

PLANNING & ZONING COMMISSION  
HERNANDO COUNTY, FLORIDA

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PROCEEDINGS: Public Hearing Re: Rezoning  
Petition of Meridien Development  
LLC, Mark Keschl - H2482

DATE: June 9, 2025

PLACE: Hernando County Courthouse  
20 North Main Street  
Brooksville, Florida

TRANSCRIBED BY:  
CARLA GAIL DONATO  
Court Reporter

BOARD MEMBERS:  
KATHRYN BIRREN, Chairwoman  
AXL DAVID, Vice Chairman  
NICHOLAS HOLMES  
JUSTIN NOE  
MIKE FULFORD, Alternate

**JOY HAYES COURT REPORTING**

**407 Courthouse Square**

**Inverness, Florida 34450**

**(352) 726-4451**

*Joy Hayes Court Reporting*  
*(352) 726-4451*

## STAFF:

VICTORIA ANDERSON, ESQUIRE  
Assistant County Attorney

OMAR DEPABLO  
Development Services Director

MICHELLE MILLER, Planner III

SCOTT HERRING  
Public Works Director/County  
Engineer

## P R O C E E D I N G S

CHAIRWOMAN BIRREN: All right. As I said before, if you guys could just check your cell phones. Just make sure they're all off. It's good to see everyone in here this morning.

Just to give you guys just a quick idea of what's going to happen today, each of our people that are going to come forward, our petitioners for each item, the item's going to be announced. The petitioner is then going to come forward. That's the person that's actually trying to get their zoning changed.

Once that explanation is done there's going to be some back and forth and then we're going to open it up to public comment. At that time if you are here to speak for or against the item, I will call you forward. You can line up in the center aisle. It makes things go a lot faster. You will get three minutes.

During that three minutes you're going to see the lights change. There's a little box up there. When you see it go to yellow, they

1           have -- is it 30 seconds?

2           BOARD MEMBER DAVID:   Yeah.

3           CHAIRWOMAN BIRREN:   Thirty seconds left.  
4           That gives you kind of a warning.  Once the  
5           bell goes off, if you guys can just finish up  
6           your sentence and allow the next person to  
7           speak.

8           All right.  Let's get started.  The first  
9           thing we're going to do is poll the  
10          commission for ex parte communications.  I'm  
11          going to start with my left.  Please  
12          introduce yourself and say whether or not  
13          you've had ex parte.

14          BOARD MEMBER NOE:   Good morning.  My name  
15          is Justin Noe and I have had ex parte.

16          BOARD MEMBER HOLMES:  Good morning.  My  
17          name is Nick Holmes and, yes, I've had ex  
18          parte communication.

19          CHAIRWOMAN BIRREN:   Good morning.  My  
20          name is Kathryn Birren and, no, I have not  
21          had ex parte communication.

22          BOARD MEMBER DAVID:   Good morning.  I'm  
23          Axl David.  I have had ex parte.

24          BOARD MEMBER FULFORD:  Happy Monday.  
25          Mike Fulford, no ex parte.

1           CHAIRWOMAN BIRREN: All right. Since we  
2           have had ex parte communication we're going  
3           to go to the Assistant County Attorney  
4           Victoria Anderson.

5           MS. ANDERSON: Good morning. Victoria  
6           Anderson, Assistant County Attorney. And  
7           this is just a reminder that the matters  
8           before the board are quasi-judicial in  
9           nature, which means that any ex parte  
10          communication you've had, that you may not  
11          consider that. Only the evidence that's  
12          presented here before you that's testimony,  
13          physical evidence, may you consider when  
14          considering each individual application.

15          CHAIRWOMAN BIRREN: All right. Thank you  
16          very much.

17          All right. Now we're going to go to  
18          administering the oath. Okay. So today if  
19          you even think you might come forward and  
20          speak for or against an item, we're going to  
21          need you to stand up, raise your right hand,  
22          and they're going to administer you the oath.  
23          If you have not taken the oath and you wish  
24          to come forward, you're going to need to let  
25          us know when you come forward.

1           THE CLERK: Do you solemnly swear that  
2           the testimony you're about to give is the  
3           truth, the whole truth, and nothing but the  
4           truth?

5           THE WITNESSES: (Indicating  
6           affirmatively.)

7           THE CLERK: When approaching the podium,  
8           please state your name for the record,  
9           clearly spelling your last name and indicate  
10          that you have been administered the oath.  
11          Thank you.

12          CHAIRWOMAN BIRREN: All right. Thank you  
13          very much. All right.

14                   \* \* \* \* \*

15          CHAIRWOMAN BIRREN: All right. When you  
16          are ready, we'll move on to the next item.

17          MS. MILLER: Give me one moment, Madam  
18          Chair.

19          CHAIRWOMAN BIRREN: That's all right.  
20          You're good. You want to take it off of the  
21          overhead -- I mean, off of the --

22          MS. MILLER: Oh, yes. IT please switch  
23          back to overhead. Thank you.

24          Madam Chair, members of the board, I'd  
25          like to ask for your direction on how much

1 detail you would like me to go into as part  
2 of my intro for this project. The petitioner  
3 does have a presentation. And this has been  
4 in front of you and the board previously with  
5 a much higher commercial intensity.

6 Would you like me to go through the  
7 highlights of the proposal and staff  
8 recommendation, similar to what I've done  
9 with other projects or would you like the  
10 petitioner to present their presentation  
11 first?

12 CHAIRWOMAN BIRREN: No, I would just go  
13 through some quick highlights as to what this  
14 is and let them come forward and let them  
15 explain.

16 MS. MILLER: Okay. So this subject  
17 parcel is privately owned, currently is zoned  
18 Planned Development Project (Special Use) to  
19 serve as a landscape buffer for the Spring  
20 Hill community. The request is a rezoning to  
21 Planned Development Project (General  
22 Commercial) with a specific C-2 use for a  
23 drive-in restaurant with deviations to  
24 develop the 11-acre parcel -- 11-acre parcel  
25 commercially.

1           The subject site was part of the  
2           original Spring Hill master plan and now it  
3           is currently privately owned and the  
4           petitioner is looking to develop the site.

5           So currently the petitioner is looking  
6           to develop a five-lot commercial subdivision  
7           for various commercial uses, to include  
8           retail, restaurants, financial institutions,  
9           medical and dental offices, business  
10          professional and non-profit organizations,  
11          including financial institutions and  
12          medical/dental offices.

13          There is a separate parcel to the north  
14          end of the development that will be created  
15          for open space to create a buffer for  
16          comparability with the residential use,  
17          including a conservation area.

18          I did want to bring to the board's  
19          attention the primary -- so the deviations  
20          that are being requested by the petitioner  
21          include the frontage road waiver, setback  
22          deviations, and a signage deviation. I will  
23          allow the petitioner to go into details of  
24          that request.

25          The traffic analysis, we did have the

1           petitioner do it early at the initial  
2           submittal of this application. It is  
3           currently being reviewed by the County  
4           Engineer and the Department of Public Works,  
5           but you will see that we do have some  
6           comments from public works related to the  
7           driveway access configurations, the  
8           requirement of a frontage road with a  
9           connection to the Suncoast Credit Union  
10          parcel, as well as the requirement to  
11          coordinate with the County Engineer on the  
12          application of a road safety audit that was  
13          completed for Spring Hill Drive from US 19 to  
14          east of Kenlake Road.

15                 With that, I will turn it over to the  
16          petitioner to go over the details of their  
17          request and if I need to add anything or  
18          provide clarification, I'll be glad to do so  
19          as well.

20                 CHAIRWOMAN BIRREN: Okay. Thank you. I  
21          want to state something. I pulled out on  
22          Thursday. I was sitting at the light at  
23          Spring Hill Drive and 19 and I observed a  
24          recreational vehicle putting signs up for  
25          this meeting.

1           And my concern is that Thursday was the  
2           first day that the signs were put out. I'm  
3           not saying it was, but that's what I  
4           personally observed and it was a concern that  
5           I had. I wanted to bring that forward.

6           BOARD MEMBER HOLMES: Putting out the  
7           official --

8           CHAIRWOMAN BIRREN: The official yellow  
9           planning and zoning sign. I happened to be  
10          sitting at the light when it was being put  
11          out. So I was concerned that that -- that  
12          that, you know, the community hasn't had  
13          proper notice. I did actually try to get a  
14          hold of you guys to let you know that that  
15          was a concern.

16          MS. MILLER: And I can take a look and  
17          see what date. We actually have all of the  
18          advertising documents noted as received in  
19          our file if you'd like me to look at that.

20          CHAIRWOMAN BIRREN: Okay. Do they --  
21          do they take pictures showing that it's done?

22          MS. MILLER: Yes, ma'am.

23          CHAIRWOMAN BIRREN: Okay. So maybe it  
24          was being replaced or --

25          BOARD MEMBER HOLMES: I feel like I've

1           seen one that was like down towards the end  
2           of their property for --

3           CHAIRWOMAN BIRREN: I mean, it could have  
4           been pulled out. I just would like somebody  
5           to state that that was the case. That's all.

6           MS. MILLER: I'm looking right now, so  
7           hold on one moment.

8           MR. BENDA: I mean, I can maybe save  
9           y'all some time. Kyle Benda, Benda Law, --

10          CHAIRWOMAN BIRREN: Okay.

11          MR. BENDA: -- representing the  
12          applicant. I'm the person who physically  
13          posted the signs and I posted it the day  
14          before the 10-day period, so it was that  
15          Thursday -- I guess it was 11 days.

16          MS. MILLER: The 29th.

17          MR. BENDA: Yes.

18          MS. MILLER: The 29th is what Danielle  
19          has confirmed.

20          MR. BENDA: Yes.

21          CHAIRWOMAN BIRREN: Okay.

22          MR. BENDA: So I'm the one who posted. I  
23          signed the affidavit submitted to the County.  
24          I took the pictures. I posted the signs.

25          CHAIRWOMAN BIRREN: All right. That

1           alleviates my concern. Maybe somebody pulled  
2           it down because they were mad or somebody ran  
3           it over and they were just replacing, but I  
4           just wanted to hear that.

5           MS. MILLER: IT please switch over to the  
6           computer mode. Thank you.

7           MR. CONROY: My name is Jim Conroy. I'm  
8           one of the partners of this crew that we  
9           currently have this property under a purchase  
10          contract.

11          With me today are also the other  
12          partners, Geoff Kerth. Also, Mark Keschl and  
13          Pat Tupa. We've also got a few --

14          MR. DEPABLO: You got to tell them you're  
15          sworn in.

16          MR. CONROY: Oh, I am sworn in.

17          CHAIRWOMAN BIRREN: Yes.

18          MR. CONROY: I stood up six hours ago,  
19          whenever it was. But so -- and I think we  
20          all did, just in case you have questions for  
21          any of us.

22          CHAIRWOMAN BIRREN: Each person does need  
23          to state their name, spell their last name,  
24          say whether they've been sworn.

25          MR. CONROY: Jim Conroy, C-o-n-r-o-y, and

1 I've been sworn in.

2 CHAIRWOMAN BIRREN: And do you want to --  
3 since you're going to speak?

4 MR. KERTH: Geoff Kerth, K-e-r-t-h, and I  
5 have been sworn in.

6 CHAIRWOMAN BIRREN: Okay. Perfect.

7 MR. CONROY: I'll do most of the talking,  
8 but technology doesn't like me, so I trust  
9 Geoff to hit the right slides when we need  
10 them.

11 MR. DEPABLO: If Geoff does talk, just  
12 make sure your microphone's -- because you're  
13 facing -- make sure you guys move back and  
14 forth so they can hear you.

15 MR. CONROY: Yeah. With us today also is  
16 a few of our consultants. We don't know if  
17 we'll need them, but we wanted them here just  
18 in case you had specific questions.

19 Specifically, Max, who wrote the land  
20 planner evaluation for this site. We've also  
21 got Kyle Bohler Engineering. So if there's a  
22 specific stormwater question or something  
23 like that, he can respond to that.

24 Some of the other consultants we did not  
25 bring. Naylor Environmental, she did do the

1 environmental for the endangered species as  
2 well as a wetlands study. We just got the  
3 wetlands delineated and put on the survey  
4 today so she'll be finishing that report and  
5 submitting it in the next week or so.

6 We thought the best thing is to flash  
7 through the slides. Some of them I won't  
8 take a lot of time on. Some of them I will.  
9 So you see what slides we have available to  
10 look at and ask questions.

