

STAFF REPORT

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

APPLICANT: Big Sky Club

FILE NUMBER: H-23-24

REQUEST: Rezoning from AG (Agricultural) to AR (Agricultural/Residential)

GENERAL LOCATION: Southwest corner of Powell Road and Burns Road

PARCEL KEY NUMBER: 1184346

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG (Agricultural) to AR (Agricultural/Residential) in order to ultimately split the 31.97-acre parcel into ten (10) 3.0-acre parcels. The 10-parcel rural subdivision will be gated and will have an HOA restricting home size and architecture.

If the rezoning is approved, the petitioner shall be required to submit for a Class C subdivision through the Planning and Zoning Division to subdivide the parcel.

SITE CHARACTERISTICS

Site Size: 3.61 acres

**Surrounding Zoning;
Land Uses:** North:R-1C; Residential
South:R-1C; Residential
East:R-1C; Residential
West:R-1C; Residential

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Rural

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 on the southwest corner of Michigan Avenue and Gladstone Street and has an existing home and driveway on the property. The County Engineer has reviewed the petitioner's request and indicated the following:

- This site contains an existing drainage channel. Provision must be made to allow continued discharge at the historical low point.
- The driveway apron from the paved edge of Powell Road to the property line is to be paved per County Standards.
- The width of the right-of-way and roadway is to meet Hernando County standards for a Class "C" Subdivision.
- A sixty-foot access and utility tract with a cleared and maintained right-of-way width of thirty (30) feet improved to the following minimum standards: a compacted lime rock travel surface, or other surface acceptable to the county engineer, twelve (12) feet in width, and four (4) inches thick.
- The access and utility tract shall meet the following minimum standards: a 95-foot radius to provide a 20-mph horizontal curve design speed, and vertical curves designed to meet a 30-mph site distance. They shall have intersection angles at no less than seventy (70) degrees.
- The design of the Cul-De-Sac is to meet Hernando County Standards to allow for a Pierce 105' Aerial Ladder Fire Apparatus to safety turn around.
- The proposed gate is to be designed per County Standards.
- The petitioner will be required to provide a stop sign (30" x 30"), 24" stop bar and centerline (double yellow) pavement markings from the stop bar to property line.

LAND USE REVIEW

Minimum AR (Agricultural/Residential) Building Setbacks:

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

The AR district is designed to allow the continued development of low-density, single-family housing. The Hernando County Code of Ordinances, Appendix A, Article IV, Section 13 identifies the permitted uses within the AR zoning district as follows:

A. The following regulations apply to agricultural/residential districts as indicated:

(1) Permitted uses:

(a) All agricultural/residential districts:

- 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.
- (b) Agricultural/Residential:
- i. Single-family dwellings

COMPREHENSIVE PLAN REVIEW

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.

Comment: The parcel is within the Rural land use classification and is surrounded by residential parcels ranging in size from 3.2 to 35.0 acres. The proposed rezoning is consistent with the strategies for rural density and the pattern of land development on the surrounding parcels.

FINDINGS OF FACT

The request for a rezoning from AG (Agricultural) to AR (Agricultural/Residential) is appropriate based on consistency with the County's adopted Comprehensive Plan and 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.

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 rezoning from AG (Agricultural) to AR (Agricultural/Residential).