

STAFF REPORT

Planning & Zoning Commission: August 11, 2003
Board of County Commissioners: September 10, 2003
Board of County Commissioners: October 8, 2003

APPLICANT: C. Norris Bryan **FILE NUMBER:** H-03-50

PURPOSE: Rezoning from PDP (REC)/(Recreational) to AG (Agricultural)

GENERAL

LOCATION: East side of Richloam Clay Sink Road, approximately 3/4ths of a mile south of Cortez Boulevard

LEGAL

DESCRIPTION: A portion of Section 9, Township 23 South, Range 22 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: CV
South: CV, AG
East: AG
West: AG

Surrounding Land Uses

Withlacochee State Forest
Withlacochee State Forest
Hunting camp
Pasture

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP (REC) to AG. The subject property is located on the east side of Richloam Clay Sink Road, approximately 3/4 mile south of Cortez Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(REC).
2. The property comprises approximately 6.6 acres.
3. The site has been developed with a single family house, a shed and a pasture.

4. The subject property has access from Richloam Clay Sink Road via Potter Gap Road to Cortez Boulevard.
5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The on-site soil types include Delray fine sand and Wabasso fine sand.
7. The property is located in a flood zones C and A.
8. The subject property contains a wetland, but no 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 rural residential uses, a hunting camp and state forest.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The subject property had been rezoned in 1992 from AG to PDP(REC) so that the petitioner could operate a wilderness camp. The petitioner's narrative indicates the wilderness camp was never developed on the site. The petitioner is requesting to rezone the property back to AG so that he can pursue a subdivision of the property. The petitioner's subdivision request is currently under review.

The subject property contains a Class 1 Wetland according to county data resources. Pursuant to Policy 6.05A(3) in the County's Comprehensive Plan, "The removal, alteration or encroachment within the wetland shall only be allowed in cases where no feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit." Any future subdivision or development of the subject property must address the Class 1 Wetland.

FINDINGS OF FACT

The area is characterized by rural residential uses, a hunting camp and state forest. The subject property has access from Richloam Clay Sink Road, a two-lane paved County roadway.

The subject property is located within a rural land use classification as identified on the Future Land Use Map. The rural land use classification would allow agriculture, agri-industrial, agricultural

commercial, residential, neighborhood commercial, recreation and public and semi-public uses. The Planning staff is of the opinion rezoning the subject property to AG, would be consistent with the adopted Comprehensive Plan and compatible with the surrounding 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 adopt Resolution # _____ approving the petitioner's request to rezone from PDP(REC) to AG with the following performance condition:

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.

P&Z RECOMMENDATION:

On August 11, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from PDP(REC) to AG with the following unmodified performance condition:

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.

BCC ACTION:

On September 10, 2003, the Board of County Commissioners voted 5-0 to postpone this petition until their October 8, 2003, hearing at 9:00 a.m. On October 8, 2003, the Board of County Commissioners voted 5-0 to adopt Resolution # 2003-288 approving the petitioner's request to rezone from PDP(REC) to AG with the following performance condition:

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.