



# Hernando County

## Planning & Zoning Commission

### Regular Meeting

### Minutes

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July 11, 2022

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#### MEETING CALLED TO ORDER

The public meeting was called to order at 9:00 AM on Monday, July 11, 2022, in the John Law Ayers Room, Government Center, Brooksville, Florida. This meeting was advertised in the Hernando Sun newspaper and the agenda packet was available on-line at [www.hernandocounty.us](http://www.hernandocounty.us).

<u>Attendee Name</u>	<u>Title</u>
Mike Fulford	Chairman
Jerry Campbell	Vice Chairman
W. Steve Hickey	Regular Member
Michael Kierzynski	Regular Member
Jonathan McDonald	Regular Member
John T. Carroll	Alternate Member
Mark Johnson	Alternate Member
James Lipsey	Ex Officio Non-voting Member (School Board Rep.)
Michelle Miller	Acting Planning Administrator
Omar DePablo	Senior Planner
Alaina Kidd	Planner I
Scott Herring	Public Works Director/County Engineer
Alan Congdon	Administrative Assistant III

#### Invocation

#### Pledge of Allegiance

#### Poll Commission for Ex Parte Communications

Comm. Campbell indicated he had received ex parte communication for two of the cases being heard at the meeting. The other members of the Planning and Zoning Commission indicated they had not received any ex parte communication.

#### County Attorney Statement

Assistant County Attorney Kyle Benda provided the standard admonition that the Planning and Zoning Commission decisions were to be based only on the evidence presented in the quasi-judicial proceedings.

#### Administering of the Oath

**STAFF ANNOUNCEMENTS**

Mrs. Miller advised the Commission that the School Board representative, Jim Lipsey, would not be in attendance at the meeting and introduced Alaina Kidd the new Planner I.

**APPROVAL/MODIFICATION OF AGENDA (Limited to Staff & Commission**

**Motion**

A motion was made to approve the agenda as written.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**ADOPTION OF THE INFORMATION PACKETS INTO EVIDENCE**

The agenda packet that was submitted to the P&Z included written information regarding all cases to be considered which needed to be accepted into evidence for the hearing.

The staff recommended the P&Z accept the agenda packet, including the staff reports, into evidence as if read aloud in their entirety.

**Motion**

A motion was made to adopt the informational packet into evidence.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**PUBLIC HEARINGS**

**UNIFIED AGENDA**

**CP1429620 - M/I Homes of Tampa, LLC: Anderson Snow Road Conditional Plat**

**CP1430915 - DR Horton Inc. Lucky Lane Subdivision Conditional Plat**

**Approval of the minutes for the May 9, 2022, regular meeting of the Planning and Zoning Commission.**

**Approval of the minutes for the June 13, 2022, regular meeting of the Planning and Zoning Commission.**

**Motion**

A motion was made to adopt the items on the Unified Agenda (Conditional Plat 1429620 M/I Homes of Tampa, Conditional Plat 1430915 DR Horton, Minutes of the May 9, 2022 regular meeting, Minutes of the June 13, 2022).

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**STANDARD AGENDA (BOARD SITTING IN ITS QUASI-JUDICIAL CAPACITY)****CU-22-05 - Windy Southall: Conditional Use Permit for a Portable Roadside Stand, namely a Produce Stand; South side of Wiscon Road, approximately 750' west of Lykes Dublin Road**

The petition was introduced by Mrs. Miller. Mr. DePablo utilized the overhead projector to display the location of the subject property.

Henry Southall representing the applicant under oath discussed the petition with the Planning and Zoning Commission.

A brief recess occurred from 9:10 AM until 9:12 AM to allow the petitioner to review the performance conditions.

No public comment was offered by the audience.

**Motion**

A motion was made to approve the Conditional Use Permit, with unmodified performance conditions.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Jerry Campbell
<b>SECONDER:</b>	W. Steven Hickey
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**CU-22-07 - Mike & Cheryl Thomas: Conditional Use Permit for a Second Residence; East side of Old Crystal River Road, approximately 700' south of Our Road**

The petition was introduced by Mrs. Miller. Mr. DePablo utilized the overhead projector to display the location of the subject property.

Cheryl Thomas, under oath, the applicant discussed the petition with the Planning and Zoning Commission.

No public comment was offered by the audience.

Mr. DePablo indicated that a note from a physician is in the file that states it would be beneficial for the applicant's mother to live closer to family.

**Motion**

A motion was made to approve the Conditional Use Permit with unmodified performance conditions.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**SE-22-08 - Tampa Bay Tres Dias: Special Exception Use Permit for a Place of Public Assembly, namely a Religious Establishment with a Spiritual Retreat Center; West side of Batten Road, approximately 1,500' north of Skyview Circle**

Mrs. Miller introduced the application. Mr. DePablo utilized the overhead project to show the location of the subject property.

