

RESOLUTION NO. 2023 - 178

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 August 8, 2023 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: Victor Jesus Molina Rodriguez on behalf of CM Home Builders, Inc.

FILE NUMBER: H-23-01

REQUEST: Rezoning from AG (Agriculture) to C-4 (Heavy Highway Commercial)

GENERAL LOCATION: Northwest corner of Ayers Road and Culbreath Road

PARCEL KEY NUMBERS: 384514, 1165811

APPLICATION; NOTICE: Rezoning from AG (Agriculture) to C-4 (Heavy Highway Commercial), 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 rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial), 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 application is not compatible with the surrounding residential area due to the intensity of the proposed use. The allowance of this use along Ayers Road does not protect the existing and future residential areas from encroachment of incompatible uses and is destructive to the character and integrity of the surrounding residential area.

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 rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial).

ADOPTED IN REGULAR SESSION THE ^{12th} ~~8th~~ DAY OF ^{September} ~~AUGUST~~, 2023.

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

Attest: Heidi Kuppe, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: [Signature]
John Allocco
Chairman



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Kyle J. Benda
County Attorney's Office