

Board of County Commissioners

Agenda Request

Date of Meeting: August 4, 2008

Date Submitted: July 18, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Lindsay Stevens, Assistant County Administrator
Somerset Strickland, Assistant Planner

Subject: Application for Site Plan SP08-01
(Claude S. & Lillian L. Brown, owner)

Statement of Issue:

This agenda item provides the Board with an Application for Site Plan SP08-01 on a parcel located at 113 Rehwinkle Road.

Background:

This application requests a commercial site plan for an existing commercial business within a residential zoning district. This property is a 0.99+/- acre parcel located at 113 Rehwinkle Road, also known as Lots 5, 6 and 7 of Block 20 and Lots 8,9, and 10 of Block 21 of Greiner's Addition Subdivision (Attachment #1).

It should also be noted that the Subject Property was previously noticed by the Division of Code Enforcement for exceeding the maximum number of commercial vehicles on residential property and utilizing an un-permitted driveway in 2006 (Attachment #2). After receiving the notice, the owner closed the rear entrance to the Subject Property and constructed a 6 foot privacy fence. In May of 2008, a second notice from Code Enforcement indicated that several complaints were received regarding the number of commercial vehicles and the use of the residential garage for commercial purposes (Attachment #3).

Technical Review Committee (TRC):

On June 19, 2008, the application was reviewed. The applicant was not available to attend and was notified by phone that additional items were required to complete the file. The applicant was required to provide additional information regarding the number of employees and hours of operation. Also, the applicant was required to revise the site plan provided to include the existing privacy fence, landscaping and parking. These items were submitted by the required deadline.

Planning Commission:

On July 14, 2008, the Commission reviewed the request. The applicant

spoke to explain the circumstances of his business and explained that no work was actually conducted on site. The next door neighbor spoke and explained to the Commission that he had never experienced any problems with the business. No other citizens spoke regarding this application. The Commission made a motion to recommend approval, without conditions, which passed unanimously with all in favor.

Analysis:

Comprehensive Plan:

The Future Land Use Map (FLUM) designation for the property is Urban 1. Urban 1 allows for residential density of 1 dwelling unit per acre of land, without connection to central water and sewer service. Commercial development under the Urban 1 land use is limited to a Floor Area Ratio (FAR) of 0.15 where sewer and water connections are not available (Attachment #4).

Land Development Code:

The current zoning district for the property is RMH-1 (Residential Mobile Homes), Restricted. This zoning district allows for the construction of single family, site built homes and the installation of mobile homes. Additionally, this entire subdivision was rezoned in 1993 to restrict the use of mobile homes. Ordinance #93-13 requires that all mobile homes must be new at the time of installation and must be a minimum of 1,240 square feet (Attachment #5). The RMH-1 zoning district allows for residential density of 5 dwelling units per acre of land (Attachment #6). Commercial uses are generally not permitted within the RHM-1 zoning district.

Site Conditions:

The FEMA flood zone designation for the property is zone "C". Zone "C" is an area of minimal flooding, and usually does not require flood insurance by mortgage lenders. Water service is provided by the City of Sopchoppy and sewage is contained by an on-site septic system.

The Subject Property currently contains a 2-story, single family residence, a 2-car residential garage and a 6 foot privacy fence contained within 6 lots (Attachment #7). The 2-car garage is currently being used to serve the business. Staff completed a site visit on June 24, 2008. No environmentally sensitive areas are located on-site.

Adjacent Parcels:

Abutting parcels are also zoned RMH-1, Restricted, which allow for the same density and permissible uses as discussed above (Attachment #8). All lots within the Greiner's Addition Subdivision are subject to Restrictive Zoning Ordinance # 93-13. While some lots

within Greiner's Addition do contain mobile homes, others contain site built, single family dwellings.

Compatibility: This property's current RMH-1, Restricted zoning district is consistent with the Urban 1 Future Land Use designation. This subdivision is zoned for residential purposes. Section 6-19 of the Wakulla County Code permits the storage of one commercial vehicle per household, however, it prohibits the storage of materials used for commercial purposes (Attachment #9).

