

## **BEFORE SPECIAL MAGISTRATE DEREK SCHROTH**

IN RE: Rayisor Ventures, LLC  
Parcel Key Number: 1695419  
Request for Relief under Florida Land Use and  
Environmental Dispute Resolution Act,  
Section 70.51, Florida Statutes.

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### **HERNANDO COUNTY'S RESPONSE TO REQUEST FOR RELIEF**

Responding Governmental Entity<sup>1</sup>, HERNANDO COUNTY, (the “County”), by and through its undersigned counsel and pursuant to Section 70.51(16)(a) of the Florida Statutes, hereby responds to the Request for Relief submitted by Owner<sup>2</sup>, RAYSOR VENTURES, LLC (“Rayisor”), as set forth herein.

#### **I. Brief Introduction and Factual Background**

Rayisor applied to the County, application file number H-24-27, to rezone real property generally located on the south side of Osowaw Boulevard, approximately 980’ northeast of its intersection with Buccaneer Boulevard, also known as Parcel Key Number: 1695419, from Agricultural (AG) to a Planned Development Project/Multi-Family (“PDP/MF”) with deviations<sup>3</sup>. As a result of a public hearing, it was determined that the use proposed<sup>4</sup> by Rayisor is too intense and dense for the subject property due to limited developable land, as well as such use is incompatible with the adjacent residential zoned property and inconsistent with the County’s comprehensive plan.

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<sup>1</sup> The term, “governmental entity” includes “any county.” § 70.51(2)(f), Fla. Stat.

<sup>2</sup> “Owner” means “a person with a legal or equitable interest in real property who filed an application for a development permit for the property at the . . . local level and who received a development order . . . .” *Id.* § 70.51(2)(d).

<sup>3</sup> The land that is the subject of H-24-27 will be referred to as the Property.

<sup>4</sup> “Proposed use of the property” means “the proposal filed by the owner to develop his or her real property.” *Id.* § 70.51(2)(e).

The County denied the application. A development order<sup>5</sup>, Resolution 2024-219, was rendered on October 22, 2024, attached hereto as Exhibit A, which formally denied the request to rezone from AG to PDP/MF with deviations.

Raysor submitted its Request for Relief on July 25, 2024, which was deemed filed October 22, 2024<sup>6</sup>. Raysor alleges that the Hernando County Board of County Commissioners’ (“BOCC”) action pursuant to “Resolution 2024-2019” is “unlawful and unfairly burdens the use of the Property,” and “prevents the Petitioner from developing vacant property...into workforce/affordable housing.” This argument fails because the change from the vested AG use to the more intense PDP/MF with deviations is inconsistent with the County’s Comprehensive Plan and Future Land Use Map (“FLUM”), and incompatible with adjacent residential property. Moreover, the denial did not “prevent the Petitioner from developing vacant property” because the BOCC did not take away Petitioner’s existing rights to utilize the property, zoned AG.

Accordingly, the County has a legitimate public purpose in protecting the existing and future areas from encroachment of incompatible uses that are too destructive to the character and integrity of the surrounding residential area and for the health, safety and welfare for the community at large.

## **II. Legal Argument**

**Raysor’s proposed use of the property is too intense and dense, incompatible to the adjacent residential neighborhood and inconsistent with the County’s comprehensive plan.**

A landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the

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<sup>5</sup> “Development order” means “any order . . . which is or will have the effect of granting, denying, or granting with conditions an application for a development permit, and includes the rezoning of a specific parcel.” § 70.51(2)(a), Fla. Stat.

<sup>6</sup> Formal date of Resolution denying application.

zoning ordinance. *Brevard County v. Snyder*, 627 So. 2d 469 (Fla. 1993). However, the Florida Supreme Court recognized and explained that a “comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. *Id.* The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan. *Id.* Even where a denial of a zoning application would be inconsistent with the plan, the local government should have the discretion to decide that the maximum development density should not be allowed provided the governmental body approves some development that is consistent with the plan and the government's decision is supported by substantial, competent evidence.” *Id.*

Furthermore, “it has never been the law that a landowner is always entitled to the ‘highest and best’ use of his land.” *Lee Cnty. v. Sunbelt Equities, II, Ltd. P’ship*, 619 So. 2d 996, 1006 (Fla. 2d DCA 1993) (citing *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 123-28 (1978)). “[A]bsent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials’ discretion to accept or reject the applicant’s argument that change is desirable.” 619 So. 2d at 1006; *accord Snyder*, 627 So. 2d at 475. Here, the County simply exercised its discretion, which differed from RAYSOR’s opinion that the proposed more intense PDP/MF is a desirable use. The court in *Lee County* goes on to state that:

An old saying has it, “If you bought a swamp, there is some presumption you wanted a swamp.” Put another way, there must be some presumption, even if only an easily rebuttable one, that land zoned for agricultural use is best suited for that purpose. This does not mean that comprehensive planners, with an eye toward conditions years hence, might not expect that same land someday to be crowded with houses, industrial plants, or commercial establishments. Nor does it mean that zoning authorities, during their initial (and truly “legislative”) attempts to classify properties, always act wisely or fairly in designating low-intensity uses. However, implicit in *Snyder* is a suggestion that the future-oriented comprehensive planning process always will result in a more accurate and appropriate use designation than

will the more immediate act of zoning a specific parcel. **We believe that both a comprehensive plan and a zoning classification are presumptively valid, and that one seeking a change in either has the burden of showing its invalidity.**

*Lee Cnty.*, 619 So. 2d at 1005 (emphasis added).

The County's Comprehensive Plan's goals, objectives, and strategies are implemented by the zoning districts created by the Code<sup>7</sup>. §§ 163.3167(1)(c), 163.3194(1)(b), (3)(a), 163.3202, Fla. Stat. The Comprehensive Plan provides future land use categories that identify areas in Hernando County for particular land uses, but also protects each of those categories from incompatible land uses to establish consistency with the Comprehensive Plan itself. *See, e.g.*, Strategy 1.10B(3), Comprehensive Plan; *see also Everett v. City of Tallahassee*, 840 F. Supp. 1528, 1539 (N.D. Fla. 1992) (citing *WAGS Transp. Sys., Inc. v. Miami Beach*, 88 So. 2d 751, 751 (Fla. 1956) (stating that “an adjacent property owner has a property right in the protection of his own property against incompatible uses of adjacent property which devalue his property.”)).

Objective 1.10A of the Comprehensive Plan requires the County to “promulgate and maintain land development regulations . . .” to implement the Comprehensive Plan. Incompatibility of different individual land uses are implemented through the application of the land development regulations in the Code. *Id.* Strategy 1.10A(3). Additionally, Strategy 1.10B(3) of the Comprehensive Plan seeks to “[p]rotect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.”

From the June public hearing, all of the documentary evidence entered into the record was incorporated by reference into Resolution 2024-2019. Part of that record was the Future Land Use Map from the Comprehensive Plan, the zoning district map for the Property, and the aerial map

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<sup>7</sup> The Comprehensive Plan can be accessed at the following link:  
<https://www.hernandocounty.us/departments/departments-n-z/planning/comprehensive-plan>

for the Property, attached hereto as Exhibit B<sup>8</sup>. Based on information entered in the record, the evidence supported the following: the Property is zoned AG, application to rezone from AG to PDP/MF, the property is designated as “residential” on the FLUM, the proposed buildable area is limited to 4.6 acres out of 13 acres, and the property is located adjacent to a residential neighborhood (Raysor rezoning application, pg. 10, paragraph 3.0, attached hereto as Exhibit C). (See Exhibit B and C). Moreover, the BOCC heard from numerous witnesses regarding the negative impact the PDP/MF project would have on the adjacent residential community. In response, Raysor did offer to revise their plan to reduce the “total number of dwelling units to 100, and rescind their requested deviation for maximum building height, bringing the request to a maximum height of 45 feet (3 stories).” (See Raysor’s Request for Relief, pg. 2-3, paragraph A)

In this action, the burden is on Raysor to show why its proposed more intense use is consistent with the County’s Comprehensive Plan and compatible with the surrounding land uses, not the other way around. Raysor pointed to no evidence in the June public hearing that shows the rezoning request is consistent with the County’s plan and Land Development Regulations or that the County’s decision, in light of the evidence, is unreasonable. Therefore, as supported by the record, the County properly denied Raysor’s proposed request to rezone from AG to PDP/MF, as being too intense and dense due to the limited buildable area, incompatible with the neighboring residential community and inconsistent with the County’s Comprehensive Plan.

### **III. Conclusion**

Based on the foregoing, the County requests that the Special Magistrate hold the required mediation session on this matter as soon as is practicable. If a proposed settlement is not reached at the mediation session and a hearing is held, the County requests that the Special Magistrate (1)

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<sup>8</sup> For efficiency and expediency purposes, only the referenced part of the total Public Hearing record is attached. A complete copy of the total transcript (T) will be provided to all parties prior to the Evidentiary hearing.

find that the Denial was not unreasonable and does not unfairly burden the use of the Property, (2) find that the Denial was based on substantial, competent evidence, and (3) recommend that the Denial remain undisturbed.

*(Certificate of Service on the Following Page)*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by e-mail to Jacob T. Cremer, at [jcremer@stearnsweaver.com](mailto:jcremer@stearnsweaver.com) and Simone L. Savino, [ssavio@stearnsweaver.com](mailto:ssavio@stearnsweaver.com), on this 15<sup>th</sup> day of November, 2024.

/s/ Victoria Anderson  
Victoria Anderson, Esq. (FBN 15882)  
Assistant County Attorney  
[Vanderson@co.hernando.fl.us](mailto:Vanderson@co.hernando.fl.us)  
Jon A. Jouben, Esq. (FBN 149561)  
County Attorney  
[jjouben@co.hernando.fl.us](mailto:jjouben@co.hernando.fl.us)  
Alt. E-Mails: [cao@co.hernando.fl.us](mailto:cao@co.hernando.fl.us)  
[phare@hernandocounty.us](mailto:phare@hernandocounty.us)  
20 N. Main Street, Suite 462  
Brooksville, FL 34601  
352-754-4122 / 352-754-4001 Fax  
Attorneys for Hernando County

cc: Special Magistrate Derek A. Schroth  
(Via E-Mail)

Exhibit A

**RESOLUTION NO. 2024 - 219**

**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 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:** Raysor Ventures, LLC

**FILE NUMBER:** H-24-27

**REQUEST:** Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations

**GENERAL LOCATION:** South side of Osowaw Boulevard, approximately 980' northeast of its intersection with Buccaneer Boulevard

**PARCEL KEY NUMBERS:** 1695419

**REQUEST:** Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations as enumerated in the BOCC Action, which is incorporated herein by reference and made a part hereof. The representations contained in the rezoning application are incorporated herein by reference and made a part hereof and are relied upon by the County to be true and correct. For purposes herein, it is presumed that all notice and advertising requirements have been satisfied.

**FINDINGS OF FACT:** ALL of the facts and conditions set forth in the County's staff memoranda and presented to the BOCC in connection with the public hearing in this matter 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 testimony and record supporting DENIAL of the applicant's request for rezoning with deviations to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The application is NOT compatible with the surrounding residential area due to the intensity and density of the proposed use.
2. The proposed request is too intense for the subject site due to the site's limited developable area.

**CONCLUSIONS  
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Florida Statutes*. Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. There is a legitimate public purpose in protecting the existing and future residential areas from encroachment of incompatible uses that are too 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 notice and public hearing, based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby DENIES the rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations as set forth in the BOCC Action, which is incorporated herein by reference and made a part hereof. Any requests, uses, variances or exceptions that were requested in connection with this rezoning application but not specifically approved herein are hereby deemed DENIED.

ADOPTED IN REGULAR SESSION THE 2nd DAY OF October 2024.

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

Attest:

*Heidi Kuepfer, Deputy Clerk*

**Douglas A. Chorvat, Jr.**  
**Clerk of Circuit Court & Comptroller**

By:

*E. Narverud*  
**Elizabeth Narverud**  
**Chairperson**

(SEAL)



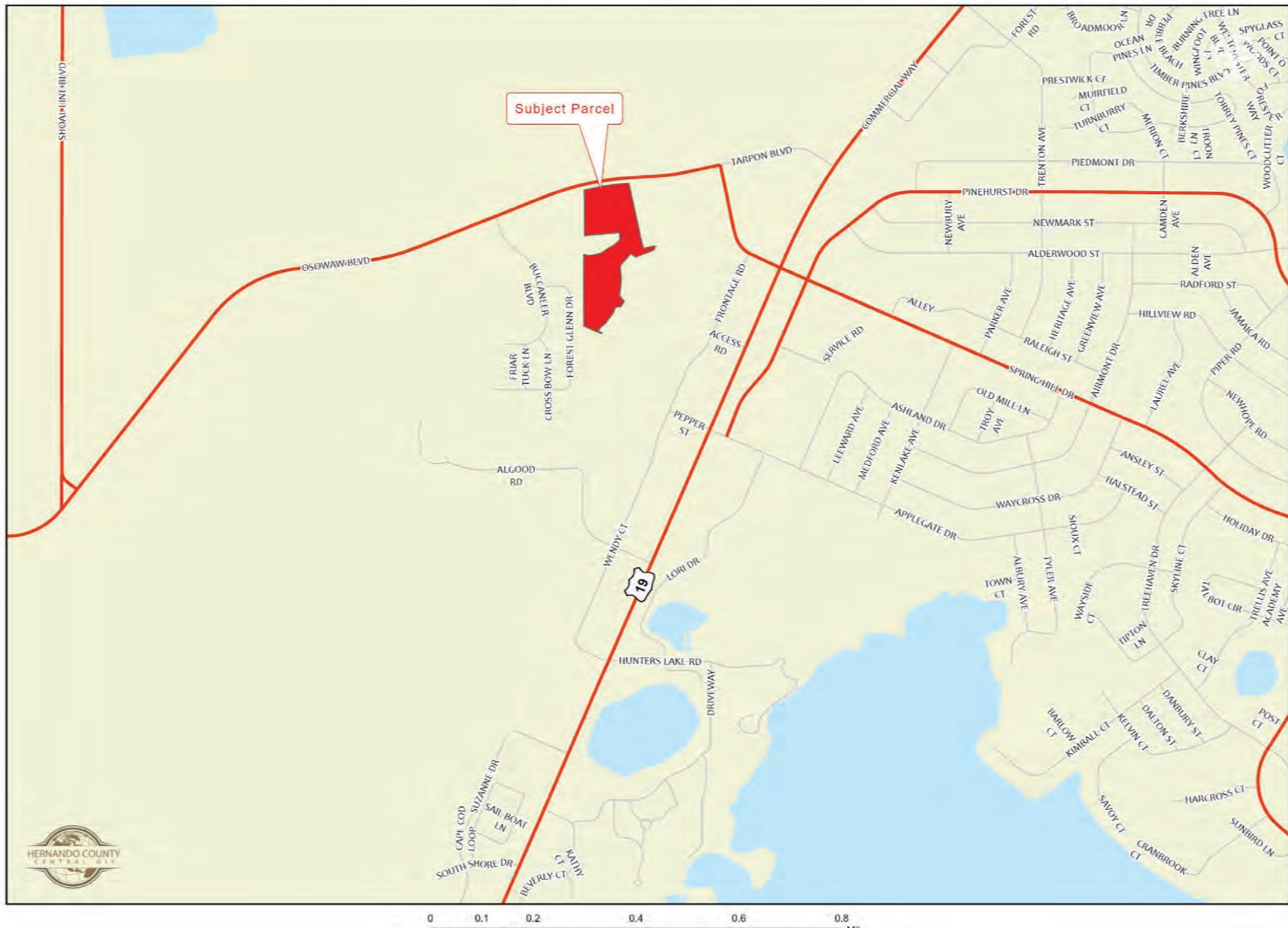
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *Victoria Anderson*  
County Attorney's Office

