

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 11, 2022
Board of County Commissioners: August 8, 2022

APPLICANT: Gregory Thomas & Andrea Lynn Arflack, Thomas & Patricia Dampman, Donald E. Wagner, Kenneth R. Davis, Randy Bland, Gabriel A Olmo, Pauline M. Barlo, Mauricio Lopez

FILE NUMBER: H-22-33

REQUEST: Rezoning from R-1C/(Residential) to AR/(Agricultural/Residential)

GENERAL LOCATION: South of Albany Road, north of Barnevelde Road and east of Celeste Avenue

PARCEL KEY NUMBERS: 1538955, 00073592, 0073486, 00073468, 00073459, 01627118, 00073681, 00073878, 00073477

APPLICANT'S REQUEST:

The application is made by nine (9) petitioners seeking to collectively rezone their parcels from R-1C/(Residential) to AR/(Agricultural-Residential). The nine (9) parcels (as listed below) are part of Country Estate Unit 1, a subdivision comprised of 67 lots, 2.0 acres and larger. Country Estates is a subdivision within the Royal Highlands area. The petitioners have indicated the rezoning would help preserve the rural nature of the area and permit the raising of livestock per AR/(Agricultural-Residential) standards.

SUBJECT PROPERTIES:

Key # 1538955	Lot 26	Owners: Gregory and Andrea Arflack
Key # 00073592	Lot 25	Owners: Thomas and Patricia Dampman
Key# 00073477	Lot 7	Owners: Mauricio Lopez
Key # 0073486	Lot 8	Owner: Donald E. Wagner
Key # 01627118	Lot 29	Owners: Randy Bland
Key# 00073681	Lots 36&37	Owners: Gabriel Olmo
Key # 00073878	Lot 57	Owners: Pauline M. Barto
Key # 00073459	Lot 4	Owners: Kenneth R. Davis
Key # 00073468	Lot 5	Owners: Kenneth R. Davis

SITE CHARACTERISTICS:

Site Size:	17.56 Total acres
Surrounding Zoning & Land Uses:	North: R1C; existing residential development South: R1C; existing residential development East: AG; Undeveloped, Powerline West: R1C; existing residential development
Current Zoning:	R-1C/(Residential)
Future Land Use Map Designation:	Rural

ENVIRONMENTAL REVIEW:

Soil Type:	Candler Fine Sand
Habitat:	Habitat – Residential low intensity, low density urban land and sandhill according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).
Hydrologic Features:	The parcel does not contain any wetlands, according to County data resources.
Protection Features:	The parcel does not contain Wellhead Protection Areas (WHPA), Special Protection Areas (SPA), or archaeological/historical sites according to County data resources.
Flood Zone:	X

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. Water and sewer service are not available to these parcels. All parcels have existing homes with well and septic.

ENGINEERING REVIEW:

The subject sites are located south of Albany Road, north of Barnevelde Road and east of Celeste Avenue. Roads in this area are unimproved. The County Engineer has reviewed the petitioner's request and indicated no traffic related issues or concerns.

LAND USE REVIEW:

The AR/(Agricultural/Residential) district is designed to allow the utilization of tracts of land for single-family dwellings while preserving the open character of the land. This zoning district is designed for use in areas which, by virtue of their location, physical characteristics and/or relationship to other land use areas, should be developed carefully and at a low-density to maintain their overall character within the county.

Minimum Building Setbacks:

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

The following uses are allowable in the AR/(Agricultural-Residential) zoning district:

- 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.

COMPREHENSIVE PLAN REVIEW:

The subject sites are within the Rural Future Land Use classification and are in Country Estates within the Royal Highlands area.

Rural Category

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

Comments: The parcels have existing homes, and the requested rezoning is consistent with the Comprehensive Plan Rural category.

FINDINGS OF FACT:

A rezoning from R-1C/(Residential) to AR/(Agricultural/Residential) is appropriate based on its consistency with the Comprehensive Plan and compatibility with the surrounding land uses.

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.

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 R-1C/(Residential) to AR/(Agricultural/Residential).