

STAFF REPORT

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

APPLICANT: Hand Properties, Inc./Fred B. Hand III **FILE NUMBER:** H-06-12

PURPOSE: Establishing a Master Plan on Property Zoned PDP(GHC)/Planned Development Project (General Highway Commercial) with a Deviation from the Sign Standards

GENERAL

LOCATION: South side of Cortez Boulevard, west side of Mariner Boulevard

LEGAL

DESCRIPTION: Lot 5, Block 1380, Spring Hill, Unit 20, as per plat thereof recorded in Plat Book 9, Pages 65 - 80, of the Public Records of Hernando County, Florida in Section 33, Township 22 South, Range 18 East and a portion of Section 33, Township 22 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: C-2, PDP(GHC)
South: PDP(SF), PDP(GHC)
East: PDP(GHC)
West: PDP(GHC)

Surrounding Land Uses

Commercial
SF, commercial, undeveloped
Commercial
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to establish a master plan on property zoned PDP(GHC) with a deviation from the sign standards. The subject property is located on the south side of Cortez Boulevard and the west side of Mariner Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately twenty (20) acres.

3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Cortez Boulevard, Mariner Boulevard and Seybold Drive.
6. The subject property is located within commercial and residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil type is Candler 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 contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on development on the subject property.
12. The area is characterized by commercial and single family residential uses and undeveloped parcels.
13. The petitioner proposed larger signs, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to establish a master plan on property zoned PDP(GHC) with a deviation from the sign standards. The BCC approved the rezoning of the property to PDP(GHC) in 1991. The master plan has expired; consequently, the petitioner must apply to establish a new master plan.

The previous master plan depicted 287,099 square feet of general commercial development. The proposed project is requesting 250,000 square feet of general commercial square footage, 37,099 less than the previous approval.

The petitioner proposes developing the approximately 20 acre site with retail commercial uses. The project will have one access to SR 50 with a cross access to the property to the west, and access via the frontage road to Mariner Boulevard. The petitioner indicates the project may remain as one parcel with outbuildings rented, or potentially subdivided in the future creating outparcels along SR 50. A drainage retention area is proposed along the western boundary of the subject property, and along the southwest boundary for approximately 250'. This DRA serves as a buffer against the west and a portion of the south; consequently any relocation would trigger a master plan revision.

There is an area located north of the cross access easement and west of the access to SR 50. No use is indicated. Due to the size of the parcel, it would appear it is an entrance feature. The petitioner should indicate the use on a revised master plan.

The subject development is subject to the County's LDRs regarding large retail projects.

The plan depicts perimeter setbacks of 125' along SR 50, 20' along the west and east lines, and 35' along the south. The plan provided meets the commercial PDP building setbacks. The narrative and plan does indicates a 25' setback from the center line of the frontage road. The LDRs require a minimum 35' setback from the frontage road. The petitioner states that there will be 15' between structures. If individual lots are created, the lot setbacks proposed are 125' front (from SR 50), 7.5 internal side and 35' rear.

The County's LDRs provide that development greater than 65,000 square feet in size requires approved through the Planned Development Project process. Because of the intensity of development, the BCC may require additional conditions to ensure appropriateness at a particular location. The following items are those the BCC may additionally address, with the proposal regarding each made by the petitioner:

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

The petitioner indicates that all buildings in the development will be located a minimum of 50' from the south property line, which is adjacent to single family residential uses, and located behind a vegetated buffer. There is a 5' wide landscape buffer along the property lines. The petitioner indicates that the buffer along the south will be a continuous landscape buffer of trees, shrubs, and 6' high screening of vegetation, berm fence and/or wall. It is the staff's position that to adequately shield the development from the single family area to the south, the buffer should be vegetation with a solid fence or wall within the 5' strip.

The petitioner indicates all rooftop and ground mounted equipment will be oriented away from and/or screened from the view of the abutting residential properties and rights of ways. It is the staff's position all rooftop and ground mounted equipment should be screened from view to not only shield the view, but to provide sound barrier.

