

March 10, 2009

MEMORANDUM

P.D.-43

TO: See Distribution List

VIA: Ronald F. Pianta, AICP, Planning Director

FROM: Jerry Greif, Chief Planner
Department of Planning

SUBJECT: Results from the March 10, 2009, Board of County Commissioners Meeting

On March 10, 2009, the Hernando County Board of County Commissioners held a duly advertised public hearing to consider advertised request(s) for changes in zoning. The following attachment(s) reflect the action(s) of the Board of County Commissioners at that scheduled public hearing:

DISTRIBUTION: Applicant
Applicant's File
PC File

E-MAIL: Mark Caskie, Code Enforcement
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Donna Singer, Commercial Development
Terri Stokes, Commercial Development
Amber Wheeler, School Board, Wheeler_A@hcsb.k12.fl.us
rsudol@springhillfire.com

BOARD OF COUNTY COMMISSIONERS' MEETING RESULTS, MARCH 10, 2009, PAGE 2

APPLICANT: Flag Mets I, LLC

FILE NUMBER: H-08-12

PURPOSE: Rezoning from AG/(Agricultural) and R-1B/(Residential) to CPDP/Combined Planned Development Project to include General Commercial (PDP/GC) with limited C-2 uses, Multifamily (PDP/MF), Office Professional (PDP/OP) with limited C-1 uses, a Congregate Care Facility (PDP/SU) and a reduction in setbacks

GENERAL

LOCATION: Southwest corner of Lake in the Woods Drive and Commercial Way

LEGAL

DESCRIPTION: A portion of Section 16, Township 23 South, Range 17 East, Hernando County, FL

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

STAFF RECOMMENDATIONS:

Approval of the petitioner's request to rezone from AG/(Agricultural) and R-1B/(Residential) to CPDP/Combined Planned Development Project to include General Commercial with limited C-2 uses, Multifamily, Office Professional with limited C-1 uses, a Congregate Care Facility, and a reduction in setbacks with conditions.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG/(Agricultural) and R-1B/(Residential) to CPDP/Combined Planned Development Project to include General Commercial with limited C-2 uses, Multifamily, Office Professional with limited C-1 uses, a Congregate Care Facility, and a reduction in setbacks with the following modified 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. The developer shall provide an access management study and traffic analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. The developer shall be responsible for the full cost of a traffic signal if warranted. In addition, the developer shall be responsible for all operational and/or link improvements determined necessary by the access management study and traffic analysis.

3. Permitted Uses:
 - A. Outparcel 1 and 2:
 - PDP(OP)/Planned Development Project (Office Professional) uses only
 - B. Outparcel 3 thru 11:
 - PDP(GC)/Planned Development Project (General Commercial) with limited C-2 uses to allow Drive-In Restaurant, Tire and Auto Accessory, Printing and Publishing
 - C. Parcel A North Half:
 - PDP(OP)/Planned Development Project (Office Professional) to include all C-1 uses excluding hotels and motels
 - D. Parcel A South Half:
 - PDP(GC)/Planned Development Project (General Commercial) with limited C-2 uses to allow Automotive dealer establishments, including the principal selling of used cars, Automobile dealer establishments for the principal selling of new cars with service establishments including body shops, Tire and Auto Accessory, Printing and Publishing
4. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
5. A minimum 35' landscape buffer shall be maintained along US Hwy 19.
6. A Cross Parking and Cross Access Agreement between the commercial outparcels and the commercial center should be provided at the time of final plat review.
7. Minimum Perimeter/Building Setbacks for the Commercial and Office Professional:

US Hwy 19:	75'
Frontage Road/Access Road:	35'
Lake in the Woods Drive:	75' west of the frontage road; 35' for Outparcel 1
Side:	20'
Rear:	35'

A minimum 10' separation between structures.
8. The petitioner shall meet all of the Large Retail Project design standards as indicated in the County's Land Development Regulations.
9. The design of the "overall" shopping center shall comply with the requirement to provide 20% of the parking to the side and rear of the large retail development. The individual outparcels will not have to meet these requirements.

10. The development must provide detailed elevation plans and/or renderings and site plans illustrating the proposed facade and site design at the time of permitting. The site and building design must demonstrate compliance with the County's design standards for large retail development, and shall use architectural features, textures and materials consistent with the other development in the area.
11. 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.
12. Florida Yards & Neighborhoods (FYN) principles shall be used for landscaping within the development.
13. Minimum Setbacks for the Multifamily Zoned Parcel:

Frontage Road:	75'
North:	10'
South:	10'
West:	25'

A minimum 15' separation between multifamily structures.
14. A minimum 15% usable open space shall be provided for the multifamily, with 5% to be preserved as native vegetation.
15. The maximum building height for the multifamily shall be three (3) stories.
16. ~~Maximum units approved for the multifamily is 225 units.~~ The multifamily development shall be limited to 225 units and shall be age restricted to 55 or older and/or an age restricted Assisted Living Facility (ALF).
17. The developer shall meet the minimum parking requirements as required by the County's LDRs.
18. The petitioner shall provide two (2) access points to the multifamily development area from the frontage road.
19. A treed roadway/access shall be provided within the Multifamily development in accordance with the requirements of the County LDR's.
20. The petitioner shall provide ~~a minimum 8' high, 5' wide vegetative buffer at 80% opacity for the multifamily development.~~ the following minimum buffering:
 - A. 20' landscape buffer with 80% opacity along Lake in the Woods Drive.
 - B. 5' landscape buffer along the frontage road adjacent to the Multifamily
 - C. 5' landscape buffer with 80% opacity against the southern AG/ (Agricultural) property.
 - D. The upland area west of the wetland shall be designated as open space