Mrs. Miller stated that the applicant is looking for a permanent location for the retreat. Additionally, she stated that there are dormitories proposed and they would only be allowed to stay in those dormitories, not in RVs.

Don Lacey, AICP, Coastal Engineering Associates, under oath, representing the applicant discussed the petition with the Planning and Zoning Commission.

Ty Tyson, under oath, representing the application discussed the petition with the Planning and Zoning Commission.

The following people spoke under oath against the petition: Renee Holcomb, Rachel Kierez, Dennis Nelski, Bill Lennartz, Ray Zorquest, Riccardo Palomino, Ray Eggers, Susan Owens, Steven Bell, Dawn Door, Juah Benson, Cory Dye, Peter Roman, Karen Kanitz, Anna Georgiadis, John Omran, Arnie Quires, Neil Williams.

The following people spoke under oath in favor of the petition: Robert Goodwin, Michael Smith, and Eleanor Webb.

Donald Lacey, under oath, addressed the concerns expressed during public comment.

Ty Tyson, under oath, also addressed the concerns expressed during public comment.

Cliff Manuel, President Costal Engineering Associates, under oath, also addressed the concerns expressed during public comment.

Discussion followed.

Kyle Benda, Assistant County Attorney, under oath, addressed the compatibility of the requested Special Exception Use Permit.

Comm. Campbell expressed concern about the restriction of the motion to only approve or deny the application without modification to staff conditions by Chairman Fulford.

### **Motion**

A motion was made to deny the Special Exception Use Permit based on the grounds of incompatibility with the surrounding uses.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Hickey, Kierzynski and McDonald
<b>NAYES:</b>	Campbell

### **RECESS**

A brief recess occurred from 10:48 AM until 10:57 AM.

### **H-22-16 - Lennar Homes, LLC (On Behalf of Nichols Linda Ann Testamentary Trustee): Rezoning from AR/(Agricultural Residential) to PDP(SF)/Planned Development Project (Single Family) with Deviations; South side of Cortez Boulevard, approximately 885' west of Frisco Road**

Mrs. Miller introduced the petition. Mr. DePablo utilized the overhead projector to show the location of the subject parcel.

Donald Lacey, AICP, Coastal Engineering Associates, under oath, representing the applicant discussed the petition with the Planning and Zoning Commission.

The following people spoke under oath against the petition: Dale Tracy, Jody Kenyon, Keith Runyon, Anna Georgiadis and Peggy Exum.

Donald Lacey, AICP, under oath, addressed the concerns expressed during public comment. Cliff Manuel, President of Coastal Engineering Associates, under oath also addressed the citizen's concerns.

A brief recess occurred from 11:25 AM until 11:31 AM due to technical difficulties with the new software.

Discussion followed.

Scott Herring, County Engineer, discussed the Faber Road access with the Planning and Zoning Commission.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request with unmodified performance conditions.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Jerry Campbell
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**H-22-31 - Stein Investment Group: Rezoning from AR-2/(Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with Specific C-2 uses with Deviations; North side of County Line Road, approximately 975' east of Springtime Street**

Mrs. Miller introduced the petition. Mr. DePablo utilized the overhead project to show the location of the subject parcel.

Donald Lacey, AICP, Coastal Engineering Associates, under oath, representing the applicant, discussed the petition with the Planning and Zoning Commission.

Mrs. Miller addressed the requested modification to condition 10 by the applicant.

Livon Potocki, under oath, spoke against the petition.

Donald Lacey, AICP, under oath, addressed the concerns expressed during public comment.

Discussion followed.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request with modified performance conditions as reflected in the P&Z action.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Jerry Campbell
<b>SECONDER:</b>	Jonathan McDonald
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**H-22-32 - Scott & Sons Properties, LLC: Rezoning from C-2/(Highway Commercial) and AG/(Agricultural) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use for Outdoor Storage with Deviations; West side of Ponce De Leon Boulevard, approximately 450' north of Denny Drive**

Mrs. Miller introduced the petition. Mr. DePablo utilized the overhead projector to display the

location of the subject parcel.

Alan Garman, under oath, representing the applicant discussed the petition with the Planning and Zoning Commission.

Scott Herring, County Engineer, under oath, addressed the applicants request for the reservation of the land for the widening of US 98.

Matthew Dallade and Mary Mazzuco spoke under oath against the petition.

Alan Garman, under oath addressed the concerns addressed the concerns addressed during the public comment period.

Discussion followed.

### **Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request with modified performance conditions as reflected in the P&Z action.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Jerry Campbell
<b>SECONDER:</b>	W. Steven Hickey
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

### **RECESS**

A brief recess occurred from 12:23 PM until 12:29 PM.