11 Go to the next one I think. This shows  
12 where the site is located in the blue, and  
13 you can see we're on two major corridors.  
14 Spring Hill and Commercial Way are both  
15 commercial corridors. Up and down,  
16 everything from Walmart, you know, the large  
17 boxes to the small retail, to the QSRs. Our  
18 site basically has commercial to the north,  
19 commercial to the west, commercial to the  
20 south, and on the east side, which is  
21 Pinehurst, we have part commercial to the far  
22 south end of Pinehurst by Spring Hill, and  
23 then the rest is adjacent to the residential  
24 community.

25 As far as looking at -- looking at our

1 site, I'm going to quickly summarize some of  
2 Max's issues. He had a list there that  
3 was -- there. And this is our land planner  
4 took a look, went through, evaluated what the  
5 criteria needed to be to see that we were  
6 appropriately positioned; this site is  
7 appropriately positioned for commercial  
8 development. And some of the things that  
9 were key was it's an infill site, which means  
10 it relies heavily on the infrastructure  
11 that's already existing, that's already  
12 accommodating the commercial traffic and  
13 things like that as opposed to a brand new  
14 commercial area.

15 In addition, it's consistent with the  
16 Comprehensive Plan. It's compatible with the  
17 adjacent development since it's basically  
18 surrounded on three and a half sides or 3.25  
19 sides of commercial. And there's an  
20 efficiency to using the existing  
21 infrastructure that's existing on Commercial  
22 Way and Spring Hill and Pinehurst.

23 In addition, we're only requesting a few  
24 minor variances and some of those variances  
25 are specific to help us accommodate the

1 development and try to minimize the impact to  
2 the residential community.

3 Go to the site plan. And we can expound  
4 on this with our experts if needed, but we're  
5 trying to keep it at 30,000 feet. What's the  
6 next site? Keep going. One more. That's  
7 the one.

8 That's the site that is our overall site  
9 plan that I wanted to focus on the elements  
10 of the overall site plan. On this site we're  
11 proposing five commercial parcels. The sixth  
12 parcel will be the detention pond. That  
13 detention pond is obviously going to deal  
14 with our detention area. It's also going to  
15 deal with some buffer areas to the sites that  
16 I feel are probably most substantially  
17 impacted; the sites, the residential  
18 properties, that actually back right up and  
19 share a property line with our development.

20 And that's the area -- I don't know if I  
21 can --

22 MR. KERTH: Do you need the pointer?

23 MR. CONROY: I got one but -- I don't  
24 know if it will show. It's not showing.  
25 But that's the area up on the northeast

1 corner of our site. Yeah, use the cursor  
2 right there. And those residential units  
3 there back up to our site, so we're looking  
4 at a 35-foot buffer there. And actually to  
5 try to improve that buffer, if you've been  
6 out to the site, there's a lot of trees out  
7 there now.

8 We're hoping that we can minimize the  
9 grade change in that buffer area to at least  
10 retain some of the existing trees immediately  
11 adjacent to the rear yards of those  
12 residential properties.

13 But we have five out-lots. We have the  
14 sixth out-lot for the detention pond. The  
15 five out-lots will consist of a quick serve  
16 restaurant, multiple quick serve restaurants.  
17 One's a national hamburger chain, one's a  
18 national chicken chain, one is a national  
19 coffee shop, all with drive-throughs, all who  
20 meet the criteria as far as parking  
21 requirements and things like that.

22 The nice thing about using the national  
23 tenants is they require us to have all the  
24 other tenants meet those higher parking  
25 requirements and such because they don't want

1 people cross-shopping and cross-parking on  
2 their parcels, even though we have that  
3 option. Their codes end up -- or their  
4 requirements end up more strict than the  
5 codes, typically.

6 Our access points, we have two access  
7 points on State Route 19. The first one  
8 there is a full access, and that's going to  
9 have, you know, a full access. It'll have a  
10 southbound left turn lane in. We've already  
11 talked to FDOT and they agree with the  
12 spacing preliminarily.

13 MR. KERTH: Oops, sorry.

14 MR. CONROY: The one thing you had to do.

15 MR. KERTH: I know.

16 MR. CONROY: And they agree with the  
17 spacing. The other access point is to the  
18 south and that has a right turn deceleration  
19 lane for northbound traffic so they can get  
20 out of the way of traffic on Commercial Way.  
21 And it's just a right in, right out. It's a  
22 limited access point.

23 The third access point is on Pinehurst.  
24 And I know we took a look at the prior  
25 development, and the prior development had

1 two access points on Pinehurst and they were  
2 located, I believe, further north. And our  
3 access point, we've pulled further south to  
4 get away from the residential and to align  
5 with the driveway coming out of the  
6 commercial office building directly across  
7 the street. So our access point is not in  
8 the residential area, it's in the commercial  
9 area.

10 Potentially the fourth access point is  
11 to the north. And I don't know if a lot of  
12 you have been out to the site, but directly  
13 north of here is where Suncoast Credit Union  
14 is located. And there's a potential  
15 connection -- just keep it on that site.

16 MR. KERTH: Here's the Suncoast.

17 MR. CONROY: Yeah, there's the Suncoast,  
18 yeah. And there's a potential connection for  
19 us to connect to the frontage road that  
20 exists to the north of us. And it extends  
21 down to Suncoast and it stops about 100, 120  
22 feet short of our north property line for  
23 whatever reason.

24 I understand that previously this was  
25 zoned residential so maybe they didn't feel

1           the need to extend that. But for whatever  
2           reason, they stopped it short by about 100,  
3           120 feet. So we have the ability to extend  
4           our road to our north property line, but it's  
5           a little problematic, a little challenging,  
6           to try to connect to that north frontage  
7           road.

8           And the reason is they -- when they  
9           developed the Suncoast it appeared where they  
10          put their detention pond in that they  
11          disrupted some floodplain area. They then  
12          shifted that floodplain area -- compensatory  
13          storage I'm assuming -- directly south of  
14          where that access drive ends. So to extend  
15          that from where it is today through that  
16          hundred feet we would have to again displace  
17          that floodplain area.

18          Yeah, you probably got a good view of  
19          just that. And that's problematic for a  
20          couple reasons. First of all, physically  
21          it's very difficult to do, the grades.  
22          Secondly, the cost of it if we try to bridge  
23          it or we have to somehow find a place for our  
24          compensatory storage.

25          Probably that one.

1           This shows a view looking south towards  
2           our site and that's the little dished area  
3           that they created for their compensatory  
4           storage. It's not -- it's not detention.  
5           It's compensatory storage for the flood  
6           plain. So that's the area we would have to  
7           go through and either make up that volume of  
8           water on our site, which would increase the  
9           footprint of our detention pond, or we would  
10          have to span over that area.

11          So from a physical and a cost standpoint  
12          and a legal standpoint, there's some question  
13          as to legally if we were to connect in there  
14          do we need the plat revised. And if so, that  
15          would require signatures from all sorts of  
16          people who are completely outside our  
17          control. So that's an area that is a little  
18          bit fuzzy.

19          But we wanted to state today that we are  
20          more than willing to extend our road up to  
21          that north property line. And then we still  
22          need a little bit more investigation as far  
23          as what to do with that little spot. It's  
24          about 100 foot by about 50 feet across, maybe  
25          60 feet across.

1           That explains the access points. The  
2           minor variations that we're looking at, the  
3           required setback along State Route 19 is 125  
4           feet. We're requesting it to be 50 feet.  
5           Part of the reason for that is it kind of  
6           lines up with the rest of the development  
7           that's north and south, but the other reason  
8           is to push those buildings to the street, put  
9           the parking behind the buildings, and  
10          actually push those buildings and the  
11          drive-throughs further away from that  
12          residential community.

13           The other area is -- with your cursor --  
14          along Pinehurst --

15           MR. KERTH: Which one?

16           MR. CONROY: Go back to the one you were  
17          just on.

18           MR. KERTH: I'm sorry.

19           MR. CONROY: Yeah, that one.

20           Along Pinehurst there's an area of the  
21          site where our frontage road goes down right  
22          where the word Pinehurst is, and it pitches  
23          the site a little bit and so instead of a  
24          35-foot setback there we're looking at a  
25          5-foot setback for the landscape buffer. And

1           then we would also incorporate a fence to  
2           make sure that we meet the visual opacity  
3           requirement.

4           Do you have the comparison for the two  
5           parcels?

6           I know that this was previously brought  
7           up in front of this -- I don't know if it was  
8           this particular planning and zoning group,  
9           but in front of Planning and Zoning and also  
10          in front of the BOCC. They were approved at  
11          P and Z, but they were not approved at the  
12          BOCC. And so we just thought it might be  
13          worthwhile for a minute just to flip through  
14          the comparison so you can see what was  
15          previously proposed by Brighthouse. I think  
16          it was a couple years ago.

17          MR. KERTH: 2021.

18          MR. CONROY: Was it? I knew -- I saw  
19          some 2021 and 2022 dates.

20          As far as a comparison, it's very quick,  
21          easy. They were proposing six or seven  
22          out-lots, depending on which plan you looked  
23          at. We're proposing five. They were  
24          proposing a Wawa gas station which is highly  
25          intensive and such. No gas is what we're

1           proposing on our site.

2           Their total square footage for their  
3           buildings was about 65,000 square feet, up to  
4           65,000 square feet. Ours is up to 22,000  
5           square feet, about a third as much  
6           developable entitlements. And they had, like  
7           I said earlier, two access drives on  
8           Pinehurst. We've got the one access drive.  
9           You see them side by side. Ours is on the  
10          left, theirs is on the right. And they'd  
11          have difficulty even building that plan just  
12          because from a stormwater standpoint, I just  
13          don't know how they would get enough  
14          stormwater volume on that the way they show  
15          it.

16          I did want to touch -- we did have a  
17          neighborhood meeting. It was ironic it was  
18          held on April 1, it was April Fool's Day, but  
19          we got some good feedback. There was a  
20          little bit of resentment. Obviously, I think  
21          on a lot of these projects when they're in  
22          somebody's back yard you get some resentment.  
23          But I did want to highlight a few things that  
24          came out of that discussion that I thought  
25          was worthwhile. One of them being is -- and

1           when we visited the site as well, if you go  
2           up and down Pinehurst -- can you can go back  
3           to the site plan maybe?

4           MR. KERTH:   Give me a second.

5           MR. CONROY:   If you go back to Pinehurst,  
6           we notice there's no sidewalk.

7           CHAIRWOMAN BIRREN:   Let me just interrupt  
8           you for just a second.

9           MR. CONROY:   Yep.

10          CHAIRWOMAN BIRREN:   You're over your 15  
11          minutes so just try to wrap it up.

12          MR. CONROY:   Okay.   I'm close.

13          CHAIRWOMAN BIRREN:   Okay.

14          MR. CONROY:   Out of that neighborhood  
15          meeting, so we added the sidewalk on  
16          Pinehurst because we wanted people to be able  
17          to get out of the street and be -- from a  
18          safety standpoint.   We also looked to  
19          incorporate the fence along that area because  
20          people were worried, their side yards -- if  
21          you look across the street on Pinehurst, most  
22          of those houses are oriented so their side of  
23          their house is facing our development.   So  
24          there's not a lot of windows.   Some have two  
25          windows, some have three looked like bedroom

1 windows, and we felt that the fence there is  
2 going to give a little bit more privacy.

3 And the other one was several people  
4 talked about trying to salvage some existing  
5 trees along Spring Hill, which we looked at a  
6 portion of that buffer area. It's hard to  
7 salvage trees if you realize when you got to  
8 raise the grades because the groundwater  
9 level is anywhere from zero to two feet below  
10 existing grade, it -- once you raise the  
11 grades, you can't save those trees.

12 But along the area along Spring Hill and  
13 along the area of the residential that backs  
14 up to our development, I think we can salvage  
15 some of those existing trees to really keep  
16 the character and also keep that more solid  
17 blocked buffer for those houses that back up  
18 to our site.

19 In conclusion, I just want to really  
20 quickly say we've reduced the intensity  
21 compared to the prior developer. We're  
22 consistent with the Comp Plan. This is an  
23 infill development site which is, I think,  
24 what most communities are searching for right  
25 now.

1           And I think that's pretty much it. We're  
2           available for questions either to myself or  
3           any of our partners or any of our  
4           consultants.

5           CHAIRWOMAN BIRREN: All right. Anybody  
6           have any questions for the petitioner?

7           BOARD MEMBER HOLMES: Yeah, I do.

8           CHAIRWOMAN BIRREN: Okay.

9           BOARD MEMBER HOLMES: Yeah. Thank you  
10          for the presentation. I think it's pretty  
11          comprehensive as to what you actually are  
12          asking for.

