

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2007
Board of County Commissioners: December 12, 2007
Planning & Zoning Commission: December 10, 2007
Board of County Commissioners: January 9, 2008

APPLICANT: Brooksville Commons, LLC

FILE NUMBER: H-07-55

PURPOSE: Rezoning from CPDP/Combined Planned Development Project, AG/(Agricultural), and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses

GENERAL

LOCATION: Southwest corner of Yontz Road and Ponce De Leon Boulevard (US Hwy 98)

LEGAL

DESCRIPTION: A portion of Section 16, Township 22 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 rezone from CPDP/Combined Planned Development Project (Multifamily) and (General Commercial), AG/(Agricultural), and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses in order to develop the 27.3 acre subject site with a maximum of 250,000 square feet of commercial use. The petitioner's master plan indicates that the development will contain seven (7) out-parcels with the balance of the property to contain a shopping center.

The petitioner is requesting approval for all C-1 uses and 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. 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

The petitioner is further requesting an extension of the existing commercial node and 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:** 27.3 acre
- Surrounding Zoning; Land Uses:** North: AG, CPDP(MF & GC); Undeveloped, Church Mobile Home
South: AG; Mobile Home
East: AG; Undeveloped
West: AG; Mobile Home
- Current Zoning:** CPDP/Combined Planned Development Project (Multifamily) and (General Commercial), AG/Agricultural) and C-2/(Highway Commercial)
- Future Land Use Map Designation:** Commercial and Residential
- Flood Zone:** C

ENVIRONMENTAL REVIEW:

- Soil Type:** Micanopy Loamy Fine Sand, Lichton Loamy Fine Sand, Sparr Fine Sand, Nobleton Fine Sand and Wachula 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:** According to the Soil Survey of Hernando County, within the Blichton loamy fine sand, 0 to 2 percent slopes- the water table is at a depth of less than 10

inches for cumulative periods of 1 to 4 months during most years. This soil has medium potential for small commercial buildings if proper water control measures are used, and footings and foundations are increased in size and strength. Potential for roads and streets is low even if the unsuitable soil material is replaced.

The Nobleton fine sand environment includes a forest of live, laurel and water oaks, slash and longleaf pines; hickory; magnolia; and sweetgum. Understory vegetation is wax myrtle, briers, and native grasses including bluestems, pineland awn, toothachegrass, panicums, and lopsided indiangrass.

Sparr fine sands may be dominated by, oaks, hickory, magnolia, sweetgum, pineland three-awn, slash, longleaf pines, and loblolly pines. Some areas may have an understory of inkberry, waxmyrtle, scattered palmetto, and pineland three-awn.

SITE CIRCUMSTANCES:

On December 5, 2001, the Board of County Commissioner voted 4-0 approving a rezoning of a 20.0 acre portion of the subject site from AG/(Agricultural) to CPDP/Combined Planned Development Project (Multifamily) and (General Commercial). The approved master plan proposed 15.0 acres of multifamily with a maximum of 200 dwelling units (13.33du/acre). The remaining 5.0 acres was allocated for PDP(GC)/Planned Development Project (General Commercial).

Though the area remains undeveloped, neighboring parcels to the north and to the northeast have received Board of County Commission approval for mixed use projects. The 146.0 acre parcel north of the subject site was approved in 2006 for 258 single family units, 272 multifamily units and 7.7 acres of general commercial. Additionally, the 115 acre parcel to the northeast was approved in 1983 for 117 single family units, 112 multifamily units and 9.0 acres of commercial.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that the parcel is within the City of Brooksville Service Area.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located at the southwest corner of Ponce De Leon Boulevard (US Hwy 98) and Yontz Road. The petitioner proposes three (3) access points along Yontz Road and one (1) right-in/right-out along US Hwy 98. The master plan indicates a frontage road system within the project.

The County Engineer has reviewed the petitioner’s request and indicated that the petitioner must align the northeast access along Yontz Road with Covington Hills to the north. Access onto Yontz Road must be coordinated with the County Engineer. The County Engineer has indicated the petitioner will be limited to one (1) right-in/right-out access point along US Hwy 98.

The County Engineer has indicated that all development along US Hwy 98 is required to provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The Transportation Planning Coordinator has reviewed the request and indicated that US Hwy 98 is experiencing limited capacity. US Hwy 98 is currently at a Level of Service D. The petitioner must perform a Traffic Analysis for the subject property. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat or site plan and the petitioner will have to demonstrate at that time that capacity is available. If the project is not concurrent, the developer has the option of either delaying development or addressing the transportation issues to ensure adequate capacity exists at that time of development. The petitioner has submitted a preliminary traffic study; however, at the time of completion of this report, the study has not been accepted by the appropriate County agencies.

