

REZONING CASE H-24-07

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

March 4, 2024

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations and with performance conditions listed in **Appendix A** of this Staff Report

PLANNING & ZONING COMMISSION RECOMMENDATIONS

March 11, 2024

It is recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations and with the following unmodified performance conditions listed in **Appendix B** of this Staff Report.

BOARD OF COUNTY COMMISSIONERS ACTION

April 09, 2024

The Board of County Commissioners voted 5-0 to continue the petitioners request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations, in order to provide ample time to finalize master plan details listed in **Appendix C** of this Staff Report.

REVISED STAFF RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS

July 17, 2024

It is recommended that the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations and with the following modified performance condition listed in **Appendix D** of this Staff Report

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: March 11, 2024
Board of County Commissioners: April 9, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: Julie Bishop

FILE NUMBER: H-23-71

REQUEST: Rezoning AG (Agriculture) to PDP(REC)/Planned Development Project (Recreation) with Deviations

GENERAL LOCATION: East side of Ponce De Leon Boulevard, approximately 2,259 south of the intersection with Cobb Road

PARCEL KEY NUMBERS: 1321064

APPLICANT’S REQUEST:

The petitioner is requesting a rezoning from AG (Agriculture) to PDP(REC)/Planned Development Project (Recreation) with deviations, in order to develop a RV and glamping destination. The subject site is 5.10 acres and is proposed for four (4) tent site and 100 RV spots. Each of the RV sites will provide water, septic and electric. Amenities will also be provided such as restroom/laundry facility, general store, office and clubhouse. As part of the request, the petitioner is requesting a deviation from the R-C Recreation-Commercial District for the minimum over project acreage and the maximum permitted density. The petitioner’s subject site is 5.1 acres, a deviation from the minimum 10.0 acres required and a density of 20 units per acres as opposed to the maximum 11 units per acres as outlined in the County Land Development Regulations (LDRs).

SITE CHARACTERISTICS:

Site Size: 5.1 acres

Surrounding Zoning & Land Uses: North: AG; Undeveloped
South: AG; Undeveloped
East: AG; Undeveloped
West: AG; Undeveloped

Current Zoning: AG (Agriculture)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Flemington Fine Sand Loam, Nobleton Fine Sand

**Hydrologic
Features:** There are no hydrologic features (sinkholes, karst sensitive areas, or wetlands) present on this parcel.

**Protection
Features:** There are no Protection Features (Special Protection Areas (SPAs) or Wellhead Protection Areas (Wellhead Protection Area (WHPA)) on this site.

Habitat: Forested, shown as mixed hardwood-coniferous according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

Comments: A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional and submitted before the site is disturbed. The petitioner is required to comply with all applicable FWC regulations and permitting.

Invasive plant species if present are to be removed during the development process.

Flood Zone: AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated the subject site is located within the City of Brooksville Utility Department's (CBUD) first right to serve district. The petitioner shall be required to coordinate with the City of Brooksville for all utility related requirements.

ENGINEERING REVIEW:

The subject site is located on the east side of Ponce De Leon Boulevard, approximately 2,259 south of the intersection with Cobb Road. The petitioner proposes a single access to Ponce De Leon. The County Engineering Department has reviewed the rezoning and indicated the following:

- Applicant will be required to install a frontage road upon County request of need and demand at developers' expense.
- The internal roadways will have to meet Hernando County standards.
- A Traffic Access Analysis will be required. Refer to Hernando County Facility Design Guideline IV-18.
- The Driveway connection will have to meet Hernando County standards.
- FDOT access management permit required.
- FDOT drainage permit may be required.

LAND USE REVIEW:

PDP(REC)/ Planned Development Project (Recreation) allows for any permitted or special exception uses in the R-C (Recreation-Commercial) District which have been specifically designated or specified in the narrative or on the master plan. The following are the minimum requirements per the R-C (Recreation-Commercial) District for the proposed use.

R-C Recreation-Commercial District Uses

County LDR requirements indicate that no occupancy shall exceed 180 days and no permanent units shall be permitted within the R-C/Recreation district.

R-C Density

The County LDR limit R-C Recreation-Commercial densities to a maximum of 11 units per gross acre.

Comments: The petitioners proposed density equals 19.6 RV units per acre (100 total RV units). Based on the minimum County LDRs density the total number of units would be limited to 56 units. If approved, the development shall be limited to 56 RV spaces. Glamping site shall not exceed 10 spaces.

Setbacks and Lot Sizes

Minimum Building Setbacks:

- Front: 20'
- Side: 15'
- Rear: 8'
- Lot Size: 40'x40'; 2,800 square feet

Buffers

County LDRs require that all R-C districts have a boundary landscape buffer of twenty five (25) feet (where applicable to be left in its natural state space).

Comments: The petitioner has indicated not indicated buffers for the proposed site. If approved, the development shall meet the minimum buffers requirements of the County LDRs.

COMPREHENSIVE PLAN REVIEW:

The subject site is located in a small pocket of Residential Land Use designation on the County’s adopted Comprehensive Plan. The area is characterized by large vacant agricultural parcels and mining to the northwest. The petitioners request for PDP(REC)/Planned Development Project (Recreation) is a permitted use in the Residential and Rural land use designations.

Future Land Use Element

Land Use Compatibility

Objective 1.10B:

The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

Strategy 1.10B(2):

Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

Comments:

The proposed use is compatible with the rural nature of the surrounding area and has direct access to Collector Road.

