

# **Board of County Commission**

## **Agenda Request**

Date of Meeting: January 6, 2009

Date Submitted: December 12, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
Somerset Strickland, Assistant Planner

Subject: Application for Final Plat FP08-08  
Pines Storage Center, LTD, Owner/Edwin Brown & Associates, Agent

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### **Statement of Issue:**

This agenda item provides the Board with an Application for Final Plat on one lot located on the west side of Crawfordville Highway, north of Lonnie Raker Road.

### **Background:**

This application is a request to replat Lot 1 of Eddinger Properties Subdivision. The existing Lot 1 comprises 31.48+/- acres and contains an existing site-built, single-family dwelling. This request is to replat the existing lot into 2 lots, to be known as the Palms Paradise Subdivision. This property is located on the west side of Crawfordville Highway, north of Lonnie Raker Road (Attachment #1).

**Technical Review Committee (TRC):** On November 20, 2008, the application was reviewed and the agent was notified that a Title Opinion was required to complete the file. Additionally, a digital copy of the plat was requested. These items have been submitted.

**Planning Commission:** On December 8, 2008, the application was reviewed and the agent explained that this property was rezoned a few years back and that this replat would bring the division into compliance with the subdivision regulations. The Planning Commission made a motion to recommend approval, which passed unanimously with all in favor.

### **Analysis:**

**Comprehensive Plan:** The Future Land Use Map (FLUM) designation for the property is Rural 2. Rural 2 allows for a density of 1 dwelling unit per 2 acres of land, with connection to central water (Attachment #2).

**Land Development Code:**

The zoning districts for the property are C-2 (General Commercial) and AG (Agriculture). The C-2 zoning district allows for many commercial businesses. The AG zoning district allows for the construction of site-built, single-family dwellings, the installation of mobile homes and agricultural production activities. The AG zoning district allows for a density of 1 dwelling unit per 5 acres of land (Attachment #3).

**Site Conditions:**

The FEMA flood zone designation for the property is flood zone "C". Flood zone "C" is an area within the 500-year flood plain. No environmentally sensitive areas or wetlands exist on site.

Currently, the site contains one single-family dwelling. This structure was constructed in 1980. This request is to replat Lot 1 of Eddinger Properties Subdivision to create 2 new lots and allow the property owner to utilize the area zoned C-2 for additional storage facilities to serve the existing business (Attachment #4).

It should be noted that the Board of County Commissioners approved the rezoning of a 2.84+/- acre portion of the Subject Property from AG to C-2 on July 6, 2004 (Attachment #5).

Sewage will be contained by an on-site septic system and central water is provided by Wakulla County.

**Adjacent Parcels:**

Abutting parcels are zoned C-2 (General Commercial), AG (Agriculture) and RR-1 (Semi Rural Residential) (Attachment 5). The C-2 and AG zoning districts allow for the same permissible uses as discussed above. The RR-1 zoning district allows for the construction of site-built, single-family dwellings and the installation of mobile homes. The allowable residential density is 1 dwelling unit per acre of land. This residential area is known as the Riversink Estates Subdivision.

**Compatibility:**

This property's current C-2 and AG zoning districts are consistent with the Rural 2 FLUM land use requirements. The proposed lots are consistent with all applicable sections of the Code and Policies within the Comprehensive Plan.

**Public Notification:**

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. The Planning Department also posted appropriate signage on the property

indicating the final plat request. The Code does not require written notice to adjacent property owners for final plat applications. To date, the Planning Department has not received any written responses regarding this application.

The advertisement for this public hearing appeared in the Tallahassee Democrat on November 24, 2008 and again on December 9, 2008 (Attachment #6).

**Additional Issues:**

The Subject Property has "split zoning". This means that the Subject Property has two separate zoning districts assigned to one lot or parcel of land. The area approved for rezoning by the BOCC in 2004 was not properly subdivided pursuant to the Wakulla County Code or Chapter 177 of the Florida Statutes. Therefore, the Applicant was required to make this Application for Final Plat to rectify this issue.

The applicant originally requested a variance to the rear, double setback requirement, requesting a 30' setback from the proposed structure to the property line. Instead of moving forward with the Application for a Variance, the Property Owner decided to adjust the property boundary lines to provide for the requirements of a 50' setback from the proposed commercial structure to the property line, abutting a residential use. By doing so, the replat of Lot 1 of Eddinger Properties encompasses a very small strip of Agriculturally zoned land. This small sliver of land was included in the replat to allow the related proposed Site Plan SP08-17, sufficient room to achieve the required rear setbacks. The rear setback for C-2 zoning is 25'; however, when adjacent to residential zoning, the Wakulla County Code requires a double setback of 50'.

**Options:**

1. Conduct the final Public Hearing and approve the Application for Final Plat FP08-08, based upon the Planning Department's recommendation, the recommendation of the Planning Commission and the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
2. Conduct the final Public Hearing and deny the Application for Final Plat FP08-08, based on the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
3. Board Direction.

**Recommendation:**

**Option #1** Staff recommends approval of Application for Final Plat FP08-08. The proposed subdivision complies with all applicable regulations set forth in the Land Development Code and the Comprehensive Plan. Staff does not anticipate any adverse affects on adjacent properties, since the proposed replat will allow the related proposed site plan to comply with the required 50' setback between commercial and residential zoning districts.

**Attachment(s):**

1. Location Map
2. FLUM Policy 1.2.4
3. Section 5-38 and 5-25, LDC
4. Site Photos
5. Ordinance Number 2004-29
6. Tax and Zoning Maps
7. Advertisement
8. Final Plat

[LS/ss]