

STAFF REPORT

Planning & Zoning Commission: November 13, 2006
Board of County Commissioners: December 13, 2006

APPLICANT: AG Armstrong Development, LLC **FILE NUMBER:** H-06-114

PURPOSE: Establishment of a General Commercial (GC) Master Plan with a reduction in setbacks

GENERAL LOCATION: West side of US 19, approximately 900' south 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 correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(GHC)	Glen Lakes Entrance Feature
South: AG	Undeveloped
East: PDP(GHC), AG	Undeveloped
West: PDP(MF)	Single family

SUMMARY OF REQUEST

The petitioner requests to establish a master plan for property zoned PDP(GHC). The subject property is located on the west side of US 19, south of Outer Banks Drive, approximately 850' south of Glen Lakes Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 19.5 acres.
3. The site is undeveloped.

4. The site contains no majestic or specimen trees.
5. The subject property has access from US 19 and Outer Banks Drive.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Tavares fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, Well Head Protection Area (WHPA) or Special Protection Area (SPA) according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site; central water is available per ordinance to serve the subject site, however central sewer is not. The Utilities Department notes that two (2) force mains are proximate to the site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family residential uses, the Glen Lakes welcome center and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The request is to establish a master plan for property zoned PDP(GHC)/Planned Development Project (General Highway Commercial). The BCC approved a rezoning on the subject property in 1987 from (AG)/Agricultural to PDP(GHC)/Planned Development Project (General Highway Commercial). The PDP(GHC)/Planned Development Project (General Highway Commercial) zoning category allows all of the C-1 general commercial uses. The subject property requested establishment of a master plan in May of 2005. Upon review at the September 14, 2005 Board of County Commissioner hearing, the Board of County Commissioner voted 5-0 to deny the petitioner's request for establishment of a master plan for property zoned PDP(GHC)/Planned Development Project (General Highway Commercial). The subject property currently does not have a valid master plan meeting the County LDRs.

The petitioner previously proposed a master plan to develop the commercial 19.5 acres with a 132,000 square foot retail plaza, and a 4,500 commercial outparcel. The petitioners newly submitted master plan proposes developing the 19.5 acres with a shopping center of a maximum 64,000 square feet of building area. In addition, there will be four (4) outparcels with a maximum building area of 4,000 square feet and one (1) 6,000 square foot maximum outparcel. The current plan reduces the total amount of square feet from 132,000 to 86,000 square feet. The plan provided meets the required setbacks for a commercial PDP. The County's LDRs provide that development greater than 65,000 square feet in size may be approved through approval of a Planned Development Project.

The PDP rules require a commercial PDP to provide a minimum 5' buffer between the proposed development and a use which is residential, agricultural or agricultural-residential. Glen Lakes single family development is located to the west of the subject property and an undeveloped AG parcel is located to the south of the subject property. The plan shows a 30' wide, 6' high vegetative buffer along the western property line and a 15' wide, 6' high vegetative buffer along the western property line adjacent to drainage retention area. The narrative indicates existing trees will be maintained in the buffer areas where possible to preserve natural vegetation and screening. If the request is approved, the petitioner shall provide the buffers as indicated on the plan with landscape plantings required to supplement the buffer area if the buffer is not maintained at 80% opacity is approved.

The petitioner further indicates that a pedestrian circulation plan to increase pedestrian safety in the parking lot. Development of the site will have to comply with the County's LDRs for large retail developments during permit review, which requires accommodation of pedestrian features.

The petitioner has indicated proposed minimum internal lot setbacks. Front setbacks along frontage road will be 35', side lot line 20' and rear lot line 35'. The proposed setbacks meet the county's minimum internal lot standards of 35' from the frontage road, 20' from the side and 35' from the rear.

The petitioner proposes serving the site with central water and sewer service. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site; central water is available per ordinance to serve the subject site, however central sewer is not. The Utilities Department notes that two (2) force mains are proximate to the site. The petitioner proposes accessing the County's central sewer system via an onsite lift station and force main tap to the County's existing force main in the US 19 ROW.

