

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 9, 2007
Board of County Commissioners: August 8, 2007

APPLICANT: Atwell-Hicks, LLC

FILE NUMBER: H-07-29

PURPOSE: Establishing a master plan on property zoned PDP (GHC) and (HC)/Planned Development Project (General Highway Commercial) and (Highway Commercial), and rezoning from AG/(Agricultural) and PDP(AF)/Planned Development Project (Aviation Facilities) to PDP (GC)/Planned Development Project (General Commercial), with a reduction in buffer width, reduction of internal building setbacks and a deviation from parking requirements

GENERAL

LOCATION: South east corner of Spring Hill Drive and Suncoast Parkway

LEGAL

DESCRIPTION: A portion of Section 14 & 23, 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 has submitted a request for establishing a master plan on property zoned PDP (GHC) and (HC)/Planned Development Project (General Highway Commercial) and (Highway Commercial), and rezoning from AG/(Agricultural) and PDP(AF)/Planned Development Project (Aviation Facilities) to PDP (GC)/Planned Development Project (General Commercial). The petitioner is proposing to develop the approximately 52.9 acre subject site with a 397,246 square foot community retail shopping center.

The request to rezone from AG/(Agricultural) and PDP(AF)/Planned Development Project (Aviation Facilities) to PDP (GC)/Planned Development Project (General Commercial) is to provide additional land for retail development and drainage retention areas.

The applicant proposes developing a 397,246 square foot community retail shopping center in three phases.

- Phase 1:** Will consist of the construction of the Retail "I" (98,200 square feet) and Retail "H" (10,150 square feet) as designated on the master plan. Phase 1 will also include all public utility infrastructure for all phases of development, and perimeter landscaping. Phase 1 drainage retention areas (DRAs) will be two (2) ponds constructed at the south east corner of the property and directly adjacent to Aerial Way. The DRAs will also control storm water for Aerial Way. The DRAs will be located on properties zoned PDP(GC) and PDP(AF).

- Phase 2:** Will consist of all outparcels (Outlots "A"-"G") along Spring Hill Drive. Associated infrastructure and interior landscaping will also be developed to facilitate the 35,000 square feet of outparcels. Proposed storm water control for the outparcels will be controlled by a DRA on the property's southwest corner. Phase 2 will provide clearing of Phase 3, tree mitigation and general plantings along the perimeter of development.

- Phase 3:** Shall consist of the remaining Retail "A"-"G" (254,200 square feet), as well as associated internal infrastructure, parking and interior landscaping.

SITE CHARACTERISTICS:

- Site Size:** 52.9 acres

- Surrounding Zoning; Land Uses:** North: PDP(SF) & PDP(SU); Undeveloped
South: PDP(AF) & AG; undeveloped
East: PDP(GC), PDP(AF) & PDP(IND); undeveloped,
West: Suncoast Parkway

- Current Zoning:** PDP (GHC), (HC) (AF)/Planned Development Project (General Highway Commercial), (Highway Commercial), (Aviation Facilities) and AG/(Agricultural)

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

- Flood Zone:** C

SITE CIRCUMSTANCES:

On February 13, 2007, the Hernando County Planning Department recommended that prior to processing any related zoning or master plan application, the petitioner receive either a Clearance Letter or Binding Letter from the Department of Community Affairs (DCA). The concern of the Planning department was the overall scale of the project and whether the

proposed 397,246 square feet and 2,285 parking spaces warranted a Development of Regional Impact (DRI).

On April 25, 2007 the Department of Community Affairs (DCA) provided correspondence, indicating the proposed project was below the 100 percent threshold of the Retail and Service Development standard for both square footage and parking spaces. Pursuant to paragraph 380.06(2)(d)1a Florida Statutes (F.S.), a development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo DRI review.

Retail and Service Development thresholds include any proposed retail, service, or wholesale business establishment or group of establishments which deal primarily with general public onsite, operated under one common property ownership, development plan or management that encompasses more than 400,000 square feet of gross area; or provides parking spaces for more than 2,500 cars.

Aerial Way is a proposed 110' collector road funded and currently under construction by Hernando County. The right of way allocated for Aerial Way was recently deeded over to the County and a portion is within the Airport master plan. Aerial Way is expected to be completed at the end of 2007.

