



# Hernando County

## Planning & Zoning Commission

### Regular Meeting

### Minutes

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January 9, 2023

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#### MEETING CALLED TO ORDER

The public meeting was called to order at 9:00 AM on Monday, January, 9, 2023, in the John Law Ayers Room, Government Center, Brooksville, Florida. This meeting was advertised in the Hernando Sun newspaper and the agenda packet was available on-line at [www.hernandocounty.us](http://www.hernandocounty.us).

<u>Attendee Name</u>	<u>Title</u>
Jonathan McDonald	Chairman
W. Steve Hickey	Vice Chairman
Kathryn Birren	Regular Member
Michael Kierzynski	Regular Member
Nicholas Holmes	Regular Member
Gregory Arflack	Alternate Member
James Lipsey	Ex Officio Non-voting Member (School Board Rep.)
Aaron Pool	Development Services Director
Michelle Miller	Planning Administrator
Omar DePablo	Senior Planner
Scott Herring	Public Works Director/County Engineer
Alan Congdon	Administrative Assistant III
Robin Reinhart	Agenda Coordinator

Invocation

Pledge of Allegiance

Poll Commission for Ex Parte Communications

Comm. Kierzynski daughter across street Lives accross from one of the Developments but hasn't himself had ex parte communications.

The other Commission members indicated they had no ex parte communications concerning the petitions being considered at this meeting.

County Attorney Statement

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

Administering of the Oath

## STAFF ANNOUNCEMENTS

Staff announced Jim Lipsey Ex Officio Non-voting Member (School Board Rep.) will be late.

## ANNUAL ELECTION OF OFFICERS

### Election of Planning and Zoning Commission Chairman for 2023

#### Motion

A motion was made by Comm. Mike Kierzynski to elect Comm. Jonathan McDonald as Planning and Zoning Commission Chairman. The motion was seconded by Comm. Birren and carried 5-0.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Michael Kierzynski
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

### Election of Planning and Zoning Commission Vice Chairman for 2023

#### Motion

A motion was made by Comm. Kierzynski to elect Comm. Hickey as Planning and Zoning Commission Vice Chairman. The motion was seconded by Comm. Birren and carried 5-0.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Michael Kierzynski
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

## APPROVAL/MODIFICATION OF AGENDA (Limited to Staff & Commission)

A motion was made to approve the agenda as written. The motion carried 5-0.

#### Motion

D. APPROVAL/MODIFICATION OF AGENDA (Limited to Staff & Commission)

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Michael Kierzynski
<b>SECONDER:</b>	Nicholas Holmes
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

## ADOPTION OF THE INFORMATION PACKETS INTO EVIDENCE

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

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

### Motion

E. ADOPTION OF THE INFORMATION PACKETS INTO EVIDENCE

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

## PUBLIC HEARINGS

### UNIFIED AGENDA

Mrs. Miller introduced the unified agenda.

### Motion

A Motion was made to adopt the Unified Agenda as submitted.

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

### CU-22-11 - Jeff Powell:

**Conditional Use Permit for a Temporary Security Residence; Southeast side of Broad Street, approximately 155' north of its intersection with Kollar Street**

### CU-22-12 - Lowonder Jernigan:

Conditional Use Permit for a Second Residence; South side of Snow Hill Road, approximately 1,986' west of Brice Drive

## STANDARD AGENDA (BOARD SITTING IN ITS QUASI-JUDICIAL CAPACITY)

**H-22-71 - Sobel Fund VII, LLC:**

**Master Plan Revision on Property Zoned CPDP/Combined Planned Development Project with General Commercial, Office Professional, and Multifamily uses to add Specific C-2 Uses and Deviations; Southwest corner of Lake in the Woods Drive and Commercial Way (US Hwy 19)**

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

Darryl Johnston Esq., representing the petitioner, under oath, discussed the request with the Planning and Zoning Commission.

Mrs. Miller advised the Planning and Zoning Commission that the watering of the transplanted trees by the Lake in the Woods HOA was not enforceable.

The following people spoke under oath against the petition: Paul McQuarrie, Dr. Lauren Vidia, Consuela Lauer, Evon Caskey, Wayne Burscino, Susan Giordano, Tom St. Claire, Goddfrey Eason, Cathy Groom, Andrew Schwartz, Paula Morton, James Haas, Richard Clayton, Molly Jamison, Catherine Ihsz-Jentschs, George Drumm, Constance Croak, Garry Petti, J.B. Bowles, and Eva Stout.

