

STAFF REPORT

Planning & Zoning Commission: August 8, 2005
Board of County Commissioners: September 14, 2005

APPLICANT: Anthony D. Pedonesi **FILE NUMBER:** H-05-70

PURPOSE: Rezoning from R-2 (Residential) to R-1A (Residential)

GENERAL

LOCATION: East side of Coventry Court, approximately 150' south of Shoal Line Boulevard

LEGAL

DESCRIPTION: Lots 37 & 38, Weekiwachee Gardens, Unit 5, as per plat thereof recorded in Plat Book 7, Page 37A, of the Public Records of Hernando County, Florida in Section 29, Township 22 South, Range 17 East

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

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

Mobile home
Single family
Canal
Single family, mobile home

SUMMARY OF REQUEST

The petitioner requests to rezone from R-2 to R-1A. The subject property is located on the east side of Coventry Court, approximately 150' south of Shoal Line Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned R-2.
2. The property comprises approximately 10,000 square feet.
3. The site has been developed with a single family house.
4. The site contains specimen, but no majestic, trees.

5. The subject property has access from Coventry Court.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Arents-Urban Land Complex.
8. The property is located in a flood zone AE.
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 single family and mobile home residential uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from R-2 to R-1A in order to develop each of the two (2) lots with a mobile home on stilts. Although the narrative proposes manufactured homes, the petitioner has verbally clarified the proposal is for mobile homes. Mobile homes are allowed in the R-1A zoning district, but not in the R-2 zoning district. If the request is approved, the petitioner will have to meet the setbacks for the R-1A zoning district. The subject property appears to have adequate area to accommodate the setbacks.

In 1978, the BCC approved the rezoning of the subject property from R-1A to R-2 to allow the conversion of the single family house to a duplex.

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

The County Engineer has no comment. The Hernando County School Board has no comment.

Any new construction on the subject property will be required to retain a 15' vegetated buffer upland of the wetland line in accordance with the County's Riverine Protection Ordinance.

The Gulf Coast Conservancy has been notified of the request; no response has yet been received. SWFWMD has no comments regarding the request.

FINDINGS OF FACT

The area is characterized by single family and mobile home residential uses. The surrounding area is zoned R-1A.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The proposed use is allowed in the residential land use classification.

1. The uses allowed in the R-1A zoning district would be compatible with the surrounding area.
2. The requested rezoning is consistent with the County’s adopted Comprehensive Plan and the County’s land development regulations

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.

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-2 to R-1A, 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.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner’s request to rezone from R-2 to R-1A, 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.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2005-240 approving the petitioner's request to rezone from R-2 to R-1A, 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.