

IN AND BEFORE A SPECIAL MAGISTRATE
PURSUANT TO LAND USE AND ENVIRONMENTAL DISPUTE
RESOLUTION ACT, SECTION 70.51, FLORIDA STATUTES
HERNANDO COUNTY, FLORIDA

RAYSOR VENTURES, LLC,
a Florida limited liability company

Rezoning File: H-24-27
Parcel Key: 1695419

Petitioners,

vs.

HERNANDO COUNTY, FLORIDA,
a political subdivision of the State of Florida

Respondent.

**MEDIATED SETTLEMENT AGREEMENT &
RECOMMENDATION OF THE SPECIAL MAGISTRATE**

This Mediated Settlement Agreement (the “Agreement”) is entered into by and among the Petitioner, RAYSOR VENTURES, LLC (“Petitioner”); and the Respondent, HERNANDO COUNTY, FLORIDA (“County”). The undersigned parties who have signed this Agreement (collectively “Parties” and individually “Party”), have entered into this Agreement following a mediation held on December 19, 2024 pursuant to Section 70.51, *Florida Statutes*. In accordance with Section 70.51, *Florida Statutes*, the mediation session was noticed and attended by one interested member of the public, Mr. Skip Irwin, who participated and provided comments.

BACKGROUND

Petitioner applied to rezone a 13.6 acre property on Osowaw Boulevard with Parcel Key 1695419 (the “Property”) from Agricultural (“AG”) to Multi-Family Planned Development District (“PDP (MF)”) with two deviations. On June 10, 2024, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the application to rezone the Property. On June 28, 2024, the County denied the rezoning

application by a 5-0 vote. On July 25, 2024, Petitioner submitted a Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act (“FLUEDRA”). On October 22, 2024, the County approved Resolution No. 2024-219 memorializing the denial of the rezoning. On November 15, 2024, the County filed its Response to the Request for Relief.

The purpose of the FLUEDRA process is to “facilitate a resolution of the conflict between the owner and governmental entities” by negotiating an adjustment of the development to create a mutually acceptable solution. § 70.51(17)(a), *Florida Statutes*. Such solutions and settlement agreements shall not be deemed an admission of any fact, issue or liability in this case. The Parties agree that this Agreement is intended as a comprehensive settlement of all outstanding issues raised in Petitioner’s Request for Relief, including but not limited to an appeal by petition for writ of certiorari and a State and Federal Fair Housing Act violation.

SETTLEMENT PROPOSAL

The Parties agree to the following:

1. The proposed resolution to be presented to the Board of County Commissioners with a recommendation of approval along with or subsequent to this Agreement and include the following:
 - a. A revised application to rezone \pm 7.9 acres of the Property to Conservation (CV) and limit the PDP (MF) zoning to \pm 5.7 acres of the Property.
 - b. A Revised Master Plan, attached as **Exhibit “A”**, and incorporated herein;
 - c. As pertaining to the area to be zoned PDP (MF), all conditions in the Staff Report to Planning and Zoning Board for H-24-27, attached to this Agreement as **Exhibit “B”**, and incorporated herein, with the following modifications:

1. Maximum number of dwelling units allowed: 100 [reduction from 125]
 2. Maximum number of dwelling units per building: 50 (deviation from 12) [reduction from 60]
 3. Maximum building height: 45' / 3 stories [reduction from 60' / 4 stories]
 4. North buffer (along Osowaw Boulevard): 25' [increase from 20']
- d. Additionally, the following performance conditions shall be applied to the area to be zoned PDP (MF):
1. A boulevard entry feature, which entails a landscaped median that separates opposing traffic flows on the vehicular access point to the Property, must be provided;
 2. A clubhouse must be located at or near the vehicular entrance to the Property to: (1) provide a shield from the majority of the parking area visible from Osowaw Boulevard; and (2) improve vehicular circulation within the parking area for emergency services and solid waste and recycling.
 3. A neighborhood park, including a playground, must be provided for the residents.
 4. The building orientation shall be substantially similar to the building orientation shown on the Revised Master Plan, attached as **Exhibit "A"**.
- e. The area zoned CV (Conservation) must comply with all regulations and requirements set forth in Appendix A, Article IV, Section 10 of the Land Use Regulations Hernando County, Florida.
2. This Agreement shall be considered and approved or rejected by the Board of County Commissioners pursuant to Section 70.51, *Florida Statutes*.
 3. If approved by the Board of County Commissioners, the amendment to or replacement of Resolution No. 2024-219 shall be considered by the Board of County Commissioners, as

a continuation of Rezoning Case H-24-27. Such public hearing shall be advertised and comply with all *Florida Statutes* and County code provisions regarding the adoption of ordinances.

4. **Extension of Time.** The parties agreed to extend the deadlines set forth in Section 70.51, *Florida Statutes*, and agree to extend the time for the procedure established by Section 70.51(23), *Florida Statutes*, beyond One Hundred-Sixty-Five (165) days.
5. **Entire Agreement.** Subject to approval by the Board of County Commissioners pursuant to Section 70.51(21) and (22), *Florida Statutes*, this Agreement sets forth the entire and complete settlement agreement between the Parties relative to this matter and may not be modified or amended except by written agreement executed by all the Parties set forth below. This Agreement may not be modified by oral discussions prior to or after its execution.
6. **No Admissions.** This Agreement is made as a settlement and compromise of highly contested, disputed claims. No party to it admits any liability or wrongdoing as a result of the execution of this Agreement.
7. **Approval by Board of County Commissioners.** Pursuant to Section 70.51(21) and (22), *Florida Statutes*, this Agreement shall be considered by the Board of County Commissioners within 45 days of execution of this Agreement. Disposition of this Agreement shall be pursuant to the terms of Section 70.51(21) and (22), *Florida Statutes*. Approval of this Agreement by the Board of County Commissioners shall serve as final disposition of all potential claims arising from the denial of the rezoning application for the Property (H-24-27), and the parties shall be bound by its terms.

8. **Counterparts.** This Agreement may be executed by two (2) or more original, photocopy and/or facsimile counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

CONCLUSION AND RECOMMENDATION

Pursuant to Section 70.51, *Florida Statutes*, the first responsibility of the Special Magistrate is to facilitate the resolution of matters in disagreement. To that end, the mediation session was informal in nature and directed towards both a full and complete discussion of the issues and concerns raised by County Commissioners and members of the public during the rezoning public hearing and concerns raised by the public during mediation. The mutually acceptable settlement proposal addresses all concerns and has been agreed to by County staff and Petitioner and satisfies the requirements of Section 70.51, *Florida Statutes*.

The Special Magistrate recommends the County Commission approve this mediated settlement proposal and adopt a resolution approving Petitioner's request for a Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) on \pm 5.7 acres and Conservation on \pm 7.9 acres, to resolve all potential claims arising from the prior denial of the rezoning, including, but not limited to an appeal by petition for writ of certiorari and a State and Federal Fair Housing Act violation. It is in the Parties interest to resolve this matter.

RESPECTFULLY SUBMITTED January 10, 2025.



Derek A. Schroth, Special Magistrate
*Florida Bar Certified Expert in Business
Litigation and Local Government Law*

[Signatures to Follow]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on this 10th day of January, 2025.

PETITIONER

Raysor Ventures, LLC

Michael Raysor, President

RESPONDENT

Hernando County, Florida

Omar DePablo

By: Omar DePablo
Development Services Director

Approved As To Form
And Legal Sufficiency

By *Victoria Anderson*

County Attorney's Office

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on this 10th day of January, 2025.

PETITIONER

Raysor Ventures, LLC


Michael Raysor, President

RESPONDENT

Hernando County, Florida

By: Omar DePablo
Development Services Director

Exhibit A



TITLE

OSOWAW ROAD
CONCEPT PLAN

LOCATION

HERNANDO COUNTY, FLORIDA

PREPARED FOR

SITE DATA

SITE DATA:

TOTAL SITE

= ± 13.6 AC

UPLAND

= ± 4.6 AC

WETLAND

= ± 9.0 AC

BUILDING DATA:

(2) 50 UNIT

3 STORY BUILDINGS= 100 DU

PARKING:

9' X 18.5' PARKING SPACES= 150 SP

CONCEPT PLAN DISCLAIMER

THIS PLAN IS CONCEPTUAL AND WAS CREATED USING VARIOUS AVAILABLE INFORMATION SOURCES. THE FINAL YIELD AND LOCATION OF DESIGN ELEMENTS SHOWN ON THIS PLAN MAY CHANGE WITH FINAL ENGINEERING AND THROUGHOUT THE APPROVAL PROCESS. FORWARD PLANNING AND DESIGN DOES NOT WARRANT THIS PLAN.

PREPARED BY

0 100' 200' 300'

SCALE:

DATE: 12/18/24

Exhibit B

REZONING CASE H-24-27

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 3, 2024

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations listed in **Appendix A** of this Staff Report.

PLANNING AND ZONING COMMISSION ACTION June 10, 2024

On June 10, 2024, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations and modified performance conditions listed in **Appendix B** of the staff report.

BOARD OF COUNTY COMMISSION ACTION June 28, 2024

On June 28, 2024, the Board of County Commission voted 5-0 to adopt a resolution denying the petitioner's request for a rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations and modified performance conditions listed in **Appendix C** of the staff report.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 10, 2024
Board of County Commissioners: June 28, 2024

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 NUMBER(S): 1695419

APPLICANT'S REQUEST

The petitioner requests the rezoning of the subject parcel for the purpose of constructing a 125 dwelling unit multi-family residential complex on a 13.6-acre parcel, which equals a density of 9.19 dwelling units per acre. The subject parcel is unique in that nine (9) of the 13.6 acres are wetland, leaving 4.6 acres of developable upland. The petitioner intends for this development to cater exclusively to workforce housing and provide bicycle and pedestrian connectivity, a clubhouse with amenities, and open space that exceeds the requirements put forth in the Land Development Regulations.

Requested Deviations

1. A deviation from the maximum number of dwelling units per building, increasing it 48 units, from 12 to 60. (*Appendix A, Article IV, Section 2(G)(4)(K)*)
2. A deviation from the maximum building height, increasing it 20', from 45' to 65'. (*Appendix A, Article IV, Section 2(G)(4)(I)*)

SITE CHARACTERISTICS

Total Site Size: 13.6 acres

Surrounding Zoning & Land Use:

North:	CV (Conservation); Weeki Wachee Preserve
South:	PDP(GC)/ Planned Development Project (General Commercial), PDP(SU)/Planned Development Project (Special Use); Walmart Shopping Center

East: PDP(GC)/ Planned Development Project
(General Commercial) & AG (Agricultural);
Walmart Shopping Center, County Utilities

West: PDP(GHC)/ Planned Development Project
(General Highway Commercial), & PDP(MH)/
Planned Development Project (Mobile Home);
Mobile Home Park, Church

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW

Soil Type: Tavares Fine Sand, Myakka Fine Sand

Comments: A faunal (wildlife) survey shall be prepared by a qualified professional at the time of conditional plat. The petitioner is required to comply with all applicable FWC regulations and permitting.

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

Comments: The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

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

**Hydrologic
Features:** There is a Class 3 wetland along the northeast portion of the site; however, there are no Special Protection Areas (SPAs) present on this parcel.

