

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: 12/4/24

File No. _____ Official Date Stamp:

H-24-82

Received

DEC 04 2024
13

Planning Department
Hernando County, Florida

APPLICANT NAME: Meriden Development LLC Mark Keschl

Address: 7901 SE Osprey Street

City: Hobe Sound

State: FL

Zip: 33455

Phone: 561 405 1660

Email: mkeschl@msn.com

Property owner's name: (if not the applicant) Gary, Evelyn, Kenneth, Martha Haber

REPRESENTATIVE/CONTACT NAME: Kyle Benda

Company Name: Benda Law Firm

Address: 270 North Broad Street

City: Brooksville

State: FL

Zip: 34601

Phone: 352 232 5757

Email: kyle@bendalawfirm.com

HOME OWNERS ASSOCIATION: ☐ Yes ☒ No (if applicable provide name) _____

Contact Name: _____

Address: _____ City: _____ State: _____ Zip: _____

PROPERTY INFORMATION:

1. PARCEL(S) **KEY** NUMBER(S): R32 323 17 5010 00A0 0000

00411931

2. SECTION _____, TOWNSHIP _____, RANGE _____

3. Current zoning classification: PDP(SU) Landscape

4. Desired zoning classification: PDP(HC)

5. Size of area covered by application: 11.86 acres

6. Highway and street boundaries: Spring Hill Drive and Commercial Way (US 19)

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: _____)

PROPERTY OWNER AFFIDIVAT

I, Gary Haber, 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): Meriden Development LLC

and (representative, if applicable): Kyle Benda

to submit an application for the described property.

Gary Haber

Signature of Property Owner

STATE OF ~~FLORIDA~~ **TENNESSEE**
COUNTY OF ~~HERNANDO~~ **HAMILTON**

The foregoing instrument was acknowledged before me this 20TH day of OCTOBER, 2024, by GARY HABER who is personally known to me or produced _____ as identification.

[Signature]
Signature of Notary Public

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

PRINT FORM

CLEAR FORM



Letter of Authorization

To Whom It May Concern:

This letter authorizes Boehler Engineering, Mark Keschl, Manager of Meridien Development LLC, and Kyle Benda of Benda Law, subsidiaries, assigns, or agents to act on behalf of Kenneth L Haber, Martha Haber, Gary Haber and Evelyn Haber in regards to permits and applications for zoning and site plan approval through Hernando County, as well as but not limited to all regulatory agencies, departments and government agencies of FDEP, FDOT and SWFWMD necessary for the construction and development of a commercial development located at the NE corner of US19 and Spring Hill Drive.

Signature: _____

Gary Haber

State of Tennessee)

County of HAMILTON)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or

☐ online notarization, this 20th of October, 2024 by Gary Haber, as

_____ of _____ on behalf of the company. He is personally

known to me or has produced a valid driver's license as identification.



Notary Public Printed Name:

Tally R. Glover Jr.

My commission expires:

8/23/2027

Rezoning Application

To Whom It May Concern:

This letter acknowledges that on December 4, 2024 a rezoning application was submitted on a parcel of land of approximately 11 acres of land we own in Hernando County and we join with Gary Haber in signing that application

Signatures: _____

Evelyn Haber

State of Tennessee,

County of Hamilton)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or

_____ online notarization, this 7th of December, 2024 by Evelyn Haber, as

☒ She is personally

known to me or has produced a valid driver's license as identification.

Name: _____



Tally R. Glover Jr.

Notary Public Printed

[Signature]

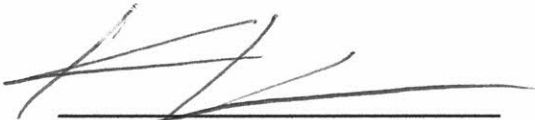
My commission expires:

8/23/27

State of Tennessee,

County of Hamilton)

Signatures:

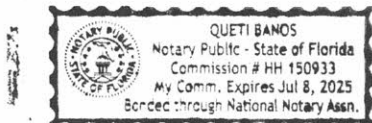


Kenneth L. Haber



Martha Haber

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization, this 18th of December, 2024 by Kenneth L. Haber and Martha Haber as individuals. They are personally known to me _____ or have produced a valid driver's license as identification X.



Notary Public Printed Name:

Queti Banos

My Commission Expires

JULY 8, 2025

MERIDIEN DEVELOPMENT, LLC PROPOSED REZONING:

The subject property is approximately 11 acres of unimproved land located at the northeast corner of Commercial Way (US 19) and Spring Hill Drive in Hernando County ("Subject Property"). The parcel is currently zoned Planned Development Project (Special Use) ("PDP(SU)") for use as a Landscape Buffer. The applicant is a joint venture of Meridien Development LLC and GPK Holdings LLC, as the Contract Purchaser of the 11-acre parcel. Rezoning of the Subject Property is sought to allow development of up to 5 commercial parcels for various C-1 and C-2 uses including retail, restaurants (including drive-thru), financial institutions (with drive-thru), and/or medical and dental offices. A separate parcel on the north end of the development abutting the majority of nearby residential development will also be created for the Open Space to create a buffer for compatibility with the residential use, including a Conservation Area, which will include an area for the detention pond.

