

STAFF REPORT

Planning & Zoning Commission: July 14, 2008

APPLICANT: LIRA, INC.

FILE NUMBER: P-06-09(C)

PURPOSE: Request to extend the time frame for Conditional Plat approval for Big John's Subdivision by one (1) year

GENERAL

LOCATION: Approximately 800' east of the intersection of Spring Hill Drive and Spring Park Way, lying south on Spring Hill Drive

LEGAL

DESCRIPTION: A portion of Section 14, Township 23 South, Range 18 East, Hernando County, FL

ZONING: PDP(GC)

FILE STATUS: All requirements have been completed.

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

The applicant is requesting to extend the conditional plat approval of Big John's Subdivision for one year. This development consists of 2 commercial lots, a DRA, and preservation tract on 3.87 acres located approximately 800' east of the intersection of Spring Hill Drive and Spring Park Way, lying south on Spring Hill Drive.

The road serving the project is an existing public road. The developer will provide an access easement across Lot 1 to serve Lot 2. Central water and sewer systems will be served by Hernando County.

The conditional plat was approved by the P&Z on June 12, 2006. The developer has been in litigation with the County (see attached statement from the County Attorney's Office) causing the applicant to go beyond the two year deadline to obtain construction drawing approval.

Section 26-113 of the Subdivision Regulations of the Hernando County Code of Ordinances allows the Planning and Zoning Commission to modify, or grant variances to, the terms of the subdivision requirements where "in its judgement" will "substantially" further the intent of the requirement being modified.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission approve the request to extend the conditional plat approval for Big John's Subdivision by one (1) year subject to the following performance conditions:

1. The conditional plat shall expire in one (1) year of the date the extension was approved if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.

**MEMORANDUM
HERNANDO COUNTY ATTORNEY'S OFFICE**



TO: Ron Pianta
Director, Planning Department

DATE: June 23, 2008

FROM: Kent L. Weissinger 
Assistant County Attorney

**SUBJECT: Big John's plat issues---
pending litigation**

This confirms understandings from this morning's meetings. The corporate owner of the Big John's parcel has sued Hernando County in inverse condemnation. An offer of settlement has been made which contemplates treating the site as a Class D subdivision rather than a Class A. I have already advised the attorney negotiating on behalf of the County that this request cannot be approved, as it is contrary to enacted ordinances. However, as a result of our meeting, a request will go to the Planning and Zoning Commission on July 14 to extend the current conditional plat by one year, allowing the developer to proceed with the construction drawings and final plat approval as expeditiously as possible, without re-starting the conditional plat process. Under the non-waivable subdivision regulations as enacted by ordinance, this is essentially the best that we can do to accommodate the developer's needs and concerns as to additional time and expense in the current process.

cc: Jerry Greif
Jim Schroeder