Eastern portions of the development will be developed under lease agreements, within the Hernando County Airport property. The Hernando County Airport director has authorized the rezoning of those parcels that lay within the Airport Plan Development District.

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: 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 (*Podomys 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, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

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 Spring Hill Drive. A 12-inch force main is also located along Spring Hill Drive.

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 subject property has access to Spring Hill Drive via Aerial Way. As mentioned previously, Aerial Way will be funded and constructed by Hernando County. Aerial Way is proposed to connect with Broad Street (US Hwy 41) at a later date.

The County Transportation Coordinator indicates that Spring Hill Drive is currently at Level of Service D between Barclay Avenue and Broad Street. The petitioner must conduct a Synchro Intersection Analysis on Barclay Avenue and Spring Hill Drive, Suncoast interchange and Spring Hill Drive and Spring Park Way. In addition, the applicant shall conduct a Level of Service analysis for Spring Hill Drive. The study should include vested projects within the study area.

The Engineering Department has made the following recommendations:

1. The developer shall coordinate the design of all access connections to Spring Hill Drive with the County Engineer.
2. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access.
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. The study shall also include a traffic signal warrant analysis for the proposed signal at Spring Hill Drive and Spring Park. The developer shall be responsible for the full cost of the traffic signal if warranted. In addition, the developer shall be responsible for all improvements determined by the access management study and traffic analysis.
4. The developer shall coordinate with the County Engineer on any traffic calming device(s) needed along Spring Park Way.
5. Due to its proximity to Suncoast Parkway, outparcel access, to Spring Hill Drive, on the projects north east portion, shall be limited to right-in/right-out.

The applicant should be required to review the need for traffic calming along Spring Park Way, and construct any necessary improvements.

LAND USE REVIEW:

In addition to master plan approval and rezoning, the applicant has also requested deviations from the County's LDRs; reduction in buffer width, reduction on internal building setbacks and a deviation from parking requirements.

Building Setback and Buffer Width Deviation Request

To maximize buildout and create a cohesive development, the petitioner is requesting 0' building setbacks on the south property line of Outlots "E" and "F" and 0' landscape buffer along Outlot "G's" southern boundary. The request for 0' setbacks are internal and will not impact adjoining properties.

The PDP rules require a commercial PDP to provide a minimum 5' buffer landscape. The buffer shall consist of a minimum five-foot landscaped separation distance. The nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

Minimum County building setbacks are as follows:

Front (Spring Hill Drive):	75'
(Aerial Way):	35'
Side:	20'
Rear:	35'

Proposed Setbacks for Outlots "E"-"G"

Spring Hill Dr (Outlot "A"-"F"):	75' Building setback; 35' Landscape Buffer
(Outlot "G" Only):	50' Building setback; 35' Landscape Buffer
South (Shared Development):	0' Building setback; 0' Landscape Buffer
East (Outlot "D" along Aerial Way):	35' Building Setback; 35' Landscape Buffer
(Outlot "G" Only):	35' Building Setback; 20' Landscape Buffer
West (Outlot "A" along Parkway):	35' Building setback; 10' Landscape Buffer
(Outlot "E" along Aerial Way):	35' Building Setback; 35' Landscape Buffer

Large Retail Development Parking Deviation

The County's Design standards for large retail projects require that at least twenty (20) percent of the required parking spaces shall be placed in the rear or side areas of the proposed development.

The petitioner is requesting a deviation from the County's Large Retail parking standards to accommodate the projects unified development. Due to the nature of the project, shared parking is proposed for the overall development. The developer seeks to plat certain properties which due to the location of lot lines may not individually meet the (20) percent side and rear parking requirements for the individual parcels. Overall, the subject site will meet these requirements.

Large Retail Development Standards

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 397,246 square feet of commercial square footage. 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.

The petitioner has indicated that operational equipment such as A/C units will be located on the rooftops for the majority of the retail establishments. Smaller buildings will be equipped with ground mounted units screened by enhanced landscaping.

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

The petitioner anticipates store hours for retail on site to be between 7am and 10pm Monday through Saturday, 7am through 9pm on Sunday. Outparcel type establishments are to be determined, however the petitioner anticipates hours between 5am to possibly 2am (varying per building).

