

**STAFF REPORT**

Planning & Zoning Commission: January 10, 2005  
Board of County Commissioners: February 9, 2005

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**APPLICANT:** Douglas Flynt, Julie Flynt and Flynt Brothers, a Florida General Partnership  
**FILE NUMBER:** H-04-59

**PURPOSE:** Rezoning from R-1A (Residential) to PDP(RR)/Planned Development Project (Resort Residential) with a Reduction in Setbacks and a Deviation from the Lot Size Standard

**GENERAL**

**LOCATION:** East side of Shoal Line Boulevard, approximately 380' south of Patterson Drive

**LEGAL**

**DESCRIPTION:** Lots 20 and 21, WeekiWachee Gardens, as per plat thereof recorded in Plat Book 6, Page 19, of the Public Records of Hernando County, Florida in Section 32, Township 22 South, Range 17 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: R-1A  
South: R-1A  
East: R-1A  
West: R-1A

Surrounding Land Uses

Single family, canal  
Single family, mobile home, canal  
Single family, mobile home, canal  
Single family, canal

**SUMMARY OF REQUEST**

The petitioner requests to rezone from R-1A to PDP(RR) with a reduction in setbacks and a deviation from the lot size standard. The subject property is located on the east side of Shoal Line Boulevard, approximately 380' south of Patterson Drive.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1A.

2. The property comprises approximately 8,138 square feet.
3. The site is currently undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Shoal Line Boulevard.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The Hernando County Soil Survey indicates the on-site soil type is Arents-Urban land complex.
8. The property is located in a flood zone AE and VE.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial, single family and mobile home residential uses, and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from 25' to 16.11' from the front lot line, from 10' to 7.65' from the side lot line and from 20' to 15' from the rear lot line, which are deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone the subject property from R-1A to PDP(RR) in order to develop two lots, each with a single family house to be used as a residence and to be rented seasonally. Permitted uses in the R-R resort residential zoning category include resort dwellings, single family dwellings, two-family dwellings, multifamily dwellings containing up to twelve (12) dwelling units, bed and breakfast establishments and community residential homes with six (6) or fewer residents.

The Planning staff observed an RV on the site during their visit to the site. The Development Department has issued a permit for a travel trailer on the western lot; the permit expired in November 2004.

The petitioner proposes setbacks as follows: 16.11' front, 7.65' side and 15' rear. The minimum setbacks for residential PDPs are as follows: 25' front, 10' side and 20' rear. The required minimum setbacks are 20' front, 7' side, 15' rear for R-R zoned lots created prior to the adoption of the original LDRs, not meeting the required lot width at the building line and with a waterway to the rear. The Planning staff is of the opinion that if the request is approved, the minimum setbacks consistent with the R-R zoning district are appropriate. The Planning staff is of the opinion the proposed 16.11' setback from Shoal Line Boulevard is not appropriate along a collector roadway.

The subject property is located on a canal. The canal is located at the rear of the property. The Riverine Protection Ordinance requires a minimum 15' buffer from the canal (or top of the seawall).

The LDRs indicate the petitioner would be required to obtain an occupational license within Hernando County for the proposed resort use.

The lots are located in flood zones AE; a small portion of the western lot is located in zone VE. Houses built on the lots will be required to comply with the flood elevation regulations.

The subject property has access from Shoal Line Boulevard. Shoal Line Boulevard is a collector roadway. The County Engineer indicates there should be a maximum of two (2) access points on Shoal Line Boulevard and the access shall be designed so that no car backs out onto the roadway.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. If the request is approved, the development shall be served by central water and sewer per the LDRs.

The Hernando County School Board was not available to provide comments prior to report finalization due to the winter break.

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

### **FINDINGS OF FACT**

The area is characterized by commercial, single family and mobile home residential uses, and undeveloped parcels. Single family homes are located on the lots adjacent to the subject property. The Weeki Wachee Marina is located approximately 250' southwest of the subject property on a parcel zoned CM-1. An auto repair shop and a restaurant are located approximately 75' to the northeast. Rogers Park is located approximately 350' to the northeast of the subject property. The Planning staff is of the opinion the proposed resort residential zoning is appropriate given the mix of commercial, residential and recreational uses in the area.

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 classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers.

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 development. The Planning staff is of the opinion that resort residential development is appropriate in this area characterized by a mixture of commercial, residential and recreational uses.

The Planning staff is of the opinion that the request to rezone from R-1A to PDP(RR) with a reduction in setbacks is appropriate, with performance conditions, based on the following conclusion:

1. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan and is compatible with the existing uses in the area subject to compliance with all performance conditions herein.

**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.**

**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 to rezone from R-1A to PDP(RR) with a reduction in setbacks, 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.
2. The setbacks shall be as follows:  
Front: 20'    Side: 7'    Rear: 15'

3. The access shall be designed so that no car backs out onto the roadway.
4. The petitioner shall provide a revised plan within 30 days of the BCC hearing or the rezoning shall be null and void.

**P&Z RECOMMENDATION:**

On January 10, 2005, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from R-1A to PDP(RR) with a reduction in setbacks, 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, and complete all applicable development review processes.
2. The setbacks shall be as follows:  
Front: 20' Side: 7' Rear: 15'
3. The access shall be designed so that no car backs out onto the roadway.
4. The petitioner shall provide a revised plan within 30 days of the BCC hearing or the rezoning shall be null and void.

**BCC ACTION:**

On February 9, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-40 approving the petitioner's request to rezone from R-1A to PDP(RR) with a reduction in setbacks, 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.
2. The setbacks shall be as follows:  
Front: 20' Side: 7' Rear: 15'
3. The access shall be designed so that no car backs out onto the roadway.
4. The petitioner shall provide a revised plan within 30 days of the BCC hearing or the rezoning shall be null and void.

**NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH 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.**