LAND USE REVIEW:

Proposed Setbacks:

Ponce De Leon Boulevard (US Hwy 98):	125'
Yontz Road:	75'
Rear:	75'
West:	35'

Minimum County Required Setbacks:

Ponce De Leon Boulevard (US Hwy 98):	125'
Yontz Road:	75'
Rear:	35'
West:	20'

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

The petitioner has indicated a 35' perimeter buffer will be maintain along the entire perimeter of the subject site. 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 buffering should be designed to prevent noise pollution from intruding into neighboring residential uses and vegetative buffering with 80% opacity should be provided on the west and south side of the property along the AG/(Agricultural) zoning.

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 250,000 square feet, including out-parcels. As indicated on the master plan, the project will consist of seven (7) 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. 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

COMPREHENSIVE PLAN REVIEW:

The area is primarily characterized by undeveloped, rural and residential uses. However, the subject property is located within a Commercial and Residential Land Use designation. The Comprehensive Plan designates all four corners of the Yontz Road/US Hwy 98 intersection as a commercial node. Given the expected development trends for the area, it is anticipated that this area will function as a community commercial node. Community commercial nodes generally include 40 to 60 acres of commercial uses; which, in this case would allocate 10 to 15 acres per intersection quadrant. This request is for approximately 27 acres at one quadrant of the intersection. In addition, the request further extends the existing node approximately 1,200 linear feet west along Yontz Road. The extension could represent a linear stripping of the roadway with n commercial uses and encroach into a Residential Land use classification.

The following adopted specific policies govern commercial nodes:

1. Community Commercial Nodes should be located proximate to the intersection of two roadways of a status of collector road or greater

2. Will be located on the fringe, not the interior, of residential areas
3. Will not compromise the integrity of the residential areas
4. Will generally range from 40-60 acres in size.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

Comment: The proposed extension of the Community Commercial node would extend approximately 1,200 linear feet (16.3 acres) into a Residential land use. The project should be reduced in size and scope to eliminate the need for commercial node expansion.

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: Approximately 11.0 acres of the subject site's 27.3 acres lies within an existing commercial node on the adopted comprehensive plan future land use map. Development on the subject site should be limited to that portion of the site which is within the existing node, and suitable for intense development.

Policy 1.01M(4) In order to encourage compact commercial development and maintain the viability of adjacent roadways, commercial development can only extend outward from commercial nodes where there is a frontage road connected to the commercial node, unless it is determined that wetlands or existing development make frontage road extension unfeasible.

Comment: The County requires a frontage road along Ponce De Leon Boulevard (US Hwy 98) across the property. The request to extend the commercial node approximately 1,200 to the west along Yontz Road is incompatible with the Comprehensive Plan, since the extension is along the collector roadway where a frontage road system is not required, or planned. In addition, the character of this roadway is undeveloped and rural.

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.

Policy 1.01O(3) The County shall not permit the creation of any new strip commercial areas during the planning period.

Comment: The expansion of the node to the west along Yontz Road by 1200 linear feet represents an inappropriate strip development trend along a collector roadway not intended for such uses.

The request for CPDP/Combined Planned Development Project (Multifamily) and (General Commercial), AG/(Agricultural), and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses is not appropriate due to inconsistencies with the adopted Comprehensive Plan policies, and is incompatible with the existing rural character of the area.

1. Expansion of the commercial node is inconsistent with the County’s adopted Comprehensive Plan, incompatible with the surrounding area and premature in intensity.
2. Expansion of the commercial node at this location is inconsistent with the development policies for community commercial nodes, which this intersection is expected to function as given expected development trends.
3. Expansion of the commercial node along Yontz Road is inconsistent with the Comprehensive Plan policies regarding strip commercial development trends.
4. The project should be reduced in size and scope to minimize impact on the surrounding land uses. Development on the subject site should be limited to that portion of the site which is within the existing commercial node, and is suitable for intense development.

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 RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the requested rezoning from CPDP/Combined Planned Development Project, AG/(Agricultural), and C-2/(General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses.

P & Z ACTION:

At the November 13, 2007 meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition until December 10, 2007, at 9:30 a.m. The petitioner requested a postponement in order to meet with staff and resolve concerns regarding the projects intensity.

NOTE: Subsequent to the November 13, 2007, Planning and Zoning meeting, staff met with the petitioner via phone conference to discuss the County's concerns. As of the date of this staff report no revisions to the master plan have been submitted for staff review. The petitioner has indicated that they will continue with their original request. It is recommended that the Planning and Zoning Commission deny the request, based its inconsistencies with the adopted Comprehensive Plan.