

JOHNSTON LAW GROUP, P.A.
29 S. Brooksville Avenue
Brooksville, FL 34601

TELEPHONE: (352) 796-5124
FACSIMILE: (352) 799-3187
EMAIL: dwi@djohnstonlaw.com

DARRYL W. JOHNSTON

January 12, 2023

VIA EMAIL AND HAND DELIVERY

John Allocco
Chairman
Hernando County Board of County Commission
15470 Flight Path Drive
Brooksville, FL 34604

Re: Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes, for Property Subject to Rezoning File No.: H-22-58 located at the northwest corner of the intersection of Pythia Place and Linden Drive, approximately 300' north of County Line Road

Dear Commissioner Allocco:

This is a Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, § 70.51, Fla. Stat., on behalf of Adam Webster and Wayne Karastury, the applicants for Rezoning File No: H-22-58 for property located at the northwest corner of the intersection of Pythia Place and Linden Drive, approximately 300' north of County Line Road. ("Property"). Attached hereto as **Composite Exhibit A** is the Hernando County Rezoning Application dated March 2, 2022 with narrative, Appointment of Agent, property ownership documents, and site plan.

As described below, Hernando County took action on File No.: H-22-58 that is unreasonable and unfairly burdens the use of the Property and my client's property rights. There is no competent substantial evidence in the record supporting the County's decision. In fact, the record evidence shows that the only competent substantial evidence presented was the staff report which recommended approval, Staff testimony, and the presentation of the applicant. There was lay testimony from neighbors, but no one in opposition testified as an expert. The County Planning & Zoning Commission also recommended approval. We hope to use the Dispute Resolution Act to work with the County to resolve this issue in a way that protects my client's property rights and balances the County's concerns.

Pursuant to section 70.51(6), Florida Statutes, a Request for Relief must contain:

- (a) A brief statement of the owner's proposed use of the property;
- (b) A summary of the development order or description of the enforcement action. A copy of the development order or the documentation of an enforcement action at issue must be attached to the request;
- (c) A brief statement of the impact of the development order or enforcement action on the ability of the owner to achieve the proposed use of the property; and
- (d) A certificate of service showing the parties, including the governmental entity, served.

A. Owner's Proposed Use of the Property.

The Property is proposed to be rezoned PDP-GHC with a specific C-2 use of mini-warehouses. The property is 6.14 acres in size and already zoned PDP-GHC

B. Summary of the Development Order.

The Board of County Commission denied the application for File No.: H-22-58 by a 5-0 vote. The decision noting the denial of File No.: H-22-58 has not been reduced to writing, but when it is signed, a copy will be added to supplement this FLUEDRA request. The Commission denied the application for rezoning due to an alleged incompatibility, but there was no evidence of compatibility presented at the hearing other than expert testimony that the proposed use was compatible with conditions.

There were many lay witnesses, but only two witnesses who provided expert testimony regarding compatibility of the proposed rezoning. One was Omar DePablo and the other was Michelle Miller, both with the Hernando County development department. The County Commission found that the application for rezoning was not compatible with surrounding land use without any substantial competent evidence.

In making its decision, the County Commission disregarded the land development regulations and staff testimony. The proposed rezoning was consistent with the County land development regulations and comprehensive plan as set forth in Staff's Report attached as **Exhibit B.**

The transcript from Applicant's public hearing presentation is attached as **Exhibit C.**

C. Impact of the Development Order on the Ability of the Owner to Achieve the Proposed Use of the Property.


The action of the County denying Webster and Karastury's PDP application has created an inordinate burden on the Owner's property rights by directly restricting and or limiting the use of its real property such that the property owner is permanently unable to attain the reasonable,

investment-backed expectation for the existing use of the real property and or the vested right to use of the real property in accordance with the land development regulations. The rezoning is compatible with the land use.

D. Certificate of Service Showing the Parties, Including the Governmental Entity, Served.

The Certificate of Service is attached.

Sincerely,



Darryl W. Johnston

DWJ/

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed and served on January 12, 2023, via hand delivery and email to:

Elizabeth Narverud
Hernando County Board of County Commission
ENarverud@HernandoCounty.us
15470 Flight Path Drive
Brooksville, FL 34604

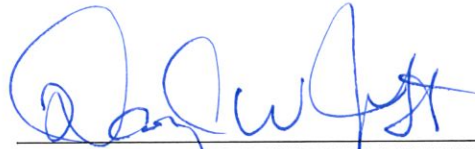
Brian Hawkins
Hernando County Board of County Commission
BHawkins@co.hernando.fl.us
15470 Flight Path Drive
Brooksville, FL 34604

Jerry Campbell
Hernando County Board of County Commission
JerryC@HernandoCounty.us
15470 Flight Path Drive
Brooksville, FL 34604

Steve Champion
Hernando County Board of County Commission
SChampion@HernandoCounty.us
15470 Flight Path Drive
Brooksville, FL 34604

Jeff Rogers
County Manager
administration@hernandocounty.us
15470 Flight Path Drive
Brooksville, FL 34604

Jon Jouben, Esq.
County Attorney
CAO@hernandocounty.us
20 N. Main Street
Suite 462
Brooksville, FL 34601



DARRYL W. JOHNSTON, ESQUIRE
Florida Bar No. 768286
Johnston Law Group, P. A.
29 S. Brooksville Avenue
Brooksville, FL 34601
(352) 796-5124
Primary email: dwj@djohnstonlaw.com
Secondary email: sclark@djohnstonlaw.com
Attorney for A & I Land Association, Inc. LLC

EXHIBIT LIST

Composite

Exhibit A Hernando County Rezoning Application dated September 16, 2022 with narrative, Appointment of Agent, property ownership documents, site plan, and photographs in evidence.

Exhibit B Staff Report

Exhibit C Transcript of Public Hearing on RZ 2020-03 (ordered and will be supplemented upon receipt.

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

- Rezoning [] Standard [x] PDP
Master Plan [x] New [] Revised
PSFOD [] Communication Tower [] Other

PRINT OR TYPE ALL INFORMATION

File No: _____ Official Date Stamp: _____
Si
Planning
Hernando County, Florida

Date: 6/30/22

APPLICANT NAME: Mr. Adam Webster or Wayne Karstury

Address: 13211 Conneaut Lake Road

City: Conneaut Lake

State: PA

Zip: 16316

Phone: 1.814.282.6356 Email: wkarastury@zoominternet.net

Property owner's name: (if not the applicant) Hamoui

REPRESENTATIVE/CONTACT NAME: Alan Garman

Company Name: Civil-Tech Consulting Services, LLC

Address: 12 S. Main Street

City: Brooksville

State: FL

Zip: 34601

Phone: 352.584.3890

Email: alang@civil-tech.com

HOME OWNERS ASSOCIATION: [] Yes [x] No (if applicable provide name)

Contact Name:

Address:

City:

State:

Zip:

PROPERTY INFORMATION:

- 1. PARCEL(S) KEY NUMBER(S): 1180322
2. SECTION 33, TOWNSHIP 23 S, RANGE 18 E
3. Current zoning classification: PDP (GHC)
4. Desired zoning classification: PDP (GHC) with with a specific C-2 of mini-warehouses
5. Size of area covered by application: 6.14
6. Highway and street boundaries: Linden Drive East; Pythia to the South
7. Has a public hearing been held on this property within the past twelve months? [] Yes [x] No
8. Will expert witness(es) be utilized during the public hearings? [] Yes [x] No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? [] Yes [x] No (Time needed: _____)

PROPERTY OWNER AFFIDIVAT

I, N. Hamoui, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

- [] I am the owner of the property and am making this application OR
[x] I am the owner of the property and am authorizing (applicant): Adam Webster or Wayne Karastury
and (representative, if applicable): Civil-Tech Consulting Services, LLC - Alan Garman
to submit an application for the described property.

