

**STAFF REPORT**

Planning & Zoning Commission: February 13, 2006  
Board of County Commissioners: March 15, 2006

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**APPLICANT:** Lawrence Miller and Marilyn O'Connor **FILE NUMBER:** H-06-11

**PURPOSE:** Rezoning from C-1 (General Commercial) and AR-2 (Agricultural-residential) to AR-2 (Agricultural-residential)

**GENERAL**

**LOCATION:** West side of McIntyre Road, approximately 1,700' north of Mondon Hill Road

**LEGAL**

**DESCRIPTION:** Lot 28 and portions of Lots 21, 27, 37 and 38, Block B, East Brooksville, as per plat thereof recorded in Plat Book 3, Page 9, of the Public Records of Hernando County, Florida in Section 24, Township 22 South, Range 19 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: AR-2  
South: City of Brooksville  
East: AR-2  
West: City of Brooksville

Surrounding Land Uses

Undeveloped  
Cloverleaf Farms Mobile Home Park  
Pasture  
Cloverleaf Farms Mobile Home Park

**SUMMARY OF REQUEST**

The petitioner requests to rezone from C-1 and AR-2 to AR-2. The subject property is located on the west side of McIntyre Road, approximately 1,700' north of Mondon Hill Road.

**FACTUAL INFORMATION**

1. The property is currently zoned C-1 and AR-2.
2. The property comprises approximately 2.5 acres.
3. The site contains two (2) mobile homes.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from McIntyre Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Flemington fine sandy loam.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The City of Brooksville has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by rural residential uses, a mobile home park and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone from C-1 and AR-2 to AR-2. In 1974 the BCC approved a rezoning on approximately 8,500 square feet of the site from AR-2 to C-1 to allow a dental supply business.

The City of Brooksville has indicated that central water and sewer are not available to serve the subject site.

The County Engineer had no objections to the request, but noted that if the property is subdivided in the future, the County will request 40' of ROW from McIntyre Road's centerline.

The City of Brooksville has no comments regarding the request.

**FINDINGS OF FACT**

The area is characterized by rural residential uses, a mobile home park and undeveloped parcels. The Cloverleaf Farms Mobile Home Park is located to the west and south of the subject property. Rural residential uses are located in this area of McIntyre Road.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

The Planning staff is of the opinion that the request for a rezoning from C-1 and AR-2 to AR-2 is appropriate, based on the following conclusions:

1. The agricultural-residential zoning would be compatible with the surrounding land uses.
2. The agricultural-residential zoning is consistent with the County’s adopted Comprehensive Plan subject to compliance with all performance conditions herein.

**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. Homeowners 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:**

Pursuant to the findings of fact outlined in the staff’s report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_ approving the petitioner’s request to rezone from C-1 and AR-2 to AR-2, with the following performance condition:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. At the time of any subdivision on the property, 40' of right-way from McIntyre centerline will be required.

**P&Z RECOMMENDATION:**

At the February 13, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from C-1 and AR-2 to AR-2, with the following performance condition:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. At the time of any subdivision on the property, 40' of right-way from McIntyre centerline will be required.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution #2006- 71 approving the petitioner's request to rezone from C-1 and AR-2 to AR-2, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. At the time of any subdivision on the property, 40' of right-way from McIntyre centerline will be required.