requirements and shall be constructed in conjunction with the convenience store.
7. The petitioner shall coordinate a shared drive for the southwest access of the larger parcel for alignment with Old Shady Hills Road.
8. Access connections to the frontage road and internal access driveways shall be open to the public and designed in accordance with the requirements of the County Engineer.
9. As part of the Development of Regional Impact, there were specific requirements relative to wildlife mitigation. Documentation of compliance will have to be provided by the petitioner prior to any development on the site. 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 and copies of any required permits shall be provided prior to the issuance of building permits.
10. Development of the property shall comply with the County's flood plain management ordinance and Facility Design Guidelines pertaining to development in the 100 year flood plain.

11. The remaining undeveloped portion of the parcel shall seek separate master plan approval prior to development.
12. The subject parcel shall only have right in/right out access along County Line Road and Mariner Boulevard. The access shall be designed to meet the requirements of the County Engineer.
13. A 25' foot landscape buffer with a 6' high wall shall be provided along the Palms of Seven Hills subdivision.
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.