

RESOLUTION NO. 2022 - _____

WHEREAS, Hernando County has adopted zoning regulations pursuant to Section 125.01(1) and Chapter 163, *Florida Statutes*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing on July 12, 2022, to consider the requested changes in zoning on the specified parcels in Hernando County, Florida, as more fully described below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

APPLICANT: Ortiz Planning Solutions on behalf of Clever Cow, LLC

FILE NUMBER: H-22-13

REQUEST: Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations

GENERAL LOCATION: South side of Cortez Boulevard, approximately 700' east of Nightwalker Road

PARCEL KEY NUMBERS: 1170618, 346717

APPLICATION; NOTICE: The rezoning application for a Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations, is enumerated in the BOCC Action, and is incorporated herein by reference and made a part hereof. For purposes herein, it is presumed that all notice and advertising requirements have been satisfied.

FINDINGS OF FACT: ALL of the facts in the record, including the County's staff report memoranda and those facts presented at the public hearings on this matter (Planning and Zoning Commission and BOCC), are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the record supporting DENIAL of the applicant's request for a Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations,

is credible and constitutes competent substantial evidence. The BOCC finds further:

1. The application is not consistent with the 2040 Hernando County Comprehensive Plan, Chapter 1 (Future Land Use Element), Goal 1.10 (Land Development Regulations), Land Use Compatibility: Objective 1.10B, Strategy 1.10(B)(3), as described below:

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

FINDING: The proposed intensity of the multifamily units adjacent to the existing single-family residential development was incompatible and destructive to the character and integrity of the established residential community.

2. The application does not meet the requirements of the Hernando County Code of Ordinances, Appendix A (Zoning), Article VIII (Planned Development Project), Purpose, as described below:

Purpose: “The board shall base its decision on the requested deviation based on the impact on the public in regards to the health, safety and welfare of the public. The governing body may increase or decrease the minimum standards provided herein in order to attain compatibility, protect natural resources or meet other public purpose goals.”

FINDING: The building height deviation requested by the petitioner to 60' enhanced the incompatibility between the existing single-family residential community and the proposed uses.

CONCLUSIONS OF LAW:

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Florida Statutes*. Accordingly, based on the entire record and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The application is not consistent with the 2040 Hernando County Comprehensive Plan.
2. There is a legitimate public purpose in maintaining the existing zoning to protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area, to protect the health, safety and welfare of the public, and to attain compatibility with surrounding residential uses.

ACTION: After due public notice and public hearings (Planning and Zoning Commission and BOCC), and based upon the entire record in this matter, including the findings of fact and conclusions of law above, the BOCC hereby DENIES the applicant's request for a Revision to a Master Plan with a rezoning from PDP(OP)/Planned Development Project (Office Professional) and PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) and PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and Deviations.

ADOPTED IN REGULAR SESSION THE 12th DAY OF JULY 2022.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: _____
Steve Champion
Chairman

(SEAL)

Approved as to Form and
Legal Sufficiency

By:  _____