

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 10, 2007
Board of County Commissioners: January 9, 2008

APPLICANT: Robert A. Williams Esq. and/or Fowler, White, Boggs, Banker, P.A.

FILE NUMBER: H-07-38

PURPOSE: Rezoning from AG/(Agricultural) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses with a reduction in setbacks

GENERAL

LOCATION: Northwest corner of County Line Road and US Hwy 19 (Commercial Way)

LEGAL

DESCRIPTION: A portion of Section 31, Township 23 South, Range 17 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 requested a rezoning from AG/(Agricultural) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses and a reduction in setbacks in order to develop the 13.0 acre site with five (5) commercial outparcels. The petitioner intends to develop five (5) free-standing buildings ranging in size from 5,137 square feet to 15,640 square feet (approximately 49,671 total square feet). Outparcels range in lot size from 1.76 acres to 2.15 acres.

The petitioner is requesting approval for all C-1 and a number of specific C-2 uses as enumerated in the staff report. The petitioner's narrative indicates that the specific C-2 uses will be limited to those parcels with frontage along Commercial Way (US Hwy 19). The petitioner is further proposing a reverse frontage road along Commercial Way (US Hwy 19) and requests a reduction in setbacks to 75 feet along Commercial Way (US Hwy 19).

SITE CHARACTERISTICS:

Site Size: 13.0 acres

Surrounding Zoning; Land Uses: North: AG & C2; Undeveloped, Automotive Repair
South: AG & C2; Undeveloped, Pasco County
East: C2; Strip Plaza, Bank
West: AG; Holiday Inn Travel Park

Current Zoning: AG/(Agricultural) & C-2/(Highway Commercial)

Future Land Use Map Designation: Commercial, Residential and Conservation

Flood Zone: AE & C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand, Quartzipsamments, Myakka Fine Sand and Okeelanta-terra Ceia Association

Hydrologic Features: The subject property contains a Class I wetland, but no Special Protection Areas (SPA), according to County data resources.

Comment: All wetlands shall be delineated on future plans and any removal, alteration, or encroachment into the wetlands shall adhere to state and federal permitting and mitigation.

Protection Features: The subject property contains no Well Head Protection Areas (WHPA), according to County data resources.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Gopher tortoises now qualify for reclassification from a species of special concern to threatened species status. Given the presence of the candler fine soils, gopher tortoise habitat 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.

Comment: The subject property is adjacent to public conservation land along the northern boundary, and a wildlife survey should be required.

Flood: A portion of the property is contained within the 100 year floodplain. Mitigation for flood plain encroachment will be required for fill volume placed within the flood plain. Additional mitigation will be required for any impact to jurisdictional wetlands. All roadways and finished floor elevations shall be above the 100-year flood elevation.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 6-inch water line is located at the east side of US Hwy 19. The property also has access to a 10-inch force main along the west side of US Hwy 19.

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 at the northwest corner of US Hwy 19 and County Line Road. The request for a reduction in setbacks is due to the petitioner’s proposal to provide a reverse frontage road. Furthermore, the petitioner proposes two (2) access points along US Hwy 19. The northern US Hwy 19 access is designed to align with the existing left-in median cut along US Hwy 19.

The County’s frontage road ordinance requires properties along US Hwy 19 to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County. The proposed frontage road will have a connection to the stubbed out portion of Suzanne Drive to the north and a south connection to Travel Park Drive. The proposed frontage road will allow access to the signalized intersection of US Hwy 19 and County Line Road.

The County Engineer has reviewed the subject request and has indicated that the petitioner must prepare and submit a traffic analysis for the project as part of the development review process. In addition, the number and location of all access points along US Hwy 19 must be coordinated and determined by FDOT and the County Engineer.

The County Engineer has indicated that a portion of the property is contained within the 100 year floodplain. All roadways and finished floor elevations shall be above the 100-year flood elevation.

The Transportation Planning Coordinator has reviewed the request and indicated the developer must provide a transportation 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 transportation analysis.

LAND USE REVIEW:

Proposed Building Setbacks:

US Hwy 19:	75'
Side:	20'
Rear:	35'
Frontage Road:	35'

Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where residential uses abut the subject property and along all property lines abutting public right-of-way. The vegetative buffer may include berms, fences, or walls. The petitioner has indicated a 10' wide landscape buffer will be placed around the perimeter of the subject site. If approved, any buffers adjacent to residential uses must have a minimum 10' wide landscape buffer and maintain an 80% opacity.