# H-24-27 AREA MAP

## Exhibit B

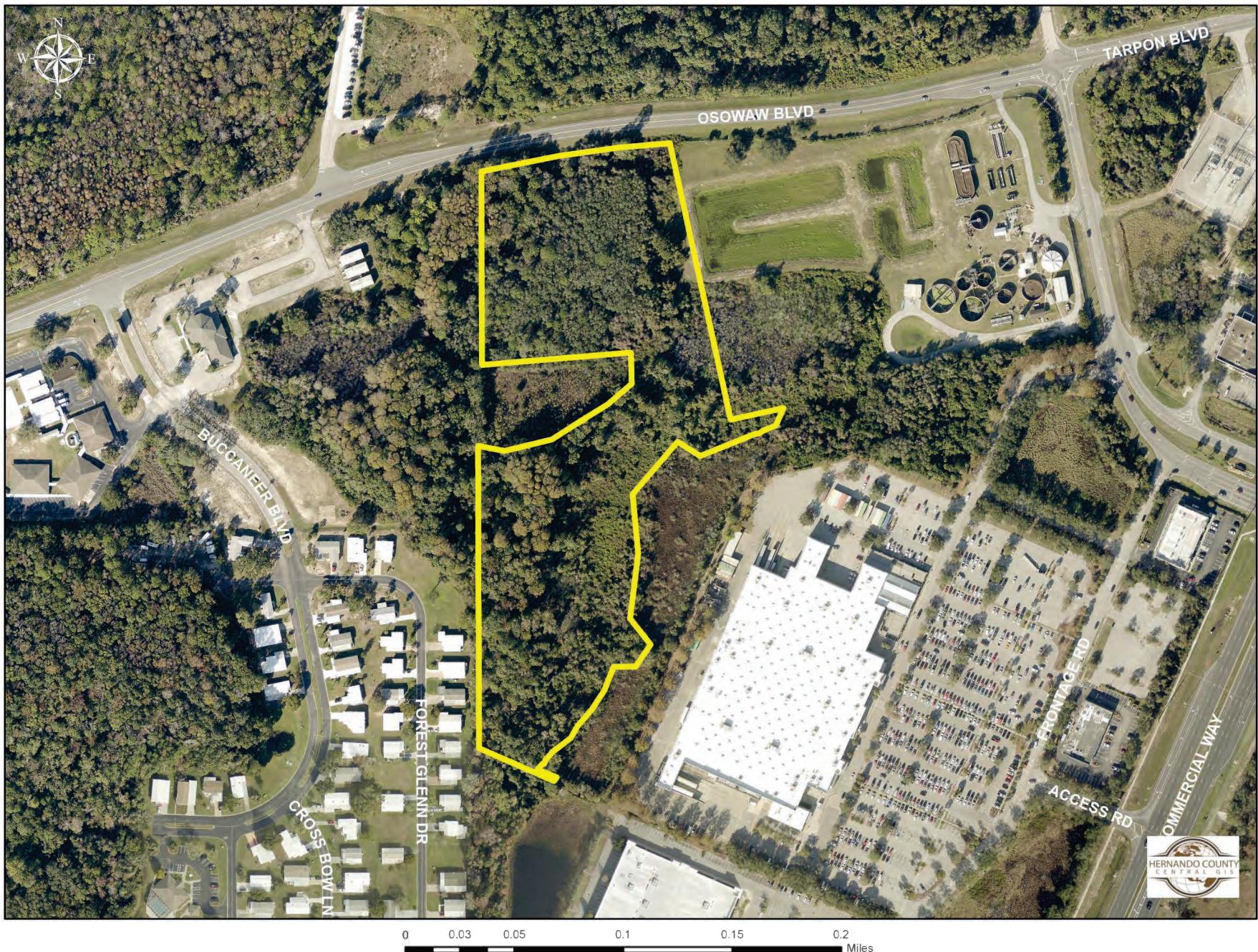
This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.



# H-24-27

Photo date: 2023

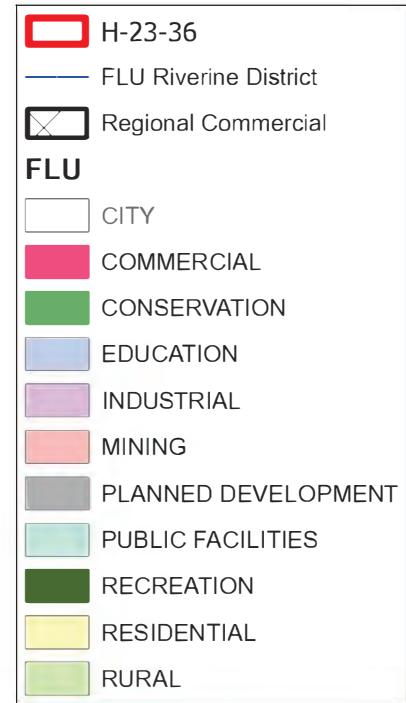
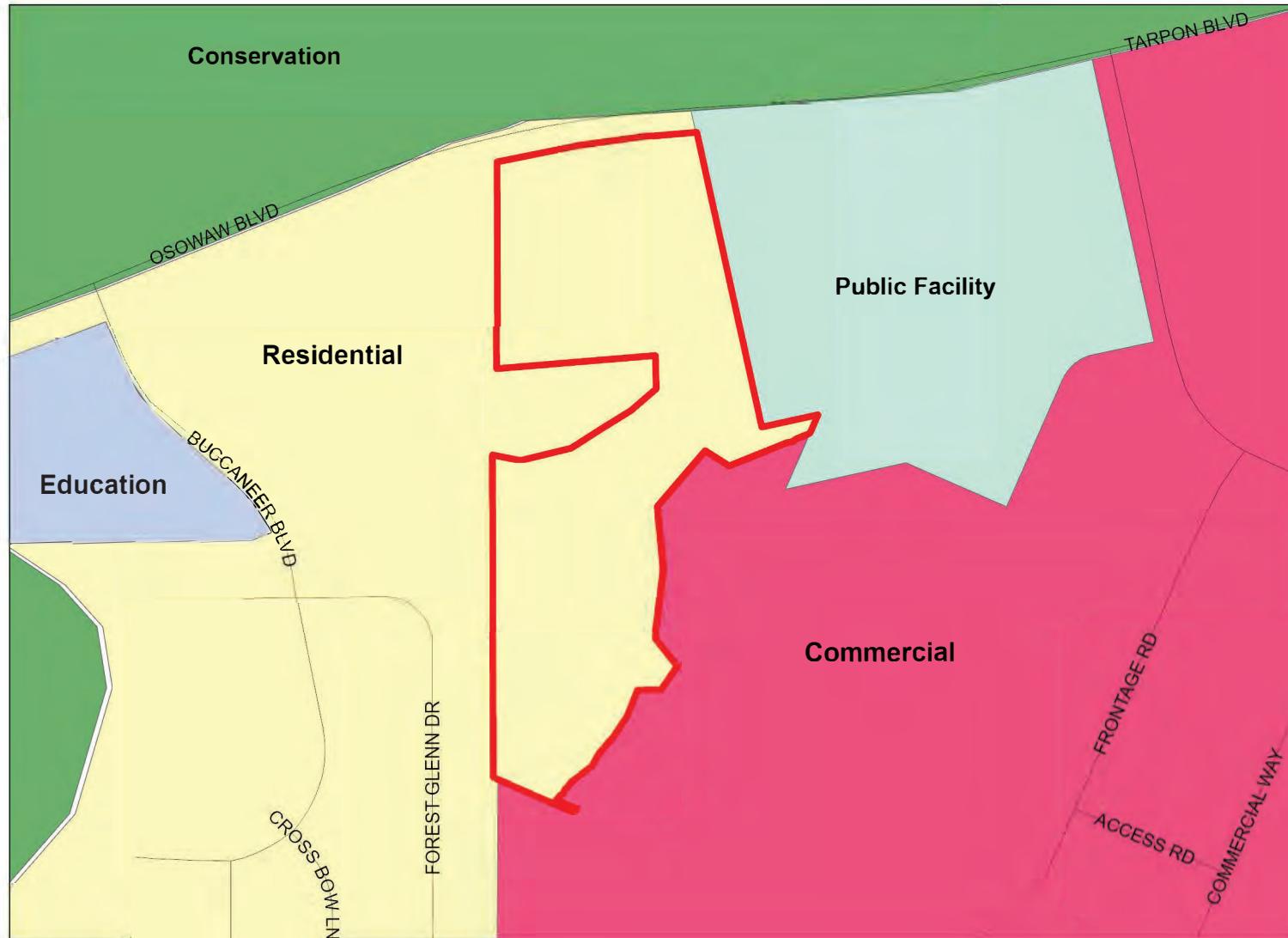
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# Hernando County Comprehensive Plan Map

Existing Future Land Use: H-24-27

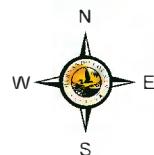
Version Date: 12/09/2022



## Future Land Use Map

PLEASE REFER TO THE TEXT PORTION OF THE COMPREHENSIVE PLAN IN CONJUNCTION WITH THE USE OF THE FUTURE LAND USE MAP SERIES.

NOTE THE RIVERINE DISTRICT IS SHOWN AS A LINE SETBACK PARALLEL TO THE WEEKI WACHEE, MUD AND WITHLACOOCHEE RIVERS.

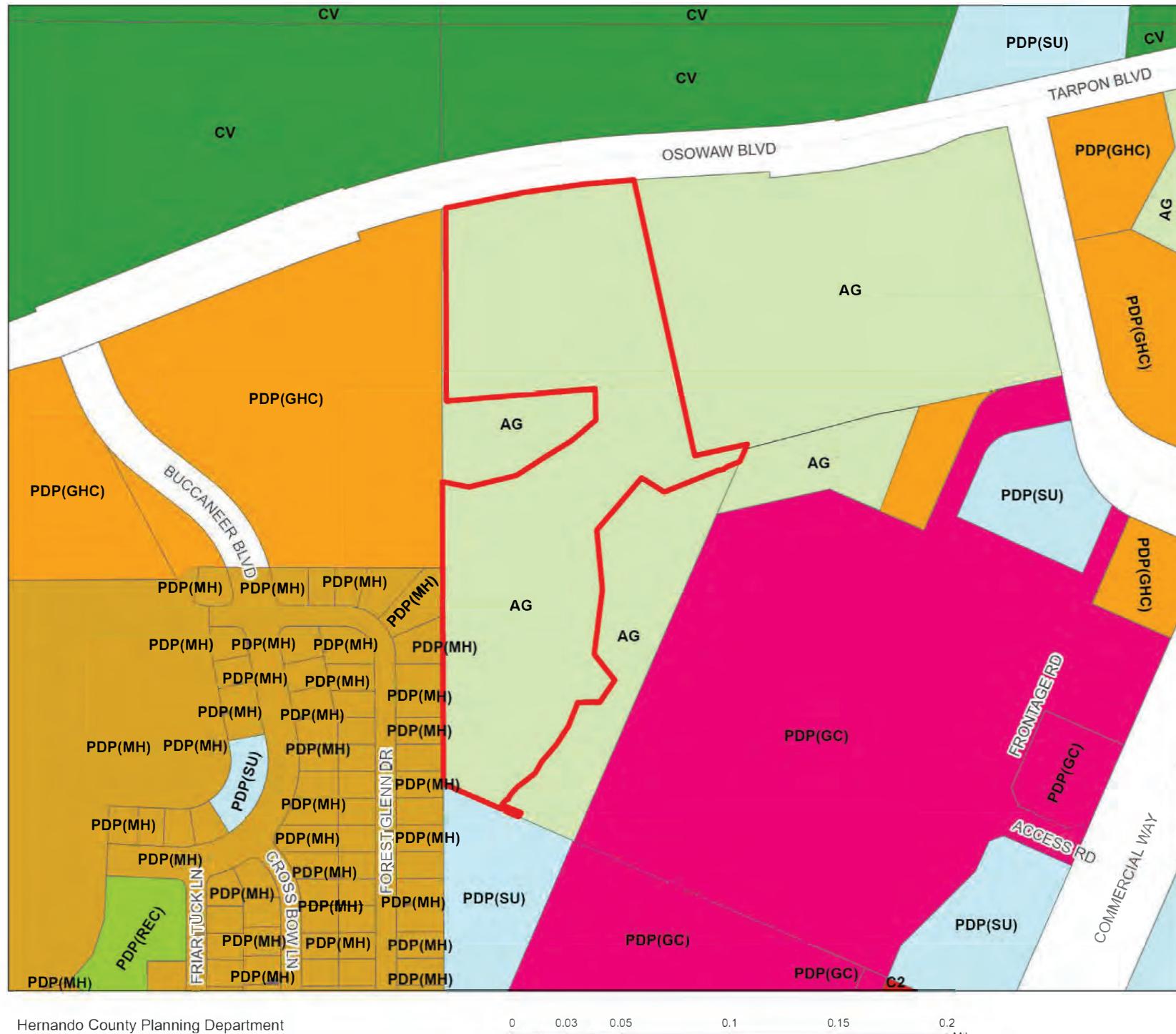


Date of mapping: 07/21/2023



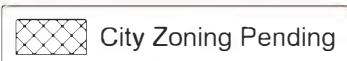
H-24-27

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## Zoning:

The legend is organized into two columns. The left column lists categories with their corresponding color-coded squares: AC (light green), AG (medium green), AR (dark green), AR1 (dark green), AR2 (dark green), C1 (yellow), C2 (red), C3 (pink), C4 (light pink), CITY (black dotted), CM1 (light blue), CM2 (medium blue), CPDP (grey), CV (dark green), I1 (purple), I2 (dark purple), M (grey), OP (pink), PDP(AF) (yellow), PDP(CM) (dark blue), PDP(CP) (orange), PDP(GC) (magenta), and PDP(GHC) (orange). The right column lists categories with their corresponding color-coded squares: PDP(HC) (pink), PDP(HHC) (light purple), PDP(HID) (medium purple), PDP(IND) (dark purple), PDP(LI) (light blue), PDP(MF) (yellow-orange), PDP(MH) (brown), PDP(NC) (orange-red), PDP(OP) (pink), PDP(PSF) (light blue), PDP(REC) (dark green), PDP(RR) (medium green), PDP(RUR) (green), PDP(SF) (yellow), PDP(SU) (light blue), R1A (gold), R1B (brown), R1C (yellow), R1MH (orange-red), R2 (pink), R2.5 (light green), R3 (yellow), RC (light pink), and RM (dark blue).



# Exhibit C

## HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

**Application request (check one):**

Rezoning  Standard  PDP  
Master Plan  New  Revised  
PSFOD  Communication Tower  Other

**PRINT OR TYPE ALL INFORMATION**

Date: 3/20/2024

File No. \_\_\_\_\_ Official Date Stamp:

H-24-27

April 13, 2024

**APPLICANT NAME:** Rayson Ventures, LLC

Address: 19046 Bruce B. Downs Boulevard, #308

City: Tampa

State: FL

Zip: 33647

Phone: (813) 535-6662 Email: michael@fwdplanning.com

**Property owner's name:** (if not the applicant) Rayson Ventures, LLC

**REPRESENTATIVE/CONTACT NAME:** Justyna Gale, Vice President of Planning

Company Name: Forward Planning & Design, LLC

Address: 19046 Bruce B. Downs Boulevard, #308

City: Tampa

State: FL

Zip: 33647

Phone: (352) 514-6158 Email: justyna@fwdplanning.com

**HOME OWNERS ASSOCIATION:**  Yes  No (if applicable provide name) \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

1. PARCEL(S) KEY NUMBER(S): R29 223 17 2608 0000 0031
2. SECTION 29 \_\_\_\_\_, TOWNSHIP 23 \_\_\_\_\_, RANGE 17 \_\_\_\_\_
3. Current zoning classification: Agricultural (AG)
4. Desired zoning classification: Planned Development Project - Multi-Family (PDP-MF)
5. Size of area covered by application: 13.6 acres
6. Highway and street boundaries: Osowaw Blvd.
7. Has a public hearing been held on this property within the past twelve months?  Yes  No
8. Will expert witness(es) be utilized during the public hearings?  Yes  No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much?  Yes  No (Time needed: 20 minutes)

**PROPERTY OWNER AFFIDAVIT**

I, Michael Rayson, 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  
 I am the owner of the property and am authorizing (applicant): \_\_\_\_\_  
and (representative, if applicable): \_\_\_\_\_  
to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA

COUNTY OF HERNANDO Hillsborough

The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of March, 2024, by  
Michael Rayson, who is personally known to me or produced FL DL as identification.

Signature of Notary Public

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



Notary Seal/Stamp

**LEGAL DESCRIPTION**

HUNTLEY SUBDIVISION LOT 3 LESS THOSE PARCELS DES IN ORB  
2383 PG 257 & ORB 2502 PG 1706|



\*\*Street Level photos may not be available if structure is not visible from road.