Handwritten signature of property owner

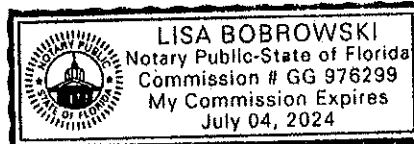
Signature of Property Owner

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 16 day of Sept., 2022, by Nada Hamoui who is personally known to me or produced drivers license as identification.

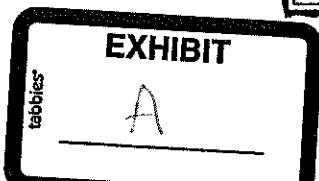
Handwritten signature of Notary Public

Signature of Notary Public



Notary Seal/Stamp

Effective Date: 11/8/16 Last Revision: 11/8/16



NARRATIVE
FOR
KARASTURY STORAGE FACILITY
ZONING / MASTER PLAN APPROVAL
Rev September 15, 2022



Received

SEP 16 2022

Planning Department
~~Hernando County, Florida~~

PROJECT LOCATION: The property, 6.14 acres is located on the west side of Linden Drive at the intersection with Pythia Place. The lot is on the northwest corner of this intersection. It is only a block north of County Line Road.

PRESENT ZONING / LANDUSE: The project site was zoned commercial with the approved master plan of Linden Retreat, a subdivision developed in the late 1980's. The County's FLUM designates the area as RES. This application is to rezone the site to PDP(GHC) with a specific C-2 use of Mini-warehouses.

INTENDED USE: No outside storage is asked for with this application. All storage provided shall be inside, or under-cover. In addition, a retail/office center (Contractor offices) is planned on the frontage. These offices will provide office space with warehousing/work area in the rear. The storage facility's office is planned to be within this "L" shaped building, facing Pythia. Even though a driveway is planned on Linden, the entrance to the storage facility is planned on Pythia.

BUFFERING/BOUNDARY CONDITIONS: The project abuts residential homes and vacant lots to the north. Adjacent to the west is Topics RV Park. Both boundaries are proposed to be buffered and fenced with a six (6) foot vinyl fence. County regulations call for a 35-foot setback on these boundaries. The proposed buildings are set at that distance. No doors are planned for those sides of the buildings facing neighboring properties. The 35' setback allows for the fence to be installed. The fence shall be offset from the property lines in order to install vegetation between the fence and the property line. That vegetation shall achieve 50% opacity within twelve months. The remaining open space between the fence and the proposed buildings shall remain in its native state, but augmented with trees as needed. Some clearing will take place in order to construct the buildings.

ACCESS: The project will have two access points. As a corner lot, this is typical and should be expected. The major driveway for the storage facility however is proposed on Pythia, not Linden.

SETBACKS: Typical County setbacks for commercial projects are applicable.

Against both streets: 75'

Against Non-commercial adjacent lands: 35'

Against side lines not non-commercial: 20'

No deviations to setbacks are being requested.

SOILS: According to information found on the NRCS database, the existing soils are Candler fine sands. Candler is a very sandy soil with rapid percolation and stable for buildings. The predominant soil in the Spring Hill Area is Candler. Candler soils drain rapidly.

DRAINAGE DESIGN METHODOLOGY: The lot is 6.14 acres and wraps around a retention area constructed with Linden Retreat. This retention area is owned and maintained by Hernando County. The applicant is desirous to either purchase this retention area, or re-develop with his drainage improvements. The applicant is willing to assume maintenance of this area, if a reasonable arrangement is possible. Additional area has been set aside on the master plan to provide on-site retention. The watershed for this retention area as designated on the Squirrel Prairie Flood Plain maps will be analyzed to ensure storage and treatment for the 100-year event.

NARRATIVE
FOR
KARASTURY STORAGE FACILITY
ZONING / MASTER PLAN APPROVAL
Rev September 15, 2022

FLOOD ZONE: Per FEMA Flood Zone Map 12053C 0304D, the majority of the site is Zone X (majority of the site) with the one area Zone AE (County DRA). The base flood elevation is determined in the Squirrel Prairie Flood Plain study. (AKA Pithlachascotee/Bear Creek). A new elevation will be determined with the revised study and model.

ENVIRONMENTAL: There are no wetlands or surface waters on-site. The existing soils and vegetation support habitat for gopher tortoise. An on-site survey for gopher tortoise and other endangered or threatened species will be conducted if the project is approved.

POTABLE WATER: The project has Hernando County water on both streets. The storage units will have no plumbing, so no need for a connection to these buildings. However, the "L" shaped building will require restrooms. The building will be master metered. The size of the meter shall be established during construction plans.

SANITARY SEWER: There is no municipal sewer in the area. The project shall be required to construct a septic tank system. This system shall be permitted through the department of Environmental Health during the construction permitting phase. An area of green space near the intersection has been shown on the master plan which will be sufficient to construct said septic system. The project has Hernando County water on both streets. The storage units will have no plumbing, so no need for a connection to these buildings. However, the "L" shaped building will require restrooms. The building will be master metered. The size of the meter shall be established during construction plans.

All lots will require individual septic permits. The County sewer is not located in the remote proximity to the project.

FIRE PROTECTION: Three Fire Hydrants will be constructed on the Streets.

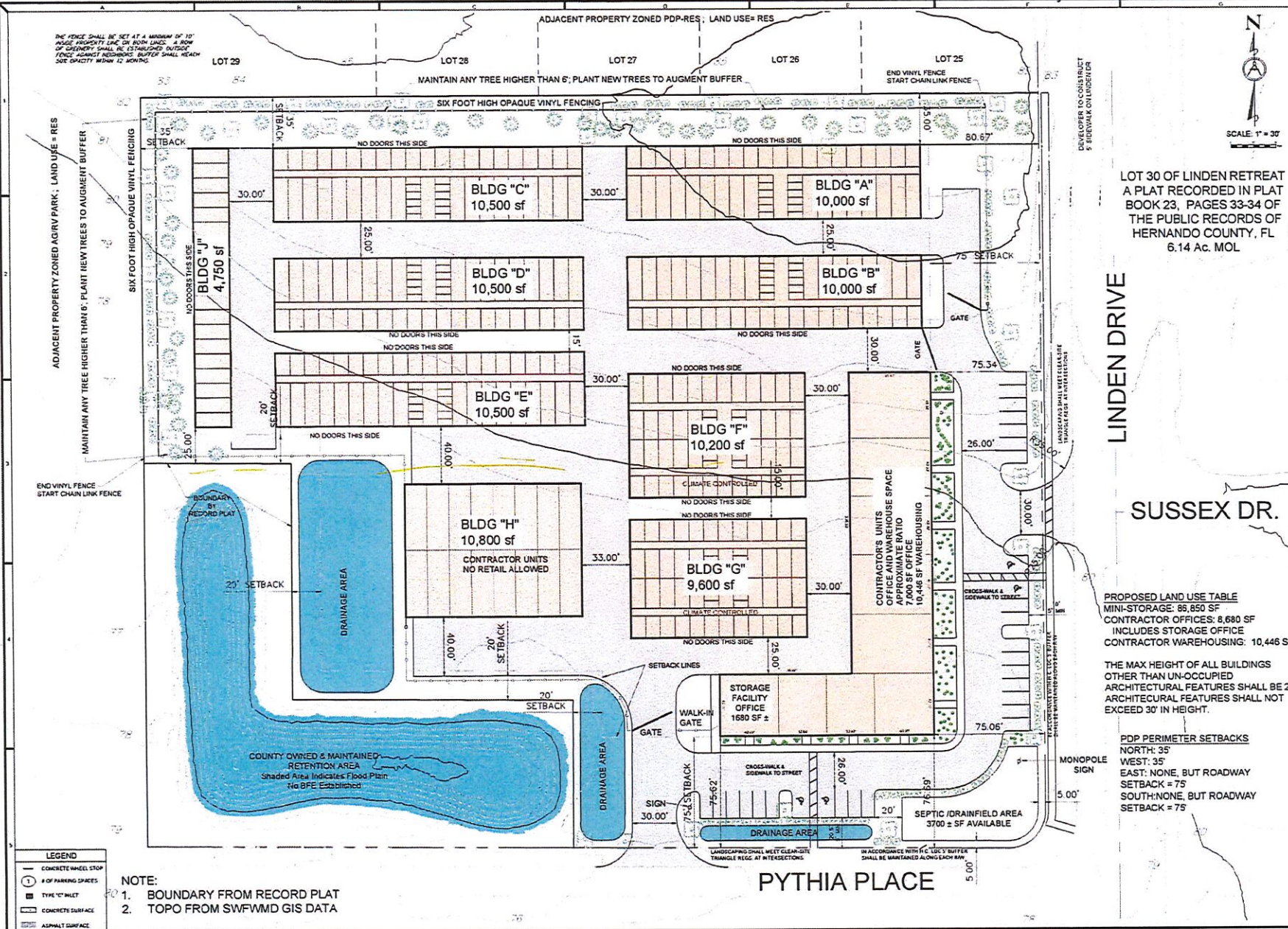
TRAFFIC: Based on the latest tables from the ITE manual, the proposed project will generate approximately: 13 PM peak hour trips. No further traffic study will be required per Hernando County Regulations.

