

STAFF REPORT

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

APPLICANT: Spring Hill Ventures, LLC

FILE NUMBER: H-07-37

PURPOSE: Establishing a master plan on property zoned CPDP/Combined Planned Development Project with a reduction in setbacks

GENERAL

LOCATION: North of County Line Road, between Oak Chase Boulevard and Anderson Snow Road

LEGAL

DESCRIPTION: A portion of Section 34, 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 is requesting to establish a master plan on property zoned CPDP(GHC)/Combined Planned Development Project (General Commercial) with a reduction in setbacks. The petitioner has indicated the intent is to develop the 32.10 acre parcel with a total of 250,000 square feet of retail. Phase I, will consist of an approximate 64,500 square foot grocery/retail center on a 11.71 acre portion of the site. The remaining portion will be divided into eight (8) parcels ranging in size from 2.98 acres to 1.09 acre. One additional parcel will be allocated for a drainage retention area.

The petitioner has requested a reduction in setbacks on County Line Road from 125' to 75' and 75' to 55 feet on Anderson Snow Road in order to provide a more visually appealing and consistent look for the site. 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.

SITE CHARACTERISTICS:

Site Size: 32.17 acres

Surrounding Zoning; Land Uses: North: PDP(SF); Avalon Subdivision
South: Pasco County
East: AG: Undeveloped
West: CPDP; Undeveloped

Current Zoning: CPDP(GHC)/Combined Planned Development
Project with General Commercial, Office
Professional Single Family and Multifamily

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

On August 13, 2003, the Board of County Commissioner voted 4-0 approving a request to rezone approximately 374 acres of property located near the Anderson Snow Road/County Line Road intersection from R-1C, AG and C-1 to general commercial uses, office professional, multifamily, single family and single family villas.

The petitioner’s request consisted of a general commercial area with a frontage road running from Anderson Snow Road to a collector road to be built as access to the entire project. The general commercial area comprises approximately 30 acres, with a 17.25 acre anchor parcel on the north side of the frontage road, and four (4) outparcels fronting County Line Road. The petitioner indicates an anchor store and a 175,000 total square foot retail center.

On February 10, 2004, the Board of County Commissioners approved a Development Agreement (DA), in which the developer agreed to donate land abutting County Line Road and provide funds to construct improvements to County Line Road. The improvements provided by the land owner included construction and design for expansion of County Line Road to four (4) lanes and a temporary tie in from the west bound lane as it abuts the subject property. The Villages at Avalon project also included a divided county collector road (Oak Chase Boulevard) provided as a secondary travel method from County Line Road to Anderson Snow Road to reduce traffic at the Anderson Snow Road and County Line Road intersection. In exchange for all the improvements the subject property was granted concurrency.

ENVIRONMENTAL REVIEW:

Soil Type: Masaryk Very Fine Sand and Candler Fine Sand

Hydrologic

Features: The subject property contains a Special Protection Area (SPA), but no wetlands according to County data resources.

The existing SPA is located within the proposed frontage road development area. Prior to any development associated with the feature a geotechnical evaluation shall be preformed. Before any structures can be placed on the SPA the developer shall demonstrate that the feature is geologically stable. Any storm water capacity provided by the feature shall be mitigated. If it's determined to be geologically unstable the SPA needs to be designated on future site plans/plats, which is to also include a 500 foot buffer.

Protection

Features: The subject site contains no Well Head Protection Areas (WHPA) 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.

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 16-inch water line is located at the intersection of County Line Road and Oak Chase Boulevard. There is also an existing 16-inch water main on Anderson Snow Road and Oak Chase Boulevard. An 8" sewer force main is located at the intersection of Anderson Snow Road and Oak Chase Boulevard.

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 site is located northwest corner of County Line Road and Anderson Snow Road approximately 1,600 feet from the Suncoast Parkway. The petitioner is proposing four (4) access points for the proposed development.

