

Board of County Commissioners

Agenda Request

Date of Meeting: May 5, 2009

Date Submitted: April 17, 2009

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 Change of Zoning R09-01 and Application for Preliminary Plat PP09-01
Pam and Terry Hodges, Property Owners/Edwin Brown and Assoc., Agent

Statement of Issue:

This agenda item provides the Board with an Application for Change of Zoning R09-01 and Application for Preliminary Plat PP09-01, on a parcel located in the northeast corner of Dispenette Drive and Shadeville Road.

Background:

This application requests approval for a Change of Zoning from R-3 (Multi-Family) to PUD (Planned Unit Development) to subdivide a 0.93+/- parcel into 8 residential lots, creating an 8 lot residential subdivision to be known as Dispenette Village Subdivision. Currently, the Subject Property contains 4 duplex structures, totaling 8 residential dwelling units. This property is a 0.93+/- acre parcel, located on the northeast corner of Dispenette Drive and Shadeville Road (Attachment #1).

Technical Review Committee (TRC):

On March 19, 2009, the Application was reviewed. The Agent was present and notified that additional items were required to complete the file. The Applicant was required to provide 20 copies of the revised preliminary plat to include a site data table and note the closest fire hydrant. Additionally, one of the owner's signatures was required on the Letter of Authorization along with the Covenants and Restrictions and Homeowners Association documents, certified mail outs and a letter indicating a stormwater treatment exemption because these structures are currently existing and no new impervious surfaces will be created. Furthermore, staff recommended that the property owners consider a landscape plan for the Subject Property. These items were submitted by the required deadline, however a landscape plan was not provided.

Planning Commission: On April 13, 2009, the Commission reviewed the request. One Commissioner was concerned that the PUD zoning may not be appropriate for this request as this property contains existing structures. The motion to recommend approval carried, 4-2.

Analysis:

Comprehensive Plan: The Future Land Use Map (FLUM) designation for the property is Urban 2. Urban 2 allows for residential density of 10 dwelling units per acre of land, with connection to central water and sewer (Attachment #2).

Land Development Code: The existing zoning district for the Subject Property is R-3 (Multi-Family) which allows for 8 dwelling units per acre of land and permits the construction of multi-family dwellings and single family dwellings.

The proposed zoning district is PUD (Planned Unit Development). This zoning district was designed to allow for an 8 lot residential subdivision, which will permit the existing duplex structures to be divided and deeded into individual ownership as separate lots (Attachment #3).

Site Conditions: The FEMA flood zone designation for the property is zone "C". Zone "C" is an area of minimal flooding, and usually does not require flood insurance by mortgage lenders.

Water service is provided by the City of Sopchoppy and sewer service is provided by Wakulla County.

The Subject Property currently contains 4 duplex structures, which comprise of 8 single family attached dwelling units (Attachment #4).

Adjacent Parcels: Abutting parcels are zoned RR-1 (Rural Residential), RSU-1 (Residential Semi-Urban), C-O (Commercial Office), C-2 (General Commercial) and C-3 (Heavy Commercial) (Attachment #5).

The RR-1 zoning district allows for residential density of 1 dwelling unit per acre of land and permits the construction of both site-built, single family detached dwellings and the installation of mobile homes. The RSU-1 zoning district allows for 2 dwelling units per acre of land and permits the construction of site-built, single family detached dwellings and the installation of mobile homes.

The C-O zoning district allows for professional commercial office services. The C-2 zoning district allows for many commercial business activities including, but not limited to restaurants and retail sales. The C-3 zoning district is intended for more heavy commercial activities such as automotive repair facilities and machinery and equipment supply stores.

Compatibility:

This property's current R-3 zoning district is consistent with the Urban 2 Future Land Use designation. The proposed PUD zoning district is also consistent with the Urban 2 Future Land Use designation.

The Subject Property is not expected to experience any additional impacts or adverse affects because the existing structures have been present on the Subject Property since 2002. The approval of Application for Final Plat FP09-01 will not increase the intensity or density of the Subject Property. It will merely allow the property owner to divide and deed out each dwelling unit into individual ownership.

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 rezoning and preliminary plat request. The Code does not require written notice to adjacent property owners for requests of this type. To date, the Planning Department has not received any written responses to the notice.

The advertisement for this public hearing appeared in the Wakulla News on March 26, 2009 (Attachment #6).

Additional Issues:

At the time the Property Owners made an Application for Preliminary Plat to subdivide the parent parcel, staff recommended that an Application for Change of Zoning should be made to request a PUD zoning district. This was recommended because the current R-3 zoning district contains regulations for minimum lot size, width and depth which could not be met due to the configuration of the parcel and the existing structures. Approval of such a plat would create a non-conforming use. Alternately, the Property Owners could have made an Application for a Variance for these requirements, however staff believes that the Application for Change of Zoning to PUD was more appropriate, given the structures are currently existing and making an effort to maintain conformance with The County Code.

Options:

1. Conduct the final Public Hearing approve the Application for Change of Zoning R09-01 and Application for Preliminary Plat PP09-01, based upon the recommendation of the Planning Department, 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 Change of Zoning R09-01 and Application for Preliminary Plat PP09-01, 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 Change of Zoning R09-01 and Application for Preliminary Plat PP09-01. The proposed change of zoning and preliminary plat meets all applicable requirements set forth in the Wakulla County Code and Comprehensive Plan. Additionally, staff believes that the approval of the PUD is a more appropriate measure of processing the request to subdivide the parent parcel and maintaining the conforming use status of the Subject Property, versus an Application for a Variance to the regulations set forth by the existing R-3 zoning district.

Attachment(s):

1. Location Map
2. FLUM Policy 1.2.6
3. Proposed PUD
4. Site Photos
5. Tax and Zoning Maps
6. Advertisement
7. Preliminary Plat

[LS/ss]