

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2023
Board of County Commissioners: December 12, 2023

APPLICANT: Cathy D. Barkley

FILE NUMBER: H-23-55

REQUEST: Rezoning from PDP(MF)/ Planned Development Project (Multi-Family) to AR-2 (Agricultural/Residential-2)

GENERAL LOCATION: North side of Jacqueline Rd, approximately 672' east of its intersection with Weeping Willow St

PARCEL KEY NUMBERS: 1202031

APPLICANT'S REQUEST

The petitioner is requesting a rezoning of the subject property from PDP(MF)/ Planned Development Project (Multi-Family) to AR-2 (Agricultural/Residential-2). This property was rezoned in 2011 (H-11-23) with seven other parcels, as part of a development plan to build 144 dwelling units. The sale of the property to the developer, who initiated and received the rezoning, fell through. The applicant would like to revert the zoning of her property to the previous AR-2 zone.

SITE CHARACTERISTICS

Site Size: 1.3 Acres (54,450 square feet)

Surrounding Zoning; Land Uses:

North: PDP(MF)/ Planned Development Project (Multi-Family); Single Family Residence

South: AR-2 (Agricultural/Residential); Single Family Residence

East: PDP(MF)/ Planned Development Project (Multi-Family); Undeveloped

West: PDP(MF)/ Planned Development Project (Multi-Family); Undeveloped

Current Zoning: PDP(MF)/ Planned Development Project (Multi-Family)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) has reviewed the application and indicates HCUD does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the requested zoning change from PDP(MH) to AR2, reverting it back to its previous zoning.

ENGINEERING REVIEW

The County Engineer has reviewed the petitioner's request and provided the following comments:

- This site is outside the Special Flood Hazard Area.
- No Traffic concerns about the zoning change.

LAND USE REVIEW

The applicant requests a downzoning of the property. The property is currently being used for a single-family home. Restoring the AR-2 zoning to the property creates no conflict for surrounding parcels or uses.

COMPREHENSIVE PLAN REVIEW

The subject site is within the Residential land use designation; the permitted uses within the AR-2 district are consistent with the goals, objectives, and strategies of this land use designation.

FINDING OF FACTS

1. The subject parcel was rezoned to be purchased and developed as Multi-family Residential.
2. Though the rezoning was approved, the prospective developer did not purchase the properties that had been rezoned.
3. The applicant would like her property to revert to the previous zoning district.

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.

STAFF RECOMMENDATION

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 Rezoning from PDP(MF)/ Planned Development Project (Multi-Family) to AR-2 (Agricultural/Residential).