

**STAFF REPORT**

Planning & Zoning Commission: November 18, 2002  
Board of County Commissioners: December 11, 2002

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**APPLICANT:** High Point Community Property Owners, Inc. **FILE NUMBER:** H-02-42

**PURPOSE:** Master Plan Revision to redesignate a mobile home lot to an emergency access

**GENERAL LOCATION:** East side of Eastern Circle Drive, approximately 460' south of Tower Street and approximately 310' north of Fairway Avenue

**LEGAL DESCRIPTION:** Lot 70, Block 42, High Point Mobile Home Subdivision, Unit 6, as per plat thereof recorded in Plat Book 12, Page 117, of the Public Records of Hernando County, Florida in Section 29, Township 22 South, Range 18 East

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0 LETTER OF CONCERN: 1

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(MH)	Mobile home
South: PDP(MH)	Mobile home
East: AR-2	Church
West: PDP(MH)	Mobile home

**SUMMARY OF REQUEST**

The petitioner requests a master plan revision to redesignate a mobile home lot to an emergency access. The subject property is located on the east side of Eastern Circle Drive, approximately 460' south of Tower Street and approximately 310' north of Fairway Avenue.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(MH).
2. The property comprises approximately 6,000 square feet.
3. The subject property is undeveloped.
4. The subject property has access from Eastern Circle Drive.
5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sands. The soils and habitat are suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site development.

7. The property is located in a flood zone C.
8. The subject property contains a WHPA 2, but no wetlands or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The subject property is located within a mobile home park and is adjacent to a rural residential neighborhood.
12. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner requests a master plan revision to redesignate a mobile home lot to an emergency access in the High Point Mobile Home Subdivision. The petitioner indicates that the proposed emergency access would remain closed except under emergency conditions. The petitioner indicates these emergency situations would include such scenarios as blockage at High Point's primary access on Cortez Boulevard, or other crisis situations. The narrative indicates the fence along Weeping Willow Street would be modified to allow installation of a rolling gate made of the same chain link fence type and height.

The proposed emergency access is located between Eastern Circle Drive, a paved two-lane roadway located within High Point, and Weeping Willow Street, a two lane paved roadway located adjacent to High Point's eastern boundary. The proposed location is located approximately six-tenths of a mile from the Weeping Willow Street/Cortez Boulevard intersection. Automobile traffic can be distributed also via multiple east-west roadways providing access from Weeping Willow Street to Sunshine Grove Road.

The site plan indicates a 20' x 100' paved access drive located between Eastern Circle Drive and Weeping Willow Street, with grassed landscaping on the north and south sides. The County Engineer has reviewed the proposal, has determined that the sight distances at this location are acceptable and has no objections. The petitioner has requested no variances; if the request is approved, the access drive will have to be designed to meet the base and pavement standards for local streets in the facilities design guidelines.

The County's data sources show the subject property is within a WHPA 2 as designated by the Groundwater Protection Ordinance (GPO). The proposed use is not prohibited within a WHPA 2.

### **FINDINGS OF FACT**

The subject property is located within a residential land use classification. Land uses allowed in the residential category include single family residential densities up to 5.4 units/acre, resort residential and ancillary land uses such as recreation, churches and community centers.

The subject property is located within a mobile home park and is adjacent to a rural residential neighborhood. A church is located to the east of the subject property.

Eastern Circle Drive and the other roadways within the High Point mobile home subdivision are public roadways. The proposed access drive will be on private property and will not function as a public road. If approved, the access drive will only be used during emergency situations.

The Transportation Coordinator has indicated that Weeping Willow could accommodate any additional traffic resulting from this proposed emergency access.

High Point contains approximately 1,873 platted lots. The petitioner indicates in the narrative that approximately 200 lots in High Point have yet to be developed. Currently, High Point has one point of ingress and egress, via High Point Boulevard. The Planning staff is of the opinion that the provision of a secondary/emergency access for a residential development of this size is important for the safety of the residents.

It is the staff's opinion that redesignating the mobile home lot for an emergency access would not be detrimental to the surrounding area with the appropriate performance conditions.

**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 Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use, which may include review by the Development Review Committee (DRC).**

**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 for a master plan revision to redesignate a mobile home lot to an emergency access 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, including review of the proposed use through the DRC process.
2. The emergency access shall meet base and pavement standards for local streets in the facilities design guidelines.
3. The access shall be gated except for use during emergency situations.

#### **P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a master plan revision to redesignate a mobile home lot to an emergency access with the following unmodified 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, including review of the proposed use through the DRC process.
2. The emergency access shall meet base and pavement standards for local streets in the facilities design guidelines.
3. The access shall be gated except for use during emergency situations.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution #2002-318 approving the petitioner's request for a master plan revision to redesignate a mobile home lot to an emergency access 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, including review of the proposed use through the DRC process.
2. The emergency access shall meet base and pavement standards for local streets in the facilities design guidelines.
3. The access shall be gated except for use during emergency situations.