

STAFF REPORT

Planning & Zoning Commission: December 8, 2003

Board of County Commissioners: January 14, 2004

APPLICANT: Richard J. Zarcone **FILE NUMBER:** H-03-69

PURPOSE: Rezoning from C-1 (Commercial) to R-1B (Residential) or PDP (SF)/(Single Family) with a reduction in setbacks

GENERAL

LOCATION: East side of Shoal Line Boulevard, approximately 510' south of Hermosa Boulevard

LEGAL

DESCRIPTION: Lot 15, Block 103, Gulf Coast Retreats, Unit 8, as per plat thereof recorded in Plat Book 7, Page 23, of the Public Records of Hernando County, Florida in Section 13, Township 23 South, Range 16 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0
PETITION IN FAVOR: 1 with 84 signatures

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C-2 (w/special exception)	Undeveloped
South: C-1	Undeveloped
East: C-1, CV	Canal, Weeki Wachee Preserve
West: PDP(MF)	Residential

SUMMARY OF REQUEST

The petitioner requests to rezone the subject property from C-1 to R-1B. The Planning staff has also advertised for PDP (SF) with a reduction in setbacks for BCC consideration. The subject property is located on the east side of Shoal Line Boulevard, approximately 510' south of Hermosa Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned C-1.

2. The property comprises approximately a quarter-acre.
3. The site is currently undeveloped.
4. The subject property has access from Shoal Line Boulevard.
5. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
6. The Hernando County Soil Survey indicates the onsite soil type is Udalfic Arents-Urban land complex. This is dredge and fill material from when the canals were dug. It is typically comprised of a variable mixture of sand, clay and rock fragments with variable permeability suitable for dwellings without basements.
7. The property is located in flood zone A10 (EL 12).
8. The subject property contains a SPA, but no wetlands or WHPAs, 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 development on the subject property.
11. The area is characterized by single family homes, commercial uses, conservation uses and undeveloped lots.
12. The staff included PDP(SF) to the request for consideration which has a greater setback requirement than the R-1B district. For this reason, the staff included a reduction in setback to the request.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from C-1 to R-1B in order to develop the lot with a single family home.

The petitioner proposes setbacks consistent with the R-1B zoning district for lots created prior to 1972 which front on streets with a waterway to the rear, and have less than the required 75' lot width at the building line. The petitioner is proposing a 40' setback from Shoal Line Boulevard, 7' side setbacks and 15' rear. The PDP(SF) zoning district has minimum setback requirements of front: 25', side: 10', rear: 20'.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property is located within the Coastal High Hazard Area, however it is not located within the V-zone. The site is located in flood zone A-10, with a required elevation of 12'. The County's flood regulations would allow the development to occur, with elevated structures, provided the zoning was appropriate. Policy 5.04(B)(1) requires that evacuation roadways within the coastal zone should be able to remove evacuation traffic in a design period of 8 hours. In 1998, a time estimate was prepared for evacuation from the gulf beach communities. The population based on the number of platted residential lots in each area of the gulf beach communities were utilized. From these numbers, an evacuation estimate for each area was calculated. The study revealed that each area could be evacuated in slightly over 4 hours.

The County Engineer reviewed the request and had no comments.

According to County data resources, the subject property lies within a SPA associated with a former mining area. The proposed land use with central services is allowable within this designation.

The Hernando County School Board indicates it has no objection to the request, as the proposed rezoning will not impact the student population of the school district.

SWFWMD and the Gulf Coast Conservancy have been notified of the petition; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by a mixture of residential, commercial uses, conservation uses and undeveloped lots.

The property located to the west of Shoal Line Boulevard, comprising approximately 1.5 acres, was rezoned from C-1 to PDP(MF) in 1998 and has been partially developed with villa-type homes. This MF project was approved for 18 villa lots with a unified plan for development which included common areas, common access to Shoal Line Boulevard, and enhanced buffering.

Policy 1.01Q(2) of the adopted comprehensive plan indicates that single family development should have points of access onto the arterial or collector road system, but should have no residential driveways connecting directly to that system. If the petitioner's request for R-1B is approved, the driveway would be located directly on Shoal Line Boulevard which is designated as a major collector. As proposed, the request would not be consistent with this provision in the adopted comprehensive plan regarding driveway location for single family development.

Policy 1.01Q(5) states that single family development which encroaches upon mining, commercial, industrial or other incompatible land uses should only be allowed through a planned development project approval which addresses access, buffers and purchaser notification. The subject property is located within a strip of land along the east side of Shoal Line Boulevard which is zoned predominately C-1 and C-2. The application as submitted includes one individual lot, 67' x 142', and is not part of any unified planned development concept for residential development. It is the staff's opinion that rezoning a single lot to R-1B within this commercial strip would not be consistent with the adopted comprehensive plan.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The mapping criteria indicates that residential units may be allowed within the commercial land use classification; however, all of the related comprehensive plan policies must be considered in making the determination. Based on the character of the area, the fact the request includes only a single lot and is not part of a unified plan, the location of the lot is along a major collector, it is the staff's opinion that the request to rezone to R-1B is not consistent with the adopted comprehensive plan.

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, 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 deny the petitioner's request to rezone from C-1 to R-1B.

P&Z ACTION:

The Planning and Zoning Commission voted 4-1 to deny the petitioner's request to rezone from C-1 to R-1B.

NOTE:

The minimum side setback for a commercial lot abutting a commercial lot is 20'. The minimum side setback for a commercial lot abutting a residential lot is 35'. If the subject property is rezoned to R-1B, the minimum side setback on the adjacent commercial lot to the north would become 35'. Three (3) members of the P&Z indicated that they were concerned about approving the rezoning to R-1B because of the potential impact to the adjacent commercial properties with regards to an increase in the setback requirement. These members further indicated that if there was no impact, they would not be opposed to the rezoning.

There is a 50' county drainage area located immediately to the south of the subject property. The petitioner owns the southern ½ of lot 14 which is immediately adjacent to the north of the subject property. Lot 14 is zoned C-2 with a special exception use permit for outside storage. Attached is a drawing labeled Exhibit "A" which depicts the ownership pattern. If the request is approved on the subject lot, it should be noted that the commercial lot to the north is currently under the petitioner's ownership.

Subsequent to the P&Z meeting, the Planning Staff obtained a copy of a variance issued on multiple lots in Gulf Coast Retreats, which include the subject property and the adjacent lot 14. The side setbacks were reduced to 10' on the lots included within the variance. Pursuant to the County's LDRs, the variance runs with the land; consequently, the adjacent commercial lot would have a 10' side setback regardless of the zoning of the subject property.

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2004-20 approving the petitioner's request to rezone from C-1 to PDP(SF), with the following performance conditions: