

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 11, 2023
Board of County Commissioners: October 10, 2023

APPLICANT: M. Daniel Construction, Inc.

FILE NUMBER: H-23-10

REQUEST: Rezoning from Mining to AG (Agriculture)

GENERAL LOCATION: West side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway

PARCEL KEY NUMBER: 344354

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from Mining to AG (Agriculture). The subject site is currently split zoned with 140.1 acres in the Mining District and the remaining 10.0 acres in AG (Agriculture). This request is in conjunction with an accompanying Conditional Use Permit for excavation (eastern portion of site) and the reconfiguration/reestablishment and a PSF (Public Service Facility) for C&D land fill. The entire site with the exception of 10.0 acres along the east, has historically been utilized for a C&D Land Fill and sand excavation. Excavations are permitted in AG (Agriculture) by the County LDRs with Conditional Use Permit; however, are limited to 40.0 acres.

SITE CHARACTERISTICS:

Site Size: 140.1 acre portion (150.1 acres)

**Surrounding Zoning;
Land Uses:**

North:	Mining; Undeveloped
South:	AG; High, Middle and Elementary School Campus
East:	AG; Single Family, Mobile Homes
West:	AG; Single Family, Mobile Homes

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Mining

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

Hydrologic

Features: The subject property contains no wetlands, however, does contain a Special Protection Area (SPA) according to County data resources.

Comments: The Special Protection Area (SPA) was created by virtual of previous excavation. Due to the mining designation of the property, the existing land fill and excavation is a SPA under the Hernando County Regulations. It is the petitioner’s intent to change the zoning, so the SPA designation is removed and abandoned. The petitioner has indicated, the clay layer above lime rock has never been breached. The lime rock layer beneath the clay has never been breached. There will be a synthetic layer placed over the clay for the Class III land fill.

Protection

Features: The property is located within Wellhead Protection Area 2 (WHPA) according to County data resources.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer services to this parcel. Services are available along Sunshine Grove Road. HCUD does not object to the request for a rezoning from Mining to AG (Agriculture).

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the west side of Sunshine Grove Road, approximately 2,000' north of Ken Austin Parkway. The petitioner has not proposed any new access drives and will continue to use Sunshine Grove Road as their main full access point.

LAND USE REVIEW:

The petitioner has requested AG (Agricultural). According to Appendix A, Article IV, Section 6, Subsection A of the Hernando County Land Development Regulations, the following permitted use regulations apply to agricultural district:

Agricultural District:

- (a) Animal specialty establishment;
- (b) Farming and farming service establishments;
- (c) Fisheries;
- (d) Forestry and forestry service establishments;
- (e) Horticultural specialty farms;

- (f) Hunting, trapping and game propagation;
- (g) Landscaping service establishment;
- (h) Single-family dwelling;
- (i) Mobile Home, provided that such mobile home meets all of the regulations, requirements and provisions of this ordinance for minimum living area within the zoning district;
- (j) Land Application of Domestic Septage, provided that such operation meets all of the special regulations, requirements and provisions of this ordinance for operation and siting and applicable Florida Statutes, Administrative Rules, and provisions of the Hernando County Code of Ordinances;
- (k) Wildlife management activities;
- (l) Resource-oriented recreational activities;
- (m) Aquaculture.

Minimum Building Setback Requirements:

Front: 75'

Side: 25'

Rear: 35'

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.

COMPREHENSIVE PLAN REVIEW:

The subject site is located within the Mining Future Land Use Designation on the County's adopted Comprehensive Plan. The area is characterized by Mining and a land fill to the north and a school campus to the south.

Mining Category

Objective 1.04I: The Mining Category allows mining and ancillary mining activities with an overall average gross floor area ratio of 0.50, and co-location of mining support-related or industrial uses which consume mining products where mining occurs. Agricultural uses are also allowed.

Comments: The proposed use is consistent with the Comprehensive Plan Mining Category.

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 Mining to AG (Agricultural).