**H-22-33 - Gregory Thomas & Andrea Lynn Arflack, Thomas & Patricia Dampman, Donald E. Wagner, Kenneth R. Davis, Randy Bland, Gabriel A Olmo, Pauline M. Barlo, Mauricio Lopez: Rezoning from R-1C/(Residential) to AR/(Agricultural/Residential); South of Albany Road, north of Barnevelde Road and east of Celeste Avenue**

Mrs. Miller introduced the petition. Mr. DePablo utilized the overhead project to display the subject parcels.

Andrea Arflack, representing the applicants under oath discussed the petition with the Planning and Zoning Commission.

No public comment was offered by the audience.

### **Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request in accordance with the staff report.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Jerry Campbell
<b>SECONDER:</b>	W. Steven Hickey
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**H-22-43 - Flammer Ford of Spring Hill, Inc.: Rezoning from C-1/(General Commercial) to C-2/(Highway Commercial); East side of Middlesex Drive, approximately 500' south of Toucan Drive**

Mrs. Miller introduced the petition. Mr. DePablo utilized the overhead projector to show the location of the subject parcel.

Joe Mason, under oath, representing the petitioner, discussed the petition with the Planning and Zoning Commission.

There was no public comment offered by the audience.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request in accordance with the staff report.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Michael Kierzynski
<b>SECONDER:</b>	Jonathan McDonald
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**H-22-14 - Land Builder, LLC: Rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) with Deviations; Southern side of Bourassa Boulevard, approximately 325' south of Hyde Street**

Mrs. Miller introduced the petition. Mr. DePablo utilized the overhead projector to display the location of the subject parcel.

Donald Lacey, AICP, Coastal Engineering Associates, under oath, representing the petitioner, discussed the petition with the Planning and Zoning Commission.

The following people spoke under oath against the petition: Dave Pritchett, Jane Heid, Mary Mazzuco, Robert Goodwin, Chet Downing, Martin Hernandez, Brett Sherman, Mr. Couchman, Francis Click.

Scott Herring, County Engineer, under oath, discussed the need for the second access point at Lazy Days.

Discussion followed.

Kyle Benda, Assistant County Attorney, advised the Commission that the only question at hand is whether the proposed project meets the requirements of the code.



Discussion followed.

Scott Herring, County Engineer, in response to the Commissioners' questions indicated we have allowed the second access to be emergency access only in other projects, however he stands by his recommendation in the reports.

Cliff Manuel, President Coastal Engineering, under oath addressed the concerns expressed during public comments.

Discussion followed.

### **Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request with modified performance conditions as reflected in the P&Z action.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Jonathan McDonald
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

### **H-22-04 - Pulte Group: Rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations; Southern Terminus of Sterling Hills Boulevard**

Mrs. Miller introduced the application, and utilized the overhead projector to show requested changes to the performance conditions and the location of the subject parcels.

Donald Lacey, AICP, Coastal Engineering, under oath, representing the petitioner's discussed the petition with the Planning and Zoning Commission.

Cliff Manuel, President Coastal Engineering, under oath, also representing the petitioner discussed the petition with the Planning and Zoning Commission.

Discussion followed about buffering and vehicular access.

Scott Herring, County Engineer, under oath, advised the Planning and Zoning Commission that the intention to connect to the surrounding roadways was demonstrated when the original stub-outs were created.

The following people spoke under oath against the petition: Carl Philipp, Steven Koka, Rebecca Ros-Bayle, Jennifer Simmons, Laurie Vaughan, Tracy Cox, Jeana Carbonaro, Joanna Abarno, Star Hildebrand, Jenna-Marie Rios, Alaina Rios, Amy Sutton, Chet Downing, Julie Drake, Anne Kraus-Keenan, George Medina, Jeff Swihart, E. John Themios, Kyle Cremiseo.

Donald Lacey and Cliff Manuel, Coastal Engineering, under oath, discussed the concerns

expressed during public comment.

Discussion followed.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the Petitioner's request with modified performance conditions as reflected in the P&Z action.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Fulford, Campbell, Hickey, Kierzynski and McDonald

**COMMISSIONERS AND STAFF ISSUES**

Comm. Fulford discussed the constant need for deviations, due to the Code of Ordinances not being up to date.

Comm. Kierzynski agreed, citing the traffic issues from today's cases.

Comm. McDonald expressed concern about the constantly decreasing lot sizes.

Mr. Benda addressed the legal aspects of compatibility.

Mrs. Miller advised the Planning & Zoning Commission that the compatibility CPAM is headed to the BOCC for adoption on July 12, 2022.

Comm. Carroll discussed having the Comprehensive Plan Map displayed for all cases.

**ADJOURNMENT**

The meeting was adjourned at 4:07 PM.