

**STAFF REPORT**

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

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**APPLICANT:** David & Rachel Riddle **FILE NUMBER:** H-05-18

**PURPOSE:** Rezoning from R-1C (Residential ) and C-3 (Neighborhood Commercial) to R-1C (Residential) or AR (Agricultural-residential)

**GENERAL**

**LOCATION:** North side of Croom Road, east side of Jacobson Road

**LEGAL**

**DESCRIPTION:** A portion of Section 7, Township 22 South, Range 20 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: R-1C	Single family
South: AG, PDP(SF)	Single family, pasture
East: AG, PDP(SF)	Single family
West: AG	Pasture, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from R-1C and C-3 to either R-1C or AR. The subject property is located on the north side of Croom Road and east side of Jacobson Road.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1C and C-3.
2. The property comprises approximately three (3) acres.
3. The site has been cleared but has not been developed.
4. The site contains specimen, but no majestic, trees.

5. The subject property has access from Croom Road and Jacobson Road.
6. The subject property is located on the fringe of rural and residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Kendrick fine sand and Nobleton fine sand.
8. The property is located in flood zones B and C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central sewer service is not available to serve the subject site. Central water service availability can not be determined without further evaluation.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family, rural residential and agricultural uses.
13. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioners request to rezone from R-1C and C-3 to either R-1C or AR in order to build a house on the southern 1.96 acres of the subject property. The petitioner proposes subdividing the northern acre in the future which would require approval through the county's subdivision review process. Approximately the southern half of the subject property is zoned C-3; approximately the northern half of the subject property is zoned R-1C. In April 1977 the BCC approved a rezoning on the subject property from C/PDP to R-1C and C-3. The narrative notes the property was never developed with commercial uses to the petitioners' knowledge.

The Utilities Department has indicated that central sewer service is not available. Central water service availability can not be determined without further evaluation.

The subject property has access from Croom Road and Jacobson Road. The County Engineer has no comments.

The City of Brooksville has been notified of the request; no response has been received.

**FINDINGS OF FACT**

The area is characterized by single family, rural residential and agricultural uses. Two (2) lots zoned R-1C, approximately three-quarters of an acre in size, are located north of the subject property. AG lots approximately three-quarters of an acre in size are located to the east of the subject property, in the Dogwood Acres unrecorded subdivision. Larger AG parcels are located to the west and south. Lots zoned PDP(SF) are located to the southeast, on the south side of Croom Road, in the Dogwood Estates subdivision. The Planning staff is of the opinion R-1C zoning would be more compatible than AR zoning with the R-1C lots to the north and the PDP(SF) lots to the southeast.

The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities ranging from .10 du/acre up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community center with the appropriate land use approvals.

A portion of the subject property is located within the rural land use category. Policy 1.01B(10) indicates residential land uses consistent with those uses allowed in the residential land use category are allowable up to 1,320' into the rural land use category. The mapping associated with the Comprehensive Plan is generalized.

The Planning staff is of the opinion that the request to rezone from C-3 to R-1C is appropriate, based on the following conclusions:

1. The proposed rezoning to R-1C is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

**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.**

**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 C-3 to R-1C, 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, and complete all applicable development review processes.

**P&Z RECOMMENDATION:**

On March 14, 2005, 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 C-3 to R-1C, 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, and complete all applicable development review processes.

**BCC ACTION:**

On April 13, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-94 approving the petitioner's request to rezone from C-3 to R-1C, 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, and complete all applicable development review processes.