

COMPREHENSIVE PLAN AMENDMENT CASE CPAM-24-01

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 3, 2024

It is recommended that the Planning and Zoning Commission review the proposed amendment and determine whether to recommend approval to the Local Planning Agency and the Board of County Commissioners as a large-scale amendment see **Appendix A** of this Staff Report

INTRODUCTORY INFORMATION

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

APPLICANT: Six Feet Under, LLC

FILE NUMBER: CPAM2401

REQUEST: Large Scale Comprehensive Plan Amendment to amend the Future Land Use Map for a 85.6 acre tract (MOL) from Rural to Countryside Community

GENERAL LOCATION: Southwest corner of Church Road and Spring Lake Highway

PARCEL KEY NUMBERS: 1823771, 1075375

DESCRIPTION OF PROPOSED AMENDMENT

The proposed large scale Comprehensive Plan Amendment is to amend the Future Land Use Map from Rural to Countryside Community on a combined 85.6 acre (MOL) tract. This application is a companion application to a rezoning petition filed by the petitioner (H2405) that will enable the petitioner to subdivide the subject site into 20 residential parcels. Detailed analysis provided under Comprehensive Plan Consistency.

Site Characteristics

Total Site Size: 85.6 acres

Surrounding Zoning: North: AG; Undeveloped
South: AG, Undeveloped
East: AG, Undeveloped
West: AG, Undeveloped

Surrounding Land Use: North: Rural
South: Rural
East: Rural
West: Rural

Current Zoning: AG (Agriculture)

According to the Hernando County Comprehensive Plan, properties that are classified as Rural on the Future Land Use Map may develop at one (1) unit per 10.0 acres, unless the parcel is a "Lot of Record/Parent Parcel", at which time the owner would be entitled to the following provisions:

Appendix A - Zoning Article IV. - Zoning District Regulations Section 6 (A)(6) - Rural Districts.

(6) Special provisions: Parcels existing prior to January 1, 1990, may be used as follows:

- i. The subdivision of a minimum five-acre parcel into a maximum of two (2) parcels each having a minimum lot size of two and one-half (2½) acres (including rights-of-way and access tracts) will be allowed, provided the county development and subdivision regulations are met.
- ii. The subdivision of a minimum 7½-acre parcel into a maximum of three (3) parcels each having a minimum lot size of two and one-half (2½) acres (including rights-of-way and access tracts) will be allowed, provided the county development and subdivision regulations are met.
- iii. The subdivision of a minimum ten-acre parcel into a maximum of four (4) parcels each having a minimum lot size of two and one-half (2½) acres (including rights-of-way and access tracts) will be allowed, provided the county development and subdivision regulations are met.
- iv. The subdivision of a minimum twenty-acre parcel into a maximum of five (5) parcels each having a minimum lot size of two and one-half (2½) acres (including rights-of-way and access tracts) will be allowed, provided the county development and subdivision regulations are met.
- v. The subdivision of a minimum thirty-acre parcel into a maximum of six (6) parcels each having a minimum lot size of two and one-half (2½) acres (including rights-of-way and access tracts) will be allowed, provided the county development and subdivision regulations are met. No more than four (4) 2½-acre parcels may be created from the forty-acre parcel.
- vi. The subdivision of a forty-acre parcel into a maximum of seven (7) parcels each having a minimum lot size of two and one-half (2½) acres (including rights-of-way and access tracts) will be allowed, provided the county development and subdivision regulations are met. No more than four (4) 2½-acre parcels may be created from the forty-acre parcel.

The petitioner is proposing subdividing the subject 85.6 acres into approximately 20 parcels ranging in size from 2.0 acres to 7.0 acres. The proposed rural subdivision

would exceed the January 1, 1990, provisions and the strategies of the Rural Land Use designation; therefore, the petitioner is requesting Countryside Community, which would allow for one (1) unit per 2.0 acres when the strategies of the Comprehensive Plan are met.

COMPREHENSIVE PLAN CONSISTENCY

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.

Staff Analysis:

The subject property is adjacent to large agricultural tract, and is located in an entirely rural area of the county. The proposed density of 20 lots, proposed open space and the clustering provisions of the Countryside Community, are appropriate mitigation for reducing the impact of the proposed increase in density. No significant impacts to the transportation network or the environment are anticipated from this amendment.

FINDINGS OF FACT

The request for a large-scale amendment is compatible with the surrounding land uses and consistent with the Comprehensive Plans strategies for Countryside Community Land Uses.

APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION

APPENDIX A – STAFF RECOMMENDATION TO PLANNING AND ZONING COMMISSION

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