

STAFF REPORT

Planning & Zoning Commission: January 12, 2004
Board of County Commissioners: February 11, 2004

APPLICANT: High Point Community Property Owners, Inc. **FILE NUMBER:** H-04-01

PURPOSE: Master Plan Revision to Redesignate a Lot from PDP(MH)/(Mobile Home) to PDP(SU)/(Special Use) to Allow Golf Cart Parking, Associated Shelter and a reduction in the parking standard

GENERAL

LOCATION: East side of Highpoint Boulevard, south side of Fairlane Avenue

LEGAL

DESCRIPTION: Lot 1, Block 3, High Point Mobile Home Subdivision, Unit 1, as per plat thereof recorded in Plat Book 10, Page 99, 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.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(MH)
South: C-2
East: PDP(MH)
West: PDP(MH)

Surrounding Land Uses

Mobile home
Commercial
Mobile home
Mobile home

SUMMARY OF REQUEST

The petitioner requests a master plan revision to redesignate a lot from PDP(MH) to PDP(SU) to allow golf cart parking, an associated shelter and a reduction in the parking standard. The subject property is located on the east side of Highpoint Boulevard and on the south side of Fairlane Avenue.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MH).
2. The property comprises approximately 0.15 acre.

3. The site is currently undeveloped.
4. The subject property has access from Highpoint Boulevard and Fairlane Avenue.
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 sand. Candler fine sand provides a habitat 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 alterations.
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 area is characterized by a mobile home subdivision and commercial uses.
12. The petitioner has proposed a mulched parking lot, which is a deviation from the County's parking standards.

STAFF DISCUSSION

The petitioner proposes rezoning the subject property from PDP(MH) to PDP(SU) in order to allow the residents of the High Point Mobile Home Subdivision to park their golf carts while utilizing the County's bus service. The petitioner proposes developing the site with a mulched parking area. A paved driveway is located on the lot; otherwise, the property is undeveloped.

The County intends to locate a 10.8' x 4.6' bus shelter either on the property or on the right-of-way adjacent to it to accommodate residents awaiting the bus. If the request is approved and the site is developed with a bus shelter, the shelter structure will have to comply with the County building standards. The Planning staff would not object to 0' setbacks for the shelter structure.

The plan provided indicates the existing paved driveway on Fairlane Avenue will be utilized. The plan indicates the parking spaces for the golf carts will be located east and south of the existing driveway. The narrative provided indicates approximately twenty-five (25) golf carts can be

accommodated on the property. The Planning staff is of the opinion that if the request is approved, the setbacks for the parking area should be 20' from the north and east lot lines and 10' from the west and south lots lines.

A hedge is currently located near the eastern lot line. The Planning staff is of the opinion that a minimum 5' vegetated buffer should be provided along the east and north lot lines to mitigate the visual impact of the proposed use on the adjacent residential lots.

Although the County LDRs do not specifically address golf cart parking lots, the parking standards for automobiles would require the parking area be paved. The Planning staff does not object to the request for the parking area to be mulched, as the parking will be utilized by golf carts only. However, the Planning staff is of the opinion that if the request for an unpaved parking area is approved, and the parking demand is such the mulch, grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator.

The subject property lies within a WHPA-2 for a public supply well. The proposed land use is allowed within this designation.

FINDINGS OF FACT

The area is characterized by a mobile home subdivision and commercial uses.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses that may be allowed in this category, meeting the goals, objectives and policies of the Comprehensive Plan, include single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. The proposed use is to be utilized by occupants of the High Point Mobile Home Subdivision.

Objective 2.06A indicates that support for the provision of transportation services to the transportation disadvantaged is to be maintained. The narrative provided indicates that the rezoning is requested in order to provide easier access to the County bus system to the residents of the High Point Mobile Home Subdivision, many of whom are unable or unwilling to drive an automobile. The Planning staff is of the opinion that the rezoning requested will provide transportation options to those not able to use an automobile.

The Planning staff is of the opinion that the request for a revision of the High Point master plan to redesignate a lot from PDP(MH) to PDP(SU) to allow golf cart parking, associated shelter and a reduction in the parking standard with performance conditions is appropriate, based on the following conclusions:

1. The proposed use will be not incompatible with the surrounding area and not inconsistent with the Comprehensive Plan.
2. The proposal will make the County's bus transit system more accessible to the members of the High Point Mobile Home Subdivision.

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 lot from PDP(MH) to PDP(SU) to allow golf cart parking, associated shelter and a reduction in the parking standard, 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 parking lot is for golf cart parking only.
3. Parking shall be limited to a maximum of twenty-five (25) carts.
4. The parking area may be surfaced with mulch, grass, lawn or other material, but if the parking demand is such the mulch, grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator.
5. Five foot (5') wide vegetative buffers shall be provided along the east and north lot lines.

6. The setbacks for the parking area shall be as follows:
 - From north: 20'
 - From east: 20'
 - From west: 10'
 - From south: 10'
7. The bus shelter may be placed on the property with 0' setbacks.
8. The petitioner shall provided a revised plan reflecting the performance conditions within 30 days of BCC approval or the rezoning shall be null and void.

P&Z RECOMMENDATION:

On January 12, 2004, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to redesignate a lot from PDP(MH) to PDP(SU) to allow golf cart parking, associated shelter and a reduction in the parking standard, 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, including review of the proposed use through the DRC process.
2. The parking lot is for golf cart parking only.
3. Parking shall be limited to a maximum of twenty-five (25) carts.
4. The parking area may be surfaced with mulch, grass, lawn or other material, but if the parking demand is such the mulch, grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator.
5. Five foot (5') wide vegetative buffers shall be provided along the east and north lot lines.
6. The setbacks for the parking area shall be as follows:
 - From north: 20'
 - From east: 20'
 - From west: 10'
 - From south: 10'

7. The bus shelter may be placed on the property with 0' setbacks. The shelter location shall be subject to review by the County Engineer so that its placement does not hinder roadway safety.
8. The petitioner shall provided a revised plan reflecting the performance conditions within 30 days of BCC approval or the rezoning shall be null and void.

BCC ACTION:

The Board of County Commissioners voted 3-1 to adopt Resolution #2004-40 approving the petitioner's request for a master plan revision to redesignate a lot from PDP(MH) to PDP(SU) to allow golf cart parking, associated shelter and a reduction in the parking standard, 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 parking lot is for golf cart parking only.
3. Parking shall be limited to a maximum of twenty-five (25) carts.
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7. The bus shelter may be placed on the property with 0' setbacks. The shelter location shall be subject to review by the County Engineer so that its placement does not hinder roadway safety.
8. The petitioner shall provided a revised plan reflecting the performance conditions within 30 days of BCC approval or the rezoning shall be null and void.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD AND THE APPROVAL CONDITIONS BY THE BCC.