



## Legislation Details (With Text)

**File #:** 12944  
**Type:** Agenda Item **Status:** Adopted  
**File created:** 10/2/2023 **In control:** Board of County Commissioners  
**On agenda:** 10/24/2023 **Final action:** 10/24/2023  
**Enactment date:** **Enactment #:**  
**Title:** Mediated Settlement Agreement With Adam Webster, Wayne Karastury, and Civil-Tech Consulting Services, LLC, on Behalf of Mohamed Nazir Hamoui and Nada Hamoui as Trustees of the N & N Family Revocable Trust Dated October 12, 2022, and Associated Resolution

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. H2258 Adam Webster Mediated Settlement Agreement, 2. H2258 - Notice of Community Meeting and Citizens Comments, 3. H2258 Request for Relief, 4. H2258 Denial Resolution 2023-91, 5. H2258 Maps, 6. H2258 Master Plan Revised, 7. H2258 P&Z Action 11.14.2022, 8. H2258 BOCC Action 11.08.2022, 9. H2258 P&Z Action 10.31.2022, 10. H2258 Application Packet, 11. H2258 P&Z Citizen Exhibit, 12. H2258 Public Comment - Gajdusek Letter, 13. H2258 P&Z Petitioner Exhibit, 14. H2258 Resolution, 15. Affidavit of Publication of Legal Ad CLK23-153, 16. Master Plan and Rendering, 17. Public Comment Form - Gary Kirtley, 18. Public Comment Form - Guy Fitzgerald, 19. Public Comment Form - Johanna Garcia, 20. Public Comment Form - John Ostroski, 21. Public Comment Form - Karen Ozyjosxki, 22. Public Comment Form - Ken Demien, 23. Public Comment Form - Laura Diehm, 24. Public Comment Form - Lori Stover, 25. Public Comment Form - Pam Harris, 26. Public Comment Form - Robert Slesh, 27. Public Comment Form - William Cutting

Date	Ver.	Action By	Action	Result
10/24/2023	1	Board of County Commissioners	adopted	Pass

### TITLE

Mediated Settlement Agreement With Adam Webster, Wayne Karastury, and Civil-Tech Consulting Services, LLC, on Behalf of Mohamed Nazir Hamoui and Nada Hamoui as Trustees of the N & N Family Revocable Trust Dated October 12, 2022, and Associated Resolution

### BRIEF OVERVIEW

In Hernando County Planning Department File Number H2258, Adam Webster, Wayne Karastury, and Civil-Tech Consulting, LLC (“Webster”) applied to the County to reestablish a master plan for land zoned Planned Development Project (General Highway Commercial) to add a specific additional C-2 zoning district use for the operation of a mini-warehouse.

On November 14, 2022, the Planning and Zoning Commission recommended approval of Webster’s application.

On December 13, 2022, a public hearing was conducted on the application to reestablish the master plan and add a specific C-2 use and the Hernando County Board of County Commissioners denied the application.

On January 12, 2023, Webster filed its Request for Relief with Hernando County, stating that it

believes the denial of its application was unreasonable or unfairly burdened the use of the owner's property.

On May 15, 2023, Webster supplemented its Request for Relief to complete the filing and start the deadlines in Section 70.51 of the Florida Statutes, otherwise known as the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA").

On July 27, 2023, Hernando County representatives participated in a hearing/mediation pursuant to FLUEDRA. A Mediated Settlement Agreement was reached among the parties.

On September 26, 2023, the Board postponed the settlement agreement to a date and time certain of October 24, 2023, with full advertising.

### **FINANCIAL IMPACT**

A matter of policy. There is no financial impact.

### **LEGAL NOTE**

The Board has the authority to approve this Mediated Settlement Agreement pursuant to Section 70.51(17) of the Florida Statutes.

### **RECOMMENDATION**

It is recommended that the Board adopt the attached resolution which approves the proposed settlement agreement thereby (1) resolving the legal challenge pursuant to Section 70.51, Florida Statutes and (2) approving Webster's Planning Department Application H2258 with the additional conditions as outlined in the Mediated Settlement Agreement. It is further recommended that the Board authorize the Chairman's signature on the attached associated resolution.