2022 Final Tax Roll

Parcel Key: 01695419      Parcel #: R29 223 17 2608 0000 0031

<b>Owner Information</b>		<b>Property &amp; Assessment Values</b>																													
		<p>Building: \$0      Assessed: \$82,449          Features: \$0      Exempt: \$0          Land: \$82,449      Capped: \$82,449          AG Land: \$0      Excl Cap: \$0          Market: \$82,449      Taxable: \$82,449</p>																													
<b>Property Information</b>		<b>Tax Information</b>	<p>Site Address: OSOWAW BLVD          Description: HUNTLEY SUBDIVISION LOT 3 LESS THOSE PARCELS DES IN ORB 2383 PG 257 &amp; ORB 2502 PG 1706          DOR Code: (99) ACREAGE NOT CLASSIFIED          Levy Code: CWES      Sec/Tnshp/Rng: 29-23-17          Subdivision: HUNTLEY SUBDIVISION          Neighborhood: SHOAL LINE BLVD/OSOWAW BLVD(C595)</p> <p>AdValorem: \$1,293.25          NONAdValorem: \$103.29          Total For 2022: \$1,396.54          Total For 2021: \$1,077.75          Total For 2020: \$852.90          Total For 2019: \$857.66</p> <p><a href="#">Real Time Tax Info</a> <a href="#">Pay Taxes On-line</a></p> <p><a href="#">CE Assmts/Liens</a> <a href="#">Comm Fire Assmts</a></p>																												
<b>Land Breakdown</b> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Units</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>NON-PROD AC</td> <td>8.70 ACRES</td> <td>1,305</td> </tr> <tr> <td>ACREAGE</td> <td>4.90 ACRES</td> <td>81,144</td> </tr> </tbody> </table>				Land Use	Units	Value	NON-PROD AC	8.70 ACRES	1,305	ACREAGE	4.90 ACRES	81,144																			
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After Recording Return to:

Grace Payne  
Southern Title Services of Tampa Bay, Inc.  
17818 U.S. Hwy 41 N.  
Lutz, FL 33549

This Instrument Prepared by:

Grace Payne  
Southern Title Services of Tampa Bay, Inc.  
17818 U.S. Hwy 41 N.  
Lutz, FL 33549  
as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):  
R29 223 17 2608 0000 0031  
File No.: 20231092

## WARRANTY DEED

This Warranty Deed, Made the 10 day of August, 2023, by Huntley Holdings LLC, a Florida limited liability company, surviving entity from merger with Windfield Properties, LLC, a Florida limited liability company, having its place of business at 3839 McKinney Avenue, Suite 155-224, Dallas, TX 75204, hereinafter called the "Grantor", to RAYSOR Ventures, LLC, a Florida limited liability company, whose post office address is: 19046 Bruce B. Downs Blvd, Ste 308, Tampa, FL 33647, hereinafter called the "Grantee".

**WITNESSETH:** That said Grantor, for and in consideration of the sum of **Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, by these presents grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in **Hernando** County, Florida, to wit:

Lot 3, Huntley Subdivision, according to the plat thereof as recorded in Plat Book 33, Page 5, of the Public Records of Hernando County, Florida. Less and Except those parcels described in Official Records Book 2383, Page 257 and Official Records Book 2502, Page 1706.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022, reservations, restrictions and easements of record, if any.

*(Wherever used herein the terms "Grantor" and "Grantee" included all the parties to this instrument and the heirs, legal representatives and assigns of the individuals, and the successors and assigns of Limited Liability Company)*

**IN WITNESS WHEREOF**, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES

**TWO SEPARATE DISINTERESTED WITNESSES REQUIRED**

Witness Signature: V. Paiz

Printed Name: Vanessa Paiz

Witness Signature: O. Butrovich

Printed Name: Olga Butrovich

State of Washington

County of Pierce

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 10 day of August, 2023 by Jacob W. Huntley as Manager of Huntley Holdings LLC, a Florida limited liability company, surviving entity from merger with Windfield Properties, LLC, a Florida limited liability company, on behalf of the Limited Liability Company. He/She/They is/are  Personally Known OR  Produced TX driver license as Identification.

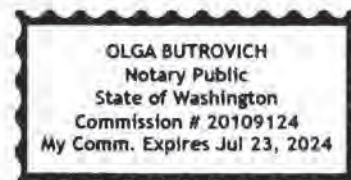
Olga Butrovich  
Notary Public Signature

(SEAL)

Printed Name: Olga Butrovich

My Commission Expires: 7/23/2024

Online Notary (Check Box if acknowledgment done by Online Notarization)



Completed via Remote Online Notarization using 2 way Audio/Video technology.

**"EXHIBIT A"**

06/16/21 03:47PM EDT from Ward Henderson -> Division of Corporations 8506176381 Pg 2  
/2

((H21000235556 3)))

**ARTICLES OF ORGANIZATION****OF****HUNTLEY HOLDINGS, LLC**

The undersigned executes these Articles of Organization of Huntley Holdings, LLC to form a limited liability company pursuant to the Florida Revised Limited Liability Company Act:

**ARTICLE I. NAME**

The name of the limited liability company is Huntley Holdings, LLC.

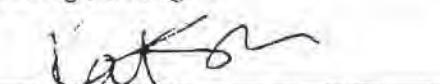
**ARTICLE II. ADDRESS**

The principal address and the mailing address of the limited liability company is 3839 McKinney Avenue, Suite 155-224, Dallas, Texas 75204.

**ARTICLE III. REGISTERED AGENT AND OFFICE**

The street address of the initial registered office of the limited liability company is 5328 Central Avenue, Saint Petersburg, Florida 33707, and the name of the limited liability company's initial registered agent at that address is Kathryn Everlove-Stone.

*Having been named to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*



Kathryn Everlove-Stone

**ARTICLE IV. MANAGEMENT OF COMPANY**

The limited liability company is a manager-managed limited liability company. The name and address of the person initially authorized to manage the Company are Jacob W. Huntley, 3839 McKinney Avenue, Suite 155-224, Dallas, Texas 75204.

EXECUTED: 6/15/21



Jacob W. Huntley  
Authorized Representative of the Member

**SALLY L. DANIEL, CFC**

HERNANDO COUNTY TAX COLLECTOR

352-754-4180

**2023 Real Estate****NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

ALTERNATE KEY NUMBER	ESCROW CODE	MILLAGE CODE	WWW.HERNANDOTAX.US
1695419		CWES	

R29-223-17-2608-0000-0031

RAYSOR VENTURES LLC A  
19046 BRUCE B DOWNS BLVD PMB 308  
TAMPA, FL 33647-2434

0 OSOWAW BLVD

HUNTLEY SUBDIVISION  
LOT 3 LESS THOSE PARCELS DES  
IN ORB 2383 PG 257 & ORB 2502  
PG  
See Additional Legal on Tax Roll

**\*\*All ownership changes must re-file for exemptions****AD VALOREM TAXES**

TAXING AUTHORITY	TELEPHONE	MILLAGE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED
BCC GENERAL FUND	352-754-4004	6.6997	90,694	0	90,694	607.62
BCC TRANSPORTATION TRUST	352-754-4004	0.8091	90,694	0	90,694	73.38
BCC COUNTY HEALTH	352-754-4004	0.1102	90,694	0	90,694	9.99
HERNANDO COUNTY SCHOOL BOARD	352-797-7004	3.0920	102,735	0	102,735	317.66
BPI DISCRETIONARY	352-797-7004	0.7480	102,735	0	102,735	76.85
BPI CAPITAL OUTLAY	352-797-7004	1.5000	102,735	0	102,735	154.10
BPI OPERATIONAL VOTED	352-797-7004	1.0000	102,735	0	102,735	102.74
EMERGENCY MEDICAL SVCS MSTU	352-754-4004	0.9100	90,694	0	90,694	82.53
STORMWATER MANAGEMENT MSTU	352-754-4004	0.1139	90,694	0	90,694	10.33
SWFWMD COUNTY WIDE	352-796-7211	0.2043	90,694	0	90,694	18.53
<b>TOTAL MILLAGE</b>		15.1872	<b>AD VALOREM TAXES</b>		\$1,453.73	

**NON-AD VALOREM ASSESSMENTS**

LEVYING AUTHORITY	TELEPHONE	AMOUNT
36 H.C. FIRE/RESCUE DISTRICT	352-540-4353	34.84

**\*\*ALL TAXES BECOME DELINQUENT APRIL 1st** **NON-AD VALOREM ASSESSMENTS** \$34.84**COMBINED TAXES AND ASSESSMENTS** \$1,488.57 **See reverse side for important information.****If Paid By****Nov 30, 2023**

Please Pay

1/07/2023  
Receipt # HSPTAX-23-000907E  
Paid By

RETAIN THIS PORTION FOR YOUR RECORDS.  
WALK-IN CUSTOMERS,  
PLEASE BRING FOR RECEIPT.

1/07/2023

DO NOT WRITE ON BOTTOM PORTION

**SALLY L. DANIEL, CFC**

HERNANDO COUNTY TAX COLLECTOR

352-754-4180

**2023 Real Estate****NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

ALTERNATE KEY NUMBER	ESCROW CODE	MILLAGE CODE	WWW.HERNANDOTAX.US
1695419		CWES	

R29-223-17-2608-0000-0031

0 OSOWAW BLVD

HUNTLEY SUBDIVISION  
LOT 3 LESS THOSE PARCELS DES  
IN ORB 2383 PG 257 & ORB 2502  
PG  
See Additional Legal on Tax Roll

Pay in U.S. funds to Sally L. Daniel, Hernando County Tax Collector, 20 N. Main St. Room 112 Brooksville, FL 34601-2892

<b>If Paid By</b>	<b>Nov 30, 2023</b>			
Please Pay	\$1,429.03			

RETURN WITH PAYMENT.

## Osowaw Multi-family PDP (MF) Amendment Narrative

### **1.0 Introduction**

The Applicant, Raynor Ventures, LLC, is requesting a rezoning amendment from Agricultural (AG) to Multi-Family Planned Development District [PDP (MF)] on approximately 13.6 acres of land located south of Osowaw Boulevard and west of Commercial Way (US Hwy. 19). This application requests approval of a Multi-Family Planned Development District [PDP (MF)] for a workforce / affordable housing development to include apartments and/or town-home residential up to a maximum of 125 Dwelling Units (DU). A Rezoning amendment to PDP(MF) is consistent with the underlying Future Land Use (FLU) Residential category. The Residential FLU category allows for a maximized density up to 22 dwelling units per acre, and the proposed density is 9 dwelling units per acre.

A Pre-Application meeting was held with Omar DePablo on March 30, 2023, and March 14, 2024.

### **2.0 Existing Conditions**

**Table 1: Existing Site Information**

<b>Parcel Key:</b>	01695419
<b>Parcel #:</b>	R29 223 17 2608 0000 0031
<b>Gross Acreage:</b>	13.6 acres
<b>Estimated Wetlands:</b>	9 acres
<b>Net Developable Area:</b>	4.6 acres
<b>Future Land Use Category:</b>	Residential
<b>Existing Zoning:</b>	Agricultural (AG)
<b>Special Overlay District:</b>	None

#### **2.1 Existing Future Land Use**

The current Future Land Use Designation is Residential. The Residential Category allows primarily single-family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. The Gross Residential Density shall not exceed 22 DU/Ac.

The Residential Category includes zoning for multi-family housing generally averaging between 7.5 to 22 dwelling units an acre to provide a diversity of housing choices. According to the Comprehensive Plan Strategy 1.04B(5)(a), multi-family housing should be located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

# Forward Planning & Design

OSOWAW PDP (MF) AMENDMENT NARRATIVE  
HERNANDO COUNTY, FLORIDA [04/01/24]  
PAGE 2 OF 6

## 2.2 Existing Zoning

Currently, the Zoning designation for the subject site is Agricultural (AG) District. The AG District is designed to promote and encourage the conservation and utilization of agricultural land, as well as the preservation of the open character land. The AG District only allows for low density single-family residential and does not permit multi-family development.

This application requests a rezoning amendment from AG District to Multi-family Planned Development District [PDP (MF)] for a multi-family (apartments/townhomes) residential development with a maximum development potential of 125 dwelling units (DU).

## 2.3 Existing Site Conditions

The project Parcel is currently vacant. It is located to the south of Osowaw Boulevard. Osowaw Boulevard is a paved two-lane collector without sidewalks and approximately 112' Right-of-Way (ROW).

The Parcel is relatively flat with less than 5 feet of change in elevation. Wetlands are located on the southern and northwestern portions of the site with associated Floodplain Zone "AE". An Environmental Study was conducted on the site and has been submitted as part of this rezoning application package. There are approximately 9 acres of wetlands on the site with a net developable area of approximately 4.6 acres. There is no reported sinkhole activity on-site according to Hernando County Central GIS.

## 2.4 Adjacent Future Land Use and Zoning

The proposed Multi-Family Planned Development District [PDP (MF)] is compatible with the Future Land Use and Zoning of the surrounding Parcels.

The site located to the east and south along Commercial Way is zoned PDP (General Commercial). It is developed as a shopping center anchored by several tenants including Wal-Mart, JC Penny, Best Buy, Pet Smart, Aldi, and several other retailers. The decommissioned Hernando County sewage processing plant was located to the east of the Parcel and is now vacant land.

The Parcels to the west are zoned PDP (GHC) and PDP (MH). There is a Church and the Forest Glen Retirement Village manufactured home community located adjacent to the west. The area located to the north is Conservation and is the Weekiwachee Preserve.

**Table 2: Adjacent Future Land Use, Zoning, and Existing Uses**

Direction	FLU Category	Zoning District	Existing Use
<b>North</b>	Conservation	Conservation	Weekiwachee Preserve
<b>East</b>	Commercial	PDP (GC)	Shopping Center
<b>South</b>	Commercial	PDP (GC)	Shopping Center
<b>West</b>	Residential	PDP (GHC), PDP (MH)	Church and Mobile Home Park

# Forward Planning & Design

OSOWAW PDP (MF) AMENDMENT NARRATIVE  
HERNANDO COUNTY, FLORIDA [04/01/24]  
PAGE 3 OF 6

## **3.0 Proposed Development**

### **3.1 Overview**

This application requests a rezoning amendment from the AG District to Multi-Family Planned Development District [PDP (MF)] to allow for a workforce/affordable housing development. Proposed is an apartment and/or townhome development with a maximum of 125 dwelling units and associated amenities. The total site is approximately 13.6 acres with an estimate of 9 acres of wetlands located on the southern and northwestern portions of the Parcel. The proposed development will provide bicycle/pedestrian connectivity, a clubhouse with amenities, and open space that exceeds the code requirements.

A summary of the proposed development as part of this PDP (MF) application is shown in **Table 3** below.

**Table 3: Proposed Development Area**

Description	±Ac.	Dwelling Units (DU)	Gross Density (DU/Ac.)
<b>Gross Site Area</b>	13.6 acres		
<b>Estimated Wetlands</b>	9 acres		
<b>Net Developable Area</b>	4.6 acres		
<b>Multi-family Residential</b>		125 units	9 du/ac
<b>Allowed Density</b>			22 du/ac

### **3.2 Workforce/Affordable Housing**

The lack of workforce/ affordable housing options has reached crisis levels in Florida, especially impacting lower-income essential workers. Teachers, healthcare workers, police, hospitality staff, and other modest-income occupations are increasingly locked out of Florida's housing market. Without intervention, Florida risks losing these critical workforces that support its economy.

Each new affordable unit created expands housing options for Florida's workforce and reduces competition for limited affordable rentals. By providing more supply, the affordability of units should gradually improve over time.

The proposed workforce/ affordable housing development is located next to a shopping center and a bus route. Locating workforce housing near job centers will also reduce transportation costs for workers. Living closer to their workplace provides financial relief while cutting commute times.

## Forward Planning & Design

OSOWAW PDP (MF) AMENDMENT NARRATIVE  
HERNANDO COUNTY, FLORIDA [04/01/24]  
PAGE 4 OF 6

### 3.3 Consistency with the Comprehensive Plan

The proposed amendment to PDP(MF) is consistent with the Comprehensive Plan's Strategy 1.04B(5) and Strategy 1.04B(7) as follows:

#### Strategy 1.04B(5)

- (a) Proximity to existing or designated commercial areas, corridors, or employment centers;
  - The site is located in close proximity to the commercial shopping center to the east along Commercial Way/US 19. The proposed PDP (MF) is also a good transitional use from the Commercial to the east, and the church and mobile home park located to the west of the project site.
- (b) Direct or limited local access to arterial or collector roadways;
  - The site is located on and has direct access to Osowaw Boulevard which is a collector roadway.
- (c) Availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
  - The site is located in an area with appropriate infrastructure and services capacity including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and school facilities.
- (d) Protection of high quality environmentally sensitive resources or historic and archaeological resources;
  - The proposed development will preserve on-site wetlands with minimal impacts proposed. The development will also preserve environmental and archaeological resources found on the site.
- (e) The character and density of existing and approved residential development in the surrounding area.
  - A multi-family development will provide a good transitional use from the Commercial located to the east and the Church and Forest Glen Retirement Village developments to the west. The existing wetlands will be preserved immediately adjacent to the Forest Glen Retirement Village which will preserve the character of their residential development.