ACCESS ANALYSIS: No access analysis will be required for this project, less than 50 peak hour trips.

Received

SEP 14 2022

Planning Department
Hernando County, Florida



LOT 30 OF LINDEN RETREAT
A PLAT RECORDED IN PLAT
BOOK 23, PAGES 33-34 OF
THE PUBLIC RECORDS OF
HERNANDO COUNTY, FL
6.14 AC. MOL

LINDEN DRIVE

SUSSEX DR.

PROPOSED LAND USE TABLE
MINI-STORAGE: 95,850 SF
CONTRACTOR OFFICES: 8,680 SF
INCLUDES STORAGE OFFICE
CONTRACTOR WAREHOUSING: 10,446 SF

THE MAX HEIGHT OF ALL BUILDINGS
OTHER THAN UN-OCCUPIED
ARCHITECTURAL FEATURES SHALL NOT
EXCEED 30' IN HEIGHT.

PDP PERIMETER SETBACKS
NORTH: 35'
WEST: 35'
EAST: NONE, BUT ROADWAY
SETBACK = 75'
SOUTH: NONE, BUT ROADWAY
SETBACK = 75'

- NOTE:
- BOUNDARY FROM RECORD PLAT
 - TOPO FROM SWFWMD GIS DATA

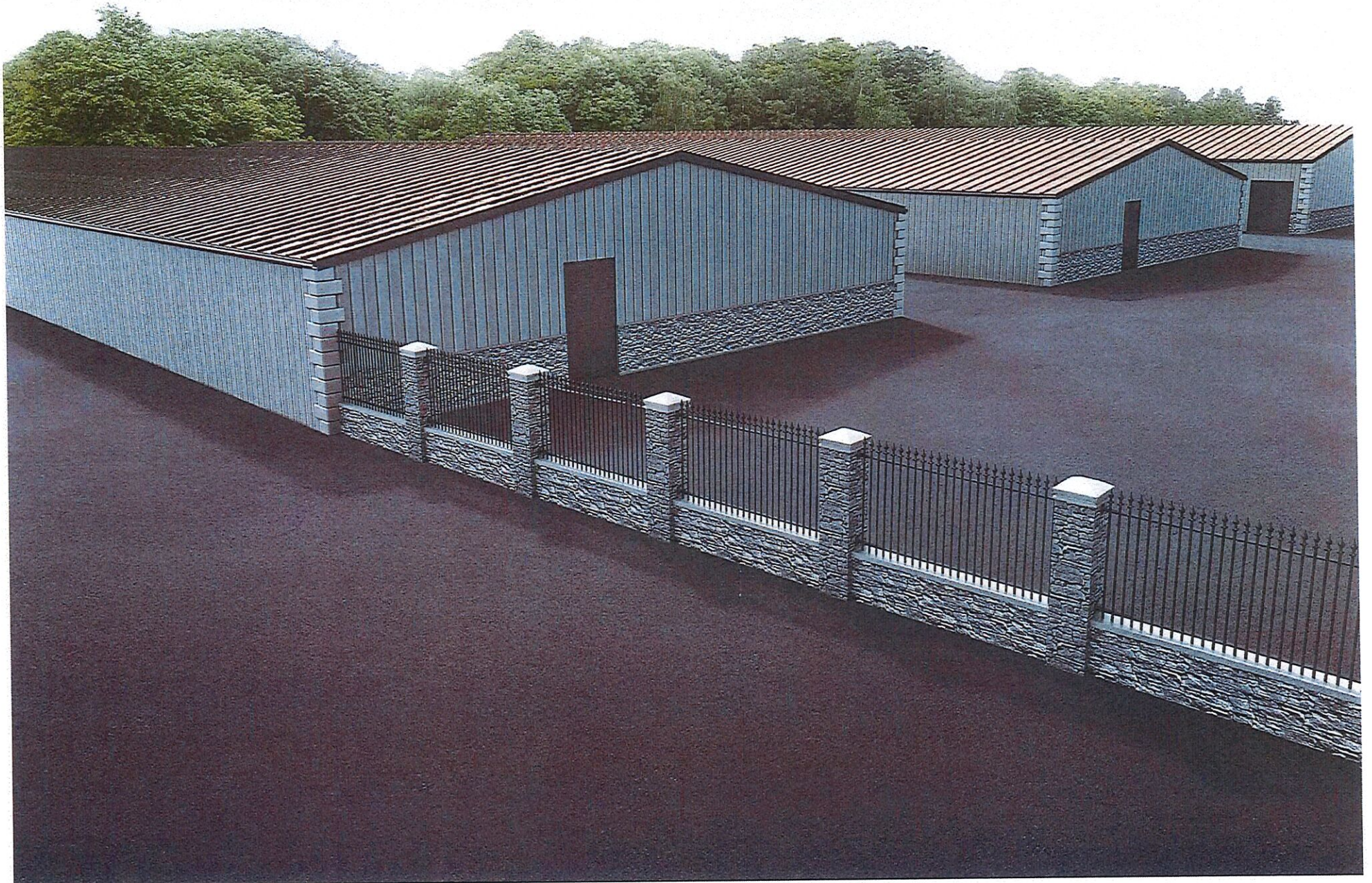
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2	09/14/22	ISSUED FOR PERMITTING
3	09/14/22	ISSUED FOR PERMITTING
4	09/14/22	ISSUED FOR PERMITTING
5	09/14/22	ISSUED FOR PERMITTING
6	09/14/22	ISSUED FOR PERMITTING
7	09/14/22	ISSUED FOR PERMITTING
8	09/14/22	ISSUED FOR PERMITTING
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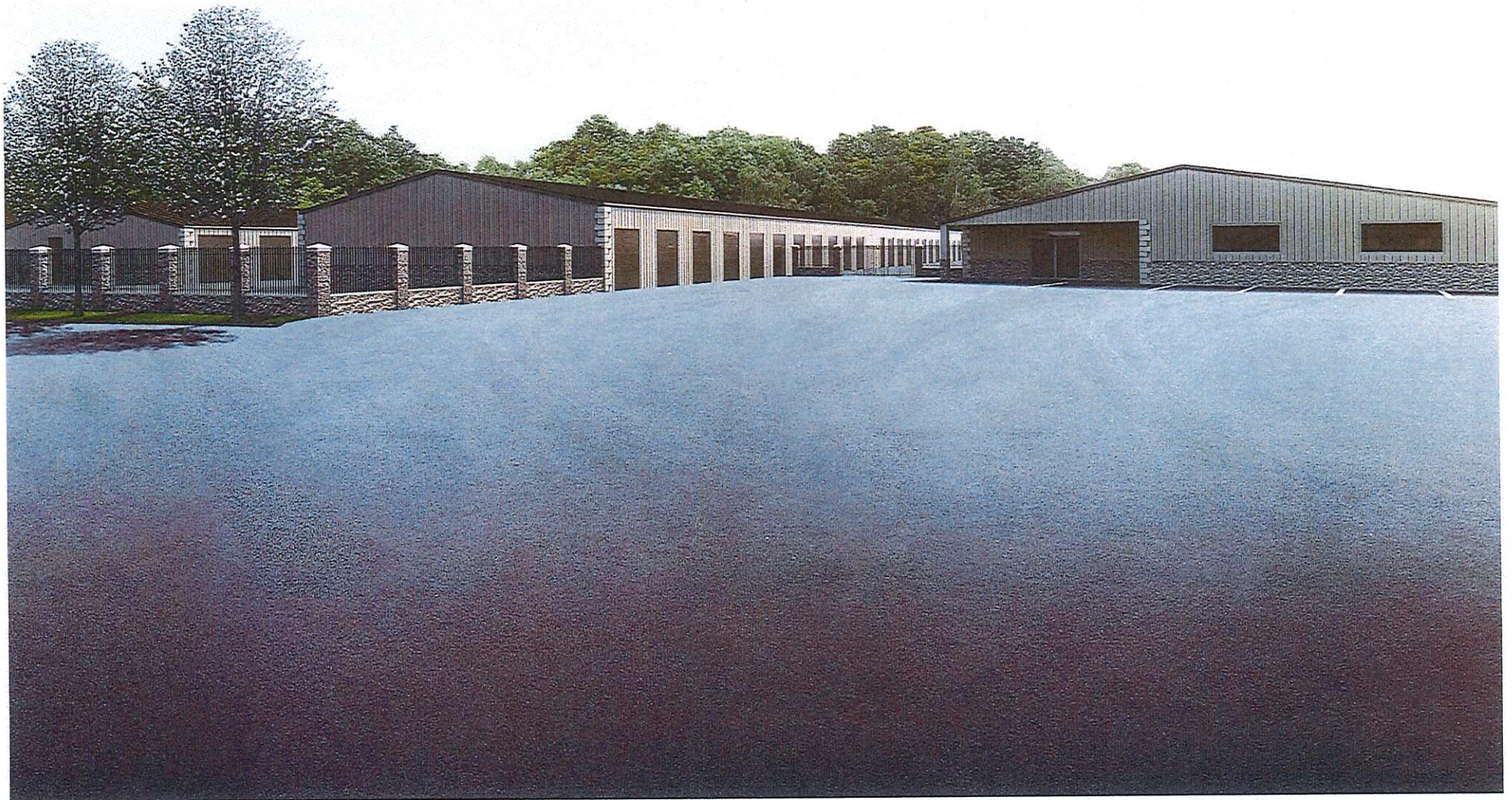
KARASTURY
STORAGE FACILITY
MASTER PLAN

