

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 7, 2024
Board of County Commissioners: November 19, 2024

APPLICANT: Jeffery Roble

FILE NUMBER: H-24-35

REQUEST: Rezoning from AG (Agricultural) to R-1C (Residential)

GENERAL LOCATION: West side of Treiman Boulevard, approximately 1,150' south of Knoxville Road

PARCEL KEY NUMBER: 1825608

APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from AG (Agricultural) to R-1C (Residential). The petitioner wishes to subdivide the property into 10 lots. The requested zone is euclidian, meaning the basics of development for the R-1C zoning district have already been established in the County Code, thus the application does not require a master plan to be provided and no deviations are being requested.

SITE CHARACTERISTICS

Site Size: 6.3 acres

Surrounding Zoning & Land Uses:
North: AG; Undeveloped
South: C-1, R-1C; Undeveloped
East: AG, Mining; Single Family Home and Mining.
West: R-1C; Single-Family Home and Undeveloped

Current Zoning: (AG) Agricultural

Future Land Use Map Designation: Rural

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's application and provided the following comments:

- HCUD does not currently supply water or sewer service to this parcel.
- Water and sewer service are not available to this parcel. HCUD emailed the applicant on July 22, 2024, informing them that the proposed plans violate ordinance Sec. 28-99 requirements pertaining to lot sizes for water/septic lots (ordinance was sent to him).

- HCUD cannot approve the requested zoning change from agricultural to residential for the development of 8-10 residential lots, however if plans were resubmitted with lot sizes compliant to code, we would have no issues approving a rezone. Parcel Key #: 1599452.

Comment: The applicable Section 28-99 of the Hernando County Code states:

- (b) In residential developments where individual wells are utilized, a maximum of one individual sewage disposal system per each one (1) acre lot is allowed.

With this statement and the email from HCUD, the petitioner has been put on notice that the parcel cannot be divided into eight (8) to ten (10) lots due to the lot size requirement for well and septic and would be permitted a maximum of six (6) parcels based on the 6.3 acre subject parcel size.

HCUD supports the rezoning but would like to make sure that the expectations of the petitioner, regarding the number of lots into which this property can be divided, are managed so as not to create unrealistic expectations.

ENGINEERING REVIEW

The County Engineer reviewed the petitioners request and provided the following comments:

- An FDOT access management permit is required.
- An FDOT drainage permit may be required.
- The access road shall be constructed to Hernando County Standards. The access road shall be privately owned and maintained and shall provide a turnaround area.
- The driveway connection and roadway shall meet Hernando County Standards.
- The subject parcel has a significant floodplain area. Development within floodplain requires appropriate floodplain compensation.
- A Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit required.

Comment: During the development of the Conditional Plat, the petitioner will need to get various permits from the Florida Department of Transportation (FDOT) and SWFWMD. There are two (2) class 3 wetlands on the property that require mitigation to be developed.

LAND USE REVIEW

The property is on the west side of Treiman Boulevard. It is undeveloped, with a few single-family homes on the lots near the property. The properties to the west of the subject property are zoned R-1C and are in the Ridge Manor Estates Unit 1 Subdivision; the lots in the subdivision are all 1.2 acres. The petitioner requests a euclidian zone (R-1C) which does not require a master plan or site plan at this stage. The petitioner will be required to abide by the regulations of Hernando

County, FDOT, SWFWMD, the Hernando County Health Department, etc. when the conditional plat is submitted.

Minimums for parcels zoned R-1C

Minimum R-1C (Residential) Building Setbacks:

- Front: 25'
- Side: 10'
- Rear: 20'

Minimum Lot Size: 10,000 square feet

Comments: The petitioner shall 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.

COMPREHENSIVE PLAN REVIEW

The subject is located within the Rural Future Land Use designation on the County’s adopted Comprehensive Plan.

Future Land Use, Rural Category

Strategy 1.04A(4): The Rural Category retains and promotes agricultural activities, retains the rural nature and countryside character of a significant portion of the County including rural residential uses with limited agricultural activities, limits residential density and infrastructure outside of recognized urbanizing areas as shown on the Adjusted Urbanized Area Map, and, may be used to recognize properties with natural physical development limitations such as floodplains.

Comments: The subject property is located east of Ridge Manor which is predominantly zoned R-1C (Residential) and west of Treiman Boulevard. Although Ridge Manor is designated Rural on the Land Use map, it predates the comprehensive plan. Due to the subject parcels location, the request for a rezoning to R-1C (Residential) is compatible with the surrounding area and is not adverse to the public interest.

Wetlands

Strategy 10.03B(5): Class III wetlands may be incorporated into development sites where existing wetland topography and drainage receiving capacity is present. Alteration must conform to state and local regulations. Class III wetlands are defined as isolated wetlands that are less than five acres in size and that do not qualify as Class I or Class II Wetlands.

Strategy 10.03B(6): When encroachment, alteration or removal of a wetland is permitted, habitat compensation or mitigation as a condition of development approval shall be required in accordance with the regulatory standards of applicable state and federal agencies. On-site mitigation is preferred where feasible.

Comments: The Southwest Florida Water Management District (SWFWMD) has authority over the development or alteration of wetlands. The petitioner, or whomever purchases the property, is required to coordinate with SWFWMD to provide adequate mitigation.

FINDINGS OF FACT

A rezoning from AG (Agricultural) to R-1C (Residential) is appropriate based on the following:

1. The petitioner has requested 8 to 10 parcels out of the overall 6.3 acre parcel. The request for a rezoning is appropriate, however the petitioner shall be limited to a maximum of 6 parcels due to minimum sewer and water parcel size requirements.
2. The request is consistent with the County's adopted Comprehensive Plan and the development patterns within the Ridge Manor subdivision which is adjacent to the subject property.

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 AG (Agricultural) to R-1C (Residential).

PLANNING AND ZONING ACTION:

On October 7, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from AG (Agricultural) to R-1C (Residential).