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

The petitioner proposes 250 parking spaces for the proposed 49,674 square foot development. If approved, the petitioner must comply with all standards in the LDRs, which include, but are not limited to architectural style, parking design, and buffering standards.

The petitioner has requested the following specific C-2 uses for the proposed project:

1. Drive-in restaurants
2. Tire and automotive accessory establishments
3. Automotive specialty establishments
4. Automotive and truck rental establishments
5. Veterinarian and animal clinics or hospital service establishment
6. Alcoholic beverage dispensation
7. Publishing and printing service establishments
8. Domestic rental establishments
9. Light construction service establishments

10. Retail plant nurseries
11. Light landscaping service establishments
12. Automobile service establishments
13. Automobile dealer establishments, including the principal selling of used cars
14. Automobile dealer establishments, including the principal selling of new cars, service establishments including body shop
15. Automobile and truck repair establishments including body shops
16. Mini-Warehouse
17. One single family dwelling unit per commercial parcel in conjunction with the operation of a business on the premises.
18. Boat sales and service with or without outside display
19. Light farm equipment and supply establishment

COMPREHENSIVE PLAN REVIEW:

Although the site has multiple land use designations, the subject property is generally located within a commercial corridor on the adopted Future Land Use Map. The petitioners master plan proposes infill development within the commercial corridor and preserving the conservation area behind proposed Outparcel “F” on the master plan. Any other impacts will be pursuant to permits granted by the appropriate regulatory agencies.

Policy 1.01O(1): Strip Commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. These areas are delineated on the Future Land Use map along US 19 south of State Road 50 to the County line and along State Road 50 from Oak Hill Hospital to Colorado Street. The depth and intensity of commercial development in these areas shall be managed through development review processes to allow commercial development which will generate traffic consistent with traffic generation projections utilized in developing the Buildout Thoroughfare Map.

Comment: The subject property is situated within a commercial corridor where further infill commercial development is expected to occur, and is appropriate.

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.

Comment: The subject property is located on US Hwy 19, an arterial roadway. The coordination of the frontage road and access will be addressed during the development review process.

Rezoning from AG/(Agricultural) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses is an appropriate use with specific performance conditions based upon the following:

1. The request is consistent with the Comprehensive Plan, and is compatible with development trends in the area.
2. The subject property is situated within a commercial corridor where further infill commercial development is expected to occur, and is appropriate.

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 rezoning from AG/(Agricultural) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses with a reduction in setbacks 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. Perimeter Setbacks are approved as:
US Hwy 19: 75'
Frontage Road: 35'

Side: 20'
Rear: 35'

3. The petitioner shall provide a frontage road in accordance with the terms of the County's frontage road ordinance.
4. 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.
5. All wetlands shall be delineated on future plans and any removal, alteration, or encroachment into the wetlands shall adhere to state and federal permitting and mitigation.
6. A portion of the property is contained within the 100 year floodplain. Mitigation for flood plain encroachment will be required for fill volume placed within the flood plain. Additional mitigation will be required for any impact to jurisdictional wetlands. All roadways and finished floor elevations shall be above the 100-year flood elevation.
7. Full cutoff lighting shall be required within 30 feet of all property lines on the perimeter of the development. All other lighting shall be semi-cutoff or full cutoff fixtures.
8. A 10' wide landscape buffer shall be placed around the entire perimeter of the subject site. Buffers adjacent to residential and conservation uses must be planted to provide and maintain a minimum 80% opacity.
9. The developer shall provide a transportation 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 necessary, as determined by the approved transportation analysis.
10. The design and location of access to US Hwy 19 shall be in accordance with the requirements of FDOT and the County Engineer.
11. The subject site shall be limited to the following C-2 uses:
 1. Drive-in restaurants
 2. Tire and automotive accessory establishments
 3. Automotive specialty establishments
 4. Automotive and truck rental establishments
 5. Veterinarian and animal clinics or hospital service establishment

6. Alcoholic beverage dispensation
 7. Publishing and printing service establishments
 8. Domestic rental establishments
 9. Light construction service establishments
 10. Retail plant nurseries
 11. Light landscaping service establishments
 12. Automobile service establishments
 13. Automobile dealer establishments, including the principal selling of used cars
 14. Automobile dealer establishments, including the principal selling of new cars, service establishments including body shop
 15. Automobile and truck repair establishments including body shops
 16. Mini-Warehouse
 17. One single family dwelling unit per commercial parcel in conjunction with the operation of a business on the premises.
 18. Boat sales and service with or without outside display
 19. Light farm equipment and supply establishment
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12. Development shall be in substantial accordance with the master plan.
 13. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.