CIVIL-TECH CONSULTING SERVICES, LLC.
CIVIL ENGINEERING / RESIDENTIAL & COMMERCIAL SITE DEVELOPMENT / PLANNING & ZONING / PERMITTING / CONSTRUCTION SERVICES
15 SOUTH WINDYBERRY DRIVE, BUSHNELL, FL 34111
PHONE: (352) 893-4225 WWW.CIVILTECHCONS.COM

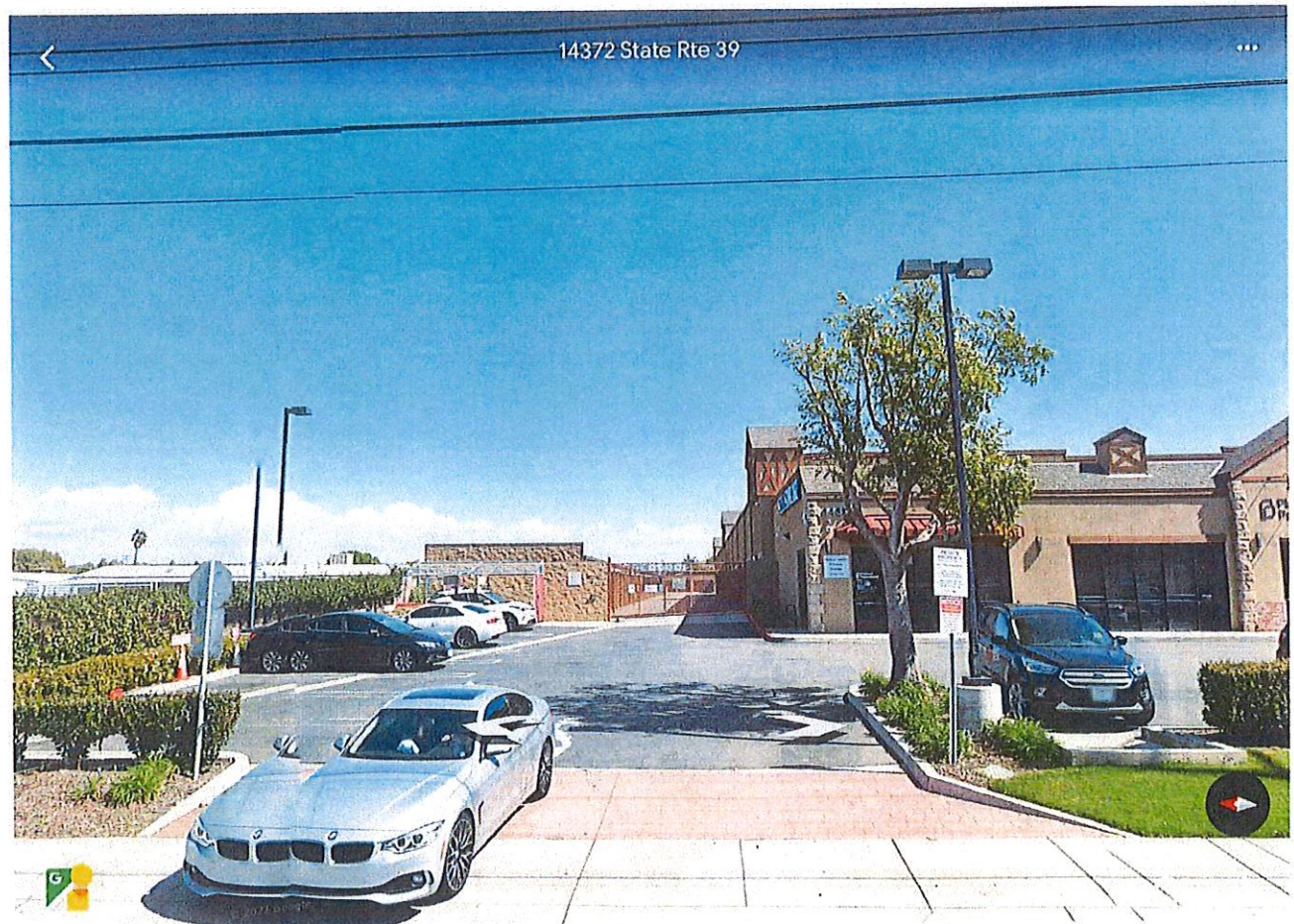


SUBMITTED PNE 11/11/22 HZCS





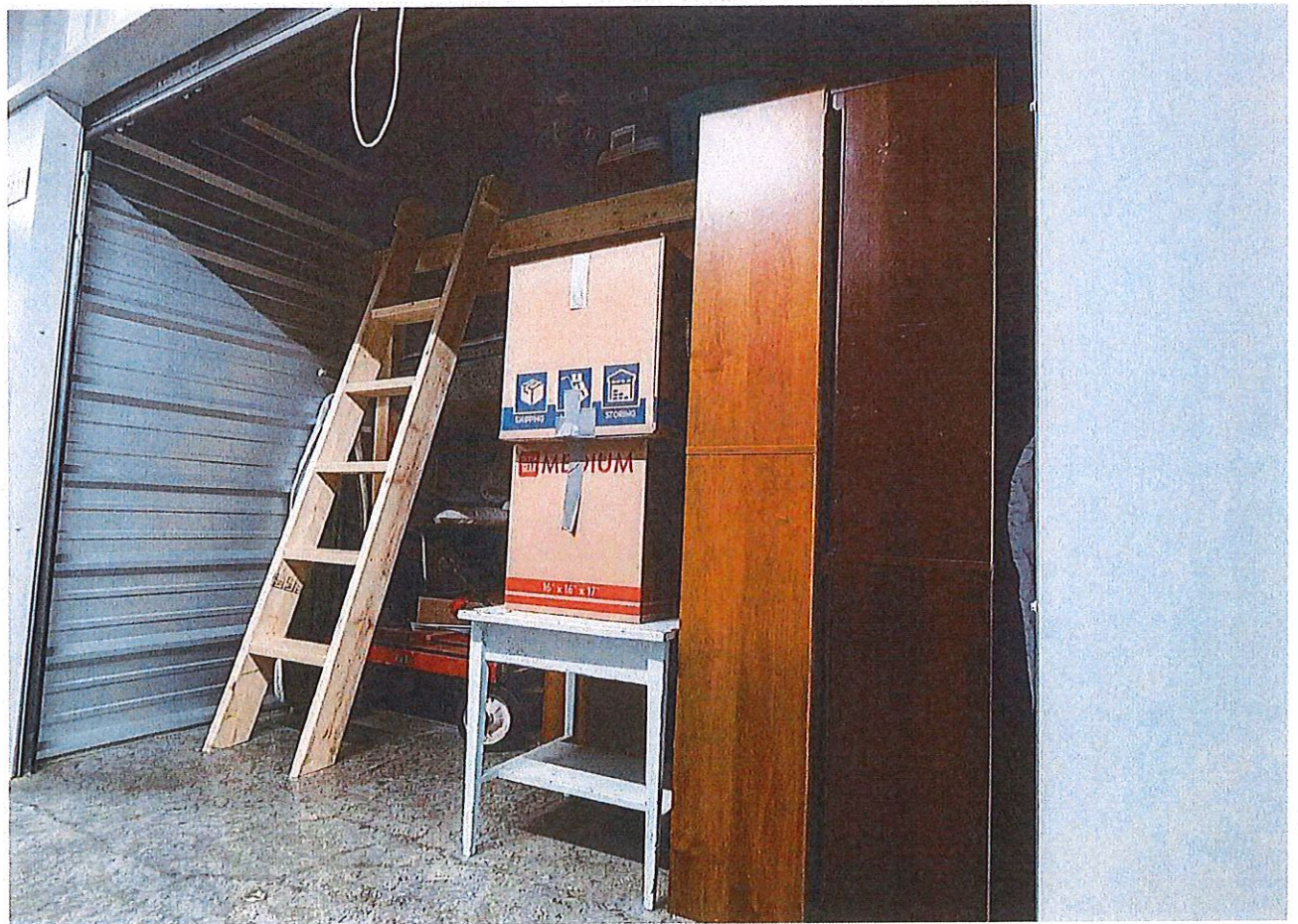
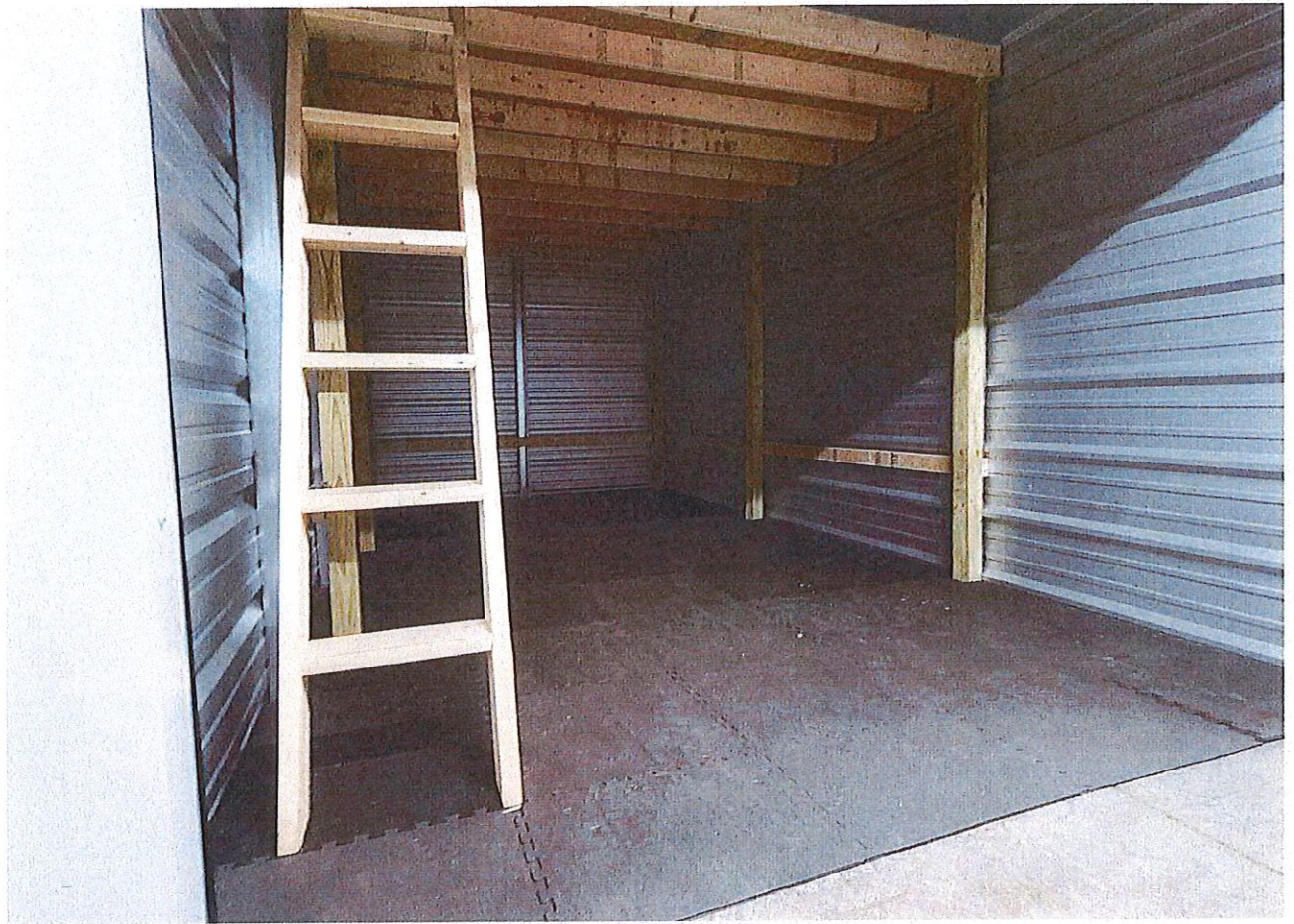