21. The petitioner shall provide a 35' natural buffer at 80% opacity along the west against the multifamily development. If a body shop is constructed, the body shop shall be oriented towards the south away from the proposed multifamily development.
22. All buildings against the multifamily development must maintain a 100' setback.
23. An archaeological survey shall be performed by a qualified professional and submitted to the County prior to development. In the event that archaeological artifacts are discovered during construction, the Developer shall stop construction in that area and immediately notify the County, WRPC, DCA and the Division of Historical Resources of the Florida Department of State.
24. The petitioner shall conduct a geotechnical study to determine if karst features or voids are present on site. All development must comply with the County's Ground Water Protection Ordinance.
25. The petitioner shall provide open space for the Commercial/Office Professional development as required by the County's Community Appearance Ordinance.
26. The Commercial/Office Professional parcels shall meet the minimum large retail outdoor lighting design standards as required by the County's LDRs.
27. The petitioner shall provide a frontage road in accordance with the terms of the County's frontage road ordinance.
28. The project shall be limited to 394,000 square feet of Commercial/Office Professional including all outparcels.
29. The Developer shall provide transit facilities within close proximity of the retail center as required by the County MPO during the development process.
30. Due to the location of the proposed multifamily within evacuation zone D/E, the petitioner shall coordinate shelter mitigation with Emergency Management prior to the issuance of any development permits.
31. The petitioner shall provide a 5' sidewalk along Lake in the Woods Drive from the Lake in the Woods entrance to the project's eastern boundary.
32. All internal walkways shall comply with Florida Accessibility Code design standards. Additionally, all internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, scored concrete or stamped asphalt to the extent not inconsistent with said standards.
33. All on-site advertising signs, including outparcels, shall be designed as part of a complete signage system, and shall be limited to ground mounted monument type signs. Ground mounted monument type signs are signs where the bottom edge of the sign is no greater than ten (10) feet above grade and which otherwise meets all sign requirements in this code.

34. The site design shall provide that pedestrian circulation is coordinated on-site and between adjacent properties providing for pedestrian circulation between complementary uses.

35. No delivery truck access shall be permitted via Lake in the Woods Drive.
36. The subject property shall be limited to two (2) access points along US Hwy 19, unless the existing driveway at Walgreens is removed, then an additional right-in/right-out shall be permitted. All driveway locations shall be determined by the County Engineer in conjunction with FDOT.
37. The north to south access drive along the rear of the outparcels and the east to west access drive along the property's southern property line shall have an access easement across them allowing for public access.
38. 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.

BCC ACTIONS:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2009-51 approving the petitioner's request to rezone from AG/(Agricultural) and R-1B/(Residential) to CPDP/Combined Planned Development Project to include General Commercial with limited C-2 uses, Multifamily, Office Professional with limited C-1 uses, a Congregate Care Facility, and a reduction in setbacks with the following modified 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. The developer shall provide an access management study and traffic analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. The developer shall be responsible for the full cost of a traffic signal if warranted. In addition, the developer shall be responsible for all operational and/or link improvements determined necessary by the access management study and traffic analysis.
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 - A. Outparcel 1 and 2:
 - PDP(OP)/Planned Development Project (Office Professional) uses only
 - B. Outparcel 3 thru 11:
 - PDP(GC)/Planned Development Project (General Commercial) with limited C-2 uses to allow Drive-In Restaurant, Tire and Auto Accessory, Printing and Publishing
 - C. Parcel A North Half:
 - PDP(OP)/Planned Development Project (Office Professional) to include all C-1 uses excluding hotels and motels
 - D. Parcel A South Half:

- PDP(GC)/Planned Development Project (General Commercial) with limited C-2 uses to allow Automotive dealer establishments, including the principal selling of used cars, Automobile dealer establishments for the principal selling of new cars with service establishments including body shops, Tire and Auto Accessory, Printing and Publishing
- 4. The landscape plan shall be designed to provide clear sight windows and sight triangles at all points of external access and to the internal roadways.
- 5. A minimum 35' landscape buffer shall be maintained along US Hwy 19.
- 6. A Cross Parking and Cross Access Agreement between the commercial outparcels and the commercial center should be provided at the time of final plat review.
- 7. Minimum Perimeter/Building Setbacks for the Commercial and Office Professional:
 - US Hwy 19: 75'
 - Frontage Road/Access Road: 35'
 - Lake in the Woods Drive: 75' west of the frontage road; 35' for Outparcel 1
 - Side: 20'
 - Rear: 35'
 - A minimum 10' separation between structures.
- 8. The petitioner shall meet all of the Large Retail Project design standards as indicated in the County's Land Development Regulations.
- 9. The design of the "overall" shopping center shall comply with the requirement to provide 20% of the parking to the side and rear of the large retail development. The individual outparcels will not have to meet these requirements.
- 10. The development must provide detailed elevation plans and/or renderings and site plans illustrating the proposed facade and site design at the time of permitting. The site and building design must demonstrate compliance with the County's design standards for large retail development, and shall use architectural features, textures and materials consistent with the other development in the area.
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Frontage Road: 75'
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West: 25'
A minimum 15' separation between multifamily structures.
14. A minimum 15% usable open space shall be provided for the multifamily, with 5% to be preserved as native vegetation.
15. The maximum building height for the multifamily shall be three (3) stories.
16. The multifamily development shall be limited to 225 units and shall be age restricted to 55 or older and/or an age restricted Assisted Living Facility (ALF).
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NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON 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.