13          My question would be the necessity of the  
14          actual exit onto Pinehurst at all. I know  
15          you guys have the, you know, other option  
16          going north on that. If you truly need the  
17          exits in there, I don't know about the rest  
18          of the board, but I would personally feel  
19          that that would be a better option than  
20          exiting onto Pinehurst, which is already kind  
21          of a partially residential street. And that  
22          section is commercial, but you're entering  
23          right into the intersection that tends to be  
24          a problem anyway.

25          So, I mean, I've lived in this county

1           for 25 years. I've never truly had a huge  
2           issue at that intersection with more than  
3           maybe one cycle of light, but still adding in  
4           the traffic that you're talking about coming  
5           from, you know, a potential Wendy's and a  
6           Chick-fil-A, that's a -- that's something  
7           that brings a lot of people, right?

8                       So is there a true need to actually exit  
9           onto Pinehurst? And if possible, would we be  
10          able to reroute that anywhere else?

11                     MR. CONROY: We feel there's a true need  
12          from a tenant standpoint. When we've talked  
13          to some of our tenants -- again, a  
14          quick-serve restaurant, they want people to  
15          be able to get in, get out quickly and they  
16          prefer multiple access points. I think your  
17          earlier presentation talked about having  
18          multiple access points for various reasons.  
19          And one of the reasons is to really give  
20          people multiple different choices as to way  
21          to go.

22                     BOARD MEMBER HOLMES: I suppose my other  
23          question to that would --

24                     MR. CONROY: You mentioned -- you had  
25          mentioned going up to the north.

1 BOARD MEMBER HOLMES: Uh-huh.

2 MR. CONROY: That's a potential  
3 connection.

4 BOARD MEMBER HOLMES: Right.

5 MR. CONROY: It's just really got some  
6 high hurdles to clear to try get that  
7 connected.

8 BOARD MEMBER HOLMES: Well, I -- my  
9 other question to that would be then is there  
10 any -- I assume probably falls back a little  
11 bit more to the lay of the land and how  
12 everything is actually formed currently --  
13 but, I mean, couldn't we put the -- or  
14 retention area closer to that intersection  
15 and shift all of your project further north?

16 MR. CONROY: That is a great question.  
17 I asked our engineer exactly that question.  
18 I said, could I put that detention pond all  
19 the way down to lot one at the bottom to the  
20 far south, and there's an issue with that.  
21 Partly that's where Suncoast's detention pond  
22 is, too. Partly that's the way the land  
23 flows.

24 We looked in the middle of the site even  
25 and the problem there is the groundwater is

1 right at the existing grade. So for you to  
2 put a wet bottom detention pond, which is  
3 what we're going with, so it's a little bit  
4 of an amenity as opposed to just, you know,  
5 grassy area -- for you to go with that wet  
6 bottom detention pond you have to get your  
7 site high enough to avoid that groundwater.

8 The other issue to note is Pinehurst,  
9 that access is a three-quarter access. It's  
10 a right in, right out, and it's a left in.  
11 There's no left out. So people aren't going  
12 to leave our site to cut through that  
13 neighborhood. Plus, I don't think that's the  
14 quickest cut-through anyway.

15 BOARD MEMBER HOLMES: That's not the  
16 direction I was worried about.

17 MR. CONROY: You were worried about  
18 backing up and --

19 (Simultaneous cross-talk.)

20 BOARD MEMBER HOLMES: -- that  
21 intersection.

22 MR. CONROY: Yeah.

23 BOARD MEMBER HOLMES: Okay. Perfect.

24 MR. CONROY: Yeah.

25 CHAIRWOMAN BIRREN: Okay. I'm going to

1 go next. I'm real concerned about that  
2 Pinehurst area and the exit onto there. Is  
3 there a way that you could do a third exit  
4 out onto 19 to try to mitigate some of that  
5 traffic? Because we know Chick-fil-A is one  
6 of the proposed businesses and they are very  
7 busy.

8 And I would agree that that road, it's  
9 going to put a lot of strain on that corner  
10 and everything piling up. I mean, I don't  
11 think the people that, you know, have these  
12 restaurants are going to want all the traffic  
13 coming out and then stopping. I think you  
14 could definitely have that. That right lane  
15 on -- that road is always backed up. Doesn't  
16 take long to go through, but I think that  
17 would potentially become a big problem and  
18 there's a lot of accidents there, too, like a  
19 lot. A lot.

20 MR. CONROY: I can say that the FDOT has  
21 spacing requirements. I think it's 660 feet  
22 on this road with this speed limit, and our  
23 exits are spaced at about that, 660 feet.

24 And it's hard to get yet another space  
25 for FDOT. We had a pre-meeting with them and

1 Chik-Fil-A and they looked at these two  
2 access points. They were not looking at any  
3 more. They're pretty restrictive.

4 I do agree that it can back up there at  
5 the Spring Hill and Pinehurst intersection.  
6 I think traffic you'll find -- most of the  
7 traffic finds its way and they're going to  
8 very quickly realize that's not the quickest  
9 way out of that area. The quickest way out  
10 it going to be either a right in, right out,  
11 or at that full access point.

12 The full access, the problem with that,  
13 the challenge with that, is when it's busy,  
14 it's going to be hard to make a left turn out  
15 of that. So what a lot of people will do,  
16 especially here in Florida, they're going to  
17 turn right. They're going to go up a little  
18 ways and hang a U-turn if they want to go  
19 south.

20 If they want to go north, I don't think  
21 it's a problem. The people heading north  
22 from our site, they won't exit through  
23 Pinehurst because they don't want to have to  
24 go down and around and through that traffic.  
25 They're going to go right at one of those two

1 intersections and access points on State  
2 Route 19 and they're going to go straight  
3 north. A right out is a pretty easy maneuver  
4 to make.

5 CHAIRWOMAN BIRREN: I don't think you can  
6 make a left there. I may be wrong, but --

7 MR. CONROY: I think there's some times  
8 of the day you can, but I think during the  
9 peak day, I think it would be difficult.

10 CHAIRWOMAN BIRREN: Okay. I may be  
11 wrong, but I thought there was no cross-over  
12 until you get all the way up to like where  
13 McDonald's is and then you can make a  
14 turnaround there, once you make that right.

15 But I have a big problem with the  
16 Pinehurst exit, too. I think it's going to  
17 cause a lot of backup.

18 Mr. David, you are next.

19 BOARD MEMBER DAVID: Yeah, just one --  
20 couple things to add real quick. One is  
21 there's a dedicated U-turn lane north of here  
22 so that, to me, alleviates some of that  
23 traffic and also the -- the applicant  
24 alleviates the need for that Pinehurst  
25 access. It's just a U-turn only lane. You

1 go north if you're at Trenton, that  
2 McDonald's she's talking about, that's a  
3 U-turn lane that goes south on 19. That's  
4 what most people would probably do.

5 I did have one question, I guess,  
6 separate from all this. Do you remember on  
7 Commercial all along that plot there are  
8 these -- and this is historic -- but these  
9 brick --

10 MR. KERTH: Pillars.

11 MS. MILLER: Yes.

12 MR. CONROY: Yes.

13 BOARD MEMBER DAVID: Monuments.

14 MR. CONROY: Monuments.

15 BOARD MEMBER DAVID: What was intended --  
16 because it looks like it was part of the  
17 fountain originally, it was meant to be --

18 BOARD MEMBER FULFORD: It was part of a  
19 fence. If you look at the 1960s era  
20 pictures, it literally -- the only thing  
21 there was basically that fence. The pillars  
22 were the half a block. You had the fountain  
23 and pine trees behind it before Deltona came  
24 in and built it.

25 MR. CONROY: Yeah. And staff -- the

1           staff report indicated that we would be  
2           required to refurbish and maintain those.  
3           Some of them are pretty beat up so they would  
4           have -- they're going to require some work.  
5           It's not like you can leave them as -- in  
6           their current positions, especially with  
7           regrading out there.

8           BOARD MEMBER DAVID: Yeah. Yeah. And I  
9           appreciate the stuff you've done. I  
10          appreciate you guys are amenable to that  
11          because that, to me, I'm a historic guy so I  
12          think keeping that's going to help the  
13          aesthetics of that.

14          Last question was I was told this was  
15          originally part of the -- in the community  
16          plan it was intended to be just a landscape  
17          buffer. So I assume it was owned by Deltona?  
18          Or what point was it sold? Because I'm  
19          curious, like it was originally meant to be a  
20          buffer, meaning it can't be developed, so why  
21          would somebody buy that?

22          MS. MILLER: So in 1995 the parcel was  
23          sold by the Deltona Corporation to a private  
24          entity. I believe that's probably pretty  
25          consistent with the timeframe of when some of

1           the Spring Hill HOA requirements sunsetted.  
2           And so at that point I can only assume that  
3           the Deltona Corporation felt as though it  
4           wasn't in their favor to maintain this as  
5           part of their ownership.

6           BOARD MEMBER DAVID: Oh, okay. So  
7           somebody bought it. That's all I got.

8           CHAIRWOMAN BIRREN: Okay. Mr. Fulford?

9           BOARD MEMBER FULFORD: Thank you, Madam  
10          Chair. Counsel, please listen to what I'm  
11          going to say next and interrupt me when I say  
12          something when I -- when I should be quiet.  
13          So I have not had any ex parte  
14          communications, but I was the chairman in  
15          2021, 2022 when all this came forward.

16          This is about the third iteration of  
17          development. I think actually Ackley bought  
18          it from Deltona, just in terms of history,  
19          but that's not relevant at this point. The  
20          proposal that I'm seeing is actually more  
21          intense than what was put forward in 2021  
22          because there were only four properties to be  
23          developed. Now, if you would consider the  
24          gas station to be more intense in use, then I  
25          would agree. But there was only four

1 properties in terms of footprint.

2 We got into discussions about times for  
3 the automated ordering systems. And actually  
4 Mr. Benda was the Assistant County Attorney  
5 at that time. But at the end of the day what  
6 caused the application not to be successful  
7 was the traffic ability issues. That is a  
8 super intense intersection.

9 Actually there was a requirement to do a  
10 traffic study, and when that traffic study  
11 went forward to the Board of County  
12 Commissioners, that's why it was denied. And  
13 as far as the Pinehurst access, the  
14 businesses required access because they were  
15 going to bring in their food trucks, supply  
16 trucks, et cetera, through that -- through  
17 that gateway.

18 But I will say that I haven't seen  
19 anything different, other than you've got  
20 more storefronts, if I can use that term,  
21 from the proposal that was put forward 2021,  
22 2022. So, again, stop me when I say more  
23 than I should.

24 MR. CONROY: Once again just -- I believe  
25 on the right side of that screen is a slide

1 from Brighthouse's proposal.

2 MR. KERTH: Which is seven out-lots.

3 MR. CONROY: Yeah. There were two  
4 different site plans I had seen. One showed  
5 six and one showed seven parcels, depending  
6 on which one. But that's all I'm going by is  
7 the record.

8 CHAIRWOMAN BIRREN: Hold on one second.  
9 Ms. Anderson is stopping --

10 MS. ANDERSON: I just want to interject.  
11 I don't think there's a issue with bringing  
12 up historical data. It's making certain that  
13 you separate this individual applicant and  
14 what they are presenting and whether or not,  
15 you know, they're meeting the current Comp  
16 Plan, land development regulations, and  
17 decide based on evidence here today, not  
18 historically, you know, based on rejection of  
19 another applicant.

20 So I don't think it's an issue bringing  
21 up historically why another application was  
22 turned down. However, you still have a duty  
23 and have a right to have their application  
24 considered independently.

25 BOARD MEMBER FULFORD: Absolutely.

1           Absolutely.

2           MS. ANDERSON: I just want to make  
3           certain that we're clear on that.

4           BOARD MEMBER FULFORD: So parting  
5           question to staff. In the Comp Plan what --  
6           this is currently a landscape buffer. What  
7           does the Comp Plan say?

8           MS. MILLER: So the --

9           BOARD MEMBER FULFORD: Thank you, Madam  
10          Chair.

11          MS. MILLER: So it actually has a future  
12          land use designation as rural. However, it  
13          is in close proximity -- I'm sorry, it's  
14          residential. Sorry. But it's in close  
15          proximity to existing commercial parcels and  
16          it can be considered as eligible infill  
17          development of an existing commercial area  
18          based on the commercial strategies in the  
19          Comprehensive Plan.