Bob Schneider, spoke under oath, in favor of the petition.

Assistant County Attorney Kyle Benda, addressed concerns raised during the public comment portion of the hearing.

Comm. Holmes asked staff about the prior vested approvals.

Darryl Johnston, addressed the concerns raised during the public comments portion of the hearing.

Discussion ensued about the future location of the proposed 500 unit multifamily apartment complex and 150 room Hotel.

School Board representative, James Lipsey, advised the Planning and Zoning Commission that the apartments would only generate approximately 94 students and in November there was adequate occupancy.

Mrs. Miller clarified that there are no mobile homes requested for this application. She also discussed the performance condition related to the concerns raised during Public Comment.

County Engineer, Scott Herring, under oath, addressed questions about obtaining an administrative design variance.

Mrs. Miller went over the modifications to the performance conditions with the Planning and Zoning Commission.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the petitioners request with modified performance conditions.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Nicholas Holmes
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**H-22-75 - Jesus Espinal:**

**Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2); West side of Shasta Street approximately 355' north of its intersection with Square Stone Street**

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

Jesus Espinal, the petitioner, under oath, discussed the petition with the Planning and Zoning Commission.

No public comment was offered by the audience.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request.

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

**H-22-76 - Oak Development Group, LLC:**

**Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) and PDP(SU)/Planned Development Project (Special Use) with Deviations; Eastern terminus of Godwit Avenue and Gyrafalcon Avenue and south of Seely Lane**

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

Jessica Icerman, representing the petitioner, under oath, discussed the request with the Planning and Zoning Commission.

Cynthia Spidell, representing the petitioner, under oath, discussed the request with the Planning and Zoning Commission.

The following people spoke under oath against the petition: Bruce Abrahamson, Randy MCElroy, Cedric Bedford, Joseph Purta, Jennifer Berkel, Terrie Dyer, John Larry, Joanna Larry, James Robison, Noreen Phillips.

Gary Schraut, representing the property owner, under oath, spoke on behalf of the petitioner.

Jessica Icerman, addressed the concerns expressed during the public comment period.

County Engineer, Scott Herring, under oath, addressed concerns raised about the roads in the area of the proposed development.

Comm. Birren expressed concerns regarding the roads, and construction access in to the project.

Scott Herring also advised that he wanted the developer to provide construction accesses plan provided to county engineers office.

Comm. Hickey requested construction access be added to the conditions of approval. Mrs. Miller advised that staff will add a performance condition that states that "The developer will need to provide a construction accesses plan to be submitted and approved by the county engineers office."

Comm. McDonald expressed concern about the traffic on Madrid Avenue.

Michael Razor, transportation consultant for the petitioner, under oath, advised that they are in the process of working on a traffic study with the county.

Discussion ensued.

Andrew Eiland, engineer for the petitioner, under oath, addressed concerns about the property's previous use as a shooting range.

### **Motion**

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

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**H-22-78 - Elizabeth A Richards:**

**Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2); South side of Solway Drive at its intersection with Octavia Way.**

Mrs. Miller advised they are requesting postponement due in adequate public notice.

**Motion**

A motion was made to request for a postponement due to advertising, the petitioner incurring all re-advertising costs.

**H-22-80 - Sueann Gouin:**

**Rezoning from AR-2 (Agricultural/Residential-2) to AG (Agricultural); North side of Sun Road at its western terminus**

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

Sueann Gouin, the petitioner, under oath discussed the petition with the Planning and Zoning Petition.

No public comment was offered by the audience.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Nicholas Holmes
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**H-22-82 - David Kerns:**

**Rezoning from R-1C (Residential) to AR-2 (Agricultural/Residential-2); West side of the Southern Terminus of Slingshot Drive**

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

Caroline Justice, representing the petitioner, under oath, discussed the request with the Planning and Zoning Commission.

No public comment was offered by the audience.

**Motion**

A motion was made to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request.

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

**H-22-79 - Luis Puerto and Brenda Puerto:**

**Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial); North side of County Line Road, approximately 670' east of Cobblestone Drive**

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

The petitioner was not present. Staff is seeking postponement, with the petitioner incurring all re-advertising cost.

**Motion**

A motion was made to postpone the petition to a future hearing with the petitioner incurring all re-advertising costs.

