

# Board of County Commissioners

## Agenda Request

Date of Meeting: January 6, 2009

Date Submitted: December 18, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
Greg Kostis, Planner I

Subject: Application to Change Zoning R08-17  
(Tom Collinsworth, Jr., Paulene Cooper, Bryan Capelle, owners)  
(W. Crit Smith, agent)

---

### **Statement of Issue:**

This agenda item provides the Board with an Application to Change Zoning from R-1 (Single Family Residential) to RMH-1 (Mobile Home Residential) on two parcels located within the Donella Heights subdivision (Attachment #1).

### **Background:**

This application requests a zoning change from the existing R-1 (Single Family Residential) to RMH-1 (Mobile Home Residential). The Subject Property contains 3.4+/- acres. The Subject Property is located within the Donella Heights subdivision. The applicant is requesting the RMH-1 zoning district to place a mobile home on the Subject Property (Attachment #2).

### **Technical Review Committee:**

On November 20, 2008, the application was reviewed and the agent for the applicant was notified that a list of adjacent land owners within 500 feet and copies of the certified mail receipts to adjacent property owners would be required to complete the file. These items were submitted by the required deadline.

### **Planning Commission:**

Application R08-17 was presented to the Planning Commission at the December 6, 2008 Wakulla County Planning Commission meeting. A motion was made to recommend approval of application R08-17. The motion to recommend approval was seconded. Following discussion, a vote was called and the motion failed to pass, 1-4.

### **Analysis:**

#### **Comprehensive Plan:**

The current Future Land-Use designation for the Subject Property is Urban 1. The Urban 1 land-use is described in Section 1.2.5 of the Comprehensive Plan. Section 1.2.5 of the Comprehensive Plan allows for residential development at a density not to exceed two (2) units per acre where central sewer and water is available, and one (1) unit per acre where central water is available and soil tests determine suitability for septic tanks (Attachment #3).

**Land Development Code:** The current zoning of the Subject Property is R-1 (single-family residential district) which is described in Section 5-30 of the Land Development Code. Section 5-30 of the Land Development Code allows single-family dwellings at a density no higher than 5 dwellings per acre. However, mobile homes are not listed as a principal use in the RMH-1 zoning district.

The current application requests a zoning change to RMH-1. The zoning regulations for RMH-1 are located in Section 5-43 of the Land Development Code. In addition to single-family dwellings, mobile homes are also listed as a principal use in this section (Attachment #4).

**Site Conditions:** The Subject Property contains both Flood Zone "A" and Flood Zone "C". The "A" flood zone areas are within the 100-year flood plain. The "C" flood zone areas of the site lay within the 500-year flood plain.

Currently, the Subject Property is a contiguous pair of vacant lots in the Donella Heights Subdivision. There are no buildings associated with the Subject Property. The Subject Parcel has a lake on the east end of the property. The approximate edge of the lake, and the flood zones are indicated on the boundary survey of the Subject Property (Attachment #5).

**Adjacent Parcels:** The property immediately adjacent to the Subject Property on the west, north, and east sides of the property are zoned R-1. The property directly south of the Subject Property is zoned AG. The Subject Parcel is also in close proximity to properties zoned AG, RR5, and RMH-1 (Attachment #6).

However, the RMH-1 nearest Donella Heights is within Magnolia Gardens and has more stringent restrictions than other RMH-1 zoning districts in the County. The additional restrictions for the RMH-1 zoning district of Magnolia Gardens are located in Exhibit A of Wakulla County Ordinance No. 93-13. These restrictions include that only new mobile homes be installed, and that the homes must be a minimum of 1,240 square feet of living space (Attachment #7).

**Compatibility:** Mobile homes are allowed in AG zoning districts, RR-5 zoning districts, and RMH-1 zoning districts. All of these districts are in close proximity to the Subject Property. Also, there are currently other mobile homes in the area.

**Public Notification:**

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code, including Certified Mail notifications to adjacent property owners. Currently, the Planning Department has not received any written responses regarding this application. The advertisement for this public hearing was posted in the November 24, 2008 edition of the Tallahassee Democrat, and re-advertised in the December 9, 2008 edition of the Tallahassee Democrat due to the change of Board of County Commissioners hearing dates from Monday to Tuesday (Attachment #8).

**Additional Issues:**

The applicants have expressed that they were unaware that mobile homes are not permitted to be placed on the Subject Property prior to making their purchase of the land. The applicants purchased the Subject Property with the belief that mobile homes were allowed to be placed on the property.

Currently, there are other mobile homes adjacent to the Donella Height's subdivision, and one mobile home directly adjacent to the Subject Property within Donella Heights. The mobile home directly adjacent to the Subject Property is addressed as 70 Hines Street. The owners of this property received approval by the Board of County Commissioners in 2002 to continue a non-conforming use of a mobile home on their property. This approval was made to an Application for a Variance per application V01-01, and allowed for the continued use of a mobile home at 70 Hines Street, within the Donella Heights subdivision.

Furthermore, following the Planning Commission hearing, the applicant Paulene Cooper, brought additional items to the Planning Department and requested that they be provided to the Board of County Commissioners for the January 6, 2009 hearing. These items include: a copy of a water service agreement, a petition, a set of house plans, a copy of a letter from the Wakulla County Board of County Commissioners allowing a mobile home to be placed at 70 Hines Street (Hines Street is located within the Donella Heights subdivision), two sheets outlining how the applicants claim the property was advertised, a survey map, a plat map, and a letter from J.H. Hudson (Attorney at Law). These items have been provided in the attachments section (Attachment #9).

**Options:**

1. Conduct the second of two public hearings and approve the Application for Change of Zoning R08-17 based upon the findings of fact and conclusions of law made by the Board and any evidence submitted at the hearing hereon.

2. Conduct the second of two public hearings and approve, with conditions, the Application for Change of Zoning R08-17 based upon the Planning and Community Development Department's recommendation, and the findings of fact and conclusions of law made by the Board and any evidence submitted at the hearing hereon.
3. Conduct the second of two public hearings and deny the Application for Change of Zoning R08-17, based on the Planning Commission's recommendation and the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
4. Board Direction

**Recommendation:**

**Option #2.** Staff recommends approval of the Application for Change of Zoning R08-17 based upon the current conditions in the area, the hardship expressed by the applicant, the close proximity of zoning districts with similar allowable uses, and the findings of fact and conclusions of law made by the Board and any evidence submitted at the hearing hereon, subject to the following conditions:

1. Mobile homes shall be new at the time of installation.
2. Mobile homes shall consist of a minimum square footage of 1,240 square feet of living space.

Note: These conditions would create restrictions to the newly created RMH-1 zoning district that are consistent with the restrictions of the nearby RMH-1 zoning district within Magnolia Gardens.

Furthermore, should the Board desire to deny the zoning request, but desire to grant the Applicant some degree of relief, then allowing a mobile home to be placed upon the Subject Property by means of a variance, similar to the prior variance granted to 70 Hines Street, may be an option.

**Attachments:**

1. Application
2. Existing Plat
3. Section 1.2.5 of the Comprehensive Plan
4. Section 5-30 of the LDC and Section 5-43 of the LDC
5. Boundary Survey
6. Zoning Map
7. Wakulla County Ordinance 93-13
8. Proof of Notification
9. Additional Items Submitted by the Applicant.