20          BOARD MEMBER FULFORD: Thank you, ma'am.

21          CHAIRWOMAN BIRREN: Okay. Mr. Holmes?

22          BOARD MEMBER HOLMES: Okay. Couple  
23          things and I can probably hold some of those  
24          back until after we hear from public comment.

25          But -- I'm sorry. Regarding the Comp

1 Plan issue, I think it's crazy for us to  
2 think this is ever going to go ahead and be  
3 residential. I think building residential  
4 houses right next to 19 is -- is not the  
5 smartest decision in the world.

6 Aside from that, didn't -- this is a  
7 question of staff -- didn't the County just  
8 pay to have a whole traffic study done of  
9 that intersection of Spring Hill Drive and  
10 19, when we were talking about the preserving  
11 the waterfall debacle?

12 MS. MILLER: I would have to defer to  
13 Mr. Herring. But I do believe that road  
14 safety audit, Spring Hill Drive from US 19  
15 east of Kenlake that is referenced in the  
16 conditions, is probably that study, but Mr.  
17 Herring probably --

18 BOARD MEMBER HOLMES: Okay.

19 MS. MILLER: - but Mr. Herring can  
20 probably speak more to that.

21 BOARD MEMBER HOLMES: I thought we had  
22 looked at if we ever needed to widen that  
23 area and actually add turn lanes or anything  
24 like that, we first have to go back through  
25 this whole process again, would be kind of

1           crazy. I just didn't know if we actually had  
2           any of that data available and if it would  
3           impact us at all.

4           MS. MILLER: So based on the comments I  
5           received from the Department of Public Works  
6           they didn't reference that study  
7           specifically. I was checking to see if  
8           Mr. Herring was still here.

9           CHAIRWOMAN BIRREN: He's here.

10          MS. MILLER: Oh, there he is.

11          CHAIRWOMAN BIRREN: He's in the back.

12          MS. MILLER: He's trying to run away from  
13          me.

14          BOARD MEMBER HOLMES: Popular guy today.

15          CHAIRWOMAN BIRREN: Thank you, Mr.  
16          Herring.

17          MR. HERRING: Madam Chair, Commissioners,  
18          Scott Herring, Public Works Director, County  
19          Engineer, for the record. We're actually  
20          presenting the results of the road safety  
21          audit to the board at their meeting tomorrow  
22          for their blessing on it, so then at that  
23          point in time the study would be adopted.

24                 And it does include closing the median  
25          crossing there at Pinehurst. Now, whether

1           the board's going to approve that tomorrow,  
2           we'll still have several steps to go through  
3           after that, I can't speak to that. That's  
4           why until we have an approval from the board,  
5           it's still up in the air.

6           BOARD MEMBER HOLMES: Well, that's a --  
7           that's kind of a big deal for me on this one.  
8           I mean, if they vote to adopt that and close  
9           the median crossing or anything, I think  
10          that's a very big impact on whether or not  
11          access out onto Pinehurst is even plausible.

12          MR. CONROY: I will say I know that was  
13          one of staff's conditions as well, and our  
14          only comment to that condition was we just  
15          needed to see what the final approval was. I  
16          thought it was also on the June agenda for  
17          BOCC.

18          CHAIRWOMAN BIRREN: Okay. All right.  
19          Any other questions, then we'll go to public  
20          comment? All right. You guys can take a  
21          seat.

22          MR. CONROY: Okay. Thank you.

23          CHAIRWOMAN BIRREN: All right. We're  
24          going to open it up to public comment. As a  
25          reminder, when you come forward -- I know

1           it's been a long day. I know you're tired.  
2           Let's state your name, spelling your last  
3           name, and then say whether or not you've been  
4           sworn and then you can get your three  
5           minutes. Watch that light up there. It'll  
6           give you a warning on 30 seconds when it  
7           turns yellow.

8           Come on forward. Good afternoon.

9           MS. HEATON: Good afternoon.

10          CHAIRWOMAN BIRREN: Can you grab that  
11          microphone and just pull it straight again?  
12          There you go.

13          MS. HEATON: Can you hear me now?

14          CHAIRWOMAN BIRREN: Yes, I can. Thank  
15          you so much.

16          MS. HEATON: Thank you, Madam Chair. And  
17          my name is Louella Heaton. I have been sworn  
18          in.

19          CHAIRWOMAN BIRREN: Can you spell your  
20          last name for me?

21          MS. HEATON: H-e-a-t-o-n.

22          CHAIRWOMAN BIRREN: All right. Thank  
23          you.

24          MS. HEATON: Okay. And thank you all for  
25          your service for keeping Hernando safe and

1 beautiful.

2 CHAIRWOMAN BIRREN: Thank you.

3 MS. HEATON: I'm with the Pinehurst  
4 Concerned Citizens and I'm just going to read  
5 from the petition that my husband, my  
6 grandson, and I did just on Alderwood Street.  
7 So the big thing is the increase of traffic  
8 to our residential neighborhood. It will  
9 increase traffic. We need speed bumps. I  
10 mean, we need speed bumps now because  
11 Pinehurst is -- we can't walk on Pinehurst.  
12 I mean, it's crazy.

13 Also, we have drainage issues of runoff  
14 onto our neighborhood. It'll add to extra  
15 noise if the buffer's cut down from 19. And  
16 then the lights from the whatever is put  
17 there. And it's definitely going to be a  
18 safety issue to the pedestrians and our  
19 children. We have a lot of children that  
20 live in our neighborhood. So there  
21 absolutely cannot be an entrance or exit on  
22 Pinehurst. We can't even get out from  
23 Pinehurst onto Spring Hill most of the time.

24 Let me see if there's anything -- yeah,  
25 this is not going to be a benefit to our

1 community at all, to our neighborhood. It's  
2 going to lower our quality of life. Thank  
3 you all.

4 CHAIRWOMAN BIRREN: Thank you so much.  
5 Good afternoon.

6 MS. QUIROLO: Good afternoon,  
7 commissioners. My name's DeeVon Quirolo.  
8 I'm here on behalf of the members and  
9 supporters --

10 CHAIRWOMAN BIRREN: Have you been sworn  
11 and can you spell your last name?

12 MS. QUIROLO: Yes, I've been sworn in.

13 CHAIRWOMAN BIRREN: Can you spell your  
14 last name for us, please?

15 MS. QUIROLO: Yes, q-u-i-r-o-l-o.

16 CHAIRWOMAN BIRREN: Thank you so much.

17 MS. QUIROLO: And I speak to you today on  
18 behalf of the members and supporters of the  
19 Sierra Club Adventure Coast Group. Green  
20 space is essential for quality of life and  
21 clean air. We encourage you to value the  
22 longstanding zoning of this parcel. It was  
23 originally depicted in an advertising  
24 brochure from Deltona and includes in the  
25 approved Deltona master plan as a green

1        landscaping barrier fronting US Highway 19 as  
2        part of the entrance into the Spring Hill  
3        area and the planned residential development  
4        behind it. It's part of their master plan  
5        requirements to have this.

6                Now an out-of-town developer is asking  
7        you to overturn a required provision for this  
8        green buffer that was part of the original  
9        site plan. Homeowners purchased residences  
10       here based on the representation and promise  
11       of that green buffer zone from the traffic of  
12       19. How disingenuous to revoke that now with  
13       an encroachment of such an incompatible use.

14               It's located within the Florida DEP Weeki  
15       Wachee priority focus area as contributing  
16       too many nutrients into the springs and  
17       within a flood zone that will require  
18       specific permitting mitigation and perhaps  
19       and FDOT drainage permit. It should remain  
20       as part of the undeveloped watershed that  
21       absorbs stormwater runoff and carbon dioxide  
22       from vehicular traffic.

23               This parcel was rejected for development  
24       in 1998, in 2010, and again in 2022, and it's  
25       now back again.

1           The advocate is seeking deviation  
2           setbacks from 125 feet to 50 feet along  
3           Highway 19 and along Pinehurst Drive from 35  
4           foot to just 5 feet for this large retail  
5           development. The planning department is also  
6           requiring a frontage road along the entire  
7           property in front of US 19.

8           Residents want access to Pinehurst Drive  
9           to remain residential with no connectivity to  
10          new development. There is strong opposition  
11          to commercial intrusion into this residential  
12          area. And it certainly won't protect the  
13          residents from the new impacts of heavy  
14          traffic and delivery trucks along Pinehurst  
15          Boulevard.

16          Noise from this new development combined  
17          with its location at a busy intersection  
18          without a green buffer will diminish their  
19          quality of life. At a minimum, this  
20          intensity and incompatibility with existing  
21          residences should be mitigated with a minimum  
22          50-foot landscape buffer along Pinehurst  
23          Drive. As was required in the 2010  
24          application, a concrete wall inside the green  
25          buffer on Pinehurst Drive facing the

1 residences should be required, and new HVAC  
2 mechanical operation equipment set back at  
3 least 100 feet and shielded with screening.

4 Given the intense development that's  
5 already occurred in Spring Hill -- and it's  
6 not infill -- please consider the quality of  
7 life for the residents here in weighing this  
8 new application. Thank you so much.

9 CHAIRWOMAN BIRREN: Thank you.

10 MS. LEHR: Can we switch over to the  
11 overhead so that way maybe the residents  
12 can --

13 CHAIRWOMAN BIRREN: Sure.

14 MS. LEHR: Oh, I meant -- sorry.

15 CHAIRWOMAN BIRREN: She'll take care of  
16 it.

17 MS. LEHR: You got it? Okay. Good.

18 My name is Kalyn Lehr, L-e-h-r, and, yes,  
19 I've been sworn.

20 CHAIRWOMAN BIRREN: Thank you.

21 MS. LEHR: For reference, I live in this  
22 little house right here, my son and I. I  
23 lived in a neighborhood that had commercial  
24 crap -- for lack of a better term -- in Pasco  
25 County. It was just up the road from me and

1 we had nothing but issues. When the Pasco  
2 Sheriff comes to your house and asks you if  
3 you have a gun and you say no and they tell  
4 you you should probably get one, that's a  
5 problem. I had nine bullet holes in my fence  
6 from the meth head neighbor next-door. This  
7 was before my son was born, thank God.

8 I don't want to see that happen by  
9 putting in an increase of traffic, because  
10 increase of traffic we know is a risk of  
11 increase in crime. Look at Mariner and  
12 Northcliffe as an example. Those homes in  
13 there, the crime rate is through the roof.  
14 How many issues did we have at the Mariner  
15 apartments in the last couple years?

16 The other part, removing all those trees,  
17 the noise from 19. We hear the sirens. We  
18 hear the 19 drag strip that happens from  
19 midnight to 5:00 a.m., motorcycles, cars  
20 racing up and down that highway. It's  
21 ridiculous.

22 The other part of removing those trees,  
23 it removes the wind barrier. We were very,  
24 very lucky in the last couple storms that we  
25 had that we didn't have a lot of damage in

1           our neighborhood compared to others.  
2           Removing those trees is going to increase the  
3           impact the wind is going to have on our  
4           neighborhood. If you've ever been out in a  
5           cornfield hunting -- I'm from Pennsylvania,  
6           we do that all the time -- it's super windy.  
7           The second you walk in the trees, that wind  
8           cuts down to barely a breeze. It's amazing  
9           what trees can do for stuff like that.

10           You know, this is on a commercial  
11           corridor. That's great. But this site, if  
12           you look at it, is closer to more residences  
13           than it is commercial lots. The residences  
14           outnumber the commercial buildings. And,  
15           yes, there is that little spit all the way  
16           down here at the bottom that used to be a  
17           bank. It's not a bank anymore. There's  
18           really nothing high traffic in that area like  
19           a Chick-fil-A, a Wendy's, and a Starbucks  
20           would bring.

21           And while, no, people may not be able to  
22           turn and go through the neighborhood out of  
23           Chick-fil-A, they can drive through our  
24           neighborhood to go into Chik-Fil-A.  
25           Pinehurst is a big S. Newmark connects to

1 Alderwood at the top. Alderwood connects to  
2 Pinehurst. You turn in at that light from  
3 Spring Hill Drive, you can take Pinehurst all  
4 the way down to get to that. That's going to  
5 increase the traffic in our neighborhood, not  
6 only just at the, you know, nightmare of an  
7 intersection that's there.

8 We've also seen other commercial lots  
9 that are more suitable for this. There are  
10 two commercial lots up by Forest Oaks and 19  
11 that are currently for sale that could  
12 potentially house this instead of putting  
13 this in a residential neighborhood. As the  
14 gentleman said earlier, it's in people's back  
15 yards.

