

## **STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: November 13, 2007  
Board of County Commissioners: December 12, 2007

**APPLICANT:** Peter Dakakas

**FILE NUMBER:** H-07-58

**PURPOSE:** Master Plan revision to relocate the main driveway

**GENERAL**

**LOCATION:** East side of Weeping Willow Street, south side of Chelsey Road

**LEGAL**

**DESCRIPTION:** A portion of Section 28, Township 22 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

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**REQUEST FOR MASTER PLAN REVISION:**

The petitioner has submitted a request to revise a master plan on property zoned PDP(GC)/Planned Development Project (General Commercial) in order to eliminate two (2) previously approved access points and relocate the main drive. The property is located on the east side of Weeping Willow Street, south of Chelsey Road, behind an existing Arby's. Chelsey Road is an unimproved roadway located along the northern boundary of the subject property. The site has an existing driveway to Weeping Willow Drive.

On September 13, 2006, the Board of County Commissioners voted 5-0 approving the petitioner's rezoning request. According to the petitioner, both Hernando County and FDOT have determined that the previous access location off of Chelsey Road did not meet roadway design criteria for sight distance. The petitioner has further stated that access onto the frontage road would prove impractical due to a need for a 5 to 6 foot deep cut into a steep slope along the south property line. The relocation of the access points has modified the location of parking, reduced the building size, and required a retention pond on the property's southern boundary. No other revisions are requested and all previously approved conditions would be in effect.

**ENGINEERING REVIEW:**

The County Engineer has reviewed the subject request and indicated that the sight distance relating to the driveway as proposed along Weeping Willow Street is acceptable to the County Engineer. The master plan includes a future access to Chelsey Road. A potential future access to Chelsey Road should be allowed for interconnection if/when the surrounding area develops commercially.

**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 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 petitioner's request for master plan revision to relocate the main driveway, with the following 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 petitioner shall be limited to one (1) access onto Weeping Willow Street as determined and coordinated with the County Engineer.
3. All previously approved conditions shall remain in force and effect, other than those pertaining to site access.
4. 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.