

STAFF REPORT

Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Sun Fiberglass Pools Inc. **FILE NUMBER:** H-05-93

PURPOSE: Rezoning from R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a highway commercial use (C-2) of light construction service establishment

GENERAL

LOCATION: South side of East Martin Luther King Jr. Boulevard, approximately 400' west of Josephine Street

LEGAL

DESCRIPTION: A portion of the southern 1/2 of Lot 17, L. B. Parsons Addition, as per plat thereof recorded in Plat Book 3, Page 7, of the Public Records of Hernando County, Florida in Section 27, Township 22 South, Range 19 East

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

CITIZEN RESPONSE: FOR: 1 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: City of Brooksville	Single family
South: City of Brooksville	Undeveloped
East: R-1C	Undeveloped
West: City of Brooksville	Vacant house

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1C to PDP(GC) with a C-2 use of light construction service establishment. The subject property is located south of East Martin Luther King Jr. Boulevard, approximately 400' west of Josephine Street.

FACTUAL INFORMATION

1. The property is currently zoned R-1C.
2. The property comprises approximately a third of an acre.

3. The site has been developed with a single family house.
4. The site appears to contain specimen trees.
5. The subject property has access from East Martin Luther King Jr. Boulevard.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Flemington fine sandy loam.
8. The property is located in a flood zone C, but is located within the Bystre Lake 100 year flood plain.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The City of Brooksville has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial, industrial and single family uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from R-1C to PDP(GC) with a C-2 use of light construction service establishment. On August 16, 2005, the BCC denied the petitioner's request to rezone from R-1C to PDP(HC) with outside storage, finding the request would be detrimental to the existing residential neighborhood, would encroach into the existing residential neighborhood, and would be inconsistent with the County's adopted Comprehensive Plan and the County's LDRs. The BCC subsequently agreed to hear a less intensive request. The petitioner has presented a modified request limiting the uses to one C-2 use and has removed the requests for outside storage, construction equipment parking, display of a fiberglass pool in the front yard and reduction in the number of parking spaces.

The site has been developed with a single family dwelling. The petitioner proposes using the existing residence as the business sales center. The petitioner proposes installing an in-ground pool in the front yard. Commercial development will be required to comply with the applicable County

LDRs. The Development Department indicates the proposed in-ground pool must meet the commercial setbacks which would be 75' from the front lot line. It appears from the plan provided that the proposed pool will meet the required minimum setbacks.

The plan shows parking in front of the building on the site. Based on the description that the proposed use will be essentially pool sales and a color/tile selection center with no pool chemical or related pool accessory sales, the use would be considered a construction service establishment which requires 1.5 spaces per person regularly employed on the premises. The applicable parking standard would be for that of a construction service establishment. The plan provided shows a proposed parking area to be located in front of the existing building. The petitioner would be required to meet the applicable development standard for the ultimate use on the property at the time of permit review.

The plan shows service vehicle parking in the rear of the property. The parking of commercial vehicles and equipment associated with the permitted use of the property is allowed in the PDP(GC) zoning district. The Planning staff is of the opinion that if the request is approved, the petitioner be allowed to park commercial service vehicles on the site, but no construction equipment.

The plan provided does not show a buffer on the site. The property to the east of the site is zoned for single family uses. If the request is approved, a 5' buffer will be required along the east property line.

The City of Brooksville has indicated that central water and sewer are available to serve the subject site. The petitioner has verbally indicated the site is currently served by central water and septic.

The site has access from East Martin Luther King Jr. Boulevard. The County Engineer has no objections to the proposal.

The subject property is within the Bystre Lake 100 year floodplain. All new finished floor elevations shall be above the 100 year base flood elevation.

The City of Brooksville has no comments regarding the request.

FINDINGS OF FACT

The area is characterized by commercial, industrial, and single family uses, and undeveloped parcels. Single family houses are located within the City of Brooksville to the north, across Martin Luther King Jr. Boulevard. Parcels zoned C-2 are located to the northeast within the City of Brooksville. Undeveloped parcels are located to the east and south. The parcels to the west and south are located within the City of Brooksville and are zoned I-1. The petitioner operates a pool manufacturing business on a parcel to the northwest of the subject property, across East Martin

Luther King Jr. Boulevard. The petitioner owns the parcels adjacent to the subject property's west and south lot lines.

The subject property is located within the residential land use classification on the adopted Future Land Use Map. Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. Policy 1.01O(4) indicates infill commercial development can occur only within strip commercial as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. Approximately 145' to the east of the subject property are parcels zoned C-1. Parcels to the northeast of the subject property are located within the City of Brooksville and are zoned C-2. Property to the west within the City is zoned Industrial.

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. The subject property is located between parcels zoned I-1 and R-1C. The Planning staff is of the opinion that the proposed rezoning allowing C-1 uses and one C-2 use would be an appropriate transitional zoning at this location.

The staff is of the opinion that rezoning from R-1C to PDP(GC) with a C-2 use of light construction service establishment is appropriate based on the following conclusions:

1. The proposed GC zoning with one C-2 use for a light construction service establishment with performance standards would be compatible with the surrounding land uses.
2. The proposed GC zoning with one C-2 use for a light construction service establishment with performance standards 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 to rezone from R-1C to PDP(GC) with a C-2 use of light construction service establishment, 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. Setbacks shall be per the PDP regulations.
3. Parking of commercial service vehicles is allowed on the property; however, no construction vehicles or equipment are allowed to be parked on the site.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from R-1C to PDP(GC) with a C-2 use of light construction service establishment, 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. Setbacks shall be per the PDP regulations.
3. ~~Parking of commercial service vehicles is allowed on the property; however, no construction vehicles or equipment are allowed to be parked on the site. (It is the staff's position that removal of this condition increases the intensity of the use; consequently, we believe the condition should remain.)~~
3. The petitioner shall connect to central water and sewer service. (Staff has no objections)

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2005-283 approving the petitioner's request to rezone from R-1C to PDP(GC) with a C-2 use of light construction service establishment, 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. Setbacks shall be per the PDP regulations.
3. Parking of commercial service vehicles is allowed on the property; however, no construction vehicles or equipment are allowed to be parked on the site.

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.