

STAFF REPORT

Planning & Zoning Commission: October 10, 2005

Board of County Commissioners: November 9, 2005

APPLICANT: Georgios and Vasiliki Klonaridis **FILE NUMBER:** H-05-92

PURPOSE: Rezoning from C-1 (General Commercial) and R-1B (Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with Outside Storage

GENERAL

LOCATION: East side of Howell Avenue, approximately 200' north of Chatfield Drive

LEGAL

DESCRIPTION: A portion of Lots 2, 3, 4 and 9, Block A, Northbrook Subdivision, as per plat thereof recorded in Plat Book 6, Page 57, of the Public Records of Hernando County, Florida in Section 14, Township 22 South, Range 19 East

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-1
South: R-1B
East: C-1, R-1B
West: AR, C-3

Surrounding Land Uses

Commercial
Commercial
Single family
Single family, mobile home

SUMMARY OF REQUEST

The petitioner requests to rezone from C-1 and R-1B to PDP(HC) with outside storage. The subject property is located on the east side of Howell Avenue, approximately 200' north of Chatfield Drive.

FACTUAL INFORMATION

1. The property is currently zoned C1 and R-1B.
2. The property comprises approximately three-quarters of an acre.
3. The petitioners are operating their appliance service business from a building on the site.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Howell Avenue.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The City of Brooksville indicates the subject property is in the city's "First Right to Serve Area." Central water and sewer are available to serve the project.
11. There are adequate public facilities available to serve the subject property.
12. The area contains single family and mobile home residential and commercial uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from C-1 and R-1B to PDP(HC) with outside storage. The petitioner repairs appliances. The County Development Department has classified the land use as a C-1 use of domestic repair service establishment. The petitioner has been storing the appliances outside in the back yard. The petitioner has been cited by Code Enforcement for operating a business inconsistent with the property's zoning. The Zoning Administrator has indicated the zoning required to operate the business and continue to store the appliances outside is PDP(HC) with outside storage. The petitioner proposes covering the storage area with an awning and erecting a fence around the storage area. The Zoning Administrator has clarified that appliances stored outside, even if shielded by an awning and a privacy fence, is classified as outside storage. The PDP rules would allow approval of a PDP(GC) the additional C-2 use of outside storage.

If the request is approved, the applicable commercial development standards will have to be met. The existing building is nonconforming with regards to setbacks.

The deed restrictions for the Northbrook subdivision indicate that, except for Lot 2, the lots are to be used for residential purposes only. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of a neighborhood.

The City of Brooksville indicates the subject property is in the city's "First Right to Serve Area." Central water and sewer are available.

The County Engineer has no comments regarding the request.

FINDINGS OF FACT

The area contains single family and mobile home residential and commercial uses. Parcels zoned C-1 are located to the north and east. The parcel to the south is partially zoned C-1 and R-1B. Commercial businesses are located to the north and south. A single family house is located to the west on property zoned AR. A mobile home is located to the west on property zoned C-3.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses allowed with performance conditions include multifamily housing up to 16 units acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities. The request is for neither neighborhood commercial nor commercial extending from a commercial node.

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 the strip commercial areas 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. The subject property is located in an area containing multiple parcels zoned C-1.

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 Planning staff is of the opinion that zoning allowing highway commercial uses and outside storage is more intense than the existing general commercial and single family residential zoning in the area. The Planning staff is of the opinion that

rezoning the R-1B portion of the property to C-1 is appropriate, given the existing C-1 zoning in the surrounding area.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located in an area zoned for and characterized by single family residential development. The Planning staff is of the opinion the proposed highway commercial zoning with outside storage would be an encroachment of an incompatible use destructive to the character and integrity of the residential environment.

The Planning staff is of the opinion that rezoning the subject property from C-1 and R-1B to PDP(HC) with outside storage would not be appropriate, but rezoning from C-1 and R-1B to C-1 would be appropriate, based on the following conclusions:

1. The proposed PDP(HC) with outside storage zoning would encroach into an established residential and general commercial area.
2. The proposed PDP(HC) with outside storage zoning is too intense in this area containing parcels zoned C-1 and R-1B.
3. PDP(HC) with outside storage zoning is not consistent with the County's adopted Comprehensive Plan and is not compatible with the surrounding land uses.
4. General commercial zoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

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 rezoning from C-1 and R-1B to C-1, 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.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving rezoning from C-1 and R-1B to C-1, 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. All appliances shall be kept inside. [The staff is of the opinion that this condition is redundant and unnecessary]

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2005-328 approving rezoning from C-1 and R-1B to C-1 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.