

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 10, 2007
Board of County Commissioners: October 10, 2007

APPLICANT: Michael Cavalaris

FILE NUMBER: H-07-41

PURPOSE: Rezoning from PDP(REC)/Planned Development Project (Recreational), C-1/(General Commercial) and R-1A/(Residential) to PDP(HC)/Planned Development Project (Highway Commercial)

GENERAL LOCATION: Northeast corner of US Hwy 19 and Hexam Road

LEGAL DESCRIPTION: A portion of Section 12, Township 22 South, Range 17 East of 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 PDP(REC)/Planned Development Project (Recreational), C-1/(General Commercial) and R-1A/(Residential) to PDP(HC)/Planned Development Project (Highway Commercial) in order to develop the 12.3 acre site with a maximum 150,000 square foot shopping center with a maximum of five (5) out-parcels. Each out-parcel is proposed to be a minimum of 1.6 acres with the balance of the property to contain the shopping center. The project is projected to provide coordinated shared access, circulation and parking for both the shopping center and the out-parcels.

The petitioner is requesting approval for all C-1 and limited C-2 uses. 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: 12.3 acres

Surrounding Zoning; Land Uses: North: C2; Mobile Homes
South: R-1C, C2; Undeveloped
East: R-1A; Undeveloped, Mobile Home
West: R-1A, C2; Undeveloped

Current Zoning: PDP(REC)/Planned Development Project
(Recreational), C-1/(General Commercial)

Future Land Use Map Designation: Commercial

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand.

Hydrologic

Features: The subject property contains no wetlands, Well Head Protection Areas (WHPA), or Special Protection Areas (SPA), 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.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 16" water line is located at the intersection of Outer Banks and US Hwy 19. Hernando County Utilities Department has indicated that there are plans to construct a new Hexam Road Water Treatment Plant and transmission lines west along Hexam Road and south on US Hwy 19 in FY2009. A 10" sewer force main is located on the north side of Hexam Road.

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 northeast corner of US Hwy 19, a six-lane divided highway, and Hexam Road. The subject site will utilize two (2) existing driveways onto US Hwy 19 and provide two (2) additional driveways onto Hexam Road. The two (2) access points onto US Hwy 19 are located along the northwest corner of the project. The petitioner proposes to maintain both US Hwy 19 access points as right-in/right-out only. The access points are subject to FDOT review and approval. The two (2) proposed access points along Hexam Road will be utilized as the primary points of access for the shopping center (east access) and the principal access for the out-parcels (west access). The petitioner has further indicated utilizing the existing unpaved Richmond Street for truck access for the shopping center deliveries. This will not be permitted by the County Engineer.

The County Engineer has reviewed the subject request and has indicated that the southwest access point, along Hexam Road, will not be permitted due to its close proximity to the Hexam Road and US Hwy 19 intersection and the existing turn lane on Hexam Road. The two (2) access points to US Hwy 19, though existing, are in close proximity to one another. The County Engineer has indicated the petitioner must remove one (1) of the access points or relocate the second access point further south along US Hwy 19. No direct access will be permitted onto US Hwy 19 for any of the proposed outparcels.

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 petitioner has not indicated a frontage road for the subject site. The County Engineer has indicated that Richmond Road is not considered a reverse frontage road along this portion of US Hwy 19 and the petitioner must provide a frontage road and coordinate its construction with the County Engineer.

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 Setbacks:
US Hwy 19: 125'
Hexam Road: 75'
North: 20'
East: 35'

Required Setbacks:
Front: 125'
Side: 20'
Rear: 35'

The proposed setbacks meet the minimum County LDR required setbacks for the District.

The petitioner has not indicated any buffering along the east property line adjacent to Richmond Road and residential uses. 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. If approved, the petitioner must provide adequate buffering to prevent noise pollution into neighboring residential uses. A 10' wide vegetative buffer with 80% opacity and a six (6) foot wall or opaque fence should be provided on the east side of the property along Richmond Road. The wall or fence should be placed along the inside of the buffer with landscape facing residential 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 with a total of 150,000 square feet, including out-parcels. As indicated on the master plan, the project will consist of five (5) out-parcels with the remaining square footage allocated to the shopping center. The County's LDRs provide that development greater than 65,000 square feet in size require approval as a Planned Development Project. Due to 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 and/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.

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

COMPREHENSIVE PLAN REVIEW:

The area is characterized by commercial, undeveloped and residential uses. The subject property is located generally within the Commercial land use classification on the adopted Future Land Use Map.

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(3): New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

Comment: The subject property is situated within a commercial node and therefore the request for PDP(GC)/Planned Development Project (General Commercial) is consistent with the Commercial land use classification.

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.

Comments: The appropriate buffering should be required to achieve the desired land use transition.

Rezoning the entire subject property to allow PDP(GC)/Planned Development Project (General Commercial) is an appropriate use due to the subject sites compatibility with the adopted comprehensive plan.

1. The proposed request for PDP(GC)/Planned Development Project (General Commercial) is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. The proposed request for certain C-2 uses are incompatible and should be further limited.

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 # _____ approve the rezoning from PDP(REC)/Planned Development Project (Recreational), C-1/(General Commercial) and R-1A/(Residential) to PDP(GC)/Planned Development Project(General Commercial) and limited C-2 uses 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: 125'
Hexam Road: 75'
North: 20'
East: 35'
3. Minimum Internal Setbacks:
US Hwy 19: 125'
Hexam Road: 75'
North: 20'
East: 35'
4. No access shall be permitted to Richmond Road.
5. The petitioner shall provide a frontage road in accordance with the terms of the County's frontage road ordinance.
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. The project shall be limited to 150,000 square feet including all outparcels.
8. A 10' wide vegetative buffer with 80% opacity and a six (6) foot wall or opaque fence shall be provided on the east side of the property along Richmond Road. The wall or fence shall be placed along the inside of the buffer with landscape facing residential uses.
9. No cemetery, public transportation terminal, mini-warehouse, automotive dealer, auto and truck repair boat sales and services and light farm equipment and supply shall be permitted.
10. The petitioner shall meet all of the Large Retail Project design standards as indicated in the County's Land Development Regulations.
11. The western most access to Hexam Road shall not be permitted.

12. 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.
13. The petitioner shall remove one (1) of the access points or relocate the second access point further south along US Hwy 19.
14. 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. Veterinarian and animal clinics or hospital service establishment
 5. Alcoholic beverage dispensation
 6. Publishing and printing service establishments
 7. Domestic rental establishments
 8. Retail plant nurseries
 9. Automobile service establishments
15. No direct access shall be permitted onto US Hwy 19 or Hexam Road for any of the proposed outparcels.
16. 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.