The subject property has frontage on US 19. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. A 50' wide access road is indicated through the project connecting to Outer Banks Drive and ultimately to Glen Lakes Boulevard. The plan indicates a 35' buffer along US 19, which is required by the commercial design standards for large retail projects. The LDRs require that the 35' buffer be comprised of retained natural vegetation or

planted with native plant species. Part of the 35' buffer is located in the right of way of the frontage road. If the request is approved, the plan will have to be revised to move the frontage road out of the required 35' buffer.

The Transportation Planning Coordinator indicates that the portion of US 19 is part of the SIS System and has capacity to support the proposed development at this location. The Transportation Planning Coordinator also stated that petitioner must coordinate with FDOT to determine median cuts and signalization.

The plan provided shows right-in/right-out/left in access from US 19 with additional turn lanes proposed. The County Engineer does not object to the proposed access to US 19. The County Engineer notes the proposed vehicular access in the northwest corner of the proposed plan does not appear to meet the County's facility design guidelines. If the request is approved, the internal access will have to be redesigned as required by the County Engineer. The petitioner proposes cooperating with the County and the FDOT by providing their fair share of the cost for a future traffic signal at the US 19/Glen Lakes Boulevard intersection. The County Engineer indicates that if the request is approved, the petitioner should provide his fair share of the cost for the traffic signal at that location.

Access to the project is proposed on US Hwy 19 and an entrance on Glen Lakes Boulevard via a frontage road system. However; the applicant has not demonstrated the ability to utilize the Glen Lakes Boulevard entrance to access Outer Banks Drive. The site has limited access. While the site does have access to US Hwy 19 the applicant has not demonstrated the ability to utilize Outer Banks Drive and Glen Lake Boulevard for a second access and for exiting traffic heading north bound. Final permits should not be granted until such time as the petitioner can demonstrate the ability to access the subject property via Glen Lakes Boulevard and the associated frontage road system.

The FDOT, SWFWMD and the Gulf Coast Conservancy have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by single family residential uses and undeveloped parcels. The Glen Lakes entrance feature is located north of the subject property. Glen Lakes single family villas are located to the west of the subject property. Undeveloped AG property is located to the south. Undeveloped property zoned PDP(GHC) and AG is located across US 19 to the east.

Policy 1.01L(1) provides for the establishment of a commercial land use category, in which land uses such as commercial, recreation, office and professional, minor public facilities, and minor institutional uses are allowed. The subject property is located within a commercial land use classification on the adopted Future Land Use Map and is currently zoned general commercial.

The establishment of the proposed master plan is appropriate, with performance conditions, based on the following conclusions:

1. The proposed master plan would be compatible with the surrounding land uses and existing zoning.
2. The existing wall and proposed buffering along the western property line provide adequate separation between the proposed commercial project and the adjacent single family development.
3. The proposed master plan is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for the establishment of a master plan for property zoned PDP(GHC), 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 perimeter setbacks are as follows:

From US 19:	125'
From the north property line:	35'
From the west property line:	95'
From the south property line:	35'
3. The minimum internal lot setbacks are as follows:

From the frontage road: 35'
From the side lot lines: 20'
From the rear lot line: 35'

4. The frontage road shall meet the minimum facility design guidelines.
5. The petitioner shall provide his fair share of the cost for a future traffic signal at the US 19/Glen Lakes Boulevard intersection.
6. The buffers along the western, northern and southern property lines shall be provided as indicated on the plan with enhanced landscaping to provide a minimum of 80% opacity. Along the western boundary, existing trees shall remain with infill tree plantings. The developer shall enhance the buffers along the northern and southern property lines with berms with understory shrubs as indicated in the narrative.
7. The retail hours of operation shall be no earlier than 8 a.m. and no later than 11 p.m.
8. The development is approved with the right-in/right-out/left in access on US 19 as indicated on the master plan.
9. The project shall be served by central sewer.
10. The lighting along the western boundary shall be cut-off fixtures, no greater than 10' in height.
11. Final development permits shall not be issued until the applicant has demonstrated to the County's satisfaction the right to access Glen Lakes Boulevard and the associated frontage road system.
12. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION: