

REZONING CASE H-24-05

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 3, 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 (Agricultural) to PDP(RUR)/Planned Development Project (Rural) with performance conditions listed in **Appendix A** of this Staff Report.

PLANNING AND ZONING COMMISSION ACTION: JUNE 10, 2024

It is recommended that the Board of County Commissioners Postpone the petitioner's request for a rezoning from AG (Agricultural) to PDP(RUR)/Planned Development Project (Rural) with performance conditions listed in **Appendix B** of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: June 10, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: Six Feet Under, LLC

FILE NUMBER: H-24-05

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

GENERAL

LOCATION: West side of Spring Lake Highway, approximately 312' from its intersection with Church Road, south side of Church Road approximately 670' from its interstecction with Spring Lake Highway

PARCEL KEY

NUMBER(S): 1823771, 1075375

APPLICANT’S REQUEST

The petitioner is requesting a rezoning from AG (Agricultural) to PDP(RUR)/Planned Development Project (Rural) in order to develop an 85.6 acre site with twenty (20) parcel rural subdivision. Lots will range in size from 2.0 acres to 7.0 acres. As part of the PDP/ Planned Development Project request, the petitioner is requesting all AG (Agricultural) uses and the AR (Agricultural Residential) minimum lot sizes (1.0 acres). The request has a companion Comprehensive Plan amendment (CPAM2401) to change the land use designation from Rural to Countryside Community. The proposed amendment would allow for density increase in the rural area with a minimum lot size of 2.0 acres.

SITE CHARACTERISTICS:

Site Size: 85.6 acres

Surrounding Zoning &

Land Uses: North:AG; Undeveloped
South:AG, Undeveloped
East: AG, Undeveloped
West: AG, Undeveloped

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Rural

Flood Zone: X

UTILITIES REVIEW

Hernando County Utilities Department (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.

ENGINEERING REVIEW:

The subject property is located on the southwest corner of Church Road and Spring Lake Highway. The petitioner is proposing a single access to Church Road. The County Engineer has reviewed the petitioner's request and indicated the following:

- The developer must obtain all permits from Hernando County, including right-of-way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.
- All local roads proposed within the development are required to have sidewalks.
- Church Road is a Collector Road which requires a sidewalk installed for the length of parcel fronting Church Road.
- Church Road will require roadway improvements to bring the road up to a local road standard, and to be paved to accommodate the traffic being placed upon it. Paved connection from parcel (driveway entrance) to Church Street and paved from entrance to Spring Lake Highway.

LAND USE REVIEW:

Building Setbacks

Minimum AR (Agricultural/Residential) Building Setbacks:

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

Open Space

The proposed Future Land Use designation of Countryside Community has strategies to justify density increasing in rural areas, specifically open space. Countryside Community developments must be approved by master plan through the Planned

Development Project (PDP) process and shall be clustered on 50% or less of the property acreage.

Comments: The petitioner is proposing a large open/grazing area in the middle of the development, protected shorelines against Claire Lake (south) and an undeveloped treed area along the east (Spring Lake Highway)

COMPREHENSIVE PLAN REVIEW:

The subject is located within the Rural Land Use designation on the County's adopted Comprehensive Plan. The petitioner has submitted a companion Comprehensive Plan amendment (CPAM2401) to change the designation from Rural to Countryside Community. If approved, the new designation would allow density increase in the rural area with specific strategies to maintain and preserve the rural nature of the surrounding area.

Rural Density Exceptions

Strategy 1.04C(1): Notwithstanding the density limitations stated in Objective 1.04C parcels of 40 acres or less in single ownership as of January 1, 1990, may be developed at a maximum density of 0.4 dwelling units per acre (1 unit per 2.5 gross acres) for the first four dwelling units on the parcel, including existing dwelling units as determined by the applicable land development regulations.

Comments: The petitioner is proposing parcels smaller than 10.0 acres under the regulations of the AG (Agriculture) district; furthermore, the proposed development would exceed the maximum of seven (7) parcels under the "lot of Record/Parent Parcel" entitlements. For this matter, the petitioner is requesting Countryside Community to properly increase the density in the rural area.

Strategy 1.04C(2): The Rural Category contains areas of predominately platted or divided lands which have a more dense development pattern and character of a rural residential or residential nature that are recognized by existing zoning designations which allow for infill in a manner consistent with the character of the area, but does not allow for expansion into areas designated with lower land use densities.

