

**STAFF REPORT**

Planning & Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

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**APPLICANT:** Clinton J. & Freda M. McGrew, Jr. **FILE NUMBER:** H-05-26

**PURPOSE:** Rezoning from AG to AR (Agricultural-residential)

**GENERAL**

**LOCATION:** Approximately 325' south of Hagen Avenue, approximately 850' south of Northcliffe Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 12, Township 23 South, Range 17 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:**

Surrounding Zoning

North: AG  
South: AG  
East: AG  
West: AG

Surrounding Land Uses

SF home and SF under construction  
Mobile home  
Single family  
Single family

**SUMMARY OF REQUEST**

The petitioner requests to rezone the subject property from AG to AR. The subject property is located approximately 325' south of Hagen Avenue, approximately 700' south of Northcliffe Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 2.7 acres.
3. The site is developed with a single family home.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Hagen Avenue, a private easement.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA-1, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available by ordinance to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized predominately by single family uses, mobile home and office uses, and undeveloped parcels.
13. The petitioner is requesting relief from the County's subdivision regulations.

**STAFF DISCUSSION**

The petitioner requests to rezone from AG to AR in order to subdivide the property into two (2) parcels, each containing a minimum of one acre. The plan shows two (2) parcels: an approximately 1 acre parcel to the south and an approximately 1.7 acre parcel to the north.

The proposed lots meet the minimum size of one acre required in the AR zoning district. The plan indicates the lots will be able to meet the minimum 50' front, 10' side and 35' rear setbacks for the A/R district.

The subject property is not a parent parcel. Although the subject property would meet the minimum lot size to create two parcels if the property is rezoned to AR, the petitioner cannot meet the minimum access standards. County LDRs require that access be via a county roadway or a roadway built to minimum County standards. Access to the site is via Hagen Road, which is a private

easement. The petitioner requests in the narrative to proceed through the subdivision process concurrently with the rezoning. The petitioner maintains that compliance with the terms of the subdivision regulations would place undue burden on their ability to transfer land to family members so the petitioner is asking the Board of County Commissioners for relief from the subdivision regulations as part of the rezoning.

The Utilities Department has indicated that central water and sewer capacity are available to serve the subject property; however, they would not be deemed available by ordinance because of the cost associated with the hook-up. The HCUD has indicated that the goal would be to serve the overall area with central water and sewer service given that there are existing facilities approximately 125' to the east at Keysville Avenue, but they note the cost associated with the hook-up would be impractical.

The subject property has access from Hagen Avenue, a paved private roadway. The County Engineer had no comments.

The subject property lies within a WHPA-1 for a public supply well. The proposed use is allowable within this designation.

### **FINDINGS OF FACT**

The area is characterized predominately by single family homes, mobile home and commercial uses, and undeveloped parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. The subject property is located within an AG enclave which is bordered along the west, north and a portion of the eastern boundary by developed single family residential. The Planning staff is of the opinion the subject property is located in an area that will eventually be developed with single family lots. The Planning staff is of the opinion that the proposed A/R zoning will not be compatible with the SF lots anticipated in the future.

The Planning staff is of the opinion that the rezoning request is not appropriate, based on the following conclusions:

1. The proposed rezoning is not compatible with the existing surrounding development.
2. The proposed rezoning is inappropriate due to the lack of infrastructure.

3. The creation of two (2) lots on an easement with no direct access to a County roadway or a roadway built to minimum county standards is inappropriate and not consistent with the LDRs.
4. The proposed rezoning is not consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

**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 # \_\_\_\_\_ denying approving the petitioner's request to rezone from AG to AR.

**P&Z RECOMMENDATION:**

At their April 11, 2005 meeting, the Planning and Zoning Commission voted 4-1 to recommend the BCC adopt resolution # \_\_\_\_\_ denying approving the petitioner's request to rezone from AG to AR.

**BCC ACTION:**

On May 11, 2005, the BCC acknowledged the petitioner's withdrawal of the application.