Residential Category

Objective 1.04B:

The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(2):

Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Comments: The County LDR limit R-C Recreation-Commercial densities to a maximum of 11 units per gross acre. The petitioners proposed density equals 19.6 RV units per acre (100 total RV units). Based on the minimum County LDRs density the total number of units would be limited to 56 units.

Mobile Homes and Recreational Vehicles

Strategy 1.04B(10): Recreational vehicle parks are appropriate in the Residential, Commercial and Rural Future Land Use Categories and should be directed to areas containing tourist attractions or natural resources. Recreational vehicle parks shall have access to arterial or collector roads.

Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

Comments: The Hernando County Code of ordinances has established the Planned Development Project (PDP) district whereby permits flexibility for special or unique uses by allowing deviations from the code through governing body approval. The requested deviations are not adverse to the public interest.

FINDINGS OF FACT:

A rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) and PDP(SF)/ Planned Development Project (Single Family) with a Deviations is appropriate based on the following:

1. The proposed deviations are justified based on the size of the parcel and the rural nature of the surrounding area.

2. The proposed master plan is consistent with the Comprehensive Plan and is compatible with the surrounding area.

NOTICE OF APPLICANT RESPONSIBILITY:

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 Concurrency. 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. Homeowner 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.

APPENDIX A
STAFF RECOMMENDATION TO THE
PLANNING AND ZONING COMMISSION

STAFF RECOMMENDATIONS:

It is recommended that the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations and with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
3. The petitioner shall negotiate a water and sewer agreement with the City of Brooksville and to public utilities as required by the City.
4. Minimum Building Setbacks:
 - Front: 20'
 - Side: 15'
 - Rear: 8'
 - Lot Size: 40'x40'; 2,800 square feet
5. A minimum 25' landscape buffer shall be provided along the entire boundary.
6. Alternative paving methods shall be reviewed/approved by the Zoning Official.
7. The petitioner shall install a Frontage Road upon County request of need and demand at developers' expense.
8. The internal roadways shall meet Hernando County standards.
9. A Traffic Access Analysis shall be required as required.
10. The Driveway connection shall meet Hernando County standards.
11. FDOT access management and drainage permit may be required.
12. The development size shall be permitted at a minimum of 5.1 acres (Deviation from 10.0 acres)
13. The development shall be limited to 56 RV spaces. Glamping site shall not exceed 10 spaces.

14. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION

PLANNING & ZONING COMMISSION ACTION:

On March 11, 2024, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations and with the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
3. The petitioner shall negotiate a water and sewer agreement with the City of Brooksville and to public utilities as required by the City.
4. Minimum Building Setbacks:
 - Front: 20'
 - Side: 15'
 - Rear: 8'
 - Lot Size: 40' x 40'; 2,800 square feet
5. A minimum 25' landscape buffer shall be provided along the entire boundary.
6. Alternative paving methods shall be reviewed/approved by the Zoning Official.
7. The petitioner shall install a Frontage Road upon County request of need and demand at developers' expense.
8. The internal roadways shall meet Hernando County standards.
9. A Traffic Access Analysis shall be required as required.
10. The Driveway connection shall meet Hernando County standards.
11. FDOT access management and drainage permit may be required.
12. The development size shall be permitted at a minimum of 5.1 acres (Deviation from 10.0 acres).
13. The development shall be limited to 56 RV spaces. Glamping site shall not exceed 10 spaces.

14. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

APPENDIX C

BOARD OF COUNTY COMMISSION ACTION

BOARD OF COUNTY COMMISSIONERS ACTION:

On April 9, 2024, the Board of County Commissioners voted 5-0 to continue the petitioners request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations, in order to provide ample time to finalize master plan details.

APPENDIX D

STAFF RECOMMENDATION TO THE

BOARD OF COUNTY COMMISSIONERS

REVISED STAFF RECOMMENDATIONS:

NOTE: Subsequent to the April 9, 2024, Board of County Commissioners (BOCC) hearing and at the request of the BOCC, the applicant met with staff and revised the master plan to accommodate BOCC concerns and provided clarity on the proposed development. A new master plan has been provided. The following are the revisions made to the master plan:

- The total amount of RV spaces has been reduced from 56 to 16 spaces
- Glamping site have been cleared identified and will not exceed 10 sites
- The master plan delineates natural and add amenities such as office, bathhouse, fire pits, pavilion and swimming pool.

FIND OF FACTS BASED ON REVISIONS:

- Revisions reduce the intensity/density of the proposed use.
- Previous performance conditions mitigate any potential impacts. Condition 13 has been modified reducing the RV spaces to 16.
- The proposed deviation from the minimum 10.0 acre recreation zoning district requirement is justified based on the overall RV and Glamping unit count.

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreational) with Deviations and with the following **modified** performance condition:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. A wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
3. The petitioner shall negotiate a water and sewer agreement with the City of Brooksville and to public utilities as required by the City.
4. Minimum Building Setbacks:
 - Front: 20'
 - Side: 15'
 - Rear: 8'
 - Lot Size: 40'x40'; 2,800 square feet
5. A minimum 25' landscape buffer shall be provided along the entire boundary.
6. Alternative paving methods shall be reviewed/approved by the Zoning Official.

7. The petitioner shall install a Frontage Road upon County request of need and demand at developers' expense.
8. The internal roadways shall meet Hernando County standards.
9. A Traffic Access Analysis shall be required as required.
10. The Driveway connection shall meet Hernando County standards.
11. FDOT access management and drainage permit may be required.
12. The development size shall be permitted at a minimum of 5.1 acres (Deviation from 10.0 acres)
13. The development shall be limited to ~~56~~ 16 RV spaces. Glamping site shall not exceed 10 spaces.
14. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.