16 So pretty much what we're asking, don't  
17 Pasco our Hernando. We like it as it is.  
18 Thank you.

19 CHAIRWOMAN BIRREN: Thank you very much.  
20 Good afternoon.

21 MS. RABBITT: Good afternoon. I'm Brenda  
22 Rabbitt, R-a -- (interruption.)

23 CHAIRWOMAN BIRREN: That's not you.  
24 Don't worry.

25 MS. RABBITT: R-a-b-b-i-t-t. First, I'd

1           like to thank you --

2           CHAIRWOMAN BIRREN: Can you tell me if  
3           you've been sworn, please?

4           MS. RABBITT: Yes, ma'am, I have been  
5           sworn.

6           CHAIRWOMAN BIRREN: All right. Thank  
7           you.

8           MS. RABBITT: I had that written, and the  
9           alarm --

10          CHAIRWOMAN BIRREN: It's all good. Go  
11          ahead.

12          MS. RABBITT: Thank you for your time and  
13          your service for Hernando County. We have an  
14          amazing neighborhood who care about keeping  
15          it like it is today, safe for residents who  
16          enjoy outdoor lifestyles. Any access onto  
17          Pinehurst will tremendously affect the safety  
18          and lifestyle of our residents, from youths  
19          to seniors.

20          As stated already today, the subject  
21          parcel was intended to be a landscape buffer  
22          and there's no transition from that parcel to  
23          our homes.

24          We already have cut-through traffic and  
25          don't need any more. As previously stated,

1           in 2023 the BOCC denied a rezoning request  
2           because that application pushed traffic into  
3           our neighborhood.

4           I humbly request denial of this  
5           application since the current site plan  
6           includes access onto Pinehurst. Regardless  
7           of the developer implying the residents want  
8           Pinehurst access, we do not. We don't want  
9           any access on Pinehurst. Thank you for your  
10          consideration for denial.

11          CHAIRWOMAN BIRREN: Thank you very much.  
12          Good afternoon.

13          MS. KELLY: Hello. Cheryl Kelly,  
14          K-e-l-l-y, and I've been sworn. I know  
15          this is --

16          CHAIRWOMAN BIRREN: You can lay it on  
17          there. Go ahead.

18          MS. KELLY: -- a duplicate of what's up  
19          there. But what I have circled here is that  
20          is where the -- from what I'm reading from  
21          the staff report, that they connect to the  
22          frontage road which is right next to  
23          Suncoast. And they are correct -- Tom is  
24          correct in regards to this here is the  
25          frontage road, that dead-end. There's the

1 Suncoast and then this is the current  
2 property that they're wanting to build on.

3 And the County actually owns that ditch,  
4 which does retain water when we get a lot of  
5 rain, which is right next to the Suncoast.  
6 This is the ditch, which they showed a  
7 picture earlier. This picture -- am I  
8 putting that right?

9 CHAIRWOMAN BIRREN: The other way around.  
10 That's upside down.

11 MS. KELLY: Oh, okay.

12 CHAIRWOMAN BIRREN: There you go.

13 MS. KELLY: That's the ditch again. But  
14 I got a picture of the Suncoast parking lot  
15 with their retention area. But this area  
16 here that Tom was talking about earlier does  
17 show on the property appraiser, if you want  
18 to look it up, key number 411931, that is  
19 owned by the County.

20 And that should be the route that these  
21 businesses, if they get approval for  
22 development, that this frontage road gets  
23 continued to eliminate Pinehurst, which is a  
24 residential area.

25 I know public works said that they

1           couldn't discuss it, but the board is going  
2           to be reviewing the road safety audit  
3           actually tomorrow. I'm going to just put  
4           this in for the record. I won't go into a  
5           lot of it. But if you guys review this, you  
6           will see the accidents, the road issues that  
7           we currently have, let alone putting five  
8           more businesses at that corner.

9           And the safety issues, the report shows  
10          that there are so many accidents caused from  
11          that area from Kenlake to 19 on Spring Hill  
12          Drive, and I want to -- this is the one I  
13          really want to point out, is they do -- and I  
14          guess staff is recommending that they do  
15          close off Pinehurst to the -- the south side  
16          of Pinehurst.

17          And I have just kind of highlighted it.  
18          It's like, okay, so for us to get to  
19          Pinehurst, we're going to have to do a U-ie  
20          or cut through a parking lot. And the board  
21          did vote a couple years ago five to zero  
22          because of Pinehurst access, and they're  
23          still asking for that. Thank you.

24                 CHAIRWOMAN BIRREN: All right, thank you.

25                 MS. FELLMAN: Good afternoon. My name is

1 Mindy Fellman, F-e-l-l-m-a-n, and, yes, I've  
2 been sworn in.

3 CHAIRWOMAN BIRREN: Thank you, ma'am.

4 MS. FELLMAN: I moved into my street -- I  
5 live on Alderwood. I am the first street,  
6 probably around here. I am living there by  
7 myself.

8 The concern about bringing in a  
9 Chick-fil-A, Wendy's and I'm going to assume  
10 a Starbucks -- because we have the Dunkin'  
11 Donuts around the way -- is people hanging  
12 out there. I'm a big on-patrol watcher and I  
13 know people hang out at these kinds of  
14 places.

15 Also Pinehurst, I don't want to see any  
16 additional roads going -- oop, I'm sorry --  
17 roads going into them or parking spots going  
18 in.

19 In that area there are gopher as well,  
20 the gopher tortoises. I think what I heard  
21 was it's about \$6,000 to move each one of  
22 those gophers or tortoises.

23 I already hear traffic from 19 right on  
24 the corner where the waterfall is. When  
25 Trump was running, we had a lot of Trumpers

1 out there. We get a lot of people from the  
2 church out there. I hear that, and it's once  
3 in a while, not every night. I don't want to  
4 hear people ordering coffee, people ordering  
5 hamburgers or chicken or whatever late at  
6 night.

7 That's one of the things that I do like,  
8 is that for the most part it's a very  
9 peaceful neighborhood and I'd like it to  
10 remain that way.

11 There is land over on the other side  
12 over by Pizza Hut and the movie theater.  
13 There's plenty of land over there. I  
14 suggest -- I mean, I'd love to have those  
15 restaurants in my area, but not in my  
16 neighborhood.

17 Adding turn lanes to exit and enter off  
18 of U.S. 19 will result in possible T-bone  
19 fatalities from the median breaking by  
20 allowing entering from southbound 19 and  
21 exiting to southbound 19, using one access  
22 area into the proposed development, just like  
23 what happens all the time in Pasco on 19.

24 And if you vote for this rezoning  
25 request, we request that you not allow any

1 access from Pinehurst. Thank you.

2 CHAIRWOMAN BIRREN: Thank you very much.

3 Good afternoon.

4 MR. RABBITT: Good afternoon. My name is  
5 Dave, last name, Rabbitt, R-a-b-b-i-t-t, and,  
6 yes, I have been sworn.

7 CHAIRWOMAN BIRREN: Thank you.

8 MR. RABBITT: First, I want to thank you  
9 for your time. Just a little more history.  
10 It was June 14, 2010, in the minutes for file  
11 H925. Mr. Pianta explained the proximity of  
12 this parcel to the Pinehurst intersection and  
13 US 19 and the median separation of Spring  
14 Hill Drive. In those minutes staff stated  
15 that there should be no access to Pinehurst  
16 Drive, that all access should be from U.S. 19  
17 and frontage road.

18 So I ask you what's changed? I can tell  
19 you right now from that time the traffic has  
20 greatly intensified. Approval of a C-1 and  
21 C-2 zoning for this parcel is going to create  
22 even more dangerous, crowded, and confusing  
23 intersection at Spring Hill Drive, Pinehurst,  
24 US 19. Which is one of Hernando County's  
25 most accident-prone signaled intersections

1           which was at one time currently third ranked  
2           in Hernando County.

3           File H2167, which we've been through in  
4           '21, the BOCC stated to the applicant put  
5           what you want there. They didn't care. Stay  
6           off 19. The applicant refused.

7           This applicant has stated, and I quote,  
8           "The applicant desires to create a  
9           development which will be an asset to the  
10          neighborhood and its residents." So let me  
11          ask you, a Chick-fil-A and a Starbucks is  
12          going to be an asset? Is that going to  
13          increase my property value?

14          It's not that we're against development.  
15          And we understand maybe at one point in time  
16          something's going to go there. Stay off of  
17          Pinehurst. It's very intrusive to the  
18          neighborhood.

19          The proposed developer -- the applicant  
20          also stated the proposed development will not  
21          be adverse to the public. So adding  
22          additional traffic on this major cluster of  
23          intersection from their development is not  
24          going to increase a safety issue for our  
25          neighborhood? Thank you for your time.

1 CHAIRWOMAN BIRREN: Thank you, sir.

2 Good afternoon.

3 MR. ANGELIADIS: Good afternoon. My name  
4 is George Angeliadis, A-n-g-e-l-i-a-d, as in  
5 David, i-s. I have been sworn. I'm an  
6 attorney with Lucas, Macyszyn & Dyer Law Firm  
7 and I represent two of the homeowners,  
8 Mr. and Mrs. Rabbitt. And just a couple  
9 things I wanted to present to you today, if I  
10 can just --

11 So I think as Mr. Fulford has pointed out  
12 earlier, this is a more intense proposal than  
13 was before the Board of County Commissioners  
14 last time. There were -- the final product  
15 ended up being six parcels that were being  
16 developed with the Wawa. And there were two  
17 ingress/egress points on Pinehurst, but that  
18 was reduced -- the applicant indicated to the  
19 county commission they were willing to reduce  
20 that to one.

21 County commission said, no way we're  
22 allowing access to Pinehurst. No way we'll  
23 consider that in the future. So with that  
24 being said, how do I know this is a more  
25 intense development proposal?

1           I don't know if it was attached to the  
2           packet because I didn't see it, but there is  
3           a traffic report that the applicant has  
4           prepared. I have that to submit into the  
5           record if necessary. But their own proposal  
6           indicates -- their own traffic study  
7           indicates that this project will result in  
8           approximately 6,100 daily trips. Over 3,000  
9           of those will be new trips. So that's the  
10          intensity we're talking about.

11          With regard to the road safety audit  
12          report, it is referenced in your staff  
13          report, it is a condition on page 14 that  
14          they comply. I didn't see that attached to  
15          the packet. I also have that as well.

16          The traffic study that was conducted  
17          from Kenlake to 19, along that Spring Hill  
18          Drive corridor, the actual accidents that  
19          they have indicated currently in the study  
20          period, which I believe was five years, is  
21          140 accidents just from Pinehurst to 19, 39  
22          being rear-end collisions.

23          So, you know, adding a Starbucks and a  
24          Chick-fil-A and a Wendy's is not going to  
25          alleviate those concerns. Not going to

1       alleviate those queuing problems. The report  
2       from the County also indicates that there's a  
3       shockwave effect with regard to that  
4       Pinehurst/19 intersection because of the  
5       queuing issues from the turning, the left and  
6       the turning right. And that's not going to  
7       be alleviated by adding an access point onto  
8       Pinehurst.

9               So with regard to the frontage road, we  
10       talked about it briefly. Safety and  
11       compatibility with the neighboring  
12       residential area should not be traded off for  
13       what we've heard today is cost; it's going to  
14       be too expensive to access that northern --  
15       that northern route, that northern reverse  
16       frontage road. That shouldn't be your  
17       consideration.

18              Your consideration should be  
19       compatibility with the neighboring area. And  
20       adding an access onto Pinehurst is not  
21       compatible with that neighboring area. It's  
22       not compatible with the infrastructure. So  
23       I'll leave it with that. Thank you.

24              CHAIRWOMAN BIRREN: Okay. Thank you,  
25       sir.

1 MS. EDWARDS: Hello.

2 CHAIRWOMAN BIRREN: Good afternoon.

3 MS. EDWARDS: I'm Nancy Edwards. I was  
4 sworn in. E-d-w-a-r-d-s.

5 CHAIRWOMAN BIRREN: Thank you.

6 MS. EDWARDS: And I'm a resident of  
7 Hernando County and I'm here representing  
8 Hernando Audubon Society.

9 Our primary mission is to preserve and  
10 protect the natural habitat within the  
11 county. The original land use designation  
12 for the land parcel subject to rezoning  
13 request was as green space, functioning as a  
14 natural barrier for the residential area to  
15 the east of Pinehurst from the noise and  
16 traffic congestion along Highway 19.