Public Notification: This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. The Planning Department also posted appropriate signage on the property indicating the site plan request. The Code does not require written notice to adjacent property owners for requests of this type. To date, the Planning Department has not received any written responses to the notice.

The advertisement for this public hearing appeared in the Wakulla News on June 26, 2008 (Attachment #10).

Additional Issues: Staff consulted with the Tax Collector's Office and learned that an Occupational License was issued for Brown's Insulation on April 12, 1995. To obtain an Occupational License, the applicant must first obtain an approved Application for Occupational License from the Department of Planning and Community Development. During that process, staff determines if the proposed business is consistent with the zoning and land use for that property is which the business will be operating. If the business is operated from a residential homesite and the physical work is done outside of the home, then the Application for Occupational License may be approved with conditions. These conditions always include: No signs, customers or employees at the residence and only one commercial vehicle.

Currently, the business employs 9 people, including 2 owners, Claude and Lillian Brown, who reside on the Subject Property. Seven parking spaces are located between the garage and the privacy fence.

The garage is used to store materials and tools for the insulation business and was permitted as a residential garage in 1996; however, a final Certificate of Occupancy was not issued until 2001. Some materials are delivered directly to the job sites, while others are delivered to the Subject Property. The business operates between the

hours of 7:00 AM to 5:00 PM. The business service is physically conducted off-site at various locations consisting of new homes and commercial structures. The Subject Property is primarily used for conducting business affairs, storage of tools and materials and a meeting place for employees to gather before beginning the work day.

After complaints were made to Code Enforcement, the applicant was required to request approval from the Board of County Commissioners to continue the use at the Subject Property for business purposes until the applicant could make other arrangements.

Options:

1. Conduct the final public hearing and approve the Application for Site Plan SP08-01, based upon the recommendation of the Planning Commission and the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
2. Conduct the final public hearing and approve with conditions of Application for Site Plan SP 08-01, based upon the Planning Department's recommendation and the findings of fact and conclusions of law made by the Planning Commission and any evidence submitted at the Hearing hereon.
3. Conduct the final public hearing and deny the Application for Site Plan SP 08-01 based on the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
4. Board Direction.

Recommendation:

- Option #2** Staff recommends approval with conditions of Application for Site Plan SP 08-01. It should be noted that staff's recommendation differs from the Planning Commission's recommendation. This business has been in operation for 13 years in this location. Staff notes that this is a non-conforming use and exceeds the limits of the Code. The Applicants have been responsive to the requests and concerns posed to them by Code Enforcement. In an effort to alleviate issues of additional truck traffic on the residential roads, the Applicant closed the rear access to the Subject Property. Additionally, the Applicant constructed a 6 foot privacy fence to provide a buffer between the adjacent residence and the Subject Property. Staff recognizes that requiring the Applicant to abruptly relocate may pose a hardship on the Applicant. Therefore, staff recommends that conditions be placed on approval of Site Plan SP 08-01. Recommended conditions include:
- Maximum of 5 vehicles may be located on-site during business hours, *excluding* personal vehicles of the Subject Property owner.
 - All employee vehicles and business vehicles must be parked to the rear of the

- residence and out of site of the roadway and adjacent neighbors.
- No signs may be placed on the Subject Property advertising the business services.
 - Hours of operation are limited to 7:00 AM to 5:00 PM.
 - No deliveries, shipments, transactions, customers or business services may be provided or occur on-site.
 - An As-Built survey must be provided to the Planning and Community Development Department for the Subject Property within 90 days of approval.
 - This business may continue to operate from the Subject Property for 5 years, effective the date of this approval. At that point in time, the business must be relocated or be revisited by the BOCC for continuance.
 - Should the above provisions be violated, the Board reserves the right to reconsider the approval of Site Plan SP08-01.
 - Any other conditions that the Board deems necessary.

Attachment(s):

1. Location Map
2. First Code Enforcement Notice
3. Second Code Enforcement Notice
4. FLUM Policy 1.2.5
5. Restrictive Zoning Ordinance #93-13
6. Section 5-43, LDC
7. Site Photos
8. Tax and Zoning Maps
9. Section 6-19, LDC
10. Advertisement
11. Site Plan

[LS/ss]