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

The petitioner has not proposed any limitations on the hours of operation. The zoning ordinance includes residential protection standards for all commercial PDPs which the petitioner maintains are adequate to accommodate the impacts of the project. The BCC has the ability to limit the hours of operation to ensure appropriateness at this particular location. Given the proximity of the residential development adjacent to the “main parcel” proposed for large retail development, it is the staff’s opinion that a limitation on the hours of operation from 7:00 a.m. to 11:00 p.m. would be appropriate for any uses within 100’ of the property line of the adjacent residential.

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

The petitioner indicates that there is adequate separation between the subject development with the provision of parking areas, and the frontage road. The narrative indicates the loading areas and loading docks will be located a minimum of 100’ from the single family residential properties which are located adjacent to the south property line. It is the staff’s opinion the existing wall and proposed buffer with enhanced plantings would mitigate any negative impacts associated with the location of the loading areas.

4. Enhanced lighting beyond minimum standards.

The petitioner indicates the lighting for the development will comply with all county commercial lighting requirements to minimize off-site glare and spillage. All outdoor light fixtures are proposed to be cutoff fixtures. All lights located within 30’ of the property boundaries are proposed to be full-cutoff fixtures; all others will be semi-cutoff or full-cutoff as deemed appropriate when the lighting plan is submitted for approval as part of the construction plan submittal. The Planning staff is of the opinion that if the request is approved, the lighting plan should reduce lighting intensity during non-operating hours, showing the lighting along the southern boundary, where adjacent to the Spring Hill residential, shall be cut-off fixtures, no greater than 20’ in height.

The plan indicates pedestrian facilities from Mariner Boulevard, west on Landover, north into the project. Internal connection is not reflected. If the request is approved, development of the site will have to comply with the County’s LDRs for large retail developments which require accommodation of pedestrian features during permit review.

The petitioner is proposing two- 200 square foot signs, 40’ high along SR 50, and a 100 square foot sign at the entrance on Mariner Boulevard. The petitioner has requested a deviation to the sign regulations; however, after review of the proposal with the Development Department, the petitioner does not require a deviation. The petitioner would be required to meet the minimum LDRs at the time of permit review.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12" water line is located on the north side of Cortez Boulevard, a 12" water line is located on the south side of Cortez Boulevard (fed by a 6" water line), a 6" water line is located on the west side of Mariner Boulevard, and a 6" water line is located on the north side of Landover Boulevard. Gravity sewer manholes are located near the northwest and northeast corners of the property. A pump station upgrade may be required pursuant to further sewer modeling.

The petitioner is proposing the following transportation improvements in association with the project:

- Relocation of the existing frontage road behind the Mariner Square Shopping Center, between Mariner Boulevard and Wal-Mart development (shift frontage road to the south approximately 210')
- Construction/modification to Mariner Boulevard from SR 50 southward to Landover to improve turn lane capacities
- Relocation of the existing traffic signal on Mariner Boulevard at Walmart Frontage Road to New intersection/frontage road location
- Construction of Reverse frontage road connecting SR 50 (west of Mariner Boulevard) to Mariner Boulevard at New frontage road location
- construction of exclusive turn lanes of SR 50 to site driveway

The County Engineer has reviewed the proposal provided by the petition and indicated the improvements proposed would be beneficial to the county.

The subject property has access to Cortez Boulevard. 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. The frontage road will be required to be constructed at the time of development of the site.

The property is located on a section of Cortez Boulevard which is no longer able to pass the required adequate public facility review. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of construction plans for commercial development. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The subject property has access from Cortez Boulevard, Mariner Boulevard and Seybold Drive. The plan shows access to Cortez Boulevard and Mariner Boulevard. The Planning Staff and the County Engineer agree the petitioner should provide an exit to the south with a temporary gate for potential future connection.

The subject property is located within a WHPA-2. The uses allowed in the C-1 zoning category (GC) are not precluded in a WHPA 2.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial and single family residential uses and undeveloped parcels. Commercial uses are located to the north and east along Cortez Boulevard and Mariner Boulevard. Medical offices are located to the west. Single family residential uses are located to the south.

The subject property is located within commercial and residential land use classifications on the adopted Future Land Use Map.

Objective 1.04C indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured. Cortez Boulevard does not have the capacity to support the proposed commercial development. In order to mitigate the transportation impacts associated with the development, the petitioner will be required to enter into an agreement with the County addressing transportation issues associated with development of this site. The petitioner has initiated the process to develop an agreement with the County.

