

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 13, 2007
Board of County Commissioners: September 12, 2007

APPLICANT: Hardy H. Huntley

FILE NUMBER: H-07-24

PURPOSE: Establishing a Master Plan on Property zoned PDP(GHC)/Planned Development Project (General Highway Commercial) with a frontage road waiver, a reduction in setbacks, and specific C-2/(Highway Commercial) uses, namely, retail plant nurseries with outside storage, automobile and truck repair establishment, and drive-thru facilities for drug store

GENERAL

LOCATION: South west corner of Spring Hill Drive and Broad Street

LEGAL

DESCRIPTION: A portion of Section 18, 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 is requesting to establish a master plan on property zoned PDP(GHC)/Planned Development Project (General Highway Commercial) with a frontage road waiver, a reduction in setbacks, and specific C-2/(Highway Commercial) uses. The petitioner has indicated the intent for the 35.10 acre parcel, is to develop a 350,000 square foot retail shopping center with nine (9) out-parcels. The petitioner has indicated in their narrative, that development may be occupied by any combination of uses permitted within the C-1/(Commercial District). However, approval is requested to permit specific C-2 uses, namely, retail plant nurseries with outside storage, automobile and truck repair establishment, and drive-thru facilities for drug store. Other uses that might be developed and are permitted under PDP(GHC)/Planned Development Project (General Highway Commercial), are financial institutions, restaurants, and convenience stores with a car wash.

The petitioner is further requesting approval of a Large Retail Project as part of the master plan approval to permit buildings greater than 65,000 square feet. The petitioner is further

requesting a reduction in setbacks from the required 125' to 75' along US Hwy 41. At the time of completion of this report, the petitioner has not provided a justification for the deviation, and therefore it is not recommended.

The petitioner has requested a waiver from the County's frontage road requirement along US Hwy 41 due to the Airport's concern that any frontage road south of the subject site would encroach into the Airport's primary approach runway clear zone.

SITE CHARACTERISTICS:

- Site Size:** 35.10 acres

- Surrounding Zoning; Land Uses:**
 - North: AG & C-1; Flea Market, Undeveloped
 - South: PDP(AF); Airport
 - East: R-1A, C-1, PDP(OP); Single Family, Mobile Home, Office, Gas Station
 - West: PDP(AF); Airport

- Current Zoning:** PDP(GHC)/Planned Development Project (General Highway Commercial)

- Future Land Use Map Designation:** Airport Planned Development District

- Flood Zone:** C, with small south central portion in Y

SITE CIRCUMSTANCES:

In November 4, 1997, the Board of County Commissioner voted 5-0 to amend a 1991 approval and rezone an additional four (4) acres on the subject site from AG/(Agricultural) to PDP(GHC)/Planned Development Project (General Highway Commercial) and add a specific C-2/(Highway Commercial) use. The original intent for the subject site was for a Festival Market with nine (9) outparcels. The specific C-2 uses approved at such time were an open festival market, drive-in restaurant and two billboards.

The existing master plan, approved on November 4, 1997, (Resolution 97-196) expired in 2005 pursuant to Ordinance 2003-08.

AIRPORT REVIEW:

When this project was previously approved, lighting was a concern to the County. The Aviation Authority provided specific comments which were incorporated as part of the Board approval. According to the Airport Manager, each of the previously approved conditions regarding lighting would still be applicable; however, it should also be stipulated as part of the approval that the petitioner must demonstrate satisfactory compliance with Federal Aviation Regulations Part 77 and Federal Aviation Administration "Advisory Circular (AC) 70/7460-1J" regarding Obstruction Marking and Lighting.

The petitioner's request for a frontage road wavier is supported by the Airport Authority due to its close proximity to the primary approach runway clear zone to the south. The Airport Authority has indicated that no construction is to occur within the clear zone. Furthermore, future expansion of the primary approach runway would move the clear zone closer to US Hwy 41 making any frontage road construction difficult.

The Airport Authority has indicated that any development on the subject site will have to meet the requirements of the Federal Approach Slope Standards for building height. The Airport Director has indicated that an avigation easement shall be provided by the petitioner to the Hernando County Airport.

ENVIRONMENTAL REVIEW:

Soil Type: Nobleton Fine Sands, Masaryk Very Fine Sand, Kendrick Fine Sand

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

Protection Features: A Well Head Protection Areas (WHPA) is located on the northwest corner of the property according to County data resources. The WHPA 2 is associated with a public supply well.

Flood: A south central portion of the subject property is within the 100-year floodplain according to County data resources. The 100-year floodplain shall be delineated on revised construction drawings. All roadways, driveways and finished floor elevations shall be above the regulatory 100-year flood elevation.

Other: A comprehensive wildlife survey shall be conducted in order to identify any listed species present on the property. Since listed species may be present

on-site, a Florida Fish and Wildlife Conservation Commission permit may still be required prior to site alterations. The petitioner is required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

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 on the west side of US Hwy 41 near Tavern Road and an existing 8-inch water line on the south west corner of the parcel. There is an existing 12-inch force main on the west side of US Hwy 41 and an existing 6-inch force main on the south west corner of the parcel.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. 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. Any cost to upgrade the system will be the responsibility of the developer.

ENGINEERING & TRANSPORTATION REVIEW:

The property is located at the southwest corner of US Hwy 41 and Spring Hill Drive. The petitioner is proposing two (2) access points onto Spring Hill Drive, one (1) access point onto US Hwy 41 which will align with Nicholas Avenue and one (1) connection onto 11th Avenue (located south of Circle K). 11th Avenue currently aligns with Evening Star Avenue.

The Engineering Department has made the following recommendations:

1. The developer shall coordinate the design of all access connections to Spring Hill Drive and US Hwy 41 with the County Engineer.
2. The petitioner must coordinate access for Out-parcels "A-I" with the County Engineer and access points must be shown on revised master plan.
3. The developer shall provide an access management study and traffic analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. In addition, the developer shall be responsible for all improvements determined by the access management study and traffic analysis.

The Transportation Planning Coordinator has indicated that the capacity along US Hwy 41 is operating at LOS B north of Ayers Road (4-Lane); however, south of Ayers Road (2-

Lane) there may not be capacity to support the proposed development without some form of traffic mitigation. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat or site plan and the petitioner will have to demonstrate at that time that capacity is available. If the project is not concurrent, the developer has the option of either delaying development or addressing the transportation issues to ensure adequate capacity exists at that time of development. The petitioner has submitted a preliminary traffic study; however, at the time of completion of this report, the study has not been accepted by the appropriate County agencies.

In the long range thoroughfare plan, US Hwy 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 Transportation Planning Coordinator has indicated additional right-of-way will be required for the future expansion of Broad Street (US Hwy 41) to six (6) through lanes with additional turn lanes for the Spring Hill Drive/Broad Street (US Hwy 41) intersection.

LAND USE REVIEW:

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. All applicable LDRs relating to large retail development must be met at the time of permit review.

The petitioner is proposing a Large Retail Development of approximately 350,000 square feet of square feet with nine (9) out-parcels, of which no specific use has been determined. The County's LDRs provide that development greater than 65,000 square feet in size require approval as a Planned Development Project. Because of the intensity of development, the County may require additional conditions to ensure appropriateness at a particular location. The following items are those the County must address under the Large Retail Development requirements:

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

All operational equipment such as A/C units will be located on the rooftops for the majority of the retail establishment. Smaller buildings must have their ground mounted units screened by enhanced landscaping and screened from view from the public right-of-way.

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

Due to the projects conceptual nature, the petitioner has not indicated any hours of operation for the proposed uses.

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

The County LDRs require that all loading bays and loading docks must be screened from view from the public right-of-way. Screening may include landscape plantings, berms, fences or walls.

4. Enhanced lighting beyond minimum standards.

The minimum county LDRs require site lighting to be semi cut-off for internal lighting and full cut-off fixtures within 30 feet of the property line. The petitioner must further demonstrate satisfactory compliance with Federal Aviation Regulations Part 77 and Federal Aviation Administration "Advisory Circular (AC) 70/7460-1J" regarding Obstruction Marking and Lighting.

The proximity of the subject site to the Hernando Airport and US Hwy 41, provide minimum impact for the area. The County's large retail project standards, provide adequate provisions for the development with proper Airport Authority requirements and performance conditions.

The County Design Standards for large retail projects provide guidelines for creating safer, efficient, pedestrian-friendly projects with human scale orientation, while discouraging large, nondescript buildings and "unfriendly" pedestrian design, limited landscaping, and vast non-shaded parking lots. The petitioner will be required to submit detailed elevation plans and/or renderings at the time of permitting illustrating the proposed facade and site design in order to assure the proposed structure is architecturally appealing and meets County design requirements.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map. Uses allowed in this category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development.