17 Hernando Audubon believes this parcel  
18 should be retained as green space and  
19 continue to serve the residential area to the  
20 east as a natural buffer and wildlife  
21 habitat. The proposed development would not  
22 only eliminate the functionality of a natural  
23 barrier -- and I just messed this up -- as  
24 originally intended but, in fact, add to the  
25 noise, traffic congestion, this green space

1 was intended to provide.

2 We encourage you to maintain this land  
3 parcel as green space as initially designated  
4 by the previous decision makers.

5 Thank you for your consideration.

6 CHAIRWOMAN BIRREN: Thank you very much.  
7 All right, is there anyone else that would  
8 like to speak for or against this item? This  
9 is your last opportunity. Okay. I'm going  
10 to close public comment. I'm going to bring  
11 it back to the petitioner.

12 Come on up. Try to address as much as  
13 you can.

14 MR. CONROY: Okay. I will try -- you  
15 want me to kind of run through some of their  
16 comments? Okay.

17 First of all, somebody did mention the  
18 drainage issues along Pinehurst, and there  
19 are some drainage issues along Pinehurst. I  
20 actually was out there yesterday after it  
21 rained and saw a little bit of ponding. Not  
22 too much.

23 Are you trying to bring --

24 MR. KERTH: Which one do you want?

25 MR. CONROY: The one that shows the black

1 pipe.

2 MR. KERTH: Okay

3 MS. MILLER: Please switch back to  
4 computer mode, IT.

5 MR. KERTH: Just a second.

6 BOARD MEMBER HOLMES: Madam Chair, while  
7 he's pulling up, I did have a question that  
8 they might be able to answer separately.

9 CHAIRWOMAN BIRREN: Go ahead.

10 BOARD MEMBER HOLMES: Just looking in  
11 your presentation the -- you got two  
12 different slides. One is the call box  
13 distance to neighbors and one is the  
14 develop -- or requested site plan. There are  
15 two different site plans. Is there a reason  
16 for that?

17 MR. CONROY: I think some of the -- some  
18 of the site plans we have have been a little  
19 bit fluid because as we get feedback from  
20 tenants, some of that modifies.

21 It also -- the out-lot number five is  
22 also modified a little bit because as we get  
23 the engineering complete and we start  
24 accommodating some of the volume of  
25 stormwater, we've got to change that

1 footprint of that stormwater pond and it may  
2 encroach a little bit into lot five.

3 BOARD MEMBER HOLMES: The lot that was  
4 in question was lot four. It looks like you  
5 changed the direction of the building which  
6 made it a little bit closer to the residences  
7 in the rear. So just -- I don't want to  
8 derail what else you got.

9 MR. CONROY: Yeah.

10 BOARD MEMBER HOLMES: Go ahead and answer  
11 the citizens comments first, but as we get  
12 into that, if you could kind of give me just  
13 clarity on which direction we're going on  
14 that.

15 MR. CONROY: I will say the requirement  
16 for like the menu board, you know, where  
17 you're -- the voice box for like -- I always  
18 think of Jack In the Box because they're the  
19 most obnoxious one -- but that requirement is  
20 to be 100 feet from residential property.

21 BOARD MEMBER HOLMES: Um-hum.

22 MR. CONROY: I think we're like what, 200  
23 feet?

24 BOARD MEMBER HOLMES: It's 216 on what  
25 you're showing.

1           MR. CONROY: Yeah, we're more than double  
2           that distance and that was part of the reason  
3           we wanted to push those buildings further  
4           towards 19, to get them away from those  
5           residential properties.

6           BOARD MEMBER HOLMES: Okay.

7           MR. CONROY: With respect to some of the  
8           questions I heard, drainage issues --  
9           You just had it.

10          MR. KERTH: Hang on

11          MR. CONROY: Right now the way the  
12          residential property flows is it flows  
13          towards our site from the whole residential  
14          subdivision. It goes through these pipes  
15          kind of, and it goes into about the middle of  
16          our site and just spreads out. Okay?  
17          There's no piping or anything else. We're  
18          going to take that volume of water and try to  
19          control it better and pipe it to State Route  
20          19.

21          And part of the reason it's backing up a  
22          bit right now, you can see that pipe that was  
23          originally designed to carry whatever volume  
24          has filled with silt over the years and some  
25          of that is not letting some of that water get

1 through that pipe to get to our site to  
2 dissipate.

3 So I think one of the things you have to  
4 do is maintaining that culvert so that we can  
5 jet it out so that that flows properly. And  
6 we're planning to take a portion of that and  
7 route it up along the east side of our site  
8 plan to our detention pond. So that will, I  
9 think, alleviate the little bit of backed up  
10 water that they've got currently.

11 Somebody also mentioned the lighting  
12 concerns. We're going to do full cutoff  
13 lenses. We're going to go LED lighting.  
14 There will be no light spillage onto the  
15 adjacent residential property because of the  
16 cutoff lenses. We will have zero  
17 foot-candles at our property line. I believe  
18 that may even be a requirement anyway with  
19 regard to the zoning ordinance.

20 Somebody questioned if we would need an  
21 FDOT permit. We will need an FDOT drainage  
22 permit. We'll also need FDOT permit for the  
23 access points, the two access points on 19,  
24 the right turn lane northbound and the left  
25 turn lane southbound.

1           I'm just trying to see. The connection  
2           to frontage -- the frontage road I think we  
3           talked about with that pond being there, that  
4           it's very difficult. And what we did say is  
5           it wasn't just a cost issue. It was a cost  
6           feasibility, but it was also a legal issue  
7           from a legal ability to connect into that  
8           road, because we would need to have a plat  
9           revised. We would need signatures for that  
10          plat, all those people from Winn Dixie and  
11          Suncoast. And some of them are cooperative,  
12          but some of them, it just -- it's just an  
13          obstacle you have to go through.

14          It was also -- because it doesn't always  
15          just boil down to cost. It was also a  
16          physical issue as far as filling that area  
17          and then finding a place to put -- physically  
18          put that volume of stormwater. There was  
19          some discussion with staff that maybe we  
20          could put it into the DRA to the north. But  
21          again, that requires approval of all those  
22          people that are currently participants in  
23          that DRA to the north. I hope I'm catching  
24          most of the questions that came up  
25          consistently.

1           Gopher tortoises. The person's right.  
2           I think at the neighborhood meeting I  
3           mentioned it used to be 2,500 a tortoise.  
4           Now it's about \$6,000 a tortoise. And I will  
5           say I was out there personally with Abby,  
6           who's our environmental and endangered  
7           species consultant. We spent hours walking  
8           through that site.

9           Actually this is a portion of the site.  
10          Unfortunately there's some homeless people  
11          there in several areas and they're not real  
12          respective of the property. There's tents  
13          out there and everything else.

14          But what we found with respect to gopher  
15          tortoises -- and I'm not saying there's no  
16          gopher tortoises -- we did not see any that  
17          day. And we did not see the type of habitat  
18          that would support a gopher tortoise. That  
19          is a heavily vegetated site around the  
20          perimeter of that site. Gopher tortoises  
21          would have difficulty getting into that site.

22          There is a couple of spots in the middle  
23          of that site outside the wetlands, very sandy  
24          soil, that would be a gopher tortoise  
25          habitat. She felt that they're probably not

1           there because they can't get to there. She  
2           said that would be a gopher tortoise site so  
3           we spent extra time looking for the gopher  
4           tortoise burrows and such and we found none.

5           We did agree we would obviously do  
6           another pass before we did any grading, tree  
7           removal, et cetera, to make sure that some  
8           weren't missed or some moved on.

9           Oh, sorry. He's got to remind me. I can  
10          talk about gopher tortoises a while.

11          CHAIRWOMAN BIRREN: So I'll give you like  
12          another minute or so to wrap up and then  
13          we'll have our back and forth as well.

14          Yeah, give him two minutes. Start it  
15          when they start. Give him a second.

16          MR. CONROY: As far as the trip  
17          generation, the individual mentioned 6,000  
18          trips a day. He's correct. What he failed  
19          to mention is those are not new trips. And  
20          part of the reason with this whole concept of  
21          infilled development is to take advantage of  
22          that infrastructure that's existing.

23          Out of those 6,000 trips that the ITE  
24          would specify these uses require or generate,  
25          less than half are actually new trips because

1           most of those trips -- in fact, the reason  
2           they want to locate on State Route 19 is  
3           because they want to take advantage of the  
4           traffic that's already there.

5           Not saying it doesn't add to traffic, but  
6           overall in the capacity as a general just  
7           rule of the magnitude, this site consumes  
8           only four and a half percent of the level of  
9           service capacity that's available. It's four  
10          and a half percent relative to the rest of  
11          the capacity. Hope that provides a little  
12          bit of insight.

13          CHAIRWOMAN BIRREN: Okay. All right. So  
14          questions from the board? Do you have any  
15          questions? Mr. Fulford?

16          BOARD MEMBER FULFORD: Thank you, Madam  
17          Chair. Thank you for that presentation. The  
18          one area you did not address that was a  
19          previous concern was hours of operation.

20          MR. CONROY: Well, I think the staff had  
21          a note, one of their conditions, that it  
22          would not be in operation from midnight to  
23          7:00 a.m. So is that the right time frame?  
24          And we were okay with that condition.

25          BOARD MEMBER FULFORD: Thank you, sir.

1           CHAIRWOMAN BIRREN: I have a question. I  
2           may be wrong, but what time does Wendy's  
3           normally close? Because that is a late  
4           night -- isn't it 1:00 or 2:00 a.m.? So are  
5           you going to be able to skew that with a  
6           business?

7           MR. CONROY: Wendy's?

8           CHAIRWOMAN BIRREN: Yes.

9           MR. CONROY: I don't know. I would have  
10          to check with Wendy's and confirm that.

11          CHAIRWOMAN BIRREN: I know it's after  
12          midnight.

13          MR. CONROY: Do you know by chance  
14          what --

15          MALE SPEAKER: We're happy with the staff  
16          conditions.

17          MR. CONROY: Yeah.

18          CHAIRWOMAN BIRREN: Okay.

19          MR. KERTH: We're not arguing with the  
20          staff conditions.

21          CHAIRWOMAN BIRREN: Okay.

22          MS. MILLER: So condition number 17, the  
23          way it's written currently is that, "Customer  
24          entrances, drive-up windows, ordering boxes  
25          or loading and/or unloading areas shall not

1 be allowed to operate between the hours of  
2 12:00 midnight and 7:00 a.m. within 100 feet  
3 of any single-family residential district  
4 property line."

5 CHAIRWOMAN BIRREN: Okay.

6 MS. MILLER: So that's going to constrain  
7 the hours of operation for all of their  
8 tenants.

9 CHAIRWOMAN BIRREN: And that would go --  
10 okay, for any tenants or if the property gets  
11 sold it'll go with the property?

12 MR. DEPABLO: Yes, ma'am.

13 CHAIRWOMAN BIRREN: Okay. All right.  
14 That's my question. Mr. David?

15 BOARD MEMBER DAVID: Yeah. So just  
16 going back to that frontage road that  
17 connects to behind Suncoast and then  
18 eventually goes to Trenton. I understand  
19 about cost. You wouldn't need to build like  
20 a bridge or beams and all that. You could do  
21 a culvert or something.

22 I understand that land, as Ms. Kelly  
23 pointed out, is County owned, but I'm still  
24 not -- it seems like 90 percent of the  
25 objections here are the connection to

1 Pinehurst. And I share that.

2 And frankly, BOCC, I've (indiscernible)  
3 I'll tell you this, I don't think they're  
4 going to go for this regardless of what we  
5 say because of the connection with Pinehurst.  
6 So my question is, knowing that historically  
7 that Pinehurst is a no go for the County,  
8 both P and Z and -- well, P and Z and BOCC,  
9 have you explored any other options to do  
10 that frontage road to connect that?

11 Frankly, if you go up to -- if you finish  
12 that frontage road and it goes up to Trenton,  
13 and via Trenton it's not a busy road  
14 comparatively, and there's a light there for  
15 19. So that makes a lot of sense.

16 I think it would -- it would be  
17 contingent on the County selling that -- that  
18 DRA, whatever it is, and I don't think it  
19 would be that expensive to put a culvert  
20 there or something.

21 So I guess my question in a roundabout  
22 way, why couldn't -- why aren't you guys  
23 looking at -- what was just the main  
24 objection to not doing that?

25 MR. CONROY: Okay. Well, first of all,

1 a culvert doesn't work there. That's not  
2 something that's flowing through the site  
3 that then you could put a culvert and just  
4 put a road over it, right? Like you see in a  
5 ditch. This is not a ditch. This is a bowl  
6 that is designed to hold a volume of  
7 floodplain compensatory storage.