**Strategy 1.04B(7):** All multi-family developments shall be located such that the integrity of nearby established single family neighborhoods is preserved:

- (a) Multi-family development may serve as a density transition located on the periphery of single-family neighborhoods and connecting to higher intensity uses;
  - The proposed multi-family serves as a transitional use between the large shopping center to the east located on Commercial Way, the church, and the Forest Glen Retirement Village (mobile homes) located to the west. There is also a significant wetland area that will be preserved and act as an additional buffer from the multi-family to the mobile home development.

## Forward Planning & Design

(b) Multi-family developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single-family neighborhoods.

- The multi-family development will have direct access onto Osowaw Blvd, and will not be accessible through the adjacent Forest Glen Retirement Village development.

### 3.4 Development Standards

The application package provides a PDP Master Plan which depicts the proposed the multi-family development with a maximum of 125 dwelling units and associated amenities. The stormwater ponds will be designed along the west and south project boundary to function as an additional buffer to the adjacent residential neighborhood to west. The perimeter landscape buffers will comply with the Hernando County standards.

The proposed development standards are summarized below in **Table 4**.

**Table 4: Development Standards**

Principal Building Setback from Property Line	Front: 25' Side: 10' Rear: 20'
Perimeter Landscape Buffers	20' along Osowaw 5' side/rear
Maximum Building Height	65' / 4-Stories
Maximum Building Coverage	45%

### 3.5 Utilities/Infrastructure

Utility service will be connected to Hernando County facilities located in the Osowaw Blvd. right-of-way. The utility lines include a 6" sanitary sewer force main and 8" potable water main. No significant impacts to infrastructure are anticipated and will be fully evaluated at the building permit review stage.

### 3.6 Wetlands and Open Space

There are approximately  $\pm$  9 acres of on-site wetlands that will be preserved, and minimal wetland impact. Wetland setbacks and natural vegetation will meet all land development code requirements. An environmental analysis and wetland delineation is submitted as part of this rezoning application.

The proposed development will include a clubhouse and amenities that will be accessible to the residents through interconnected sidewalks. The development will meet the open space requirements of the Land Development Code regulations.

## Forward Planning & Design

OSOWAW PDP (MF) AMENDMENT NARRATIVE  
HERNANDO COUNTY, FLORIDA [04/01/24]  
PAGE 6 OF 6

### **4.0 Proposed Deviations from Design Standards**

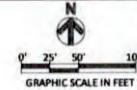
In order to efficiently develop the site, the following deviations are requested:

Article IV, Section 2 G.4. (i) Maximum building height: The maximum building height is forty-five (45) feet and/or three (3) stories. No building shall exceed three (3) stories or forty-five (45) feet in the R-3 district unless one foot shall be added to the required front and side yards for each foot of building height over forty-five (45) feet in addition to the general yard requirements for the zoning district.

- The request deviation is for proposed multi-family buildings to be four (4) stories with a maximum height of 65 feet.

Article IV, Section 2.G.4.(k) R-3 District Maximum number of dwelling units per building (12). The default allowed Zoning District for a PDP (Multi-family) project is the R-3 Residential District.

- This district has the above referenced limit to the number of 12 units per building. This is an antiquated standard in consideration of current market trends, and a maximum of 60 units/building is requested.



DEVELOPER:  
**RV** RAYSOR Ventures LLC  
 1000 BRUCE B. DEWINS BOULEVARD #300  
 TAMPA, FLORIDA 33607 (813) 625-6298  
 CONTACT: MICHAEL D. MYERS

CONSULTANT:  
  
 R-SQUARED ENGINEERING, LLC  
 1001 BLOOMFIELD AVE, STE. 200-NF  
 HOMESTEAD, FL 33036  
 (305) 751-3300

SEAL:  
 RYAN A. RENANDO, P.E.  
 FL.P.E. 477049

OSOWAW RESIDENTIAL  
 OSOWAW BLVD.  
 SPRING HILL, FL 34607  
 SECTION 29, TOWNSHIP 23 S, RANGE 17 E  
 PARCEL #: R29-223-17-2608-0000-0031

PROJECT:	ISSUE / REVISIONS	DATE

PROJECT MANAGER: **BAR**  
 DRAWING BY: **BAR**  
 JURISDICTION: HERNANDO COUNTY, FL  
 DATE: 2024-04-01  
 TITLE:

### CONCEPT SITE PLAN

SHEET NUMBER: **CSP-1.0**  
 COMMENTS: FOR ENTITLEMENTS  
 JOB/FILE NUMBER: **001.004**

SITE DATA TABLE	
PANEL ID #:	R29-223-17-2608-0000-0031
SITE ADDRESS:	1000 BRUCE B. DEWINS BOULEVARD SPRING HILL, FL 34607
OWNER:	RAYSOR VENTURES, LLC
DEVELOPER:	RAYSOR VENTURES, LLC
SITE JURISDICTION:	HERNANDO COUNTY
EXISTING USE:	VACANT
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL
NUMBER OF DWELLING UNITS:	130
PROJECT SITE AREA:	38,000 SF / 33.88 AC
PROPOSED DENSITY:	8.77 DU / AC



**SITE DATA TAB**

SITE DATA TABLE	
PARCEL ID #:	812-13-10-2618-0006-0011
SITE ADDRESS:	5050 W HAWTHORPE DR, SPRING HILL, FL 34667
OWNER(S):	KAYSOV VENTURES, LLC
DEVELOPER:	KAYSOV VENTURES, LLC
SITE JURISDICTION:	HERNANDO COUNTY
EXISTING USE:	VACANT
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL
NUMBER OF DWELLING UNITS:	120
PROJECT SITE AREA:	306,000 SF
	135.48 ACRES
DOB/SP / LRS:	2020/19 / LRS

PROJECT MANAGER:	RAR
DRAWING BY:	RAR
JURISDICTION:	HERNANDO COUNTY, FL
DATE:	2024-04-01

THE JOURNAL OF CLIMATE

CSF-1.0

COMMENTS: **FOR ENTITLEMENTS**

JOB/FILE NUMBER: 001 004

001 004

• 100 •

SEAL:

**OSOWAW RESIDENTIAL**  
OSOWAW BLVD.  
SPRING HILL, FL 34607  
SECTION 29, TOWNSHIP 23 S, RANGE 17 E  
PARCEL #: R2B-223-17-2608-0000-0031

PROJECT MANAGER: RAR  
DRAWING BY: RAR  
JURISDICTION: HERNANDO COUNTY, FL  
DATE: 2024-04-01  
TITLE: CONCEPT SITE PLAN

CSP-1.0  
COMMENTS: FOR ENTITLEMENTS  
JOB/FILE NUMBER: 001.004

## AN AERIAL MAP



# Forward Planning & Design

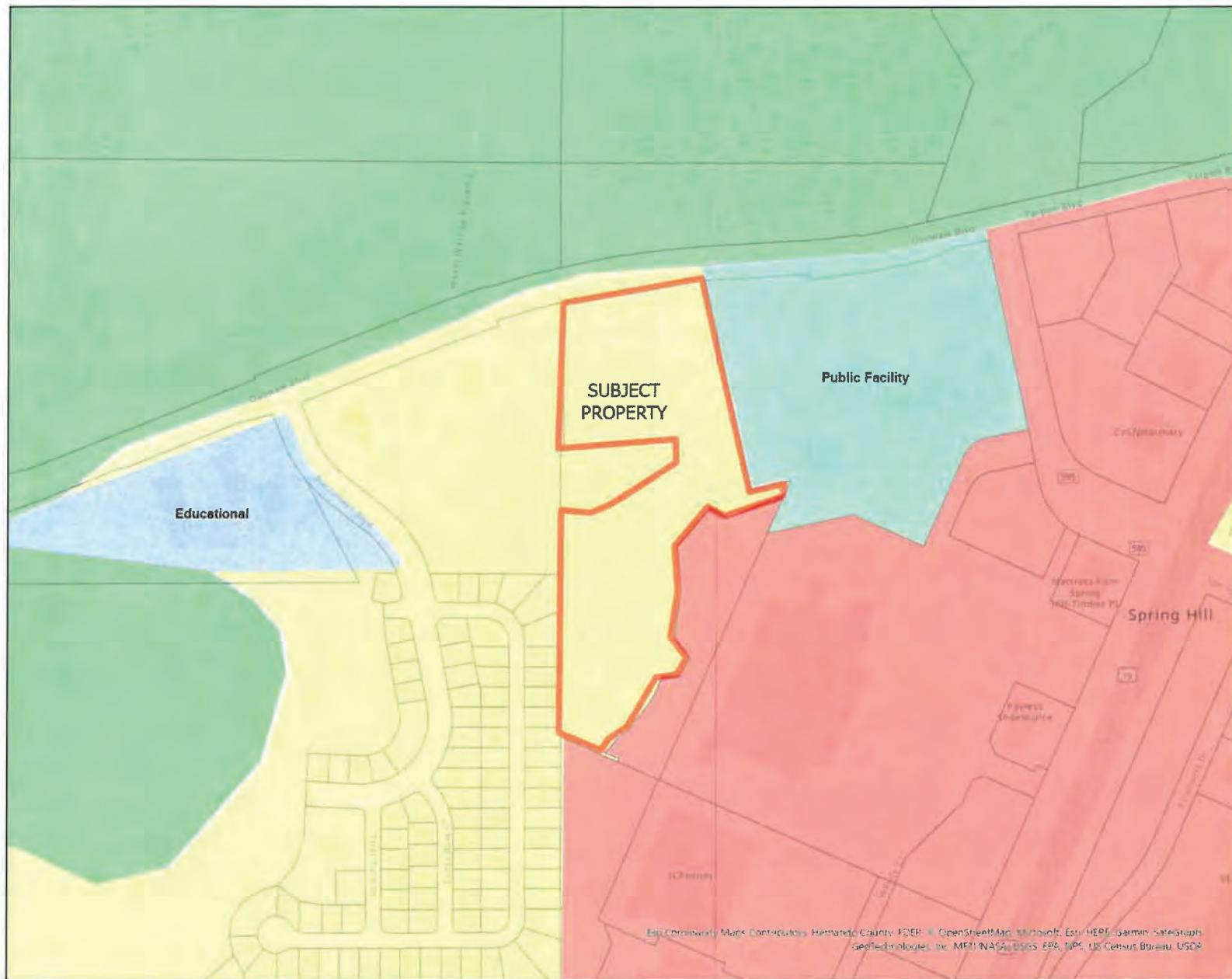


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## FUTURE LAND USE MAP

### FUTURE LAND USE

- COMMERCIAL
- CONSERVATION
- EDUCATION
- INDUSTRIAL
- MINING
- PLANNED DEVELOPMENT
- PUBLIC FACILITY
- RECREATION
- RESIDENTIAL
- RURAL
- SUBJECT PROPERTY**
- Parcels