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	W. Steven Hickey
<b>SECONDER:</b>	Nicholas Holmes
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**H-22-65 - Tri County Development Inc.:**

**Rezoning the from PDP(SU)/Planned Development Project (Special Use) to PDP(MF)/Planned Development Project (Multifamily) with Deviations; Northeast corner of Henderson Street and Mariner Boulevard**

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

Don Lacey AICP, representing the petitioner, under oath, discussed the request with the Planning and Zoning Commission.

Alex Deeb, the petitioner, under oath, discussed the project with the Planning and Zoning Commission.

No public comment was offered by the audience.

James Lipsey, representing the School Board, asked staff about a formal covenant regarding age restriction. Discussion ensued.

Cliff Manual P.E., representing the applicant, under oath, addressed concerns about the requested deviation from set-backs.

Discussion ensued about YMCA membership and the proposed development.

**Motion**

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

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Michael Kierzynski
<b>SECONDER:</b>	Nicholas Holmes
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**H-22-68 - HDA Architects, Inc.:**

**Rezoning from PDP(CP)/Planned Development Project (Corporate Park) to PDP(GC)/Planned Development Project (General Commercial).; East Side of Anderson Snow Road, approximately 365' north of its intersection with Corporate Boulevard**

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

Mike Noyes, the petitioner, under oath, discussed the petition with the Planning and Zoning Commission.

No public comment was offered by the audience.

Comm. Berrin inquired about sound proofing for the kennel area.

**Motion**

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

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Kathryn Birren
<b>SECONDER:</b>	Michael Kierzynski
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**H-22-69 - 235 Cobblestone Drive, LLC:**

**Master Plan Revision on Property Zoned PDP(NC)/Planned Development Project (Neighborhood Commercial) with specific C-1 uses and Deviations; Northwest corner of County Line Road and Cobblestone Drive**

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

Don Lacey AICP, representing the petitioner, under oath, discussed the petition with the Planning and Zoning Commission.

Mathew Rollins, under oath, spoke against the petition.

Don Lacey AICP, addressed the concerns raised by Mr. Rollins. In response to Comm. Hickey, Mr. Lacey indicated the applicant would be ok with increasing the western buffer to 20 feet.

**Motion**

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

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

**H-22-74 - Tim Oldemoppen:**

**Rezoning from AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential) to PDP(MH)/Planned Development Project (Mobile Home); West side of Commercial Way (US HWY 19) between its intersection with Lake In The Woods Drive and Brandy Drive**

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

Christopher Hartman, representing the petitioner, under oath, requested a postponement.

**Motion**

A motion was made to postpone the petition to a future hearing date, with the applicant incurring all re-advertising fees.

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

**H-22-81 - Proud Pelican Construction, Inc.:**

**Revision of Master Plan on a Property Zoned PDP(GHC)/ Planned Development Project (General Highway Commercial); Northwest corner of the intersection of Cortez Blvd (SR 50), Barclay Avenue and Brookridge Central Boulevard**

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

Don Lacey AICP, representing the applicant, under oath, discussed the request with the Planning and Zoning Commission.

No public comment was offered by the audience.

Comm. Holmes inquired about a fence along the bay door along the reverse frontage road.

Don Lacey AICP, addressed Comm.Holmes concerns.

**Motion**

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

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

**H-22-83 - Maya Motels, Inc.: Rezoning from C-1 (General Commercial) and C-2 (Highway Commercial) to PDP(MF)/Planned Development Project (Multifamily) with Deviations; North side of Cortez Boulevard (SR 50), approximately 300' west of Deltona Boulevard**

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

Wayne Walker, representing the petitioner, under oath, discussed the request with the Planning and Zoning Commission.

Eugene Gavin, under oath, spoke against the petition.

Wayne Walker addressed the concerns raised by Mr. Gavin.

Discussion ensued about affordable housing.

**Motion**

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

<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	Michael Kierzynski
<b>SECONDER:</b>	Kathryn Birren
<b>AYES:</b>	Hickey, Kierzynski, McDonald, Birren and Holmes
<b>EXCUSED:</b>	Fulford

**COMMISSIONERS AND STAFF ISSUES**

Discussion ensued about the presentation of materials.

Discussion of the unified agenda

**ADJOURNMENT**

The meeting was adjourned at 2:00 P.M.