8 So if you fill that or if you put a  
9 culvert in, the culvert doesn't go anywhere.  
10 If you fill it, you've got to find a similar  
11 volume of that water somewhere else.

12 Now, we looked at adjacent sites, you  
13 know, to the site that's part of that  
14 immediately east of Suncoast, that's -- I  
15 don't know, what -- 20 acres or whatever.  
16 And a lot of their section of their site --  
17 because we thought maybe we could just move  
18 that over, a lot of their area is already in  
19 a floodplain as well. So you don't get -- I  
20 can't move this into a floodplain.

21 It would ultimately have to be moved onto  
22 our site, enlarge our stormwater pond  
23 footprint, and basically wipe out probably  
24 lot five.

25 But like I say, it's not just -- I

1           talked -- I thought about bridging it. And  
2           we would need SWFWMD approval and we would  
3           also need -- no matter what we do we need the  
4           approval to replat that because it's  
5           different than it currently is, and that  
6           requires the signature of all those other  
7           property owners, many of whom wouldn't care,  
8           but getting somebody's attention over at Winn  
9           Dixie to approve something that's, you know,  
10          a block and a half away from their site, it  
11          sometimes takes an act of God to get some of  
12          these corporations to move.

13                 And some of them -- you hate to say it --  
14          tend to put their hand out -- even though it  
15          has nothing to do with anything -- to say, by  
16          the way, but I want you to fix this issue I  
17          have over here, or I want 50 grand.

18                 So the challenge of that is so far out  
19          of our control, I can't commit to being able  
20          to do it. Do I think connecting to that  
21          north road helps our site? Yes, I do. It's  
22          just out of my control. I'm willing to do  
23          that. It's just out of my control right now  
24          and I can't commit to something that  
25          basically gets me an approval that I

1 ultimately can't implement.

2 BOARD MEMBER DAVID: Yeah. And I think  
3 that bridge would be extremely expensive. So  
4 I understand that, too. Yeah, that's --  
5 that's all I got for like for the applicant,  
6 I think.

7 CHAIRWOMAN BIRREN: Okay. Mr. Holmes?

8 BOARD MEMBER HOLMES: Yeah, I'd like to  
9 go ahead and make a motion whenever we're  
10 ready.

11 CHAIRWOMAN BIRREN: I think we have  
12 Mr. Fulford as well.

13 BOARD MEMBER FULFORD: Just quick  
14 question. Is the sale of this property  
15 contingent upon approval of the rezoning?

16 MR. CONROY: Yes, it is.

17 BOARD MEMBER FULFORD: Thank you, sir.  
18 I'm ready for your motion.

19 CHAIRWOMAN BIRREN: Yeah. We need to  
20 bring it back to the commission for  
21 discussion first before you make a motion. I  
22 think this is complicated enough to make sure  
23 we bring it back, so.

24 We're all finished with the questions for  
25 them? Then we'll bring it back to the board

1           for any discussion or a motion potentially  
2           after that.

3           BOARD MEMBER HOLMES:   Want me to frame  
4           out what the motion would be and we can  
5           discuss that?

6           CHAIRWOMAN BIRREN:    Sure.   I know  
7           Mr. Fulford was doing the same thing.

8           BOARD MEMBER FULFORD:   No, go ahead, Mr.  
9           Holmes.

10          CHAIRWOMAN BIRREN:    Discussion?  
11          Mr. David, is there something you had wanted  
12          to --

13          BOARD MEMBER DAVID:    No, I can wait.

14          CHAIRWOMAN BIRREN:    Well, no, if it's  
15          discussion I'd rather go ahead and start with  
16          that.

17          BOARD MEMBER HOLMES:   So I won't even  
18          frame this as a motion, okay?   The way I see  
19          this working is I still think it's a decent  
20          project for the community.

21                 I would go ahead and say that we go ahead  
22                 and move forward with it and approve it.  
23                 Strike any access to Pinehurst.

24                 Go ahead and increase the call box  
25                 setback to 200 feet.   Since they're already

1 saying that they can meet 200 feet, why not  
2 go ahead and confine it.

3 Go ahead and increase the landscape  
4 buffer requirement for the southern border to  
5 25 foot. I didn't see that that was actually  
6 specifically spelled out in item number 23,  
7 our landscape buffers. So along Spring Hill  
8 Drive, go ahead and have at least a 25-foot  
9 landscape buffer for that portion.

10 And then realistically, it doesn't  
11 necessarily matter to us whether they connect  
12 to the north or not. Let them figure out  
13 what's feasible for them, whatever number of  
14 exits they need, and then as long as they  
15 know they can't go and connect to Pinehurst,  
16 that's great. Let's go ahead -- and they  
17 also can't comply with the landscape buffer  
18 requirements for that because they need a  
19 frontage road, or I guess a reverse frontage  
20 road at this point. So let's go ahead and  
21 put a inclusion there that we need some type  
22 of solid fencing for not only sound barrier  
23 but for actual opacity.

24 CHAIRWOMAN BIRREN: Is there any other  
25 discussion? Okay.

1           Mr. Holmes, did you want to make a motion  
2           in that, what you just said?

3           BOARD MEMBER HOLMES: Yeah. All right.  
4           So move to approve, okay, with the original  
5           staff recommendations and the modified  
6           recommendations being: No access to  
7           Pinehurst, okay? Increasing item number 16,  
8           call box setback, to 200 feet. On item  
9           number 23, adding a 25-foot landscape buffer  
10          to Spring Hill Drive, the southern buffer.  
11          Adding the requirement for some type of solid  
12          fencing or buffer for the Pinehurst buffer.  
13          So that's in lieu of their 35-foot setback  
14          that they can't maintain. I believe that  
15          was in the setback section.

16          MS. MILLER: Mr. Holmes, if I may? I'm  
17          sorry. So right now condition number 23, we  
18          do have language there saying the remaining  
19          buffers shall utilize a fence to achieve the  
20          80 percent required opacity.

21          So do you want that to apply to all  
22          buffers then?

23          BOARD MEMBER HOLMES: "Landscape along  
24          Pinehurst abutting residential homes, the  
25          northeast corner --

1 MS. MILLER: It's that second paragraph  
2 below the bullet points.

3 BOARD MEMBER HOLMES: Yeah, I'd rather  
4 go ahead and just bump that to 100 percent  
5 opacity, make it a solid fence. Some type of  
6 either vinyl or other suitable material.

7 MS. MILLER: And then all buffers then  
8 for that?

9 BOARD MEMBER HOLMES: I'm really just  
10 worried about the eastern buffer along  
11 Pinehurst where it abuts a residence. I  
12 don't think we need to require them to buffer  
13 against commercial residences.

14 MS. MILLER: Okay.

15 BOARD MEMBER HOLMES: The landscape  
16 buffer I was referring to was for the  
17 southern boundary line, which would be along  
18 Spring Hill Drive.

19 MS. MILLER: Okay.

20 BOARD MEMBER HOLMES: I believe that was  
21 all my previous --

22 CHAIRWOMAN BIRREN: Do you need  
23 clarification before we --

24 MS. MILLER: So just to make sure to walk  
25 everybody through how we would be

1 implementing this is that we would strike  
2 condition 12 totally since that refers to a  
3 driveway along Pinehurst Drive.

4 Then the current 16 would get changed  
5 from 100 to 200.

6 Condition number 23, we would add the  
7 25-foot buffer along Spring Hill Drive. That  
8 second paragraph would say the eastern buffer  
9 may utilize a fence to achieve the 100  
10 percent opacity.

11 I do not see any other reference to  
12 access to Pinehurst. I was Looking to make  
13 sure I didn't miss anything.

14 CHAIRWOMAN BIRREN: Well, you're saying  
15 you're striking it, but is there going to be  
16 something in there that says that they cannot  
17 connect to Pinehurst?

18 MS. MILLER: So what I can do is I can  
19 strike the existing 12 and then I can add a  
20 new 12 that says that there shall be no  
21 access to Pinehurst Drive from the subject  
22 development.

23 CHAIRWOMAN BIRREN: Otherwise, it  
24 wouldn't say that you couldn't.

25 MS. MILLER: Are you satisfied then with

1           the condition number 11 reading the way it  
2           is, which is that, "A frontage road is  
3           required along the entire frontage of  
4           Commercial Way. The frontage road will be  
5           required to connect into the frontage road  
6           network north of this site"?

7                     Right now it's implying that it's  
8           required.

9                     BOARD MEMBER HOLMES: Either way. I  
10          don't think that necessarily needs to be a  
11          hard and steadfast requirement. But if the  
12          County has procedures in place for that  
13          anyway, then we might as well.

14                    CHAIRWOMAN BIRREN: Yeah, but if we put  
15          it in there as they have to, that means their  
16          whole project stops unless they get  
17          permission from all these businesses or build  
18          a bridge over the -- you know, the whole  
19          explanation.

20                    BOARD MEMBER HOLMES: It's build a  
21          bridge, it's reroute, it's do whatever they  
22          need to --

23                    CHAIRWOMAN BIRREN: Do you want to  
24          just --

25                    BOARD MEMBER HOLMES: -- do, figure out

1 other --

2 CHAIRWOMAN BIRREN: -- leave that open  
3 then? Just say that any other routes would  
4 have to be not on Pinehurst?

5 BOARD MEMBER HOLMES: So I would leave  
6 it as-is and then go ahead and not have in  
7 that -- I mean, we're not going to make the  
8 area less accessible than what the County  
9 probably wants.

10 CHAIRWOMAN BIRREN: But we have required  
11 that they connect with that road by the  
12 agreement.

13 MS. MILLER: Right now the way the  
14 condition's written, they absolutely have to  
15 connect and it will be a requirement at the  
16 time of site development.

17 CHAIRWOMAN BIRREN: It was already in  
18 there?

19 BOARD MEMBER HOLMES: Yeah.

20 MS. MILLER: Yes.

21 CHAIRWOMAN BIRREN: Oh. I misunderstood.

22 MS. MILLER: Yes.

23 CHAIRWOMAN BIRREN: Okay.

24 MS. MILLER: So right now condition  
25 number 11 --

1 BOARD MEMBER HOLMES: I don't mean to --

2 CHAIRWOMAN BIRREN: Yeah. Okay. Got  
3 you.

4 BOARD MEMBER HOLMES: Leave that one the  
5 way it is.

6 CHAIRWOMAN BIRREN: Mr. Fulford, do you  
7 have something to add?

8 BOARD MEMBER FULFORD: Thank you, Madam  
9 Chair.

10 I'm very familiar with the location of  
11 the application. I'm trying to figure out  
12 where in the world you're going to put a  
13 frontage road. Short of -- something's got  
14 to give in terms of there's only so much  
15 ground to construct on.

16 And so I think it's a good idea to put it  
17 in there. Actually, I believe it's mandatory  
18 that there's going to be a frontage road  
19 but -- interesting. And I'll leave it at  
20 that.

21 CHAIRWOMAN BIRREN: Are you talking about  
22 a reverse frontage road? The one that's  
23 already in the drawing?

24 BOARD MEMBER HOLMES: I would say the  
25 reverse frontage road would be

1 absolutely accept -- or fine. Yes, we allow  
2 everyone to do that.

3 CHAIRWOMAN BIRREN: Okay.

4 MR. CONROY: A real quick point of  
5 clarification with respect to the call boxes  
6 being 200 feet --

7 BOARD MEMBER HOLMES: Um-hum.

8 MR. CONROY: -- from residential. We're  
9 okay with that. I just wanted to make sure  
10 our lot one and two to the far south, it's  
11 not 200 feet, but it's two commercial. So  
12 that's not an issue, correct? I just want to  
13 make sure that that's a point of  
14 clarification.

15 BOARD MEMBER HOLMES: Yeah, I'm more  
16 worried about protecting the residences.

17 MR. CONROY: Yeah, that's what I thought.

18 MR. BENDA: I just wanted to raise one  
19 point, if I may, regarding the frontage road  
20 issue. Basically, the condition to connect  
21 the frontage road is requiring Meridien  
22 Development to build a road on someone else's  
23 property to basically get approval of this  
24 project. Right?

25 And under Florida law and federal law,

1           that's what's called an unconstitutional  
2           exaction. Right? You're creating a  
3           requirement to perform off-site improvements  
4           to get the approval here.

5           Under the County code, the requirement  
6           for a frontage road arises when there's a  
7           present need or there's a reasonable basis  
8           within -- that a frontage road is going to  
9           actually be needed. Right? So and that's in  
10          the code.

