

BRIEF OVERVIEW:

On July 25, 2024, Raysor Ventures, LLC filed its Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA").

On December 19, 2024, Hernando County staff and Raysor Ventures, LLC attended mediation on the dispute and then prepared the Mediated Settlement Agreement.

On January 10, 2025, the Mediated Settlement Agreement was fully executed and is presented here for consideration by the Board.

BOARD OF COUNTY COMMISSION ACTION:

On February 25, 2025, the Board of County Commission voted 3-2 to adopt a resolution approving the Mediated Settlement Agreement for a rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multifamily) with **modified** performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Planning
 - A. Allowed Uses in this PDP: Multifamily complex and associated accessory uses.
 - B. Maximum number of Dwelling Units Allowed: ~~125~~ 90
 - C. Maximum number of dwelling units per building: ~~60~~ 50
 - D. Maximum Building Coverage: 45%
 - E. Minimum Building Separation: 15'
 - F. Minimum dwelling unit square footage: 600 square feet
 - G. Maximum Building Height: 45' / 3 stories
 - H. The petitioner should work with TheBus and the County Engineer to see if a transit stop can be installed on or near the development to provide access to alternate forms of transportation for the residents.
 - I. Setbacks (inclusive of the vegetated buffer)
 - North: 25'
 - South: 20'
 - East: 10'
 - West: 10'

3. **Buffers and Permanent Screening:**

A buffer shall be required between a Planned Development Project land use which is multifamily or non-*residential* and a land use, external to the PDP, which is *residential*, *agricultural-residential*, or *agricultural*. The buffer shall consist of a minimum five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting (*Appendix A, Article VIII, Section 1(C)*).

- North: 20' 25' (natural vegetative buffer supplemented where necessary)
- South: 5'
- East: 5'
- West: 5'

*Buffer fencing – the required greenery shall be installed on the side of the fence or wall that faces the adjacent property.

- A. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- B. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees (without the use of large machinery that would level the buffer). Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.

4. **Environmental:**

- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. Jurisdictional wetland lines shall be established and shown on all plans submitted for this project. A buffer around the wetlands, with an average of 20', with no portion of the buffer being less than 15' wide, shall be shown all plans submitted for this project.

- B. Required Open Space: 2.04 acres

The petitioner shall preserve the minimum seven percent (15%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*)
Minimum open space required for multifamily developments containing

twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must be maintained in open space. A minimum of fifty (50) percent of the required open space shall be in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

The designated open space shall be at least 500 square feet with no areas less than 15' in width.

- C. Required Natural Vegetation: 29,621 square feet

Article II, Section 10-28 (2). Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

- D. Landscaping:

A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.

- E. Invasive plant species if present are to be removed during the development process.

- F. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

5. Engineering:

- F. The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies including, but not limited to, Southwest Florida Water Management District, Florida Dept. of Environmental Resources, Florida Dept. of Wildlife, in addition to meeting the Hernando County permitting requirements.
- G. This site is adjacent to the "Nature Coast Commons" project and across the discharge path of the outfall from that project. The discharge flow path must be addressed in any development of the site. Development was after the detailed watershed study.

- H. A Traffic Access Analysis shall be performed and provided to the County during the development process. The Traffic Access Analysis shall include a queuing analysis.
 - I. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
 - J. A sidewalk shall be constructed along Osowaw Boulevard for the entire length of the parcel.
6. Utilities: HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.
7. Schools:

The petitioner must apply for and receive a "Finding of School Capacity" from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District and the County.

Without Conditional Plat or the functional equivalent in place, the School Districts finding of school capacity expires within 1 year of issuance.

8. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP(Special Use) on plats.
9. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
10. A boulevard entry feature, which entails a landscaped median that separates opposing traffic flows on the vehicular access point to the property must be provided.
11. A clubhouse must be located at or near the vehicular entrance to the property to: (1) provide a shield from the majority of the parking area visible from Osowaw Boulevard; and (2) improve vehicular circulation within the parking area for emergency services and solid waste and recycling.
12. A neighborhood park, including a playground, shall be provided for the residents.