

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 8, 2007
Board of County Commissioners: November 14, 2007
Planning & Zoning Commission: December 10, 2007
Board of County Commissioners: January 9, 2008

APPLICANT: Shamiram, LLC - Abdul Adamo

FILE NUMBER: H-07-50

PURPOSE: Establish a Master Plan on property zoned PDP(HC)/Planned Development Project (Highway Commercial) with a reduction in setbacks

GENERAL

LOCATION: East side of Broad Street (US Hwy 41), approximately 950' south of Runway Drive

LEGAL

DESCRIPTION: A portion of Section 30, 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 (HC)/Planned Development Project (Highway Commercial) in order to develop a 13,127 square foot commercial/retail center. The proposed center will provide for a convenience store with four (4) fueling stations, quick lube, carwash, and specialty retail.

SITE CHARACTERISTICS:

Site Size: 1.53 acres

Surrounding Zoning; Land Uses: North: C2; FDOT Drainage Retention Area
South: AG; Single Family
East: C2; FDOT Drainage Retention Area
West: IND; Industrial Warehouse Complex

Current Zoning:	PDP(HC)/Planned Development Project (Highway Commercial)
Future Land Use Map Designation:	Airport Planned Development District
Flood Zone:	Within the Squirrel Prairie 100 year Flood Zone Area

SITE CIRCUMSTANCES:

On December 11, 2001, the Board of County Commissioners voted 5-0 to approve the rezoning of the 3.3 acre parent parcel from AG/(Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial). The original intent for the subject site was to develop an 8,000 to 12,000 square foot Country Dance Club with a Bar-B-Que restaurant.

Since rezoning , the property has been split. The eastern portion of the site is now owned by FDOT and utilized as a drainage retention area.

ENVIRONMENTAL REVIEW:

Soil Type: Masaryk Very Fine Sand

Hydrologic

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

Protection

Features: The property does not contain a Wellhead Protection(WHPA) according to County data resources.

Flood: The subject site is within the Squirrel Prairie 100 year flood plain.

AIRPORT REVIEW:

The subject property is located within the airport influence zone as identified in the County's LDRs. Certain uses have restrictions within the airport influence zone. The Airport Director indicates that if the request is approved, the petitioner shall provide an avigation easement.

ENGINEERING & TRANSPORTATION REVIEW:

The property is located on the east side of Broad Street (US Hwy 41), south of Runway Drive. The petitioner has indicated that the subject property has two (2) proposed access points. One which will align with an existing Broad Street (US Hwy 41) left-in median cut and the second on the property's north portion as a right-in/right-out.

The County's frontage road ordinance requires property along Broad Street (US Hwy 41) to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County. The location of the subject property is south and west of an existing FDOT drainage retention pond. Due to the existing physical limitations for a frontage road heading north, the petitioner has proposed providing a frontage road stub out to the southeast corner of the property for a future extension to the south.

The County Engineer has reviewed the subject request and has indicated that because of the large FDOT drainage retention along the property's northern boundary, the petitioner should only have to provide a frontage road stub-out to the south.

The Transportation Planning Coordinator has indicated that the capacity along Broad Street (US Hwy 41) is operating at LOS B in this area.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. There is an existing 16-inch water line on the west side of Broad Street (US Hwy 41). There is also a 12-inch force main on located at Runway Drive and another 12-inch force main at the intersection of Broad Street (US Hwy 41) and Rivard Boulevard. The application proposes using central water and individual septic system.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. 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.

LAND USE REVIEW:

The petitioner has requested a reduction in setbacks along Broad Street (US Hwy 41) and the property's rear lot line. The project's proposed setback reductions are requested to accommodate the proposed 13,127 square foot commercial/retail center. The property depth is approximately 193 feet, and has been reduced as a result of the location of a retention area by FDOT to the east. Given the fact that the property depth has been reduced from the

parent parcel due to the need for a retention area, the reduction in the front setback to 75 feet may be justified. However, the rear reduction in setback of one (1) foot is not justified.

Petitioner's Proposed Building Setbacks:

Board Street (US Hwy 41):	75'
North:	78'
South:	20'
Rear:	34'

Minimum County Required Building Setbacks:

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

The petitioner has indicated the use of 10' landscape buffers along the north and south property boundary. Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family lots 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 a 10' landscape buffer along the south at 80% opacity, to prevent noise pollution impacting a residential use to the south. The property to the north is a FDOT drainage retention area.

The plan depicts 52 parking spaces. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The projects proposed square footage equate to a 19.6% Floor to Area Ratio (FAR). If approved, development will have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs. Any adjustments required to the plan to meet County LDRs may result in a reduction to the FAR.

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full or semi-cutoff fixtures as require by County LDRs.

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. Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family lots abut the subject property. The vegetative buffer may include berms, fences, or walls. If approved, the petitioner must provide a 10' landscape buffer along the south at 80% opacity.

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 property is located along an arterial street.

Policy 1.03B(1) New development shall be discouraged in floodplains, flood prone areas and coastal high hazard areas. New development shall be directed to areas that do not present risks of flooding.

Policy 4.08A(1) Prohibit land filling, channelization, ditching, or other physical alterations to land which results in net loss of storage within the areas inundated by the 100-year storm event.

Policy 6.08A(2) Development in flood-prone areas shall generally be less intensive and shall meet the standards established in the County flood plain ordinance.

Comment: The proposed project is located within the Squirrel Prairie 100 year flood plain and the proposed master plan does not indicate the limits of the flood plain. However, the soil type is not conducive to flooding, and provides good percolation rates. Any adjustments required to meet the County flood plain requirements must be made at the time of development, and may result in reduced intensity.

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 RECOMMENDATION:

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(HC)/Planned Development Project (Highway Commercial) with a reduction in setbacks with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The setbacks are approved as follows:

From Broad Street (US Hwy 41):	75'
Side:	20'
Rear:	35'

3. A minimum 10' wide vegetative buffer with 80% opacity upon planting shall be provided on the south side of the property adjacent to the existing AG/(Agricultural) residential use.
4. The 100-year flood plain shall be delineated and shown on all future site plans. All finished floor elevations shall be above the regulatory 100 year flood plain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
5. The petitioner shall design and provide a stub out connection of the frontage road to the south in accordance with the requirements of the County Engineer.
6. Additional right-of-way shall be reserved for the site frontage along Broad Street (US Hwy 41) as required by FDOT and shown on the revised master plan. There shall be no improvements within the reserved area.
7. The developer shall provide an avigation easement in accordance with the requirements of the County Airport Director.
8. The petitioner will be required to provide parking in accordance with the requirements of the County LDRs.
9. The developer shall meet the County's LDR design and lighting requirements for small box commercial development.
10. Access shall be designed to meet the requirements of the FDOT and the County Engineer.
11. 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.

P & Z ACTION:

At the October 8, 2007, meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition until December 10, 2007, at 9:00 a.m. The postponement will allow the petitioner and County Staff to meet and review the projects intensity and related environmental issues.

NOTE: Subsequent to the October 8, 2007, Planning and Zoning meeting, staff met with the petitioner to discuss concerns with the subject site. At such time the petitioner indicated that

they would meet with the County Engineer's staff to verify flood plain issues and provide additional data and analysis for the County's review. The Engineering Department has reviewed the information provided by the applicant and has indicated that they have no additional comments or concerns regarding the sites impact upon the flood plain at this time.