

STAFF REPORT

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

APPLICANT: Shoppes at Glen Lakes Ltd.

FILE NUMBER: H-07-59

PURPOSE: Master Plan revision to eliminate golf cart access and provide a master plan for Phase II

GENERAL

LOCATION: West side of US 19, north of Glen Lakes Boulevard

LEGAL

DESCRIPTION: A portion of Section 13, Township 22 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 submitted a request for a master plan revision in order to eliminate a previous condition to provide for golf cart access, and to establish a master plan for Phase II. The petitioner seeks to develop the remaining 5.9 acres as Phase II with three (3) freestanding buildings totaling 72,000 square feet. Furthermore, the petitioner has stated that subsequent to the approval of Phase I, the Glen Lakes Home Owners Association had requested the removal of the golf cart access, as shown on the master plan. The petitioner seeks no other modifications to Phase I.

Once developed, Phase I and Phase II will provide a 180,000 square foot mixed use retail center with anchor tenants, retail space and out-parcels.

SITE CHARACTERISTICS:

Site Size: 5.9 acres

Surrounding Zoning; Land Uses: North: CPDP; Undeveloped
South: PDP(GHC); Undeveloped

	East: PDP(SF); Undeveloped
	West: CPDP & PDP(RR); Undeveloped, Residential
Current Zoning:	PDP(GHC)/Planned Development Project General Highway Commercial)
Future Land Use Map Designation:	commercial and residential
Flood Zone:	C

SITE CIRCUMSTANCES:

On November 8, 2006, the Board of County Commissioners voted 5-0 approving a master plan for Phase I, which included 101,550 square feet on approximately 13.23 acres plus the existing 8,000 square foot office which is being utilized as the Welcome Center. The plan submitted indicated a large shopping center with several out-parcels and a DRA along the northwest portion of the site. The second phase was proposed on the remaining acreage and was to be developed with 70,450 square feet of commercial space and 2.11 acres of open space. The master plan provided at the Phase I hearing illustrated the location of Phase II, but no details were depicted. The depiction for Phase II was deemed inadequate for approval and required master plan approval at a later date.

ENVIRONMENTAL REVIEW:

Soil Type: Tavares Fine Sand and Candler Fine Sand

Hydrologic

Features: Phase II contains no Special Protection Areas (SPA), wetlands, 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 (*Peromyscus 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 indicated that there is an existing 16-inch water line on the west side of US 19, which ends approximately 1,200-feet north of Glen Lakes Boulevard. There is also an existing 12-inch waterline on the north side of Outer Banks Drive. There is an existing 8-inch gravity sewer system within Outer Banks Drive.

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 on the west side of US 19, north of Glen Lakes Boulevard. The petitioner is proposing two (2) access points for Phase II. An interconnection with Phase I and the other as a right-in/right-out onto US 19 with a turn lane. The petitioner has indicated that they have obtained an FDOT permit for the US 19 connection.

The County Engineer has reviewed the subject request and has indicated that the petitioner must provide sidewalk connections between Phase I and Phase II and Outerbanks Drive.

LAND USE REVIEW:

Previously Approved Minimum Setbacks:

US 19:	75'
Frontage Road:	35'
Glen Lakes Boulevard:	35'

The petitioner seeks 0' feet setbacks between Phase I and Phase II in order to retain a contiguous commercial development.

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 maximum building area permitted for single buildings or single site development with multiple buildings with the same use and owned and managed by the same entity in the

commercial zoning district is limited to 65,000 square feet. Any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet may apply for approval through the Planned Development Project process. The petitioner is proposing a Large Retail Development for Phase II with a total of 72,000 square feet. The ordinance provides the BCC the ability to address the following in determining whether the larger development is appropriate:

1. Enhanced screening and/or location of air conditioning and/or operational equipment.

Air conditioners for the proposed development must be on the roof of the structures on the larger buildings and screened with walls and landscaping on the smaller buildings. The roof top units shall be screened on all sides with a parapet wall.

2. Limitations on hours of operation to ensure operational compatibility.

The BCC has the ability to limit the hours of operation to ensure appropriateness at this particular location. Given the separation of proposed Phase II to the proposed Single Family development, limitations on hours of operation would not be necessary.

To ensure that no 24-hour tenants would be allowed, the petitioner proposed creating deed restriction for Phase I and limit deliveries between the hours of 6:00 a.m. and 12:00 pm daily. The County does not enforce deed restrictions so without performance conditions on the zoning the county cannot enforce the hours of operation.

3. Screening and/or location of loading areas and loading docks.

No single family zoning is located within 100 feet of the site, there is no potential for loading zones to be within 100' of residential uses. In addition, the natural 2.11 acre area platted at the rear of Phase II will provide adequate buffering from Outerbanks Drive and the adjacent parcels.

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 developer proposes full cut-off fixtures for all fixtures of 2050 lumen or greater internal and adjacent to the property line. It is recommended that all lights along the perimeter shall be full cut-off fixtures with external shields, no greater than 20' in height.

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.

COMPREHENSIVE PLAN REVIEW:

The property is located within a commercial and recreational land use classification. The property is currently zoned Commercial. The BCC previously made a determination that with the provision of the extension of the frontage road from Glen Lakes Boulevard, commercial development on this site was not inconsistent with the adopted Comprehensive Plan.

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.

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 proposed development is located on property zoned PDP(GHC)/Planned Development Project (General Highway Commercial) and located along US 19.

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 petitioner has indicated that Phase II has 2.11 acres of open space to the north and would achieve the desired land use transition.

A master plan revision to eliminate the golf cart access and to provide a master plan for Phase II is an appropriate use due to the subject site's consistency with the adopted comprehensive plan and compatibility with adjacent land uses.

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

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 a Master Plan revision to eliminate the golf cart access and to provide a master plan for Phase II 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 19: 75'
 - Frontage Road: 35'
 - Glen Lakes Boulevard: 35'
 - Internal Building Setbacks: 0'
3. 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.
4. The petitioner shall provide sidewalk connections between Phase I and Phase II, over to, and on Outerbanks Drive.
5. The petitioner shall pay their proportionate fair share of any future traffic signal at Glen Lakes Boulevard and US 19, and at either of their other entrances.
6. The existing frontage road system consisting of Glen Lakes Boulevard and Outer Banks Drive shall be extended north to the new project entrance to U.S. 19. Construction of the project will trigger the extension of Outer Banks Drive north to the second project entrance to US 19 and construction of the northern project entrance.
7. The subject master plan is approved for a Large Retail Development and is limited to 72,000 square feet including all outparcels.
8. The petitioner shall meet all of the Large Retail Project design standards as indicated in the County's Land Development Regulations.
9. The development shall reduce lighting intensity during non-operating hours, and all lighting within the project shall be full cut-off fixtures with external shields, no greater than 20' in height.
10. The golf cart paths and golf cart parking may be removed from Phase I.
11. The 2.11 acre area platted to the rear of Phase II shall remain a natural area to provide adequate buffering. A conservation easement over this area shall also be required.
12. All air conditioners shall be located on the roof of large structures and screened on all sides with a parapet wall. Smaller buildings shall screen all mechanical equipment with a wall and landscaping.

13. Deliveries shall be limited between the hours of 6:00 a.m. and 12:00 p.m. daily.
14. 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.