Comments: Drainage should be designed to prevent runoff from going into the wetlands.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following comments:

- HCUD does not currently supply water or sewer service to this parcel.
- There is an existing 12-inch water main that runs along the north side of Osowaw Boulevard.
- There is an existing 10-inch sewer force main that runs along the north side of Osowaw Boulevard, and an existing 4-inch sewer force main that runs on the south side of Osowaw Boulevard approximately 270 feet to the west of the parcel.
- HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

ENGINEERING REVIEW

The County Engineer reviewed the petitioner's request and provided the following comments:

- The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies including, but not limited to, Southwest Florida Water Management District, Florida Dept. of Environmental Resources, Florida Dept. of Wildlife, in addition to meeting the Hernando County permitting requirements.
- This site is adjacent to the "Nature Coast Commons" project and across the discharge path of the outfall from that project. The discharge flow path must be addressed in any development of the site. Development was after the detailed watershed study.
- A Traffic Access Analysis shall be performed and provided to the Conty during the development process. The Traffic Access Analysis shall include a queuing analysis.
- Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- A sidewalk shall be constructed along Osowaw Boulevard for the entire length of the parcel.

LAND USE REVIEW

The proposed use of the property as residential is appropriate. There is public transit route which travels on Osowaw Boulevard and stop on the adjacent commercial property. There is a single access point proposed for the development, which is not

ideal, however only one access point can be provided due to the preservation of the wetlands which occupy a majority of the parcel frontage.

Workforce housing is commonly targeted at "essential workers" in a community i.e. police officers, firemen, teachers, nurses, medical personnel and government employees. 2021 Florida Statute 420.5095 states "The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, creating the need for innovative solutions for the provision of housing opportunities." This situation has gotten much worse since 2021.

According to the National Low Income Housing Coalition¹ in 2024 a person working for minimum wage (\$11 an hour) must work 90 hours a week to afford a studio apartment in Hernando County. To afford a one (1) bedroom rental the same worker must work 97 hours a week, and to afford a two-bedroom apartment, the worker must work 111 hours a week. There are 168 hours in one week, thus this level of effort is unsustainable if not impossible.

It is common practice to use thirty percent (30%) of the monthly income of an individual to calculate what is deemed "affordable" to that individual. Rental costs have increased so that 50% and 60% of the monthly income of an individual is regularly being used for housing costs. Hernando County recently increased the wages of the lowest paid employee to \$15. Before taxes, that generates a monthly income of \$1,200; thirty percent of \$1,200 is \$360. The National Low Income Housing Coalition estimates the fair market rent for a studio apartment in Hernando County is \$1,291. For a one-bedroom rental, the fair market value is \$1,381. The fair market value of a studio apartment is more than an employee making \$15 an hour makes, before taxes, in one month.

Comment: The petitioner should work with TheBus and the County Engineer to see if a transit stop can be installed on or near the development to provide access to alternate forms of transportation for the residents.

Perimeter Setbacks

The perimeter setbacks for a residential use in a PDP are:

- North Osowaw Boulevard): 25'
- South (wetlands): 20'
- East (drainage retention): 10'
- West (wetlands): 10'

Buffers

The petitioner proposes the following perimeter buffers:

- North (Osowaw Boulevard): 20' landscaped Buffer

¹ <https://nlihc.org/oor/state/FL>

- South (wetlands): 5' preserved natural vegetated buffer
- East (drainage retention): 5' preserved Natural vegetated buffer
- West (wetlands): 5' preserved Natural vegetated buffer

Comment: These buffers are consistent with the buffers required for a residential Planned Development Project adjacent to non-residential land uses. Jurisdictional wetland lines shall be established and shown on all plans submitted for this project. A buffer around the wetlands, with an average of 20', with no portion of the buffer being less than 15' wide, shall be shown all plans submitted for this project.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map, Residential

The Residential Category accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Multi-Family Housing

Strategy 1.04B(4): The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22 dwelling units per gross acre in order to provide for a diversity of housing choices. Multifamily 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.

Strategy 1.04B(5): High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall

include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- 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;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

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;
- 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.

Comments:

The proposed development is consistent with the future land use of the parcel and is located in a n appropriate location for the proposed density.