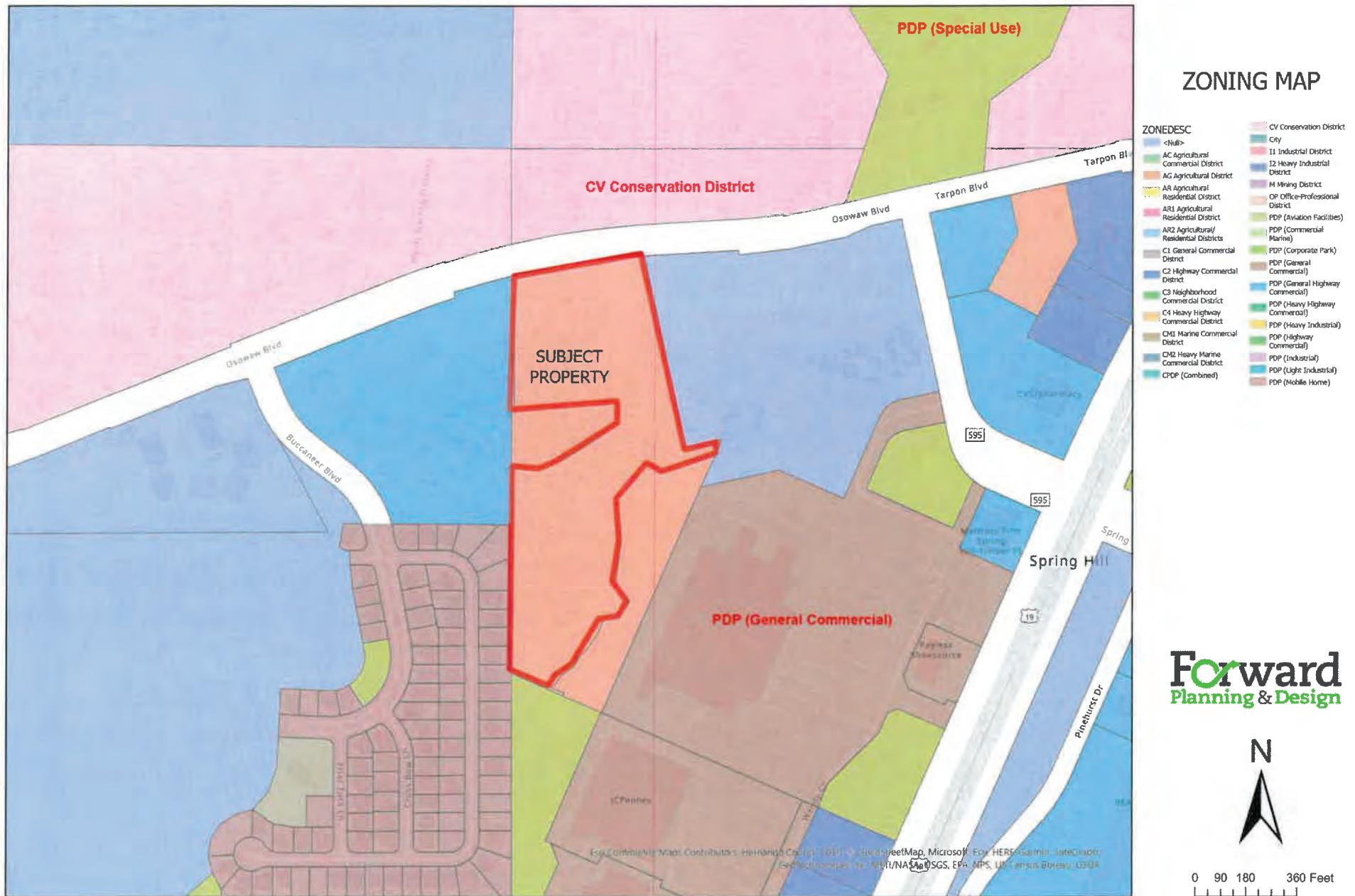


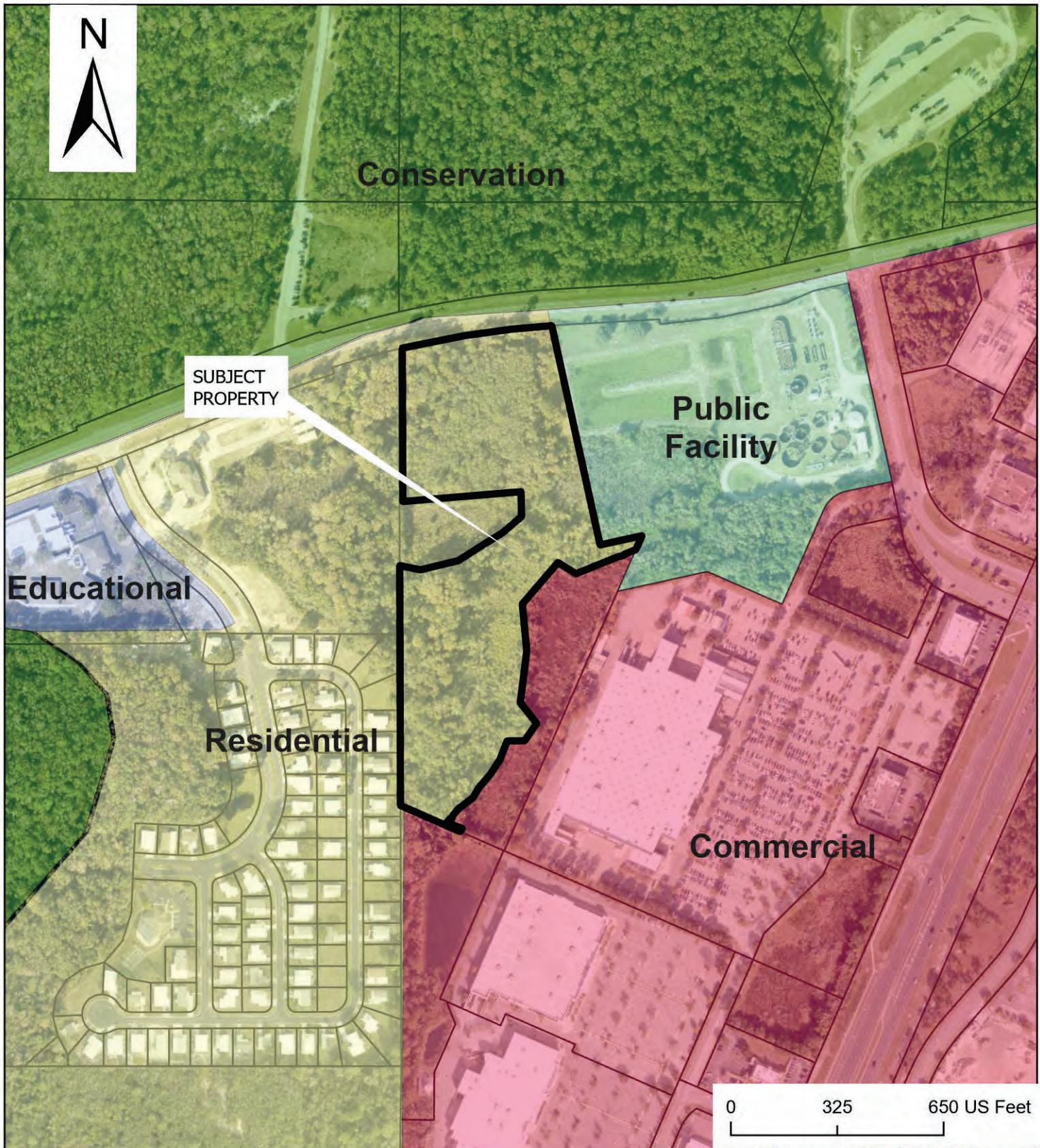
**Forward**  
Planning & Design



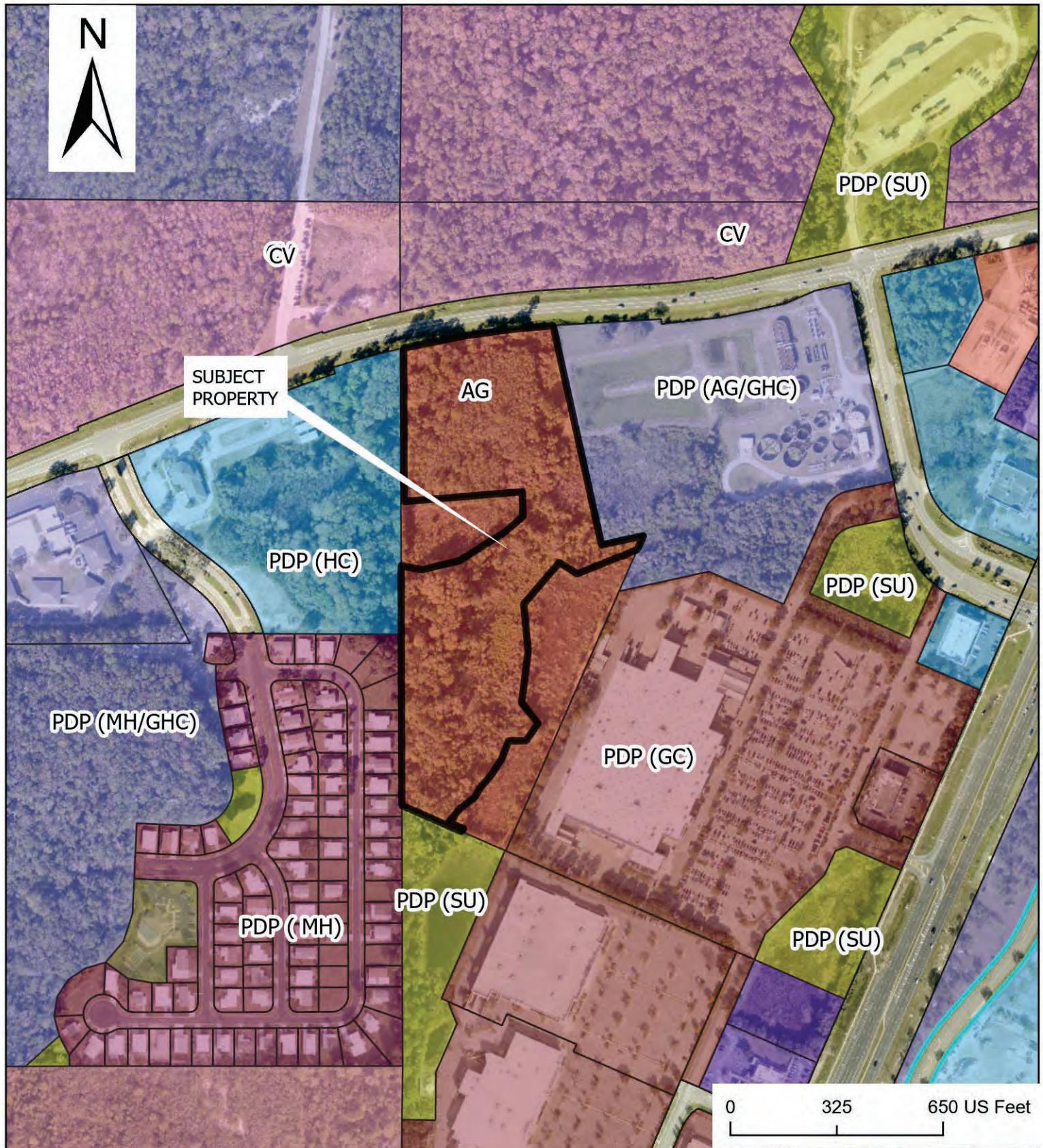
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Map Contributors: Hernando County FDER, OpenStreetMap, Microsoft, Esri, HERE, Garmin, Satgraph, Geod Technologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

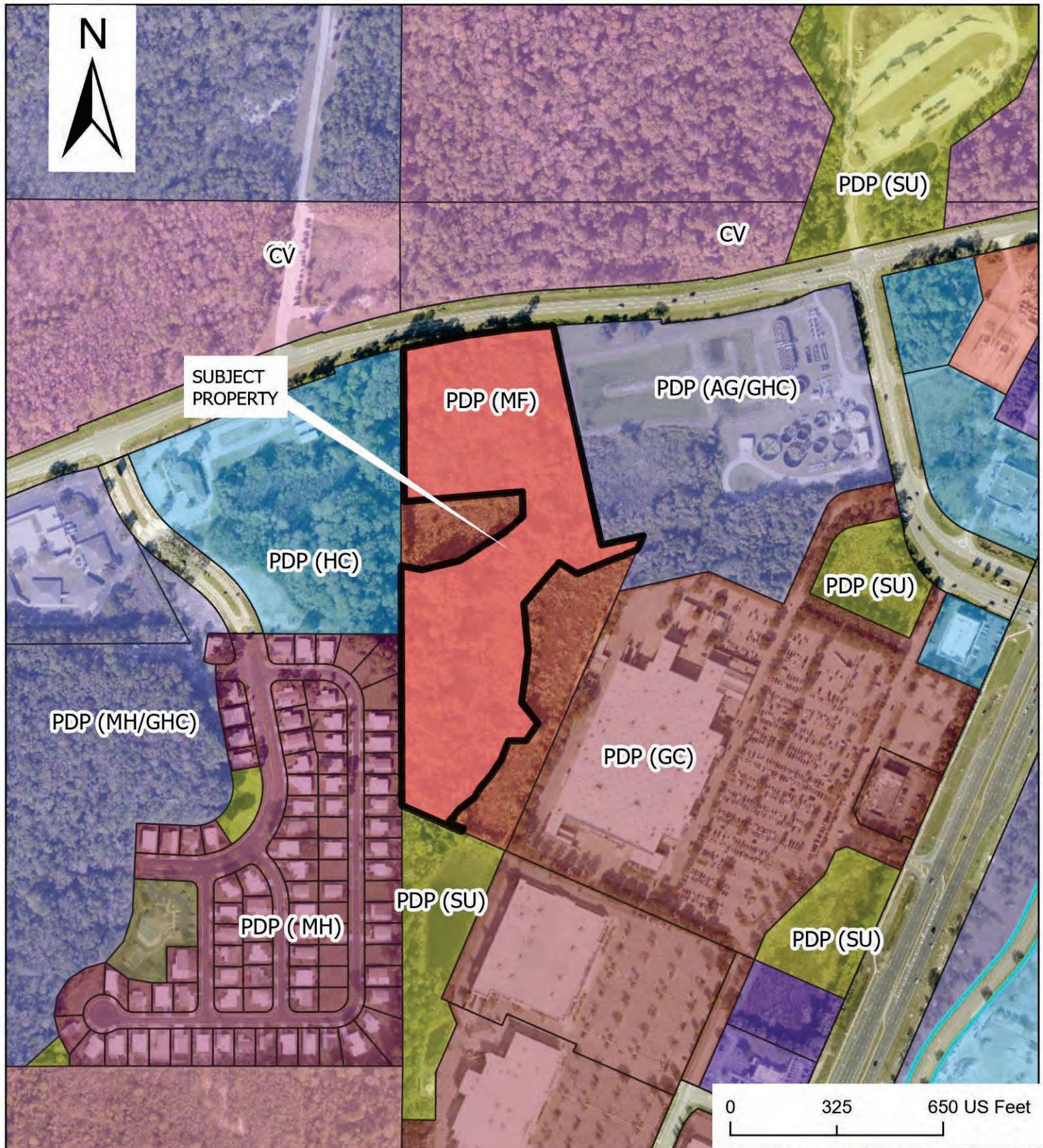




## FUTURE LANDUSE



## ZONING (EXISTING)



## ZONING (PROPOSED)

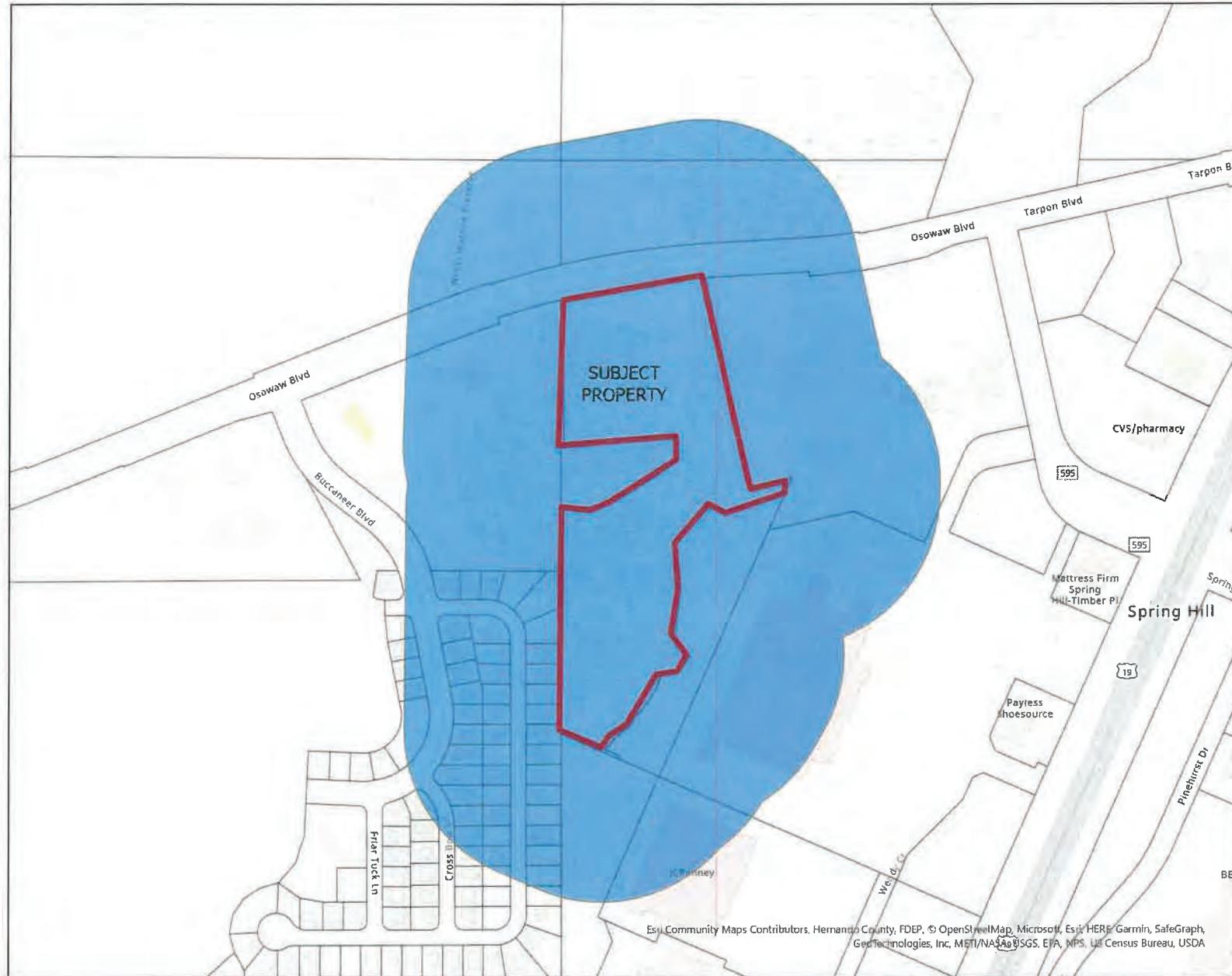
**Forward**  
Planning & Design

OSOWAW PARCEL

EXHIBIT:

ADJACENT PROPERTY OWNERS MAP

- SUBJECT PROPERTY
- PARCELS
- 500' BUFFER



**Forward**  
Planning & Design



0 90 180 360 Feet

PARCEL_KEY	PARCEL_NUMBER	OWNER_NAME	MAIL_ADDR1	MAIL_ADDR2	SITUS_ADDRESS
1021110	R30 223 17 1760 0000 0690	MALLARDI RICHARD A, JINDRA SANDRA	5092 BUCCANEER BLVD	SPRING HILL FL 34607-3910	5092 BUCCANEER BLVD
1021049	R30 223 17 1760 0000 0620	NEAL ROBERT J, CAPELLA MARGARET C	1424 CROSS BOW LN	SPRING HILL FL 34607-3915	1424 CROSS BOW LN
1021218	R30 223 17 1760 0000 0790	FOREST GLENN CO-OP INC	1431 FRIAR TUCK LN	SPRING HILL FL 34607-3927	FOREST GLENN DR
1021147	R30 223 17 1760 0000 0720	DICKEN ALICE M	5112 FOREST GLENN DR	SPRING HILL FL 34607-3948	5112 FOREST GLENN DR
1021174	R30 223 17 1760 0000 0750	KUBECKA STEPHEN J, KUBECKA DONNA J	671 CHESTNUT RIDGE RD	KIRKVILLE NY 13082-9472	5124 FOREST GLENN DR
1021085	R30 223 17 1760 0000 0660	FISHBURN DAVID L, FISHBURN TERRY K	2212 W 300 S	SHELBYVILLE IN 46176-8469	5080 BUCCANEER BLVD
1021236	R30 223 17 1760 0000 0810	FOREST GLENN CO-OP INC	1431 FRIAR TUCK LN	SPRING HILL FL 34607-3927	FOREST GLENN DR
1021067	R30 223 17 1760 0000 0640	RUCKEY ROBERT J TTEE, RUCKEY BERTHA P	5072 BUCCANEER BLVD	SPRING HILL FL 34607-3954	5072 BUCCANEER BLVD
1021192	R30 223 17 1760 0000 0770	FOREST GLENN CO-OP INC	1431 FRIAR TUCK LN	SPRING HILL FL 34607-3927	FOREST GLENN DR
1021094	R30 223 17 1760 0000 0670	FAHSBENDER FRANK R TTEE	5084 BUCCANEER BLVD	SPRING HILL FL 34607-3954	5084 BUCCANEER BLVD
1021165	R30 223 17 1760 0000 0740	MARSH JAMES P, PRICE BARBARA A, PRICE	5120 FOREST GLENN DR	SPRING HILL FL 34607-3950	5120 FOREST GLENN DR
1020433	R30 223 17 1760 0000 0020	RIVENBURGH ROBERT L, RIVENBURGH	5087 FOREST GLENN DR	SPRING HILL FL 34607-3920	5087 FOREST GLENN DR
1021058	R30 223 17 1760 0000 0630	BROOKET RONALD S, BROOKET VICKY A	5068 BUCCANEER BLVD	SPRING HILL FL 34607-3954	5068 BUCCANEER BLVD
1021209	R30 223 17 1760 0000 0780	DROSTE DANE, DROSTE LINDA	5136 FOREST GLENN DR	SPRING HILL FL 34607-3921	5136 FOREST GLENN DR
1020451	R30 223 17 1760 0000 0040	POWELL RANDAL LEE, POWELL TINA M	1845 W 570 N	HOWE IN 46746-9427	5095 FOREST GLENN DR
1020442	R30 223 17 1760 0000 0030	MILLER CATHARINE L	5091 FOREST GLENN DR	SPRING HILL FL 34607-3920	5091 FOREST GLENN DR
1021101	R30 223 17 1760 0000 0680	BEALER LORETTA F	5088 BUCCANEER BLVD	SPRING HILL FL 34607	5088 BUCCANEER BLVD
1021156	R30 223 17 1760 0000 0730	FLETCHER FRED L, FLETCHER MARILYN	5116 FOREST GLENN DR	SPRING HILL FL 34607-3949	5116 FOREST GLENN DR
1021138	R30 223 17 1760 0000 0710	CLARKE WANDA C	5100 FOREST GLENN DR	SPRING HILL FL 34607-3919	5100 FOREST GLENN DR
1021129	R30 223 17 1760 0000 0700	BURGESS SHARON A LIFE ESTATE, DEFRIES	51016 MAPLE RD	MARCELLUS MI 49067-9735	5096 BUCCANEER BLVD
1021076	R30 223 17 1760 0000 0650	COOPER SANDRA, COOPER LUTHER, COOPER	9534 VERSAILLES RD	ANGOLA NY 14006-9546	5076 BUCCANEER BLVD
1021183	R30 223 17 1760 0000 0760	HAWKINS WILLIAM D, KERR BEVERLY A,	14 MALIBU MANOR	ALLISTON ON L9R 2C1	5128 FOREST GLENN DR
1021030	R30 223 17 1760 0000 0610	DENETTE RICHARD E, DENETTE MARY B	1420 CROSS BOW LN	SPRING HILL FL 34607-3915	1420 CROSS BOW LN
1021227	R30 223 17 1760 0000 0800	HURT HENRY	8098 CLIPPER CT	SPRING HILL FL 34606-3208	5144 FOREST GLENN DR
1020567	R30 223 17 1760 0000 0140	TIDSWELL JOHN J, DICKEY KIMBERLY A	5135 FOREST GLENN DR	SPRING HILL FL 34607-3922	5135 FOREST GLENN DR
1020576	R30 223 17 1760 0000 0150	TOON BOBBY G, TOON SANDRA S	5139 FOREST GLENN DR	SPRING HILL FL 34607-3922	5139 FOREST GLENN DR
1020585	R30 223 17 1760 0000 0160	FOREST GLENN CO-OP INC	1431 FRIAR TUCK LN	SPRING HILL FL 34607-3927	FOREST GLENN DR
1020594	R30 223 17 1760 0000 0170	FOREST GLENN CO-OP INC	1431 FRIAR TUCK LN	SPRING HILL FL 34607-3927	5147 FOREST GLENN DR
1020601	R30 223 17 1760 0000 0180	KOZAK CHRISTINE	5151 FOREST GLEN DR	SPRING HILL FL 34607	5151 FOREST GLENN DR
1020610	R30 223 17 1760 0000 0190	FOREST GLENN CO-OP INC	1431 FRIAR TUCK LN	SPRING HILL FL 34607-3927	FOREST GLENN DR
418907	R13 422 17 0000 0020 0010	WALTON ACQUISITIONS FL LLC ET AL,	8800 N GAINY CENTER DR STE 345	SCOTTSDALE AZ 85258-2124	COMMERCIAL WAY
1020521	R30 223 17 1760 0000 0100	KIEDROWSKI FRANKLIN K	5119 FOREST GLENN DR	SPRING HILL FL 34607-3957	5119 FOREST GLENN DR
347547	R01 422 19 0000 0040 0001	TIITF/GFWFC	3900 COMMONWEALTH BLVD STE 108	TALLAHASSEE FL 32399-3000	BROAD ST
347510	R01 422 19 0000 0030 0000	ADAIR ROBERT C TTEE, ADAIR LINDA TTEE	66 LONE PINE ST	HOMOSASSA FL 34446-5704	23001 GRUBBS RD
68964	R01 221 17 3360 0684 0010	JACKSON CHRISTOPHER W, JACKSON SARA F	16083 PENN STATE RD	BROOKSVILLE FL 34614	16083 PENN STATE RD
1581489	R24 223 17 2827 0000 000C	ORCHARD PARK III HOMEOWNERS ASSOCIATION	PO BOX 3153	SPRING HILL FL 34611-3153	DEER ST
1327585	R22 223 17 6290 0000 0010	SHERBURNE REGINALD D, SHERBURNE EILEEN F	PO BOX 3187	BREWER ME 04412-3187	8200 SUGARBUSH DR
778402	R29 223 17 2608 0000 0010	HERNANDO COUNTY	20 N MAIN ST RM 263	BROOKSVILLE FL 34601-2817	2514 OSOWAW BLVD
1032313	R18 122 20 0279 0000 0200	GARCIA FRANCISCO J, GARCIA JENNIFER	9851 DOMINGO DR	BROOKSVILLE FL 34601-5229	24000 FREDERICK DR
390339	R17 423 20 0000 0040 0000	WOODRUFF R KENNETH, WOODRUFF P SHAWN	4195 NEFF LAKE RD	BROOKSVILLE FL 34601-8100	4195 NEFF LAKE RD
520573	R32 323 17 5120 0785 0030	STENGER MISTY	1063 GODFREY AVE	SPRING HILL FL 34609-6543	1063 GODFREY AVE

## REZONING AND PUBLIC SERVICE FACILITY REVIEWS:

**ATTENTION: ACREAGE AND/OR FEE SHALL NOT BE ROUNDED OFF.**

**PLEASE PROVIDE EXACT CALCULATIONS**

### Rezoning

A. Planning Base Fee  
 B. Number of Acres \_\_\_\_\_ X \$10 =  
 C. Public Notification Fee (See Rates Below)  
     for Applications < 10 acres = \$120  
     for Applications 10 - 100 acres = \$250  
     for Applications > 100 acres = \$350

A. \$500.00  
 B. \_\_\_\_\_  
 C. \_\_\_\_\_  
 D. Subtotal \_\_\_\_\_

E. Engineering Base Fee  
 F. Number of Acres \_\_\_\_\_ X \$2 =

E. \$250.00  
 F. \_\_\_\_\_  
 G. Subtotal \_\_\_\_\_  
 Total Fee (D + G) \_\_\_\_\_

### Rezoning to Planned Development Project (PDP)

A. Planning Base Fee  
 B. Number of Acres 13.6 X \$10 =  
 C. Public Notification Fee (See Rates Below)  
     for Applications < 10 acres = \$120  
     for Applications 10 - 100 acres = \$250  
     for Applications > 100 acres = \$350

A. \$1,000.00  
 B. 136.00  
 C. 250.00  
 D. Subtotal 1,386.00

E. Engineering Base Fee 13.6 X \$2 =  
 F. Number of Acres \_\_\_\_\_ X \$2 =

E. \$250.00  
 F. 27.20  
 G. Subtotal 277.20  
 Total Fee (D + G) \$1,663.20

### Rezoning to Master Plan Revision - Major

A. Planning Base Fee  
 B. Number of Acres \_\_\_\_\_ X \$5 =  
 C. Public Notification Fee (See Rates Below)  
     for Applications < 10 acres = \$120  
     for Applications 10 - 100 acres = \$250  
     for Applications > 100 acres = \$350

A. \$500.00  
 B. \_\_\_\_\_  
 C. \_\_\_\_\_  
 D. Subtotal \_\_\_\_\_

E. Engineering Base Fee  
 F. Number of Acres \_\_\_\_\_ X \$2 =

E. \$250.00  
 F. \_\_\_\_\_  
 G. Subtotal \_\_\_\_\_  
 Total Fee (D + G) \_\_\_\_\_

### Master Plan Revision - Minor

\$200.00

Administrative Review of ACTIVE Master Plan Only - contact Planning Department for verification)

### Public Service Facility Overlay District (Except Communication Towers)

A. Planning Base Fee  
 B. Number of Acres \_\_\_\_\_ X \$10 =  
 C. Public Notification Fee (See Rates Below)  
     for Applications < 10 acres = \$120  
     for Applications 10 - 100 acres = \$250  
     for Applications > 100 acres = \$350

A. \$500.00  
 B. \_\_\_\_\_  
 C. \_\_\_\_\_  
 Total Fee (A+B+C) \_\_\_\_\_

### Public Service Facility Overlay District for Communication Towers

A. Planning Base Fee  
 B. Number of Acres \_\_\_\_\_ X \$2 =  
 C. Public Notification Fee (See Rates Below)  
     for Applications < 10 acres = \$120  
     for Applications 10 - 100 acres = \$250  
     for Applications > 100 acres = \$350

A. \$2,750.00  
 B. \_\_\_\_\_  
 C. \_\_\_\_\_  
 Total Fee (A+B+C) \_\_\_\_\_

D. Professional Fee for RF Consultant (to be calculated during process)

Outstanding Fee: \_\_\_\_\_

**SEE PAGE TWO FOR ADDITIONAL INFORMATION**

**REZONING AND PUBLIC SERVICE FACILITY REVIEWS:**

<b>Re-Posting of Signage</b>	<b>\$25.00</b>
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<b>Re-Notification For Postponed Hearings</b>	<b>\$100.00</b>
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**ATTENTION: ACREAGE AND/OR FEE SHALL NOT BE ROUNDED OFF.  
PLEASE PROVIDE EXACT CALCULATIONS**

<b>Time Extension of Approved Master Plans</b>	
A. Planning Base Fee	
B. Number of Acres _____ X \$5=	
C. Public Notification Fee (See Rates Below)	
for Applications < 10 acres = \$120	A. \$500.00
for Applications 10 - 100 acres = \$250	B. _____
for Applications > 100 acres = \$350	C. _____
	<b>Total Fee (A+B+C)</b> _____

This fee schedule supplements the adopted policies of Hernando County, Florida.

Additional Engineering fees are required and will be collected at the time of submittal.

There may be requirements of other departments related to the types of reviews contained herein and additional fees may apply.

Planning Department reserves 3% from collected review fees of other departments as an administrative processing fee.

Departments collecting a fee on behalf of the Planning Department shall reserve 3% of the fees for administrative purposes.

Refunds will be reviewed on a case-by-case basis. Refunds will not include advertising and notice fees if these activities have occurred.



June 12, 2023

Ryan Renardo  
Principal  
R-Squared Engineering  
10312 Bloomingdale Ave, Ste. 108-367  
Riverview, Florida 33578

RE: Osowaw Boulevard ( $\pm 13.66$  acres)  
Environmental Survey  
Hernando County, Florida

Dear Ryan Renardo:

Flatwoods Consulting Group Inc. (Flatwoods) was retained by R-Squared Engineering to conduct a jurisdictional wetland delineation and listed species survey for the Osowaw Boulevard project in Hernando County, Florida. The Osowaw Boulevard project is located west of US Highway 19 and south of Osowaw Boulevard in Spring Hill, Florida (Location Map and Aerial Map). More specifically, the project is located in Section 29, Township 23 South, Range 17 East, on Parcel ID: R29-223-17-2608-0000-0031, according to the Hernando County Property Appraiser's website (Quad Map). The results of the survey are discussed below, and representative photographs of the property are provided in the attached Photo Document (Photo Station Map).

## **JURISDICTIONAL WETLAND DELINEATION**

On April 20, 2023, Flatwoods conducted a wetland delineation within the Osowaw Boulevard project site. Wetland limits were delineated in general accordance with The Florida Wetlands Delineation Manual (Chapter 62-340, Florida Administrative Code [F.A.C.]) suitable for submittal to the Southwest Florida Water Management District (SWFWMD) and the Florida Department of Environmental Protection. These delineation methods emphasize that wetland delineations are based on the identification of specific hydrologic requirements, including the presence of hydric soils, a dominance of hydrophytic vegetation, hydric soil conditions (periodic, continuous, or saturated), and other indicators of hydrologic conditions, such as inundation, moss collars, and the presence of muck soils (Soil Map).

Three wetlands occur within the Osowaw Boulevard project boundary (Wetland Map and Land Use Map). Wetland A is an 8.20 acre cypress wetland (FLUCCS 617) on the southern portion of the site and continues offsite. The dominant canopy of Wetland A is bald cypress (*Taxodium distichum*) with a subcanopy consisting of dahoon holly (*Ilex cassine*) and buttonbush (*Cephalanthus occidentalis*). Groundcover within Wetland A includes swamp fern (*Telmatoblechnum serrulatum*), maiden fern (*Thelypteris* spp.), lizard's tail (*Saururus cernuus*), and sour paspalum (*Paspalum conjugatum*). Wetland B is a 0.83 acre mixed wetland hardwood (FLUCCS 621) located in the northwest portion of the project site and continues offsite. The canopy cover within Wetland B consists of bald cypress and red maple (*Acer rubrum*) with a subcanopy consisting of cabbage palm (*Sabal palmetto*) and buttonbush. Little to no groundcover was

present within Wetland B. Wetland C is an isolated 0.02 acre vegetated non-forested wetland (FLUCCS 640) located in the center of the northern portion of the project site. Wetland C appears to be a karst feature that is void of groundcover vegetation with a shrub component comprised of buttonbush.

## **LISTED SPECIES SURVEY**

Flatwoods conducted the listed species survey in accordance with the Florida Fish and Wildlife Conservation Commission (FWC) Florida Wildlife Conservation Guide. The purpose of the listed species survey was to identify presence and relative abundance of species considered Endangered, Threatened, or of Special Concern by the U.S. Fish and Wildlife Service (FWS) under 50 Code of Federal Regulations (CFR) 11-12 or the FWC under Chapter 68A-27, F.A.C. In addition, Flatwoods conducted a 100 percent survey to locate all gopher tortoise (*Gopherus polyphemus*) burrows on the project. The tortoise survey was conducted in accordance with the FWC methodology as outlined in the Gopher Tortoise Permitting Guidelines April 2008 (revised April 2023). An Authorized Gopher Tortoise Agent supervised the gopher tortoise survey.

No stick nests or stick nesting birds, including the osprey (*Pandion haliaetus*) and bald eagle (*Haliaeetus leucocephalus*), were observed within the project site. One known bald eagle nest occurs within one mile of the project according to the Audubon Florida EagleWatch Public Nest App, which is current through the 2022-2023 nesting season. Bald eagle nest (HN007) is approximately 0.8 miles west-northwest of the project site (FNAI/FWC Map). The project is not within the 660-foot buffer of any known eagle nests; therefore, approvals from the FWC or FWS will not be required. According to the 1999 FWC Wading Bird Colony Database one wading bird colony, ID 611141, is located within one mile southeast of the project site and was last reported as active in the 1990s. The project is located within one wood stork (*Mycteria americana*) Core Foraging Areas (CFA): Embassy – Shoppers Way. Wetland A and Wetland B are suitable nesting and foraging habitats for the wood stork and impacts to these wetlands would likely require consultation with the FWC and FWS.

### ***Gopher Tortoise***

The gopher tortoise is listed as Threatened by the FWC and is a candidate for listing by the FWS. Gopher tortoises are terrestrial turtles averaging nine to 11 inches in length. Gopher tortoises dig half-moon-shaped burrows that average 15 feet long and seven feet deep. Flatwoods personnel located one gopher tortoise burrow during the 100% survey (GT Burrow Location Map). A FWC Gopher Tortoise Relocation Permit will be required if ground disturbance occurs within 25 feet of tortoise burrows during the project.