Strategy 1.04C(3): Notwithstanding the density limitations stated in Objective 1.04C the areas described as recognized infill areas herein may be allowed to infill at densities consistent with the availability of utility services and the existing zoning designations. An appropriate transition shall be maintained between rural/agricultural uses and

recognized infill areas to protect the use and enjoyment of land and maintain appropriate development patterns. Specific areas and circumstances where the infill pattern is expected and where infill would allow for more efficient use of existing infrastructure are recognized by this strategy.

Strategy 1.04C(4): Development within recognized infill areas described herein are subject to the following standards:

- a. Compatibility with existing surrounding lots
- b. Adequate access shall be provided for all newly created individual building lots;
- c. The land development regulations for newly created building lots must be met;
- d. The land development regulations governing lot size for potable water, well and septic tank for newly created building lots must be met.

The Countryside Community

Objective 1.04D: The purpose of the Countryside Community is to provide for specialized standards to be met for allowing increased density for new single family subdivisions within the Rural Future Land Use Category that will ensure the accommodation of agricultural, and countryside uses, maintain rural views, and maintain the functional integrity of natural resources including wildlife habitat and groundwater recharge. The Countryside Community also provides flexibility and incentives for the incorporation of exceptional conservation amenities into proposed development. The Countryside Community is designated primarily to provide for consideration of larger development proposals on property that is primarily rural in character.

Strategy 1.04D(1): Countryside Communities may be developed on assemblages of property that total at least 40 acres within the Rural Future Land Use Category consisting of single family residential land uses with a maximum residential density of 0.5 dwelling units per gross acre (1 unit per 2.0 gross acres). Development must be approved by master plan through the Planned Development Project (PDP) process and shall be clustered on 50% or less of the property acreage.

Comments: The petitioner has indicated the proposed rural subdivision will consist of 20 lots on 85.6 acres

Strategy 1.04D(2): Countryside Community features include the following:

- a. Layout that clusters the non-agricultural, non-recreational uses to the most advantageous areas that preserve lands in contiguous open space in natural areas, agricultural lands and rural scenic views;
- b. Agricultural pursuits (including community gardens), passive recreational areas, and open active recreational areas (field sports, trails, etc.) should be placed contiguous with natural open space and, as such, may be considered part of that open space if there are no buildings and the spirit of the development purpose (to preserve linked open space and rural views) is met;
- c. Open space shall consist of uplands and wetlands to a lesser extent;
- d. Low impact stormwater design shall be utilized to the maximum extent possible, taking into consideration the most advantageous configuration of open space and development areas. Stormwater handling areas may be included in contiguous open space as part of the allowable wetlands portion;
- e. Development amenities such as drainage, lighting, landscaping, building placement and street layout shall be designed to minimize fragmentation of open space to the lowest possible edge to area ratio, and, maximize internal neighborhood connectivity in the design;
- f. Existing or created access to a County-maintained roadway is required. Improvements may be required in conjunction with the development approval;
- g. Pavement of all roads internal to the project within the developed portion is required;
- h. Native forest cover in the open space shall not be cleared but the understory may be managed to accommodate land management needs;
- i. An open space easement that runs with the land shall be recorded in perpetuity for the open space, including covenants appropriate to the sensitivity, character and function of the open space area.

Comments: The proposed rural subdivision is proposed as a clustered development, with perimeter buffers and open space consisting of forested, grazing and floodplain/wetlands. Parcels will be limited to a common driveway on Church Road and limit the impact to Spring Lake Highway. The proposed layout is appropriate and meets the strategies of the Countryside Community.

FINDINGS OF FACT:

A rezoning from AG (Agricultural) to PDP(RUR)/Planned Development Project (Rural) is appropriate based on consistency with the County's adopted Comprehensive Plan and 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 Concurrence. 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 PLANNING AND ZONING
COMMISSION**

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION

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 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. All local roads proposed within the development shall be required to have sidewalks.
3. Church Road is a Collector Road which requires a sidewalk installed for the length of parcel fronting Church Road.
4. Church Road shall require roadway improvements to bring the road up to a local road standard, and to be paved to accommodate the traffic being placed upon it. Paved connection from parcel (driveway entrance) to Church Street and paved from entrance to Spring Lake Highway.
5. The minimum lot size shall be 2.0 acres.
6. 50% of the overall development shall be allocated/maintained for open space.

APPENDIX B
PLANNING AND ZONING COMMISSION ACTION

APPENDIX B –PLANNING & ZONING COMMISSION ACTION

It is recommended that the Board of County Commissioners Postpone the petitioner's request for a rezoning from AG (Agricultural) to PDP(RUR)/Planned Development Project (Rural) with the following performance conditions