

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 14, 2022
Board of County Commissioners: July 12, 2022

APPLICANT: New Strategy Holdings, LLC (On Behalf of HWY 98 N. Project, LLC)

FILE NUMBER: H-22-07

REQUEST: Rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with Deviations

GENERAL LOCATION: East side of McKethan Road at its intersection with Portage Path

PARCEL KEY NUMBERS: 394647

APPLICANT'S REQUEST:

On February 2, 2022, the petitioner submitted a request for a rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with Deviations for a 134-unit subdivision. The Planning Department reviewed the application, distributed for comment to the reviewing agencies and departments, and issued a completeness letter on March 3, 2022, indicating the following:

- The application needed to be updated with the Ridge Manor Property Owners' Association as an HOA in the area; Additionally, the petitioner was to reach out to the HOA and provide the HOA contact affidavit and contact summary. Depending on the outcome of this initial contact, a Public Inquiry Workshop (PIW) may have been required;
- As part of the review, it was determined that a small-scale Comprehensive Plan Amendment would be necessary based on the 2040 Comprehensive Plan, Future Land Use Element Strategy 1.04C(6); and
- A frontage road would be required upon need and demand by the County Engineer. The petitioner was to address the requirement and revise the master plan to provide the frontage road.

The Completeness Letter provided a 30-day window for response to the deficiencies as noted and in accordance with Florida Statutes Section 125.002 (see below).

Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is

submitted or specifying with particularity any areas that are deficient. If deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.

No response was received, and a second letter of application deficiency was forwarded on April 5, 2022. This letter required a written response with the necessary documentation or a request for further postponement of the application by April 12, 2022.

No documentation was received and no written request for postponement was submitted.

In accordance with HB7103 (2019), this application can be recommended for denial to the appropriate recommending and governing bodies due to lack of necessary information.

Additionally, the application will be subject to the following Hernando County Code of Ordinances:

Appendix A (Zoning), Article VI (Amendments), Section 5 (Amendments that have been rejected by the governing body):

The commission may refuse to review any proposed amendment which has been rejected by the governing body within the past twelve-month period and an amendment request for the same zoning district or textual change will not be scheduled within the twelve-month time period without prior approval by the commission.

In order to obtain the approval of the commission, an applicant must make a written request, with justification, to the commission for relief from this requirement. The commission shall make a decision at a public meeting as to whether it wishes to hear the request within the twelve-month period.

The action of the commission shall be reported to the governing body. Within two weeks of the public meeting where the commission makes a decision regarding scheduling of any proposed amendment within the twelve-month period, the governing body may reverse the commission's decision by majority vote.

This provision shall not apply where a property owner submits a new application which is materially different than the rejected application.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners deny the petitioner's request for a Rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations due to the lack of required documentation for the County to properly evaluate the request.