The staff is of the opinion that the establishment of a PDP(GHC) master plan is appropriate, based on the following conclusions:

1. The proposed master plan would be compatible with the surrounding land uses.
2. An agreement between the petitioner and the County addressing the transportation issues will ensure necessary facilities and services are provided to maintain public health, safety and general welfare.
3. The master plan is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.

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:

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 to establish a master plan on property zoned PDP(GHC) with a deviation from the sign standards, 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 developer shall construct a frontage road at the time of development.
3. The minimum perimeter setbacks are as follows:

From Cortez Boulevard:	125'
From the east and west property lines:	20'
From the south property line:	35'
From the frontage road:	35'
4. The minimum internal lot setbacks are as follows:

From Cortez Boulevard:	125'
From internal sides:	7.5'
From rear lots:	35'
From the frontage road:	35'
5. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
6. Access management improvements shall be required as determined by the County Engineer.
7. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the southern boundary where adjacent to Spring Hill residential shall be cut-off fixtures, no greater than 10' in height.
8. A minimum 5' wide buffer along the south and west is required. A solid fence or solid wall shall be within the 5' buffer to the south adjacent to residential.
9. All rooftop and ground mounted equipment should be screened from view to not only shield the view, but to provide sound barrier.
10. The pedestrian features shall be provided as shown on the master plan.

11. Hours of operation within 100' of the property line of any residential area shall be limited to 7:00 a.m. to 11:00 p.m.
12. The petitioner shall provide a vehicular exit to the south with a temporary gate for potential future connection.
13. 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:

At the March 13, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to establish a master plan on property zoned PDP(GHC) with a deviation from the sign standards, with the following modified 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 developer shall construct a frontage road at the time of development.
3. The minimum perimeter setbacks are as follows:

From Cortez Boulevard:	125'
From the east and west property lines:	20'
From the south property line:	35'
From the frontage road:	35'
4. The minimum internal lot setbacks are as follows:

From Cortez Boulevard:	125'
From internal sides:	7.5'
From rear lots:	35'
From the frontage road:	35'
5. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
6. Access management improvements shall be required as determined by the County Engineer.

7. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the southern boundary where adjacent to Spring Hill residential shall be cut-off fixtures, no greater than 20' ~~10'~~ in height.
8. A minimum 5' wide buffer along the south and west is required. A solid fence or solid wall shall be within the 5' buffer to the south adjacent to residential.
9. All rooftop and ground mounted equipment should be screened from view to not only shield the view, but to provide sound barrier.
10. The pedestrian features shall be provided as shown on the master plan.
11. Hours of operation within 100' of the property line of any residential area shall be limited to 7:00 a.m. to 11:00 p.m.
12. The petitioner shall provide a vehicular exit to the south with a temporary gate for potential future connection. The petitioner shall landscape the stub-out. (Staff does not object)
13. 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.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-101 approving the petitioner's request to establish a master plan on 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 developer shall construct a frontage road at the time of development.
3. The minimum perimeter setbacks are as follows:

From Cortez Boulevard:	125'
From the east and west property lines:	20'
From the south property line:	35'
From the frontage road:	35' from the centerline

4. The minimum internal lot setbacks are as follows:

From Cortez Boulevard:	125'
From internal sides:	7.5'
From rear lots:	35'
From the frontage road:	35' from the centerline

5. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.

6. Access management improvements shall be required as determined by the County Engineer.

7. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the southern boundary where adjacent to Spring Hill residential shall be cut-off fixtures, no greater than 20' in height.

8. A minimum 5' wide buffer along the south and west is required. A solid fence or solid wall 8' in height shall be within the 5' buffer to the south adjacent to residential.

9. All rooftop and ground mounted equipment should be screened from view to not only shield the view, but to provide sound barrier.

10. The pedestrian features shall be provided as shown on the master plan.

11. There will be curbing and sidewalks on Landover Blvd.

12. The Petitioner shall not construct any physical impediments to future vehicular access to Seybold Drive. Initial design will include pedestrian connection and landscaping buffering.

13. 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.

NOTE: THERE SHALL BE NO CONSTRUCTION ACCESS TO LANDOVER BOULEVARD OR SEYBOLD DRIVE.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE,

DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.