

STAFF REPORT

Planning & Zoning Commission: January 9, 2006
Board of County Commissioners: February 8, 2006

APPLICANT: Audie R. Winstead **FILE NUMBER:** H-06-03

PURPOSE: Rezoning from AR-2 (Agricultural-residential) to AG

GENERAL

LOCATION: East side of Redbird Lane, approximately 800' west of Preston Road

LEGAL

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

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: AR-2
East: AR-2
West: AR-2

Surrounding Land Uses

Mobile home
SF, MH, undeveloped
Mobile home, undeveloped
Mobile home, AG

SUMMARY OF REQUEST

The petitioner requests to rezone from AR-2 to AG. The subject property is located on the east side of Redbird Lane, approximately 800' west of Preston Road.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The property comprises approximately 10 acres.
3. The site has been developed with a single family house and accessory buildings.
4. The site is partially wooded but contains no majestic or specimen trees.
5. The subject property has access from Redbird Lane, an unimproved roadway.

6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Arredondo fine sand and 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, however County data resources indicate the subject property is located within the Bystre Lake 100 year flood plain.
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 water and sewer capacity is available to serve the subject site, however, no existing facilities are available to serve the subject property at this time.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by rural residential and agricultural uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AR-2 to AG in order to operate a tree farm on the subject property. A tree farm is classified as a forestry land use; forestry is a permitted use in the AG district.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. No existing facilities are located proximate to the subject property, therefore service is not currently available to serve the subject property at this time. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The County Engineer has no comments regarding the request, given the size of the proposed operation.

A portion of the subject property is within the Bystre Lake 100 year flood plain according to County data resources. This designation should have minimal effect on the proposed use.

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

FINDINGS OF FACT

The area is characterized by rural residential and agricultural uses, and undeveloped parcels. The subject property is surrounded by parcels zoned AR-2. The Planning staff observed AG activities in the area, including a small grove, hayfield and tree farm. The Planning staff is of the opinion the proposed AG zoning is consistent with the surrounding area.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. The AG zoning category is appropriate in the rural future land use classification.

The Planning staff is of the opinion that the request for a rezoning from AR-2 to AG is appropriate, based on the following conclusions:

1. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan.
2. The proposed rezoning 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 AR-2 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, and complete all applicable development review processes.

P&Z RECOMMENDATION:

At the January 9, 2006 meeting, 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 AR-2 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, and complete all applicable development review processes.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-34 approving the petitioner's request to rezone from AR-2 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, and complete all applicable development review processes.