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 1.01A(4) Development within a PDP shall occur according to limitations of use, design, density, coverage, and phasing stipulated on an approved Development plan.

Comment: The County land development regulations require the petitioner to submit detailed elevation plans and/or renderings illustrating the proposed facade design at the time of permitting in order to ensure the proposed structure is architecturally appealing and meets County LDR requirements. The subject site is located along an arterial road.

Policy 1.01R(2) In order to promote a harmonious built environment, performance standards to be included in the LDR's may cover such issues as services, access, noise, bulk, height, traffic, buffers, open space, acreage minimums or maximums, landscaping, signage, timing, architectural and aesthetic designs.

Comment: The proposed development should be designed in such a way that it provides a neighborhood and pedestrian friendly environment, and any approval should include appropriate performance conditions.

The establishment of a Master Plan on property zoned PDP(GHC)/Planned Development Project (General Highway Commercial) is appropriate with performance conditions, based on the following conclusions:

1. The proposed master plan would be compatible in the Airport Planned Development District and the surrounding land uses in the area with performance conditions.
2. The master plan would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.
3. The proposed deviations are justified, provided the applicant complies with all performance conditions herein.

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 PDP(GHC)/Planned Development Project (General Highway Commercial) with a frontage road waiver, a reduction in setbacks, and specific C-2/(Highway Commercial) uses, namely, retail plant nurseries with outside storage, automobile and truck repair establishment, and drive-thru facilities for drug store with the following conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 shall submit to the Aviation Authority a lighting plan for the project and shall receive Authority approval of the plan prior to any further development approvals for the project. Any light that was located or placed so that it produced an aviation hazard as determined by the Aviation Authority shall be corrected if ordered by the Authority.
3. The petitioner must demonstrate satisfactory compliance with Federal Aviation Regulations Part 77 and Federal Aviation Administration "Advisory Circular (AC) 70/7460-1J" regarding Obstruction Marking and Lighting.
4. Roofing shall be non-glaring for all structures within the project. Any future problem determined by the Aviation Authority shall be corrected if ordered by the Authority.
5. The petitioner shall provide a traffic study for review and approval by the County.
6. The petitioner shall be responsible for all required 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.
7. 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.
8. The petitioner shall reserve the right-of-way required for the future expansion of US Hwy 41 and the intersection with Spring Hill Drive. Such reservation shall be determined by FDOT and shall be shown on the revised master plan. There shall be no improvements within the reserved area.
9. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the buildings developed on the subject property.
10. The development must provide detailed elevation plans and/or renderings and site plans illustrating the proposed facade and site design at the time of permitting. The site and building design must demonstrate compliance with the County's design standards for large retail development, and shall use architectural features, textures and materials consistent with the other development in the area.
11. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required

- permits shall be provided prior to the issuance of development permits by Hernando County.
12. There shall be no hours of operation restrictions for outparcels “A”-“I”. The hours of operation for the remainder of the shopping center shall be limited to 7am to 10pm, Monday thru Saturday and 7am to 9pm on Sundays.
 13. Minimum Perimeter Setbacks:
US Hwy 41: 125' Building; Additional Right of Way required along Broad Street (US Hwy 41)
South: 35'
West: 35'
Spring Hill Drive: 75' Building
 14. Minimum Internal Lot Setbacks:
Front: 35'
Side: 20'
Rear: 35'
 15. A minimum 35' landscape buffer shall be maintained along Spring Hill Drive and US Hwy 41.
 16. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
 17. The petitioner shall provide a truck traffic circulation plan for review and approval by the County Engineer.
 18. The developer shall provide an access management study and traffic link analysis for review and approval by the County Engineer and MPO staff prior to the issuance of any permits for the project. The study shall also include a review of pedestrian safety and recommend any improvements to enhance pedestrian safety. In addition, the developer shall be responsible for all operational and/or link improvements determined by the access management study and traffic analysis.
 19. The petitioner shall provide an avigation easement.
 20. Any development on the subject site shall meet the Airport height requirements and the Federal Approach Slope Standards for building height.
 21. The property will have to receive a concurrency determination regarding the transportation impacts at the time of development proposal. If the project is not

concurrent regarding the transportation impacts, the project will have the option of mitigating any transportation impacts to ensure that adequate capacity exists at the time of development, or delaying or phasing development until adequate capacity exists.

22. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 business days of BCC approval. Failure to submit the revised plan within 30 calendar days from BCC approval will result in the zoning becoming null and void.