The petitioner has indicated that all property lines for the development exceed 100 feet from any residential district, therefore delivery hour restrictions are not applicable. The majority of the deliveries on-site will occur between 8am and 7pm, Monday through Sunday, however a small percentage of deliveries will occur between 4:00am to

Midnight. Proposed delivery areas are located opposite the residential neighborhood to the north, offering building screening of the delivery/receiving areas.

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

The projects loading bays/docks are adjacent to an the Suncoast Parkway, drainage retention areas and industrial uses. 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. Loading areas and loading docks will be screened from residential view by their location, behind the building and the building wall. Also, landscaping will screen views from adjacent properties and roadways.

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 has indicated any lighting located within 30 feet of the property line will be full-cut off type fixtures, with shielding, otherwise lighting height is proposed at 40' feet.

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(GC)/Planned Development Project (General 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 is consistent with the County’s adopted Comprehensive Plan and the County’s LDRs subject to performance conditions.
3. The proposed deviations are justified, provided the applicant meets the conditions of the Planning Department’s recommendation.

NOTICE OF APPLICANT RESPONSIBILITY:

The master plan 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 establishing a master plan on property zoned PDP (GHC) and (HC)/Planned Development Project (General Highway Commercial) and (Highway Commercial), and rezoning from AG/(Agricultural) and PDP(AF)/Planned Development Project (Aviation Facilities) to PDP (GC)/Planned Development Project (General Commercial), with a reduction in buffer width, reduction of internal building setbacks and a deviation from parking requirements with the following performance 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 construct all necessary 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.
3. The developer shall provide an access management study and traffic 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 and a traffic signal warrant analysis for the proposed signal at Spring Hill Drive and Aerial Way. The developer shall be responsible for the full cost of the traffic signal if warranted. In addition, the developer shall be responsible for all operational and/or link improvements determined by the access management study and traffic analysis.

4. The developer shall conduct a study identifying potential traffic calming techniques along Spring Park Way. Traffic Calming improvements shall be constructed along Spring Park Way in accordance with the requirements of the County Engineer.
5. Access to Spring Hill Drive shall be limited to those points shown on the master plan, and other than the intersection at Aerial Way and Spring Hill Drive, all other access points shall be limited to right-in/right-out.
6. The petitioner shall provide a truck traffic plan for review and approval by the County Engineer.
7. The developer shall provide the County with a copy of the Cross Parking and Cross Access Agreement upon subdividing of project.
8. A minimum 35' landscape buffer shall be maintained along Spring Hill Drive.
9. 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.
10. Proposed Setbacks for Outlots "E"-"G"
Spring Hill Dr (Outlot "A"-"F"): 75' Building setback; 35' Landscape Buffer
(Outlot "G" Only): 50' Building setback; 35' Landscape Buffer
South (Shared Development): 0' Building setback; 0' Landscape Buffer
East (Outlot "D" along Aerial Way): 35' Building Setback; 35' Landscape Buffer
(Outlot "G" Only): 35' Building Setback; 20' Landscape Buffer
West (Outlot "A" along Parkway): 35' Building setback; 10' Landscape Buffer
(Outlot "E" along Aerial Way): 35' Building Setback; 35' Landscape Buffer
11. The petitioner shall maintain the following minimum perimeter setbacks:
Front (Spring Hill Drive): 75'
Front (Aerial Way): 35'
Side: 20'
Rear: 35'
12. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the buildings developed on the subject property.

13. Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for large retail buildings shall be placed on the roof and screened by a parapet wall with a similar architectural style as the building.
14. Any noise producing machinery or equipment (refrigeration units, air conditioning, chillers, etc.) for all buildings less than 65,000, shall be placed behind the buildings, screened from view from the public right-of-way and enhanced by landscaping and/or wall.
15. The design of the “overall” shopping center shall comply with the requirement to provide 20% of the parking to the side and rear of the large retail development. The individual platted lots will not have to meet these requirements.
16. 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.
17. 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.
18. The hours of operation for the shopping center shall be limited to 7am to 10pm, Monday thru Saturday and 7am to 9pm on Sundays. There shall be no hours of operation restrictions for Outlots “A”-“G”.
19. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 business 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 calendar days from BCC approval will result in the zoning becoming null and void.