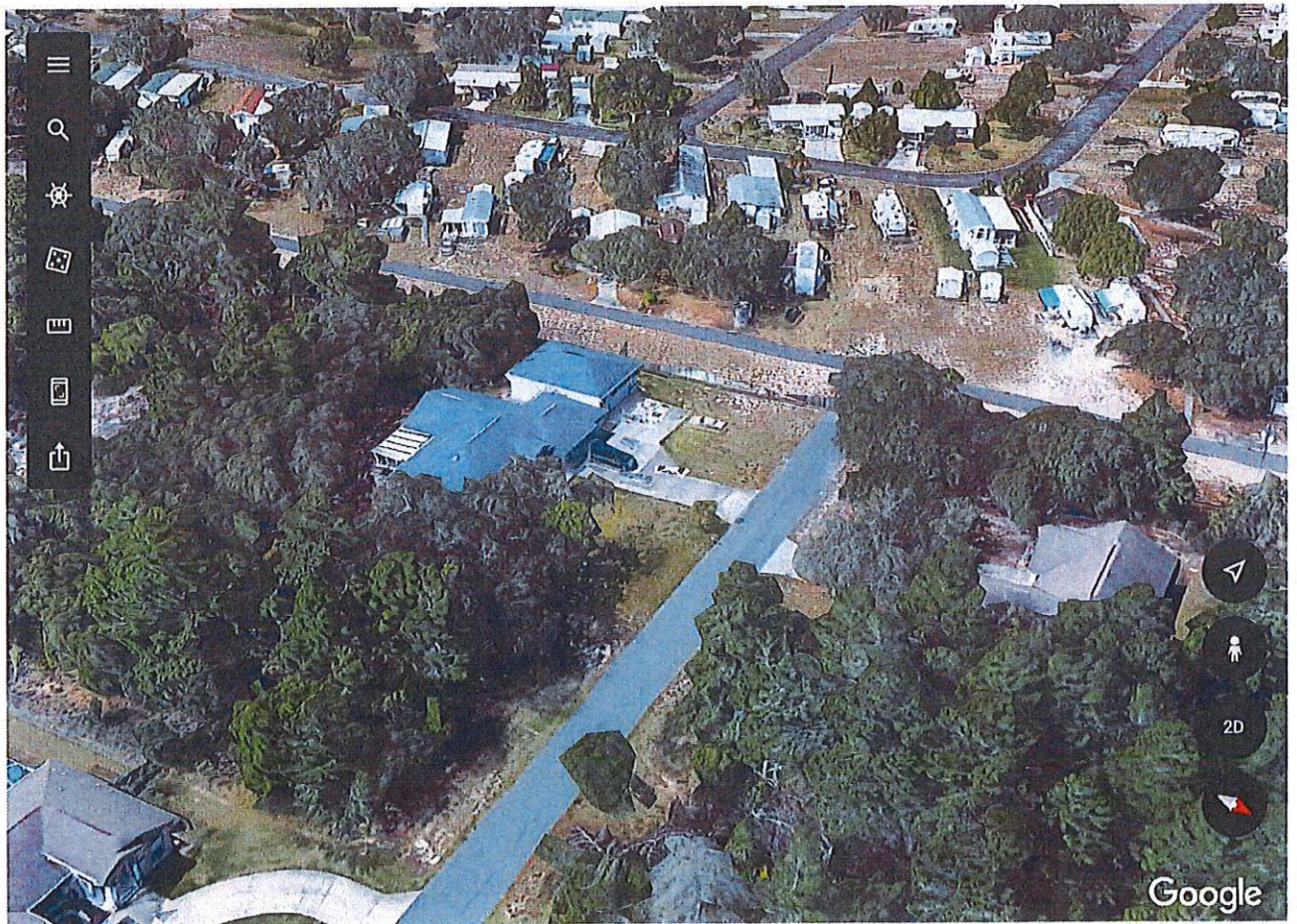










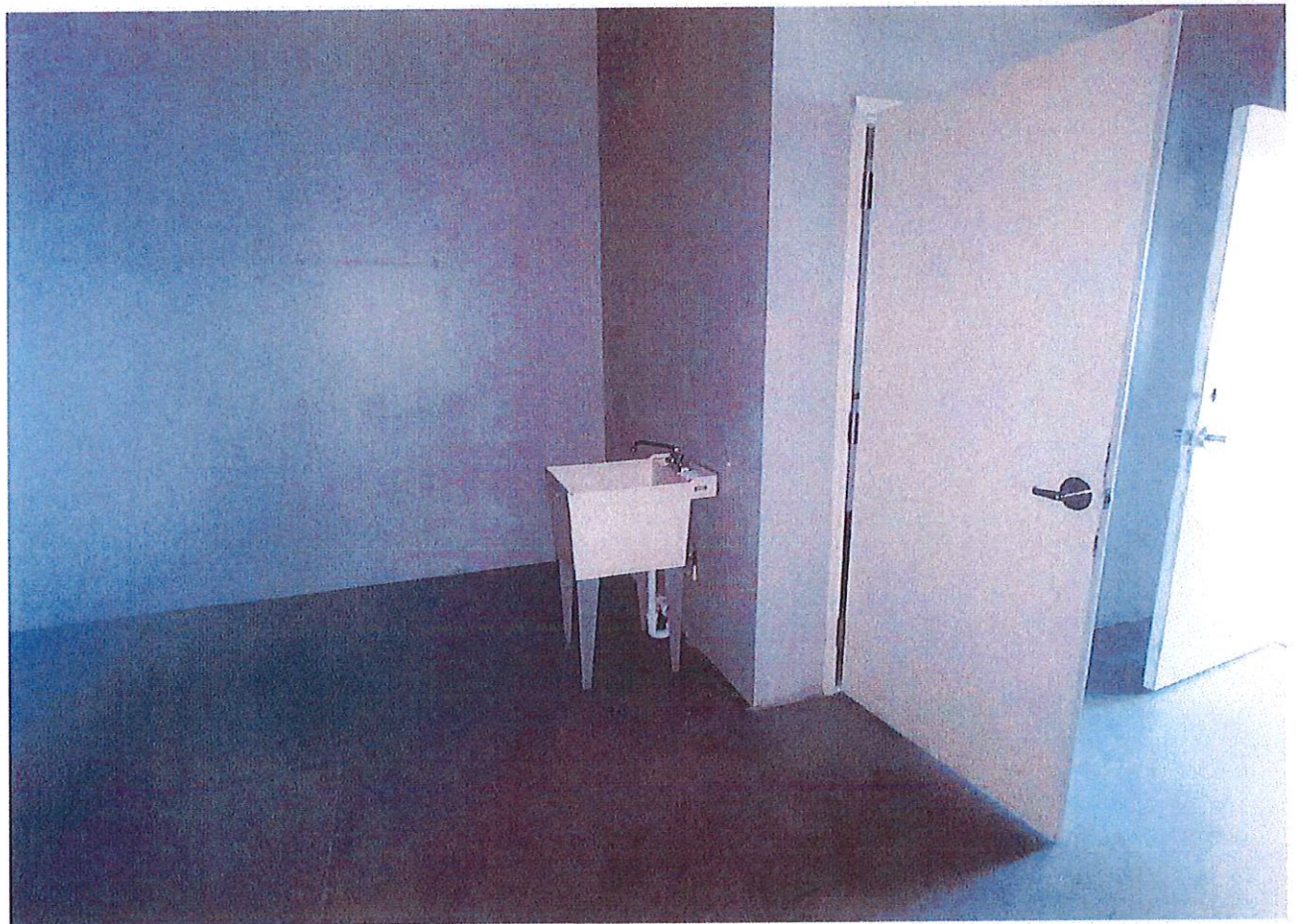






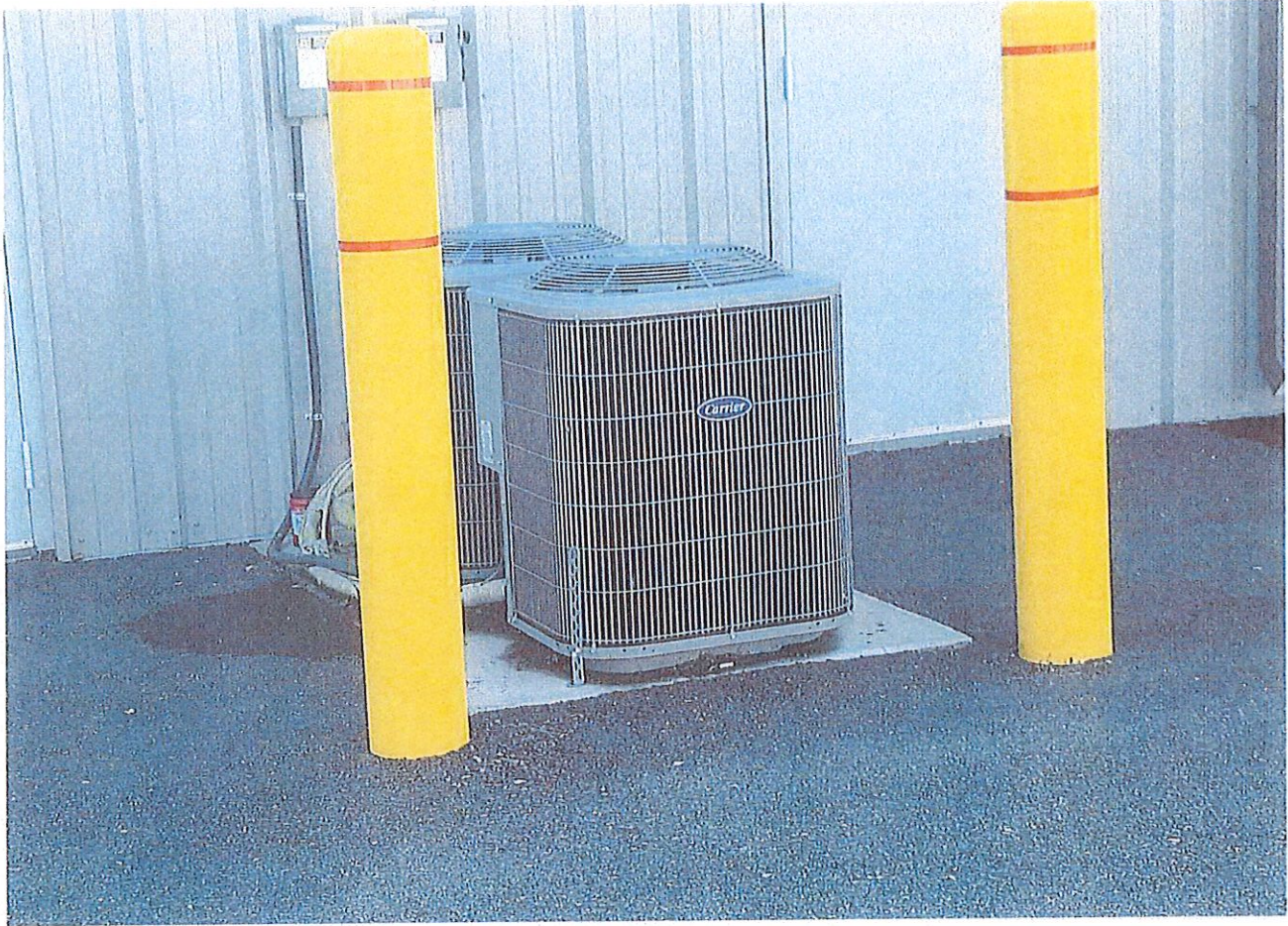












STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 31, 2022
Board of County Commissioners: November 8, 2022

APPLICANT: Adam Webster

FILE NUMBER: H-22-58

REQUEST: Reestablish a Master Plan for a Property Zoned PDP(GHC)/
Planned Development Project (General Highway
Commercial) and the Inclusion of a Specific C-2 Use for Mini-
Warehouse

**GENERAL
LOCATION:** Northwest corner of the intersection of Pythia Place and
Linden Drive, approximately 300' north of County Line Road

**PARCEL KEY
NUMBER:** 1180322

BACKGROUND:

This property is part of the Linden Retreat subdivision that was approved in 1988 (H-88-57). This general layout of the subdivision shows commercial uses closer to County Line Road and residential uses behind those commercial uses.

APPLICANT'S REQUEST:

The petitioner's current request is to reestablish a master plan on the subject property and add a specific C-2 (Highway Commercial) use for mini-warehouse.

SITE CHARACTERISTICS:

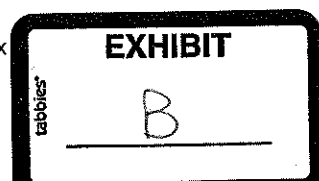
Site Size: 6.14 Acres

**Surrounding Zoning &
Land Uses:**

North: PDP(SF) / Planned Development Project
(Single Family)

South: CPDP/ Combined Planned Development
District with General Highway Commercial
and Single-Family uses; and PDP(GHC) /
Planned Development Project (General
Highway Commercial)

East: PDP(SF)/ Planned Development Project
(Single Family)



West: PDP(AG)/Planned Development Project (Agriculture) with a special exception for an RV Park

Current Zoning: PDP(GHC)/Planned Development Project (General Highway Commercial)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand/0 - 5% Slopes

Comments: Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Water Quality Review:

The proposed development is within the Weeki Wachee River Basin Management Action Plan, the Weeki Wachee Primary Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.

Comments: 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.

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement. Invasive plant species if present are to be removed during the development process.

Protection Features:

There are no protection features (Wellhead Protection Areas (WHPAs) present on this parcel.

Habitat:

Low Density Structure and Urban Open Land 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).

Comments: A comprehensive floral survey shall be prepared by a qualified professional at the construction plan approval stage of

