

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 12, 2025
Board of County Commissioners: July 1, 2025

APPLICANT: Brandon Burich and Dream Custom Homes, Inc.

FILE NUMBER: H-25-04

REQUEST: Rezoning from AG (Agricultural) to PDP(RUR) Planned Development Project (Rural)

GENERAL LOCATION: Northeast Corner of Evening Star Avenue and Station Boulevard

PARCEL KEY NUMBER(S): 1818108, 1818091

APPLICANT'S REQUEST

The petitioner has requested a rezoning from AG (Agricultural) to PDP(RUR) (Planned Development Project (Rural)) to subdivide the two existing parcels into a total of four (4) parcels of 1.25 acres each. The PDP(RUR) zoning classification was chosen to identify the specific number of parcels requested with the rezoning. If approved, the petitioner shall be required to submit 2 separate Class D subdivision requests (one per each existing parcel) to create the four lots desired.

While the property is currently zoned AG (Agricultural) and is surrounded by parcels that are also AG (Agricultural), the lot sizes range greatly, with some lots being as small as less than one-half acre. These parcels have vested zoning entitlements and would not be required to rezone to build; however, since the petitioner is requesting to subdivide, they must first rezone to a zoning classification that would allow for the smaller lot sizes.

Deviations Requested

Lot Setbacks:

- Front: 25' (Deviation from 45')
- Rear: 10' (Deviation from 35')

SITE CHARACTERISTICS

Site Size: 5 acres (2 parcels of 2.5 acres each)

Surrounding Zoning;

Land Uses:

North:	AG; undeveloped
South:	AG; undeveloped and residential uses
East:	AG; undeveloped
West:	R1-A; residential

Current Zoning: AG

**Future Land Use
Map Designation:** Residential

UTILITIES REVIEW

The Hernando County Utilities Department does not currently supply water or sewer service to these parcels. Water and sewer service are not available to these parcels. HCUD has no objection to the rezoning subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System for each parcel.

ENGINEERING REVIEW

The subject site is located at the northeast corner of Evening Star Avenue and Station Boulevard. If the requested rezoning is approved, the County Engineer shall approve the access to each lot as part of the Class D subdivision process.

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

- The site lies within the Squirrel Prairie watershed, within Basin B1035; the basin is open; the base flood elevation (BFE) is 106.14
- Requested front setback deviation to 25-feet is not supported by the County Engineer.

Comments: As the front setback is not supported by the County Engineer, planning staff is recommending that the standard front setback of 50' apply.

LAND USE REVIEW

Section 13. - Agricultural/residential districts.

A. The following regulations apply to agricultural/residential districts as indicated:

(1) Permitted uses:

(a) *All agricultural/residential districts:*

- i. Aquaculture
- ii. Grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre.
- iii. Poultry and swine for home consumption maintained at least seventy-five (75) feet from adjacent property.
- iv. Horticultural specialty farms, including the cultivation of crops.
- v. Accessory structures related to the principal use of the land.
- vi. Pigeon aviaries with a maximum of 1,500 square feet of area devoted to housing pigeons, per acre.
- vii. Sales on the premises of permitted agricultural products produced on the premises: provided that where such products are sold from roadside stands, such stand shall be set back a safe distance from any public street right-of-way and shall provide for automobile access and off-street parking space in

such a manner so as to not create an undue traffic hazard on the street on which such roadside stand is located.

(b) *Agricultural/residential:*

- i. Single-family dwellings.

(c) *Agricultural/residential-1:*

- ii. Mobile homes.

(d) *Agricultural/residential-2:*

- iii. Single-family dwellings.
- ii. Mobile homes.

Comments: The petitioner has not requested specific AR (Agricultural-Residential) uses as part of this PDP application; therefore, none of the uses are recommended for approval by staff. For continuity with the existing AG zoning, staff is recommending that both mobile homes and single-family homes are allowed to be constructed.

Setbacks and Lot Sizes:

The petitioner is proposing a minimum lot size of 1.25 acres.

Proposed Building Setbacks:

- Front: 25' (Deviation from 50')
- Side: 10'
- Rear: 10' (Deviation from 35')

Comments: As the front setback deviation request is not justified nor supported by the County Engineer, the petitioner must modify their master plan to conform with the 50' front setback as required by the Hernando County Land Development Regulations. Additionally, as the parcels shall be 1.25 acres, the 10' rear setback is not justified. If the master plan is approved, staff recommends the following setbacks:

- Front: 50'
- Rear: 35'
- Side: 10'

COMPREHENSIVE PLAN REVIEW

The subject site is within the Residential Future Land Use Classification which supports the development of single-family and multi-family residential units. The request is consistent with the Comprehensive Plan Goals, Objectives and Strategies for the Residential District and is consistent with surrounding uses.

FINDINGS OF FACT

The request for rezoning from AG (Agricultural) to PDP(RUR) (Planned Development Project (Rural)) is appropriate based on the following conclusions:

1. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.
2. The front yard setback requested is not justified nor supported by staff due to potential conflicts with the roadway network and site visibility. Additionally, due to the size of the parcels being requested, the rear setback deviation request is not justified nor supported by staff.

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 approval of the petitioner's request for a rezoning from AG (Agricultural) to PDP(RUR) (Planned Development Project (Rural)) 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. 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.
3. The development shall be limited to a maximum of four lots of 1.25 acres each.
4. At the time of building permit for each parcel, the petitioner shall be required to apply to the Florida Department of Health in Hernando County for approval of an Onsite Sewage Treatment and Disposal System.
5. Minimum Building Setbacks:
Front: 50'
Rear: 35'
Side: 10'

6. If the Master Plan is approved, the petitioner shall apply for two Class D Subdivisions (one per existing parcel) to subdivide the properties into the lots desired.
7. The master plan shall be limited to residential uses, including mobile homes and single-family homes. No other agricultural or agricultural/residential uses are permitted on the site.

P&Z RECOMMENDATION

On May 12, 2025, the Planning and Zoning Commission voted 4-0 to recommend approval of the petitioner's request for a rezoning from AG (Agricultural) to PDP(RUR) (Planned Development Project (Rural)) 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. 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.
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5. Minimum Building Setbacks:
 Front: 50'
 Rear: 35'
 Side: 10'
6. If the Master Plan is approved, the petitioner shall apply for two Class D Subdivisions (one per existing parcel) to subdivide the properties into the lots desired.
7. The master plan shall be limited to residential uses, including mobile homes and single-family homes. No other agricultural or agricultural/residential uses are permitted on the site.