1. Full access at Oak Chase Boulevard (Existing access point was constructed with the residential portion)
2. Right-in/right-out along County Line Road
3. Right-in/right-out at the southern entrance along Anderson Snow Road
4. Full access at the northern entrance along Anderson Snow Road

In addition to the improvements discussed in the Site Characteristics section, the petitioner will provide the following transportation improvements with the commercial development:

1. Right turn lane at County Line Road for the proposed entrance to the commercial property.
2. Right turn lane for southern right-in/right-out entrance along Anderson Snow Road.
3. Right and Left turn lanes for the northern entrance located along Anderson Snow Road.
4. Proportionate share of a signal proposed for the Anderson Snow/County Line Road intersection. A traffic warrant analysis will also be required.

The access at Oak Chase and the northern access unto Anderson Snow Road will provide a frontage road system through the center of the site and behind the Phase 1 Grocery/Retail Center. The petitioner has indicated that internal access roads will be owned and maintained by the commercial development.

Any access to County Line Road is to be approved by the County Engineer. Furthermore, the Anderson Snow Road and County Line Road intersection will require signalization which must be installed prior to the opening of Phase I. If approved, the petitioner must coordinate with the County Engineer and pay their proportionate share for the signalization of County Line Road and Anderson Snow Road.

The proposed project has met concurrency under a previously approved Developer's Agreement for the Villages of Avalon development.

LAND USE REVIEW:

The petitioner has requested a reduction in setbacks from 125' to 75' along County Line Road and 75' to 55' along Anderson Snow Road. The Board has approved reductions in the 125' setback in PDPs where the developer has provided limited access and a frontage road to help reduce the impacts of the development on the highway. There was no justification provided for the reduction in setbacks along Anderson Snow Road; therefore, the Staff opinion is that the reduction should not be approved. The petitioner proposes all internal setbacks will be 20' from the property line.

Proposed Perimeter Building Setbacks:

County Line Road:	75'
Anderson Snow Road:	55'
Oak Chase and north:	35'

Previously approved setbacks for the OP and GC uses:

From nonclassified roadways:	35'
Side:	35'
Rear:	35'

Minimum County LDR setbacks:

County Line Road:	125'
Anderson Road:	75'
Side:	20'
Rear:	35'

The plan depicts a 30' natural buffer and DRA along the northern boundary of the site to allow for additional buffering between the residential and commercial uses.

The overall subject site 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 an overall 250,00 square feet. As indicated on the master plan, Phase I will consist of approximately 64,500 square feet with eight (8) out parcels. 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.

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 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 a Residential land use classification on the adopted Future Land Use Map; however, commercial can be considered an appropriate land use when master planned as a part of a mixed use development which allows for the interconnection of commercial and residential and provides for the commercial needs of the residents of the project. Further, the property is adjacent to a commercial and commercial

is allowed to expand outward from a commercial node when developed along a functioning frontage road system which is being proposed for development within the project. The area is characterized by the Villages of Avalon subdivision, and agricultural uses.

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 CPDP/Combined Planned Development Project with a reduction in setbacks is appropriate with performance conditions, based on the following conclusions:

1. The proposed master plan would be compatible with 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 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 establish a establishing a master plan on property zoned CPDP/Combined Planned Development Project with a reduction in setbacks 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 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.
3. The predominant sign material shall be similar to the material (e.g., brick, stone, etc.) of the buildings developed on the subject property.
4. 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.
5. 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.
6. 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.
7. Minimum Perimeter Setbacks:
County Line Road: 75'
Anderson Snow Road: 75'
Oak Chase and north property line: 35'
8. Minimum Internal setbacks from all property lines shall be 20' feet.
9. A minimum 30' landscape buffer at 80 percent opacity shall be maintained along the north portion of the commercial development.
10. Access to County Line Road and/or Anderson Snow Road shall be coordinated with, and approved by the County Engineer.

11. The petitioner shall pay their proportionate share for signalization of County Line Road and Anderson Snow Road. If warranted, the signal shall be installed and operational prior to the issuance of a Certificate of Occupancy (C.O.) For Phase 1.
12. Prior to any development the petitioner shall conduct a geo-technical evaluation verifying structures can be placed on the SPA. The evaluation shall demonstrate that the feature is geologically stable. If determined unstable, the petitioner shall provide a revised master plan for approval that shows a 500 foot buffer and the designated SPA. This shall also be shown on all future site plans/plats.
13. 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.