development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Hydrologic Features:

There are no hydrologic features (Special Protection Areas (SPAs), sinkholes, karst sensitive areas, or wetlands) present on this parcel.

Flood Zone:

There is a portion of the northwest part of the property that is in X floodplain, the rest of the parcel is not in a floodplain.

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Sewer service is not available to this parcel. There is an existing 8-inch water main that runs along the west side of Linden Drive, and an existing 6-inch water main that runs along the south side of Pythia Place. HCUD has no objection to the requested zoning change to PDP with C-2 use specific for mini-storage, subject to connection to the central water system at time of vertical construction and Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

This site is located at the corner of Linden Drive and Pythia Place. The petitioner is proposing a full entryway on both roads with the major entrance on Pythia Place. The County Engineer has reviewed the petitioner's request and has the following comments:

- Driveway on Linden Drive to align with Sussex Drive.
- This site is outside the 1% annual chance floodplain. Site is within the Pithlachascottee R./Bear Creek Watershed and Administrative area.
- Linden Drive is Classed as a Collector Roadway, a sidewalk along the entire frontage of Linden Drive is required.
- Parking stalls, layout and driveways shall meet Hernando County standards.
- Building will need to be connected to the sidewalks along the roadways.
- Master Plan shows expansion of County owned drainage retention area, this is not approved at this time, remove from Master Plan and coordinate specifics of approval with County Engineer prior to submittal of Construction drawings.

LAND USE REVIEW:

Proposed Setbacks:

- Along Linden Drive and Pythia Place: 75'
- Adjacent to residential uses: 35'
- Adjacent to non-residential land use: 20'

Proposed Building Height:

- Buildings within 100' of a residential property line: 20'
- Buildings not within 100' of a residential property line: 60'
- Non-occupied architectural features: 30'

Lighting

County LDRs require lighting that enhances the visual impact of the project on the community and to specifically address lighting intensity levels and glare accordingly. Commercial buildings and projects shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

Comments: The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner should be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.

