

STAFF REPORT

Planning & Zoning Commission: July 14, 2003

Board of County Commissioners: August 13, 2003

APPLICANT: Robert P. Young **FILE NUMBER:** H-03-38

PURPOSE: Rezoning from AG (Agricultural) to AR (Agricultural/Residential) or R-1C (Residential)

GENERAL

LOCATION: South side of Powell Road, approximately 600' west of Spring Lake Highway

LEGAL

DESCRIPTION: A portion of Section 16, Township 23 South, Range 20 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: PDP(SF)
East: AG
West: AG

Surrounding Land Uses

SF, MH
SF, Undeveloped
SF
SF

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to AR or R-1C. The subject property is located on the south side of Powell Road, approximately 600' west of Spring Lake Highway.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property is the eastern half of a 10 acre parcel.
3. The site is currently undeveloped.
4. The subject property has access from Powell Road.

5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Kendrick fine sand.
7. The property is located in a flood zone C.
8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by single family development, commercial uses, rural residential development and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the property from AG to AR or R-1C. The narrative indicates the petitioner intends to create a formal subdivision, subdividing the five-acre parcel into four (4) lots with a minimum lot size of one acre. The deed provided indicates the subject property is the eastern half of a ten acre parcel. The petitioner has not yet submitted an application to subdivide the property.

The subdivision regulations require newly created lots to have roadway frontage. The petitioner has discussed subdividing the four (4) parcels so that two (2) will have roadway frontage on Powell Road and has verbally acknowledged he will be required to provide a roadway built to County standards on the property so that all four (4) lots have the required roadway frontage. The petitioner's narrative indicates the lots will be limited to single family homes. Although the petitioner requests AR as an alternative, the narrative does not propose any specific agricultural uses. The AR zoning category allows single family dwellings and limited agricultural uses as permitted uses. The minimum AR lot size is one acre.

The Utilities Department indicates the subject property is not served by central water or sewer. If the rezoning request is approved, the minimum lot size will be an acre to allow the provision of well and septic.

The Hernando County School Board has indicated that the proposed project will not significantly impact the school system. Elementary school students will be allocated to Eastside Elementary School, middle school students to D. S. Parrott Middle School and high school students to Hernando High School.

The subject property has frontage along Powell Road. The Comprehensive Plan identifies Powell Road as a major collector roadway. The County Engineer indicates that if the rezoning is approved, the petitioner's access should be limited to one access point; the driveways for the four lots will be required to access the roadway provided by the petitioner. The County Engineer indicates that if the request is approved, the petitioner should provide 40' of ROW from Powell Road's centerline.

FINDINGS OF FACT

The area is characterized by single family development, commercial uses, rural residential development and undeveloped parcels. The subject property is located diagonally across Powell Road from a 31-acre property rezoned in 2002 from PDP(SF) to PDP(RURAL) allowing AR uses. The subject property is adjacent to the Mountain View Estates subdivision, which is zoned PDP(SF). The Mountain View lots adjacent to the subject property range in size from approximately an acre to an acre and three-quarters.

The subject property is located within a rural land use classification as identified on the adopted Future Land Use Map. Potential uses in the rural land use category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

The rural land use classification allows a density of no greater than 1 unit per 10 acres. However, the subject property is located within the Spring Lake Pre-existing Rural Community. Policy 1.01B(13) indicates development orders for residential development in the pre-existing rural community of Spring Lake may be issued at densities that currently exist provided that the overall gross density of development does not exceed 2 dwelling units per acre. The subject property is adjacent to approximately one-acre lots zoned PDP(SF).

The staff is of the opinion that the housing types and activities permissible in the AR zoning district would be compatible with the uses in the area and would be consistent with the rural future land use category. The only housing type allowable in the AR district is a single family dwelling. Grazing livestock is allowed, at the rate of one mature animal and offspring less than one year of age per acre. However, due to concerns about access to Powell Road, the staff is of the opinion rezoning to PDP(RURAL) with performance conditions is more appropriate. The staff is of the opinion that the R-1C category with a minimum lot size of 10,000 square feet is not appropriate in the area.

The Planning staff is of the opinion rezoning the property from AG to PDP(RURAL) with performance conditions would not be inconsistent with the Comprehensive Plan and would be compatible with adjacent land uses.

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, which may include review by the Development Review Committee (DRC).

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 deny the petitioner's request to rezone from AG to AR or R-1C and adopt Resolution # _____ approving the rezoning from AG to PDP(RURAL) 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, including review of the proposed use through the DRC process.
2. The minimum lot size is one acre.
3. The site is approved for all of the permitted uses allowed within the AR zoning district.
4. The perimeter setbacks will be as follows:
 - Front: 50' from Powell Road
 - Side 10'
 - Rear: 35'

5. The internal lot setbacks will be as follows:
 Front: 50'
 Side 10'
 Rear: 35'
6. Access is limited to one access point on Powell Road.
7. The petitioner shall provide 40' of ROW from the Powell Road centerline.
8. The petitioner shall provide a master plan meeting the LDRs prior to the BCC hearing.

P&Z RECOMMENDATION:

On July 9, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(RURAL) 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, including review of the proposed use through the DRC process.
2. The minimum lot size is one acre.
3. The site is approved for all of the permitted uses allowed within the AR zoning district.
4. The perimeter setbacks will be as follows:
 Front: 50' from Powell Road
 Side 10'
 Rear: 35'
5. The internal lot setbacks will be as follows:
 Front: 50'
 Side 10'
 Rear: 35'
6. Access is limited to one access point on Powell Road.
7. The petitioner shall provide 40' of ROW from the Powell Road centerline.
8. The petitioner shall provide a master plan meeting the LDRs prior to the BCC hearing.

BCC ACTION:

The BCC voted 5-0 to adopt Resolution #2003-225 approving the rezoning from AG to PDP (RURAL) 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, including review of the proposed use through the DRC process.
2. The minimum lot size is one acre.
3. The site is approved for all of the permitted uses allowed within the AR zoning district.
4. The perimeter setbacks will be as follows:
 - Front: 50' from Powell Road
 - Side 10'
 - Rear: 35'
5. The internal lot setbacks will be as follows:
 - Front: 50'
 - Side 10'
 - Rear: 35'
6. Access is limited to one access point on Powell Road.
7. The petitioner shall provide 40' of ROW from the Powell Road centerline.