The applicant desires to create a development which will be an asset to the neighborhood and its residents. In order to accomplish that we are proposing a low density development populated by popular, recognized tenants that reflect the needs of today's consumer. For example, the anticipated tenants on the site are a Chick-Fil-A and a national coffee retailer. To preserve the buffer currently provided by the native vegetation we are orientating the buildings along Commercial Way and will keep a significant portion of the site green.

The Subject Property:

The Subject Property is currently vacant. Zoning of the property directly to the north is C-1, which is an existing Suncoast Credit Union with drive-thru access and an O'Reilly Auto Parts Store. Zoning of the property to the west (across US 19) is C-2, including a Circle K Gas Station, an Advance Auto Parts, and a CVS. Zoning of the property to the south across Spring Hill Drive is a continuation of the Subject Property's PDP(SU) zoning. Zoning of the property to the east and southeast is Planned Development Project (General Highway Commercial) ("PDP(GHC)"), which includes professional office uses as well as a Mexican restaurant. Zoning of the property to the east and northeast across Pinehurst Drive is Planned Development Project (Single Family) ("PDP(SF)").

The applicant intends to prepare a plat of subdivision for the 11-acre parcel to develop up to 5 commercial parcels (number of parcels depends on the size required for each proposed tenant which has not yet been finalized) and one additional parcel for Open Space and detention pond(s). The attached proposed site plan is Exhibit A and delineates the conceptual plan for the various parcels.

Petitioner requests rezoning the Subject Property from PDP(SU) to Planned Development Project (General Commercial) ("PDP(GC)") to allow all C-1 uses and the following C-2 uses identified in Appendix A, Article IV, Section 3A.(2) of the Hernando County Code of Ordinances:

- (b) Drive-in restaurants;

(d) Tire and Automotive accessory establishments (limited to 4 bays as provided for in C-1 use);

(e) Automotive retail and specialty establishments;

(i) Veterinarian and animal clinics or hospital service establishment.

Additionally, the applicant seeks approval for the following C-3 Neighborhood Commercial District uses identified in Appendix A, Article IV, Section 3A.(3) of the Hernando County Code of Ordinances:

(c) Business, professional, and non-profit organization offices to allow for financial institutions with a drive thru and medical/dental office establishments.

Access is contemplated from Commercial Way (US 19) and Pinehurst Drive. We are proposing one FULL access and one right-in/right-out access drive on US 19. We are proposing one $\frac{3}{4}$ access drive on Pinehurst drive (Right-in/right-out and left-in only). The access on Pinehurst has been located towards the southern portion of our 11-acre development site, across from the existing commercial properties to minimize the impact to the residential properties along Pinehurst Drive.

The proposed development on the Subject Property is consistent with the Hernando County 2040 Comprehensive Plan because it is a commercial use that is located in a functional node that conveniently serves the supporting population without compromising the integrity of residential areas and it is infill along the preexisting strip of commercial development along US 19.

Strategy 1.04G(1) of the Comprehensive Plan contemplates commercial uses “primarily for locations at major intersections and along major corridors where service to local and regional markets are enhanced by transportation patterns.” New commercial development on the Subject Property is appropriate infill development because of the existing commercial uses surrounding the Subject Property.

Further, Strategy 1.04G(2) of the Comprehensive Plan seeks to develop commercial nodes while protecting residential areas by locating such development at intersections of roads having collector status or greater, are located near existing commercial development, and is generally less than 100 acres in size. The Subject Property meets all of these requirements and provides open space to protect the integrity of nearby residential areas. Further, the proposed commercial development for the Subject Property accommodates the extension of Hernando County’s frontage road network pursuant to Strategy 1.04G(4).

Lastly, Strategy 1.04G(8) of the Comprehensive Plan promotes commercial strip development along US 19 and infill of unmapped commercial areas when located on an arterial or collector road with frontage road or cross access, be located near other commercial uses, be no deeper than other preexisting commercial uses, manages traffic impacts, complies with environmental and site plan requirements, and is compatible with adjacent and surrounding land uses. The proposed

development for the Subject Property, with its additional open space to the north and its limited access onto Pinehurst Drive, meets these requirements in the Comprehensive Plan.

Because this application for the Subject Property meets the requirements of the Comprehensive Plan set forth above, including protecting the integrity of adjacent residential areas through the open areas and buffering, being compatible with the surrounding commercial uses along the US 19 commercial corridor, and directing traffic towards the south end of the Subject Property adjacent to preexisting commercial uses, this application should be approved.

Site and Environmental Characteristics:

The entire 11-acre property is located within Flood Zone X with a small portion of the site designated as AE. Drainage will be properly designed and permitted and will flow to approved drainage retention areas. There are no existing wetlands or water features within the subject property.

There are no endangered species or protected species within the subject property.

Site Plan and Setback Variation Requests:

The overall site plan will be comprised of approximately 11-acres. The site will be developed with up to 5 commercial parcels and one open space parcel. The total commercial space will not exceed 24,000 square feet. An open space conservation area of approximately 2 acres has been strategically located on the northern portion of the site plan to provide a substantial landscaped buffer area adjacent to the residential properties immediately abutting the subject property to further reduce the impact from the commercial development.

Our conceptual site plan will provide for a possible future frontage road connection to facilitate future connection to the existing frontage road north of our property (currently that connection is not possible due to the configuration of the property located immediately north of our property).

A building setback variation is requested along US 19 to reduce the required setback from 125 feet to 50 feet as delineated on Exhibit A, the Site Plan.

Deviation from the required Landscape buffers may be necessary in some isolated areas as delineated on Exhibit A, the Site plan.

This 11-acre development will be subdivided via a plat of subdivision to create separate parcels for each tenant. These parcels will establish separate tax parcels for the convenience of the tenants. The parcels and internal property lines created by the plat are for the convenience of the tenants and may require variances to setbacks and/or landscape buffers for interior property lines (refer to the attached Exhibit A - The Site Plan).

Parking shall comply with the zoning ordinance as delineated on Exhibit A - The Site Plan.

Water and Sewer Services

Stormwater and drainage will be provided in accordance with the requirements of Hernando County and the Southwest Florida Water Management District ("SWFWMD"). The detention pond shall be located within the proposed Open Space - Conservation Area located on the northern portion of the Subject Property.

Hernando County Utilities has existing water and sewer in place, and to the property. These utilities will be extended to each individual tenant parcel. There is an existing 12" water main along the west property line (along US 19) and an existing 8" water main along the east property line (along Pinehurst Drive). There is an existing 10" forced sanitary sewer main along the eastern property line.

Public Facilities

This application meets the concurrency requirements of Section 163.3180 of the Florida Statutes that the level of service for public facilities can be reasonably met.

Fire protection for the area that is the subject of this application would be provided by Hernando County Fire and Emergency Services and police protection would be provided by the Hernando County Sheriff's Office. The Hernando County Landfill is also currently operating at an acceptable level of service.

Although the requirement to provide and maintain a park arises only in the development of residential communities with more than fifty dwelling units, the applicant is prepared to dedicate the open space in this commercial development to Hernando County for use as a public park in accordance with the Recreation and Open Space Element of the Comprehensive Plan. If such open space is not accepted by Hernando County for such public use, it would remain open space as a natural buffer with the adjacent residential areas.

Traffic Impact

A traffic study is being updated for this proposed development but has not yet been completed. Traffic Improvements related to this development will be coordinated with the Florida Department of Transportation ("FDOT") and Hernando County in accordance with the final traffic study recommendations. The existing roadway network is capable of accommodating this proposed development. Per our preliminary discussions with FDOT, the offsite road improvements are expected to include the following:

- a. A northbound right turn deceleration lane at the right-in/right-out drive access on Route 19.
- b. A southbound left turn lane at the full access entry drive on Route 19.
- c. A right-in/right-out access drive from US 19 into the subject property.
- d. A full access entry drive from US 19 into the subject property.
- e. A $\frac{3}{4}$ entry drive from Pinehurst Drive into the subject property (right-in/right-out and a left-in access drive). There would be no left-out at this entry drive to minimize commercial traffic

into the residential area to the north and east. This drive will be located across from the existing commercial zoned property on Pinehurst Drive.

f. Provision has been made to provide a future connection (thru the open space parcel) to the existing frontage road to the north should this opportunity become available.

Signage:

Each parcel shall be entitled to one freestanding sign along US 19. The corner parcel at US 19 and Spring Hill Drive shall be entitled to 2 freestanding signs, one on US 19 and one fronting Spring Hill Drive. The drive-thru restaurant parcels shall also be entitled to their standard directional signs, order and menu signs, etc... The overall development shall be entitled to one (1) multi-tenant sign as indicated on Exhibit A – The Site Plan.

Conclusion:

The proposed commercial development is consistent with the Comprehensive Plan and compatible with the surrounding land uses.

The proposed development will not be adverse to the public. The site configuration, landscape buffers, and the design of access points to the proposed development mitigate any adverse impact to adjacent residential uses.

We request approval of this rezoning request to PDP(GC) to allow C-1 uses and the specific C-2 and C-3 uses identified above. We also request approval of the necessary variances required to allow the development as shown on Exhibit A—The Site Plan and as outlined above.