Buffers

Along street right-of-way/pavements: A vegetative buffer at least 5' in width shall abut the street right-of-way/pavements for at least half of the street right-of-way frontage. If only installed planting areas are used, the vegetative buffer shall include a hedge of shrubs with a minimum height of eighteen (18) inches at time of planting. Shrubs shall be appropriately spaced according to growth needed of the species for the hedge to attain eighty (80) percent opacity within twelve (12) months of planting.

No vegetative buffer over 2' in height that might block any driver's view shall be permitted within the clear-sight triangle of the driveway or street/railroad intersection.

Comment: The petitioner indicates a 5' buffer will be maintained along Pythia Place (local Road) and Linden Drive (Minor Collector). Also included on the master plan is the clear-sight triangle that will be observed.

Projects adjacent to a residential district shall provide a 5' landscaped vegetative buffer. The commercial use located on such property shall be permanently screened from the adjoining and contiguous residential properties. If a fence or wall is used as part of the buffer, it shall be dominated by greenery which shall

attain fifty (50) percent opacity within twelve (12) months. The greenery shall be growing on the residential side.

If preserved natural vegetation is used as the buffer, it must meet opacity of at least eighty (80) percent to a minimum height of five (5) feet. Supplemental planting will be required if the natural buffer does not meet the opacity requirement. All buffer types, except natural vegetation, must be maintained to a maximum of 8' in height.

Maintenance of all buffers shall be the responsibility of the property owner. The plants and trees installed within the buffers shall be healthy. Dead plants and trees shall be replaced.

Drainage Retention areas cannot be located in a buffer

Comments: The petitioner indicates that the adjacent residential land uses to the north and the west of the property will be buffered and fenced with a 6' tall opaque vinyl fence. The fence will be offset from the property line to install vegetation between the fence and adjacent property lines. Although not called out, the buffers adjacent to residential zoning will be at least 5' wide.

Landscaping Requirements

An existing tree location survey shall be drawn showing protected trees to be preserved. This includes specimen and majestic trees as well as regulated trees up to a density of fifteen (15) per acre. The landscape design plan shall then be submitted to the designee (building department) for approval during the construction plan stage of development. It shall be drawn by a landscape designer familiar with both plants and designs or a landscape architect familiar with both plants and designs.

A minimum of 15% of the development site shall be landscaping. A minimum of 92 trees shall be preserved or installed (15 trees per acre). At least thirty (30) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved. An area of at least five (5) percent of the total project area must be designated as a preserved natural vegetation and no construction activity can occur in this area. Preserved natural areas must be a minimum of 2,000 square feet.

Comments: The petitioner shows basic landscaping on the master plan. A landscape plan shall be submitted to be approved with the construction plans at said stage of development.

Residential Protection Standards

A. Residential Protection Standards shall be adhered to¹:

- 4) No building within 100' of any single-family residential district property line shall be more than 20' in height.

Comments: The petitioner indicates that no occupied portion of a building within 100' of a residential zone will be over 20' tall. The petitioner also indicated that no unoccupied architectural feature will be over 30' tall.

- 5) All loading bays and loading docks must be a minimum of 100' from any single-family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single-family residential district property line. Screening may include landscape plantings, berms, fences, or walls.

Comments: The petitioner indicates on the master plan that no garage doors shall be oriented facing adjacent residential zones.

- 6) Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences, or walls.

COMPREHENSIVE PLAN REVIEW:

Future Land Use Element

Strategy 1.08B(2): The corridor segment from Mariner Boulevard to the Suncoast Parkway consists of a residential character with commercial nodes at each end (Mariner and Suncoast intersections) and a smaller commercial node at Linden Drive. This pattern should generally be continued when considering any proposed projects or requested zoning changes in the planning horizon timeframe.

Comments: The subject parcel is within the Residential Future Land Use. The subject property has been zoned for PDP(GHC)/ Planned Development Project (General Highway Commercial) since

¹ Items 1, 2 and 3 are not included because they apply to speakers/sound equipment, the distribution of alcohol, and drive through restaurants.

1988. The property is adjacent to commercial property at the southern property line, and extends a commercial node identified in the Comprehensive Plan at Linden Drive and County Line Road.

FINDING OF FACTS:

The reestablishment of a master plan for the subject property is required due to the expiration of the previous master plan. The addition of the C-2 use (mini-warehouse) to the allowable uses for the property is appropriate based on the following:

1. The PDP for the subject parcel was established in 1988 under the name "Linden Retreat" (H-88-57).
2. The Hernando Board of County Commissioners has determined that low-intensity commercial uses may be located adjacent to residential land uses with the provision that the residential protection standards are used on the subject property.
3. The addition of a permitted use within a PDP by way of Master Plan is an established practice within the Hernando County Master Plan process.

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 to reestablish a master plan on the subject property and add a specific C-2 (Highway Commercial) use for mini-warehouse.

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. Prior to the approval of the conditional plat, the petitioner shall contact the State Department of Historic Resources to determine if compliance review will be required. Determination of this compliance by the State shall be provided to the County with the submittal of the conditional plat application.
3. Residential Protection Standards shall be adhered to:
 - No building within 100' of any single-family residential district property line shall be more than 20 feet in height.
 - All loading bays and loading docks must be a minimum of 100' from any single-family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single-family residential district property line. Screening may include landscape plantings, berms, fences, or walls.
 - Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences, or walls.
4. Perimeter Setbacks:
 - Along Linden Drive and Pythia Place: 75'
 - Adjacent to residential uses: 35'
 - Adjacent to non-residential land use: 20'
5. Building Height:
 - Buildings within 100' of a residential property line: 20'
 - Buildings not within 100' of a residential property line: 60'
 - Non-occupied architectural features more than 100' from a residential property line: 30'

6. Buffers:
 - Along Pythia Place, Linden Drive, and on any parking areas: Vegetated buffer at least 5' wide.
 - Along property lines adjacent to residential zones: Vegetated buffer at least 5' wide with an opaque vinyl fence at least 6' tall.
7. Drainage Retention Areas (DRAs) shall be located outside of the required buffers.
8. The driveway on Linden Drive shall align with Sussex Drive.
9. Linden Drive is Classed as a Collector Roadway, a sidewalk along the entire frontage of Linden Drive is required.
10. The sidewalk along Linden shall connect to the main building.
11. All Parking stalls, layout and driveways shall meet Hernando County standards.
- 12.
13. Prior to the submittal of the Construction Drawings phase of development, the petitioner shall coordinate with the Engineering Department to determine the specifics of utilizing the adjacent County owned Drainage Retention Area (DRA).
14. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the construction plan stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
15. Invasive plant species, if present, are to be removed during the development process.
16. A landscape plan shall be submitted for approval during the construction plans stage of development.
17. 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.
18. The petitioner shall adhere to buffer and landscaping requirements set forth in the Hernando County Code of Ordinances, Chapter 10 Community Appearance.
19. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

20. Maintenance of all landscaping shall be the responsibility of the property owner. The plants within installed planting areas shall be healthy. Dead plants shall be replaced in a timely manner that provides the plant/tree with the best chance of survival.
21. A minimum of 15% of the development site shall be landscaped.
22. A minimum of 92 trees shall be preserved or installed (15 trees per acre). At least thirty (30) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.
23. An area of at least five (5) percent of the total project area must be designated as a preserved natural vegetation and no construction activity can occur in this area. Preserved natural areas must be a minimum of 2,000 square feet.
24. All landscaping, ground cover, and tree placement requirements must be completed prior to the issuance of the Certificate of Occupancy.
25. The Hernando County NPDES (National Pollution Discharge Elimination System) Ordinance will apply during any site clearing.
26. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties in the event that security lighting is proposed.
27. A connection to the Central Water system shall be made at the time of vertical construction.
28. The petitioner shall address Onsite Sewage Treatment and Disposal through the approval with the Health Department.
29. The petitioner shall provide a master plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.