### ***Eastern indigo snake***

The eastern indigo snake (*Drymarchon corais couperi*) is listed as Threatened by the FWS. The indigo snake is a large, black, non-venomous snake. They are thick-bodied and muscular, with a glossy black body that in the sunlight appears iridescent blue. The chin and throat are reddish or white, and this color may extend down the body ventrally. The belly is cloudy orange to blue-gray. They are found within scrub, sandhill, and scrubby flatwoods habitats where they typically occur in or near gopher tortoise burrows. Flatwoods personnel did not observe the eastern indigo snake during the field review; however, suitable habitat does occur on the site and gopher tortoise burrows were observed. In August 2013, the

FWS North Florida Ecological Services Office revised the Consultation Key for Eastern Indigo Snake (Service Code: 41420-2009-I-0467-R001). In accordance with the Consultation Key, impact of less than 25 acres of xeric habitat and less than 25 potentially occupied gopher tortoise burrows, would result in a “Not Likely to Adversely Affect” determination. Given the development of the site is anticipated to impact fewer than 25 acres and there are less than 25 potential occupied gopher tortoise burrows, consultation with the FWS is not anticipated.

No other protected species or evidence of utilization by protected species which would require permits from the FWC or FWS were observed onsite during the listed species survey.

## **PROTECTED HABITAT AND WATER**

The project boundary was evaluated for the potential occurrence of Critical Habitat as defined by the Endangered Species Act of 1973, as amended and 50 CFR and other publicly protected lands. The FWS regulates the adverse modification of the biological or physical constituent elements essential to the conservation of the listed species within Critical Habitat. There are no lands designated as Critical Habitat within or adjacent to the project boundary. The Weeki Wachee Preserve is located north of the project area (Protected Lands Map). No publicly managed or owned lands occur within the project boundary.

The project boundary was also evaluated for the potential occurrence of Protected Waters. No Protected Waters occur within one mile of the project (Protected Waters Maps).

## **SUMMARY**

**Wetlands:** Three wetlands occur within the project site. Wetland A (FLUCCS 617) is an 8.20 acre cypress wetland that continues offsite. Wetland B is a 0.83 acre mixed forested wetland (FLUCCS 621) that continues offsite. Wetland C (FLUCCS 640) is a 0.02 acres isolated non-forested wetland which appears to be a karst feature. Impacts to Wetland A and Wetland B would require an Environmental Resource Permit (ERP) with SWFWMD and would likely be considered WOTUS; therefore, requiring Section 404 permitting through the FDEP.

**Bald Eagle:** One known bald eagle nest (HN007) is located within one mile of the project boundary; however, the nest is not within the 660-foot buffer. No approvals from the FWC or FWS will be required.

**Wading Birds:** One wading bird colony (ID 611141) is located within one mile of the project boundary. The colony was last reported active in the 1990s.

**Wood Stork:** The project is located within two wood stork CFA. Wetland A and Wetland B on the project site are suitable habitats for wood stork nesting and foraging. Impacts to these two wetlands would require further consultation with the FWS and FWC.

**Gopher Tortoise:** Flatwoods personnel located one potentially occupied gopher tortoise burrow during the survey; a FWC Gopher Tortoise Relocation Permit will be required, and any gopher tortoises onsite will need to be relocated prior to construction commencement.

**Eastern Indigo Snake:** The project site has suitable habitat for the Eastern Indigo Snake. No snakes were observed during the preliminary site survey. Consultation with the FWS is not anticipated as less than 25 acres of suitable habitat will be disturbed and less than 25 potentially occupied gopher tortoise burrows are present.

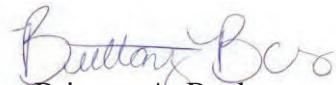
**Other Species:** No listed plants were observed and none of the listed plants are likely to occur. No other protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the surveys.

Please call our office with any questions or comments regarding this Environmental Survey.

Sincerely,



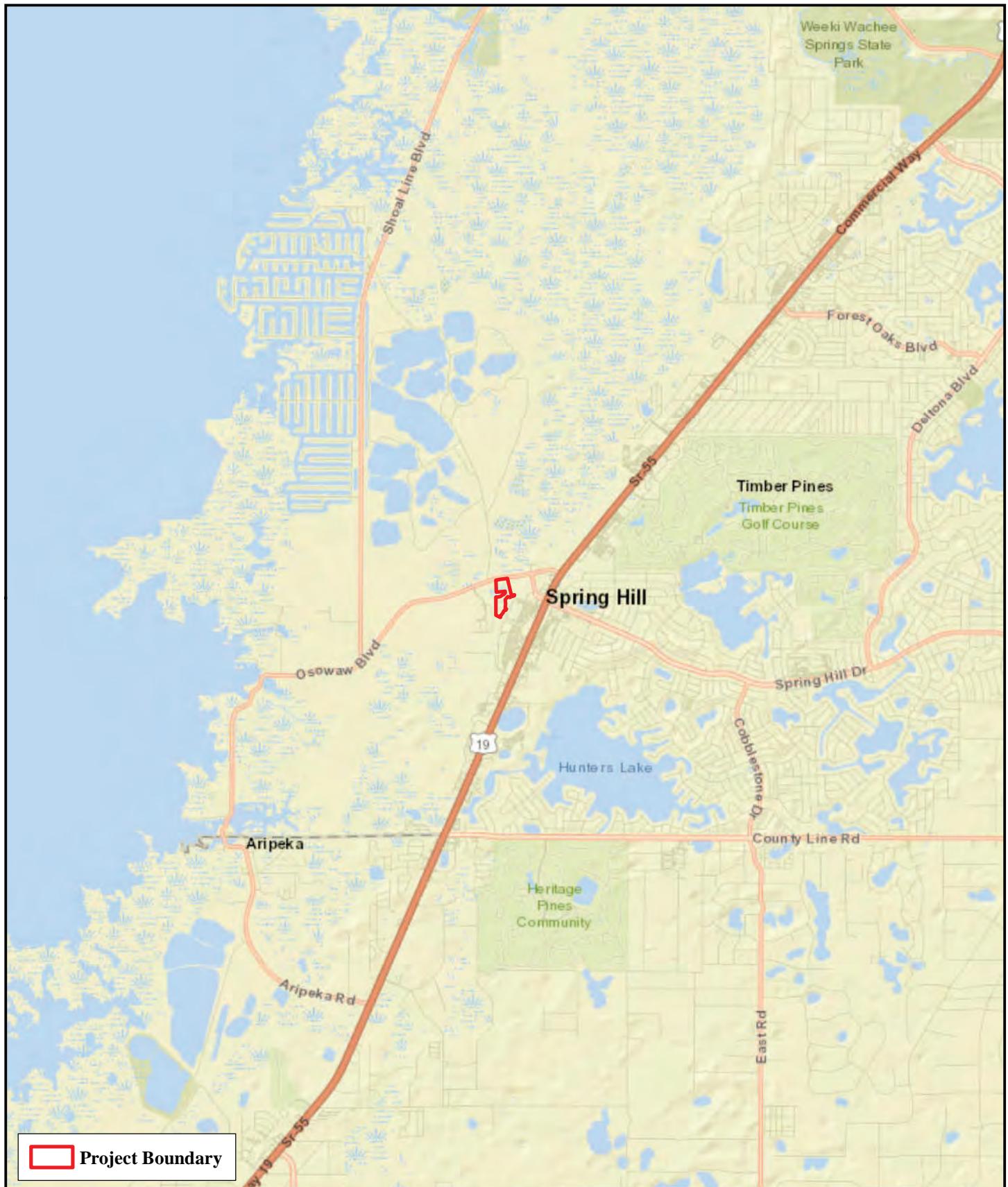
Cole F. Palmer  
Ecologist II

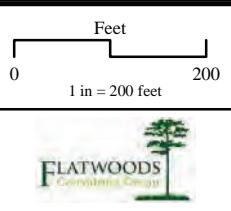


Brittany A. Banko  
Senior Ecologist II

Enclosures:

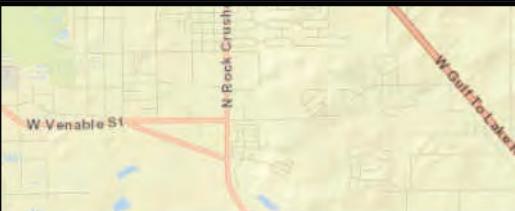
1. Location Map
2. Aerial Map
3. Quad Map
4. Photo Station Map
5. Soil Map
6. Wetland Map
7. Land Use Map
8. FNAI/FWC Map
9. GT Burrow Location Map
10. Protected Lands Map
11. Protected Waters Map
12. Photo Document



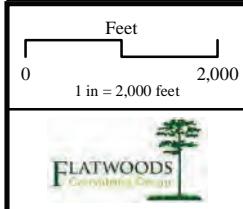
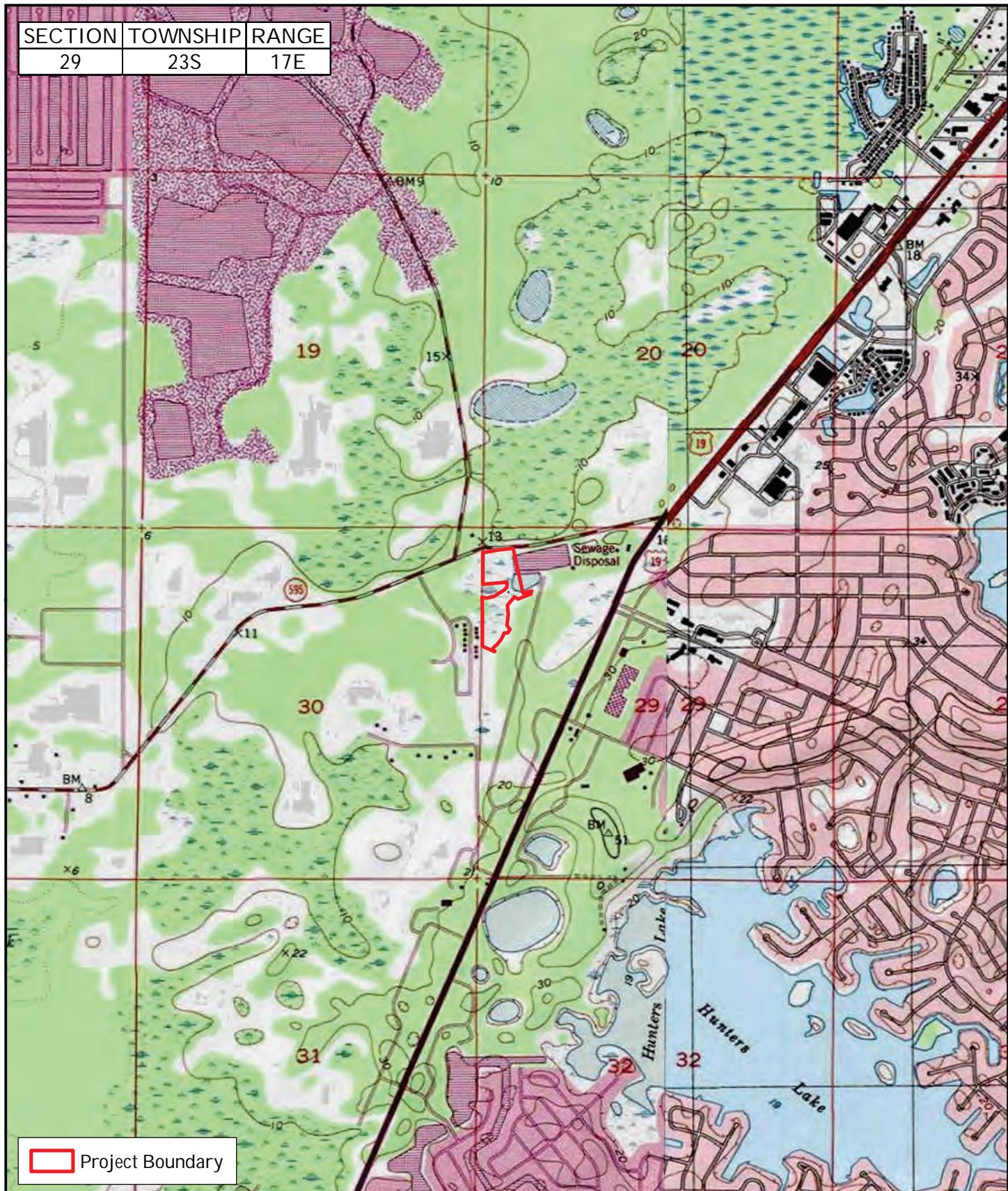


**OSOWAW BLVD. SITE**  
**R-SQUARED ENGINEERING**

**HERNANDO COUNTY, FLORIDA**



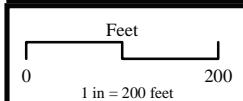
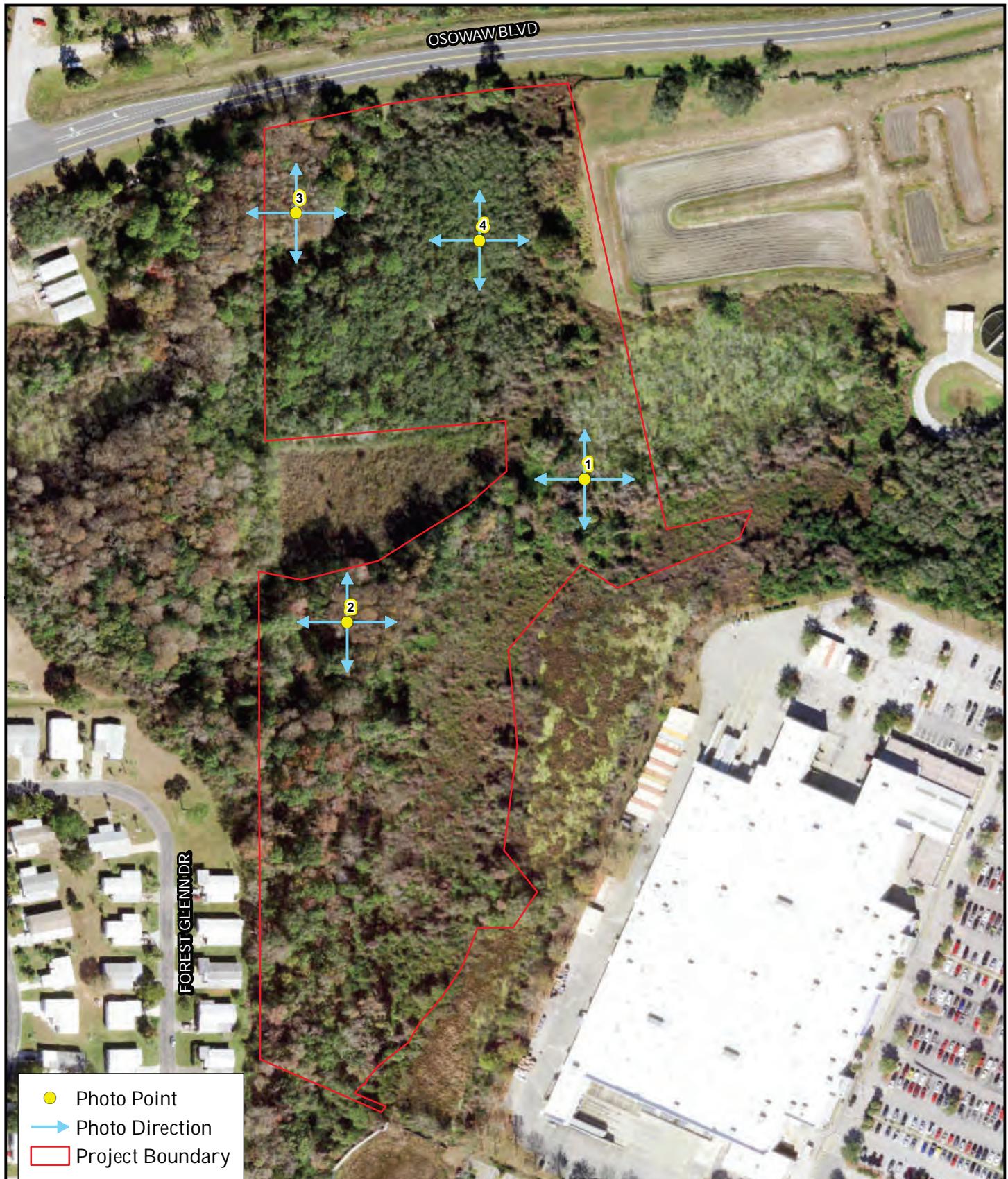
**AERIAL  
MAP**



OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING

HERNANDO COUNTY, FLORIDA



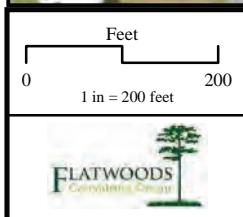


OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING

HERNANDO COUNTY, FLORIDA



PHOTO  
STATION  
MAP



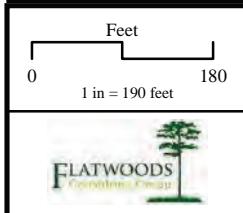
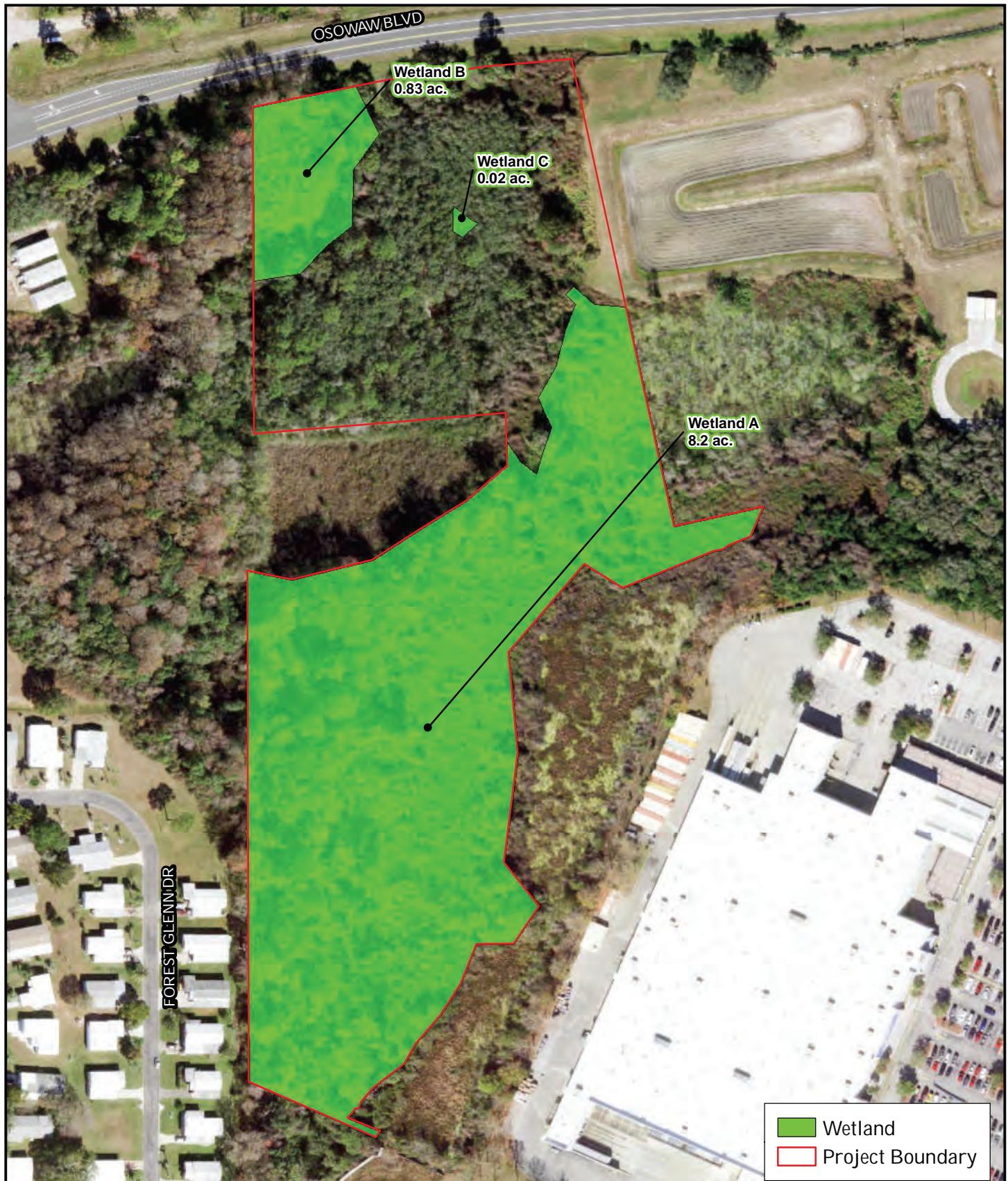
OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING

HERNANDO COUNTY, FLORIDA



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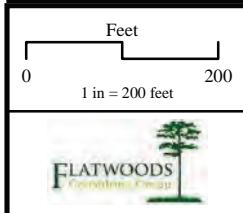
SOILS  
MAP



OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING  
HERNANDO COUNTY, FLORIDA



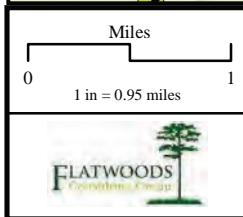
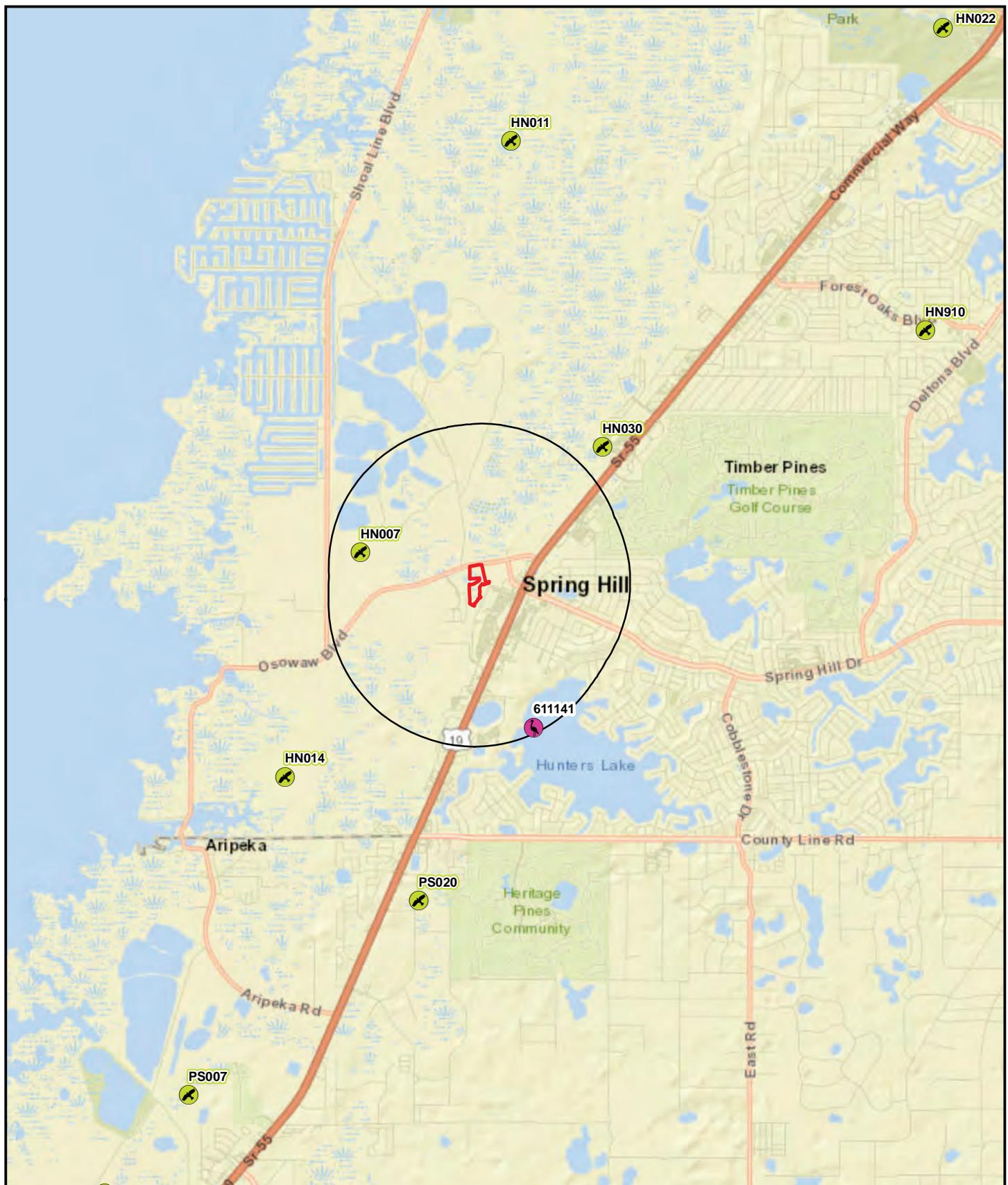
N  
W  
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WETLAND  
MAP



OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING  
HERNANDO COUNTY, FLORIDA



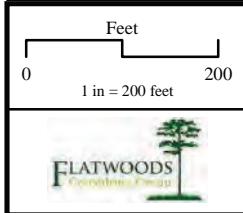
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LAND USE  
MAP



OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING  
HERNANDO COUNTY, FLORIDA

 Eagle Nest  
 Wading Bird Colony  
 1 Mile Buffer  
 Project Boundary

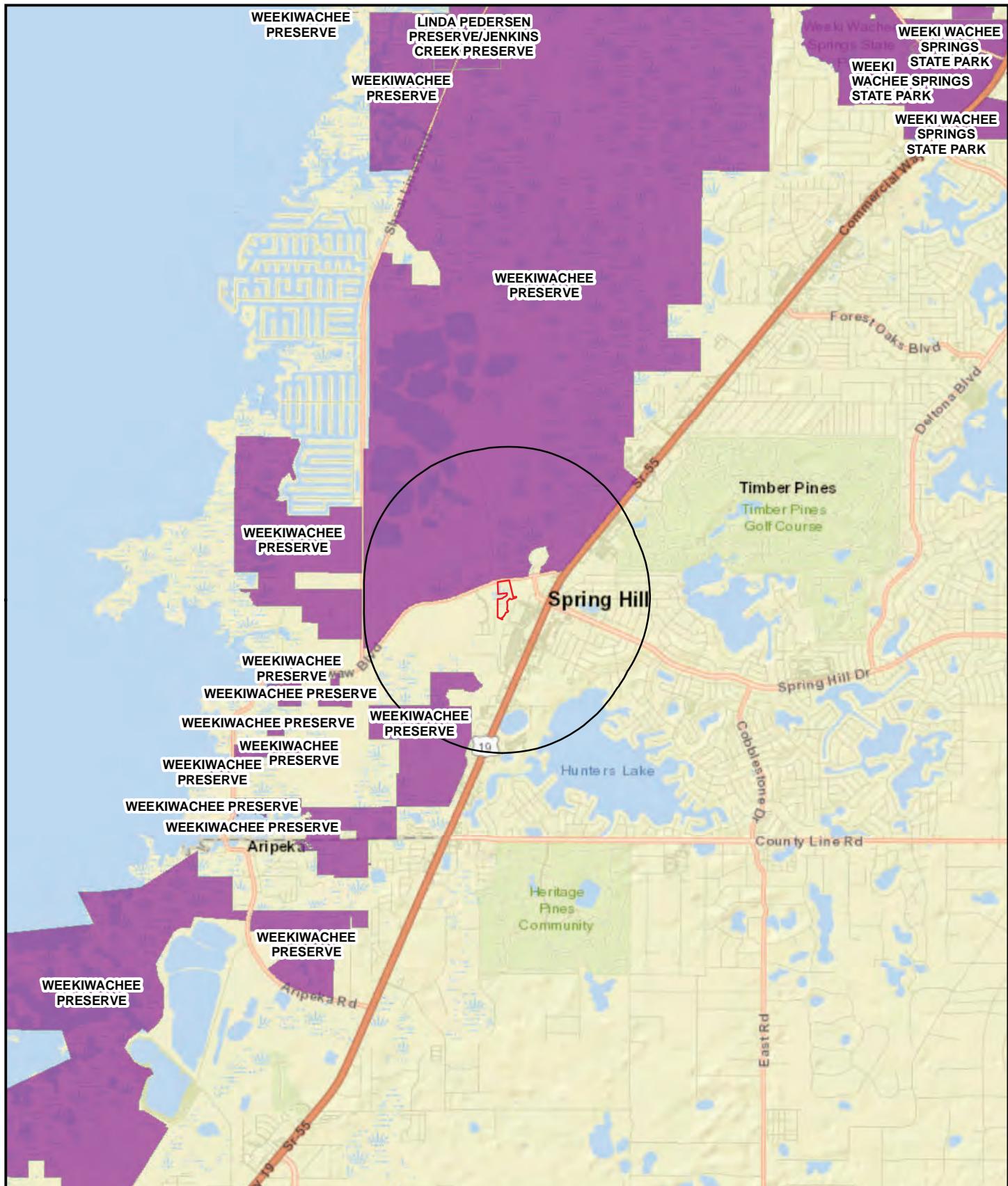
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FNAI FWC  
MAP



OSOWAW BLVD. SITE  
R-SQUARED ENGINEERING  
HERNANDO COUNTY, FLORIDA



N  
W  
E  
S  
GT BURROW  
LOCATION  
MAP



<p>Miles 0 1 in = 1 miles 1</p> <p> FLATWOODS Conservancy</p>	<p>OSOWAW BLVD. SITE R-SQUARED ENGINEERING</p> <p>HERNANDO COUNTY, FLORIDA</p>	<p>Florida Conservation Lands Buffer - 1 Mile Project Boundary</p>	<p>N W E S</p> <p>PROTECTED WATERS MAP</p>
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Photo Station 1, view north



Photo Station 1, view east



Photo Station 1, view south



Photo Station 1, view west



Photo Station 2, view north

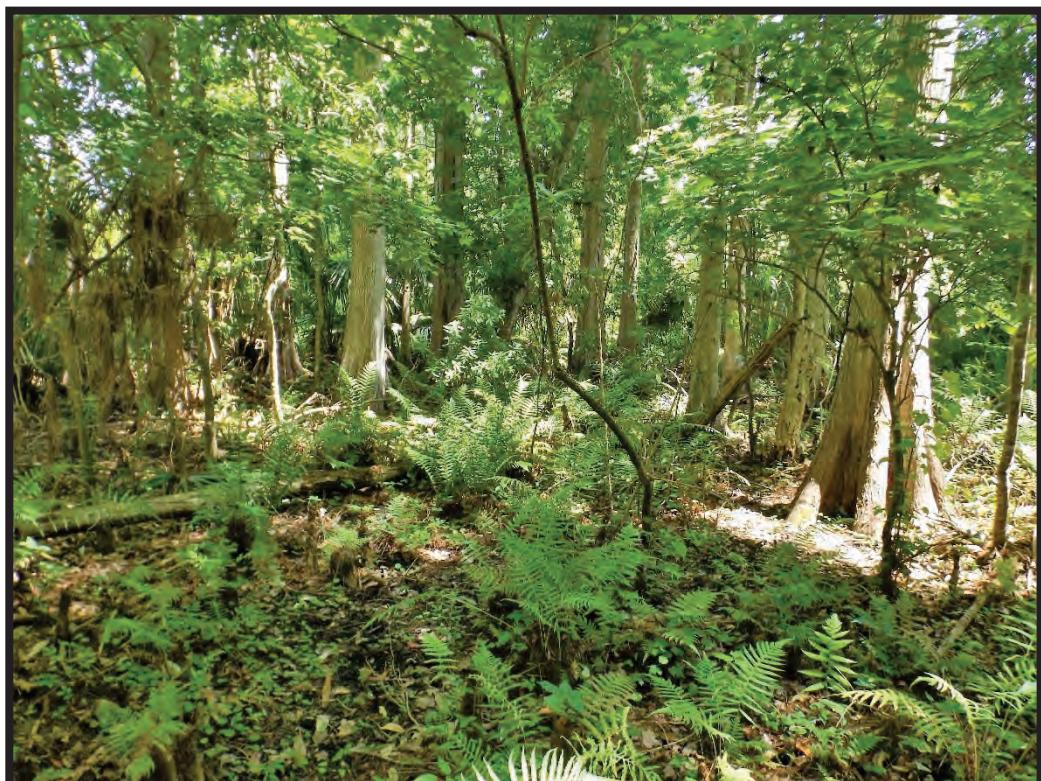


Photo Station 2, view east



Photo Station 2, view south



Photo Station 2, view west



Photo Station 3, view north



Photo Station 3, view east



Photo Station 3, view south



Photo Station 3, view west



Photo Station 4, view north



Photo Station 4, view east



Photo Station 4, view south



Photo Station 4, view west