FINDING OF FACTS

1. The proposed development is consistent with the future land use of the property.
2. The requested deviation to increase the maximum dwelling unit per building to 60 is reasonable, considering the presence of wetlands and the limited upland area in which all development on the property will be located.
3. The requested deviation in height, increasing it from 45' to 65' is reasonable considering the presence of wetlands and the limited upland area in which all development on the property will be located.

NOTICE OF APPLICANT RESPONSIBILITY

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to

use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

APPENDIX A

STAFF RECOMMENDATIONS

FOR THE PLANNING AND ZONING COMMISSION

STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Planning
 - A. Allowed Uses in this PDP: Multifamily complex and associated accessory uses.
 - B. Maximum number of Dwelling Units Allowed: 125
 - C. Maximum number of dwelling units per building: 60 (Deviation from 12)
 - D. Maximum Building Coverage: 45%
 - E. Minimum Building Separation: 15'
 - F. Minimum dwelling unit square footage: 600 square feet
 - G. Maximum Building Height: 65' / 4 stories
(deviation from 45' / 3 stories)
 - H. The petitioner should work with TheBus and the County Engineer to see if a transit stop can be installed on or near the development to provide access to alternate forms of transportation for the residents.
 - I. Setbacks (inclusive of the vegetated buffer)
 - North: 25'
 - South: 20'
 - East: 10'
 - West: 10'

3. **Buffers and Permanent Screening:**

A buffer shall be required between a Planned Development Project land use which is multifamily or non-*residential* and a land use, external to the PDP, which is *residential*, *agricultural-residential*, or *agricultural*. The buffer shall consist of a minimum five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum

height of five (5) feet at the time of planting (*Appendix A, Article VIII, Section 1(C)*).

- North: 20'
- South: 5'
- East: 5'
- West: 5'

*Buffer fencing – the required greenery shall be installed on the side of the fence or wall that faces the adjacent property.

- A. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- B. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees (without the use of large machinery that would level the buffer). Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.

4. **Environmental:**

- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. Jurisdictional wetland lines shall be established and shown on all plans submitted for this project. A buffer around the wetlands, with an average of 20', with no portion of the buffer being less than 15' wide, shall be shown all plans submitted for this project.

- B. Required Open Space: 2.04 acres

The petitioner shall preserve the minimum seven percent (15%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*)
Minimum open space required for multifamily developments containing twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must be maintained in open space. A minimum of fifty (50) percent of the required open space shall be in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

The designated open space shall be at least 500 square feet with no areas less than 15' in width.

- C. Required Natural Vegetation: 29,621 square feet

Article II, Section 10-28 (2). Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

D. Landscaping:

A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.

- E. Invasive plant species if present are to be removed during the development process.
- F. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

5. Engineering:

- A. The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies including, but not limited to, Southwest Florida Water Management District, Florida Dept. of Environmental Resources, Florida Dept. of Wildlife, in addition to meeting the Hernando County permitting requirements.
- B. This site is adjacent to the "Nature Coast Commons" project and across the discharge path of the outfall from that project. The discharge flow path must be addressed in any development of the site. Development was after the detailed watershed study.
- C. A Traffic Access Analysis shall be performed and provided to the Conty during the development process. The Traffic Access Analysis shall include a queuing analysis.
- D. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- E. A sidewalk shall be constructed along Osowaw Boulevard for the entire length of the parcel.

6. Utilities: HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

7. Schools:

The petitioner must apply for and receive a "Finding of School Capacity" from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District and the County.

Without Conditional Plat or the functional equivalent in place, the School Districts finding of school capacity expires within 1 year of issuance.

8. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP(Special Use) on plats.
9. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
10. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

APPENDIX B
PLANNING & ZONING COMMISSION
ACTION

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

On June 10, 2024, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations and the following modified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Planning
 - A. Allowed Uses in this PDP: Multifamily complex and associated accessory uses.
 - B. Maximum number of Dwelling Units Allowed: 125
 - C. Maximum number of dwelling units per building: 60 (Deviation from 12)
 - D. Maximum Building Coverage: 45%
 - E. Minimum Building Separation: 15'
 - F. Minimum dwelling unit square footage: 600 square feet
 - G. Maximum Building Height: ~~65' / 4 stories~~
(deviation from 45' / 3 stories)
 - H. The petitioner should work with TheBus and the County Engineer to see if a transit stop can be installed on or near the development to provide access to alternate forms of transportation for the residents.
 - I. Setbacks (inclusive of the vegetated buffer)
 - North: 25'
 - South: 20'
 - East: 10'
 - West: 10'
3. **Buffers and Permanent Screening:**

A buffer shall be required between a Planned Development Project land use which is multifamily or non-*residential* and a land use, external to the PDP, which is *residential, agricultural-residential, or agricultural*. The buffer shall consist of a minimum five-foot landscaped separation distance. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) [feet] and a maximum height of eight (8) feet, or an evergreen hedge with a minimum

height of five (5) feet at the time of planting (*Appendix A, Article VIII, Section 1(C)*).

- North: 20' (natural vegetative buffer supplemented where necessary)
- South: 5'
- East: 5'
- West: 5'

*Buffer fencing – the required greenery shall be installed on the side of the fence or wall that faces the adjacent property.

- A. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- B. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees (without the use of large machinery that would level the buffer). Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.

4. **Environmental:**

- A. A **comprehensive floral and faunal (wildlife) survey** shall be prepared by a qualified professional and submitted as part of the Conditional Plat application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting. Jurisdictional wetland lines shall be established and shown on all plans submitted for this project. A buffer around the wetlands, with an average of 20', with no portion of the buffer being less than 15' wide, shall be shown all plans submitted for this project.
- B. Required Open Space: 2.04 acres

The petitioner shall preserve the minimum seven percent (15%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

Multifamily Development (*Appendix A, Article VIII, Section 1 (H)(1)(e)*)
Minimum open space required for multifamily developments containing twelve (12) or more units: A minimum of fifteen (15) percent of the gross site must be maintained in open space. A minimum of fifty (50) percent of the required open space shall be in areas at least five hundred (500) square feet in size with no horizontal dimension less than fifteen (15) feet.

The designated open space shall be at least 500 square feet with no areas less than 15' in width.

- C. Required Natural Vegetation: 29,621 square feet

Article II, Section 10-28 (2). Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard. The county administrator or designee may grant deviations to this standard if changes in elevation or other conditions preclude meeting this standard.

- D. Landscaping:

A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.

- E. Invasive plant species if present are to be removed during the development process.
- F. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

5. Engineering:

- A. The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies including, but not limited to, Southwest Florida Water Management District, Florida Dept. of Environmental Resources, Florida Dept. of Wildlife, in addition to meeting the Hernando County permitting requirements.
- B. This site is adjacent to the "Nature Coast Commons" project and across the discharge path of the outfall from that project. The discharge flow path must be addressed in any development of the site. Development was after the detailed watershed study.
- C. A Traffic Access Analysis shall be performed and provided to the County during the development process. The Traffic Access Analysis shall include a queuing analysis.
- D. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- E. A sidewalk shall be constructed along Osowaw Boulevard for the entire length of the parcel.

6. Utilities: HCUD has no objection to the request, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

7. Schools:

The petitioner must apply for and receive a "Finding of School Capacity" from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District and the County.

Without Conditional Plat or the functional equivalent in place, the School Districts finding of school capacity expires within 1 year of issuance.

8. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP(Special Use) on plats.
9. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
10. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued.

APPENDIX C
BOARD OF COUNTY COMMISSION
ACTION

APPENDIX C – BOARD OF COUNTY COMMISSION ACTION:

On June 28, 2024, the Board of County Commission voted 5-0 to adopt a resolution denying the petitioner's request for a rezoning from AG (Agricultural) to PDP(MF)/ Planned Development Project (Multi-Family) with deviations. The Board of County Commissioners determined that the request was too intense for the subject site and incompatible with the area.