

STAFF REPORT

Planning & Zoning Commission: June 13, 2005

Board of County Commissioners: July 13, 2005

Board of County Commissioners: July 26, 2005

APPLICANT: Sun Fiberglass Pools Inc. **FILE NUMBER:** H-05-48

PURPOSE: Rezoning from R-1C (Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with Outside Storage and a Deviation from the Parking Standards

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: 0 AGAINST: 8

STAFF FINDINGS:

Surrounding Zoning

North: City of Brooksville
South: City of Brooksville
East: R-1C
West: City of Brooksville

Surrounding Land Uses

Single family
Undeveloped
Undeveloped
Vacant house

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1C to PDP(HC) with outside storage and a deviation from the parking standards. 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 and single family uses, and undeveloped parcels.
13. The petitioner requests to provide parking spaces at a rate of three (3) parking spaces per 1,000 square feet of building space, which is a deviation from the LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from R-1C to PDP(HC) with outside storage and a parking deviation in order to display and sell pools. The site has been developed with a single family dwelling. The petitioner is not proposing to expand the existing building. Commercial development will be required to comply with the applicable County LDRs.

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 staff has verified the parking requirement with the Zoning Administrator. The petitioner requested a reduction in the parking to 3 spaces per 1000 square feet because it was their understanding they would have to meet the construction service establishments standards in addition

to the retail sales standard of 5 spaces per 1000 square feet of floor area. Based on the description of the use clarified by the petitioner, the applicable parking standard would be for that of a construction service establishment; consequently, it appears that no reduction would be necessary. 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 petitioner requests to park three (3) commercial vehicles in the rear of the subject property. The parking of commercial vehicles and equipment associated with the permitted use of the property is allowed in the PDP(HC) zoning district. The Planning staff is of the opinion that if the request is approved, the location of the proposed commercial vehicle parking should be limited to the area shown in the plan provided.

The petitioner requests outside storage in the rear of the subject property. Any permitted and special exception uses from the C-4 zoning district specifically designated on the master plan are allowed in the PDP(HC) zoning district. Screened outside storage behind the building line as an accessory use is allowed in the C-4 zoning district. The petitioner proposes outside storage in the rear of the subject property. The Planning staff does not object to screened outside storage meeting the County LDRs.

The petitioner requests outside storage in order to display empty pool shells in the front of the subject property. The proposed display would not be characterized as outside storage and would be allowed in the PDP(HC) zoning district. The Planning staff is of the opinion that if the request is approved, the front yard pool display area should be limited to the area shown in the plan provided.

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 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 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.

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 zoning allowing C-2 uses would be an appropriate transitional zoning at this location.

The staff is of the opinion that rezoning from R-1C to PDP(HC) with outside storage is appropriate based on the following conclusions:

1. Highway commercial uses and outside storage with performance standards would be compatible with the surrounding land uses.
2. Highway commercial uses and outside storage 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(HC) with Outside Storage, 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. Outside display of pools shall be limited to the area designated on the master plan.
4. Screened outside storage is allowed in the rear of the subject property. Screening shall be required from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an 80% opacity standard. Such screening shall be located behind the building line and shall have a minimum height of 5' and a maximum height of 8'.
5. The parking area for customers shall be provided in the front of the property as designated on the master plan.
6. Parking for commercial vehicles shall be located in the southwest corner of the property as indicated on the master plan.

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(HC) with Outside Storage, 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.
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5. The parking area for customers shall be provided in the front of the property as designated on the master plan.
6. Parking for commercial vehicles shall be located in the southwest corner of the property as indicated on the master plan.

BCC ACTION:

The Board of County Commissioners voted 4-0 to postpone the petitioner's request to rezone from R-1C to PDP(HC) with Outside Storage to the July 26, 2005 BCC meeting at 10 a.m.

ADDITIONAL INFORMATION:

The BCC questioned whether the proposed use would be allowed in the PDP(OP) zoning district. The Zoning Administrator has reviewed the petitioner's submittal, dated July 18th, describing the intended use. The Zoning Administrator has determined the proposed use is a light construction service establishment, requiring C-2 zoning. If the BCC is of the opinion PDP(HC) zoning, allowing all C-2 uses, is too intense for the area, the BCC could consider PDP(GC) with a specific C-2 use of light construction service establishment. PDP(GC) allows all of the C-1 uses. The outside storage requested would not be allowed in this zoning category per the LDRs.

The LDRs indicate the PDP(OP) zoning district allows all permitted uses in the OP district and any permitted and special exception use from the C-1 zoning district, which have been specifically designated in the narrative or on the master plan. The LDRs do not allow the approval of PDP(OP) with a specific C-2 use.