11          There was actually a case in the nineties  
12          where Hernando County was sued for this exact  
13          issue where they required a Budget Inn to  
14          essentially bank land for a frontage road  
15          without showing a present need, and the Fifth  
16          DCA actually reversed because they're --  
17          it's -- you can't -- you can't take someone's  
18          property right.

19          And when we're dealing with these  
20          off-site improvements, there's a line of  
21          cases with the United States Supreme Court  
22          mostly dealing with water, like water rights.  
23          One is Nollan v. Coastal Conservation  
24          Commission. There's -- where there was a  
25          requirement to build off-site wetland

1 mitigation, right, as a condition of  
2 approval.

3 There's another United States Supreme  
4 Court case Dolan v. City of Tigard, I  
5 believe. And in that case the city required  
6 the -- as a condition of getting a building  
7 permit, the owner to build basically  
8 pedestrian crossways, to reduce traffic and  
9 pedestrian issues, and to purchase and  
10 maintain some green space that was off site.  
11 And the United States Supreme Court actually  
12 reversed and said that was an  
13 unconstitutional exaction.

14 And the requirement, if you're going to  
15 impose a condition like this, is that the  
16 condition must advance a legitimate  
17 government interest, which interest has an  
18 essential nexus between the condition and the  
19 government interest. So that's one section.

20 And then that -- the degree of the  
21 conditions' effect on a property owner is  
22 roughly proportional to the projected impact  
23 of the proposed development.

24 So that's the standard. And the "roughly  
25 proportional" language is kind of what is

1       fleshed out by that Dolan case. But then  
2       those line -- that line of cases has actually  
3       been adopted into Florida Statute under  
4       Section 70.45, I believe subparagraph one,  
5       subparagraph D.

6               That United States Supreme Court  
7       precedent is adopted into Florida Statute  
8       where if you impose this condition to  
9       approve, right, the connection of this  
10      frontage road that legally Meridien cannot  
11      connect to because they don't own the land,  
12      while the County owns a right-of-way -- a  
13      right-of-way has been dedicated to the County  
14      pursuant to a commercial plat -- the County  
15      doesn't actually own that land.

16             What happens legally with a plat is that  
17      it creates an implied easement for the County  
18      to provide that access, but the land  
19      underneath is actually still owned by the  
20      adjacent property owner, which in this case  
21      would be Suncoast.

22             But also when you're dealing with plats,  
23      every property owner, every lot owner in that  
24      plat that owns property, bought it with the  
25      assumption, you know, essentially relying on

1           that being an access point, a right-of-way.

2           So I think when that drainage detention  
3           area was created it was actually created  
4           improperly. They should have had to do a  
5           replat at that point to move -- to get rid of  
6           those public access rights and put in public  
7           drainage rights.

8           So in this case Meridien cannot build  
9           the frontage road unless and until there's a  
10          replat and such replat requires the consent  
11          of most notably Suncoast, but also all those  
12          other property owners within that plat.

13          But then the second point is, that is the  
14          cost of creating this connection roughly  
15          proportional to the government purpose and  
16          the burden on Meridien as the property owner.  
17          And basically if it's not, that creates a  
18          cause of action for an unconstitutional  
19          exaction where the damages that the County  
20          would have to pay is the cost of the  
21          infrastructure that exceeds that what would  
22          be the proportional balance that Meridien  
23          would actually owe.

24          So I think, you know, like Jim said, he  
25          can't commit to it because it requires a lot

1 of moving parts. So in that case under the  
2 code, the frontage road is not -- there's not  
3 a present need for the frontage road. I  
4 think Meridien, my client, is willing to  
5 build a frontage road up to their property  
6 line, no question.

7 But then that next point is -- is the  
8 issue that we have to deal with. That's the  
9 constitutional property right issues as well  
10 as -- you know, and it's somewhat related to  
11 the traffic issues. Right? Because if you  
12 can create this frontage road, you're going  
13 to pull all the traffic off of Pinehurst that  
14 everyone is complaining about already exists.  
15 Right?

16 We have a vacant piece of land and  
17 people are already using Pinehurst because of  
18 that commercial property to the north.  
19 Right? So it's -- I haven't heard any  
20 evidence that adding this development would  
21 make that worse than it already is. Right?

22 Can I have the slide?

23 CHAIRWOMAN BIRREN: Mr. Benda, just try  
24 to -- try to finish up just because we're  
25 getting to be long-winded here.

1 I have a question for staff

2 MS. MILLER: Yes, ma'am.

3 CHAIRWOMAN BIRREN: Is it proper -- I  
4 mean, I had the same thought. Is it proper  
5 for us to force the petitioner to develop  
6 that road north when it's on Highway 19 and  
7 it's not its only access?

8 I mean, Pinehurst is definitely an issue.  
9 We see it. And I disagree with what he said,  
10 because he's talked about how many trips and  
11 this and that, and all 6,000 people might  
12 decide that that's the easiest way to go  
13 through and then make a left. So I disagree.

14 MR. BENDA: Well, if I may, the traffic  
15 report says 3,000 trips per day that are new  
16 trips because of the development.

17 CHAIRWOMAN BIRREN: Okay. Even 3,000,  
18 even 300, I mean, it's still going to be an  
19 increase.

20 But I'm going to interrupt you for just a  
21 minute just because I know you're getting  
22 long-winded with it. I wanted to address  
23 that. So I had that concern. I had concern  
24 the whole time. You know, I know we ran into  
25 it before. There was a -- something that was

1 up on 19 past 50. There was something was  
2 going to have to go through and across  
3 somebody else's property that they didn't own  
4 and they were going to have to get permission  
5 for somebody to pull out onto their private  
6 road and this and that.

7 And, you know, is this something -- why  
8 is it in there as a requirement, that the  
9 County is requiring for this project for them  
10 to go through, you know, land that is not  
11 owned by them? I mean, it's out on 19?

12 BOARD MEMBER NOE: Yeah, I would just  
13 like to point out there is a -- that frontage  
14 road up there to the north does have an  
15 easement that the County owns that touches  
16 that property. So is that why there was that  
17 in there?

18 MR. DEPABLO: So if I can jump in. Been  
19 a while since I've spoken. This is Omar  
20 DePablo, for the record.

21 There's a lot of variables happening  
22 here. Mr. Benda's correct, there are some  
23 case studies that prohibit this board or the  
24 Board of County Commissioners to impose a  
25 condition to obtain property from a different

1 property owner in order to meet development.

2 I think what comes into the next question  
3 is -- is the traffic studies and the concern  
4 that the County has. And I won't speak for  
5 the County Engineer. His pay grade's a whole  
6 lot higher than mine and so is his IQ, so  
7 I'll let him speak for himself.

8 But by virtue of eliminating the  
9 Pinehurst access because of concerns of  
10 traffic movements, existing and potential, in  
11 my mind the frontage road becomes a necessity  
12 at time of development to distribute the  
13 trips properly.

14 Now, how Suncoast got built and the fact  
15 that if you want to call it someone missed  
16 that there was a right-of-way, I think  
17 there's intentionality that there was an  
18 intent to connect that frontage road to the  
19 south at some point. Without that  
20 right-of-way, we wouldn't be there.

21 And so those are the pieces that we're  
22 looking at today, the traffic studies and  
23 some of those things. The ordinance does say  
24 the frontage road needs to be put in place  
25 upon meeting demand. The only person that

1        has the ability to make that decision is the  
2        County Engineer with the backing of the Board  
3        of County Commissioners. But typically that  
4        is dependent on those traffic numbers that  
5        will come.

6            I think without bringing in previous --  
7        the previous approvals, Pinehurst -- access  
8        to Pinehurst, whether it was one or two, has  
9        always been a concern from a traffic study,  
10       from a very logical, aesthetic neighborhood  
11       sense.

12           And so by -- if this board and/or the  
13       Board of County Commissioners decides to  
14       approve the project with the closure of that,  
15       I think you run into two issues. You run  
16       into the need for the frontage road. And I  
17       think the tenants that would be enticed to  
18       come to the site would want another point of  
19       circulation for their potential customers.

20           So I'll leave that on the table and leave  
21       it for the details for Mr. Herring to  
22       discuss. But I think there is a platform by  
23       which we can, you know, pursue a connection  
24       of some sort. How it happens legally, again,  
25       that's outside of my pay grade. But that's

1           what the staff was getting at.

2           BOARD MEMBER HOLMES: Mr. Herring walked  
3 all the way up here.

4           CHAIRWOMAN BIRREN: Yep.

5           BOARD MEMBER HOLMES: On his own.

6           CHAIRWOMAN HOLMES: Mr. Herring, can you  
7 just pull that up.

8           BOARD MEMBER NOE: Well, so just want to  
9 clarify. But there is -- I get it. There's  
10 a little pond or an indent or ditch or  
11 whatever, but there is County-owned access to  
12 the north side of that parcel that connects  
13 to frontage road?

14          MR. DEPABLO: If I remember correctly,  
15 not by deed but by easement. Or  
16 right-of-way, I'm sorry.

17          BOARD MEMBER NOE: Okay. Got it.

18          CHAIRWOMAN BIRREN: Are you asking --

19          BOARD MEMBER NOE: Well, connect here?  
20 I'm looking at the County website and it  
21 shows that it's connected in there on the GIS  
22 as a Hernando County-owned piece of land.

23          CHAIRWOMAN BIRREN: Mr. Herring can tell  
24 us.

25          MR. DEPABLO: Yeah, I'll let -- yeah, it

1 shows it in there. I'll let Mr. Herring  
2 speak to that.

3 MR. HERRING: Madam Chair, commissioners,  
4 for the record, Scott Herring, Public Works  
5 Director, County Engineer.

6 First of all, the frontage road  
7 requirement is an ordinance. It was an  
8 ordinance known to these applicants when they  
9 first made their decision.

10 Secondly, if this project does go through  
11 and the connection to Pinehurst is deleted,  
12 the extension of the frontage road and the  
13 tying in of the frontage road will do nothing  
14 but benefit the development of this parcel as  
15 properties to the north will be able to come  
16 down and do it.

17 I think you would see a net gain on this  
18 property by completion of the frontage road  
19 as opposed to no completion of the frontage  
20 road.

21 Whether or not it can be built, the  
22 property was allowed to be used as a drainage  
23 retention area -- I do not have the letter  
24 with me -- as an administrative design  
25 variance, but there's also language in the

1 administrative design variance that says the  
2 property has to be made available to provide  
3 for the frontage road connection at such time  
4 as it's needed. I'm paraphrasing. I don't  
5 have the exact words in front of me.

6 It was always anticipated that there  
7 would be a connection here. Who pays for it?  
8 That may very well end up in court. But I  
9 believe the ability to construct it exists  
10 and I believe it's a net benefit to the  
11 project, especially with the deletion of the  
12 Pinehurst access.

13 CHAIRWOMAN BIRREN: Agree.

14 MR. HERRING: I'll be very happy to  
15 answer any questions the board may have.

16 BOARD MEMBER NOE: So the County does own  
17 that property?

18 MR. HERRING: I haven't done a title  
19 search to say it. I -- there was a lot of  
20 rebuilding in the Property Appraiser's  
21 website. Whether everything is showing  
22 correctly, I can't say whether it's an  
23 easement, whether we had a fee simple, or  
24 whatever. I haven't done the research to be  
25 able to say that.

1           BOARD MEMBER NOE: But when I look at  
2 other sites that would show, you know, it's  
3 showing it as it's owned by the County. Like  
4 the MLS, right?

5           MR. HERRING: I understand that, but  
6 that's the Property Appraiser's website.  
7 It's not a County website, so I can't speak  
8 to it. I can also point out that if you look  
9 up and you see the big vacant parcel almost  
10 immediately to the east of that over by the  
11 Winn Dixie, there's also a county-owned DRA  
12 that was part of that. So there are options  
13 out there where we can get the water to.

14          CHAIRWOMAN BIRREN: Okay. All right.

15          BOARD MEMBER NOE: Thank you, sir.

16          CHAIRWOMAN BIRREN: Mr. Noe, can you shut  
17 your light off? Mr. Fulford?

18          BOARD MEMBER FULFORD: Thank you, Madam  
19 Chair.

20          CHAIRWOMAN BIRREN: Do you have a  
21 question for Mr. Herring before he sits?

22          BOARD MEMBER FULFORD: Nope. Nope.  
23 Actually, it's good exercise there,  
24 Mr. Herring.

25                 But so we're at the point of we're doing

1 sausage making here. We're trying to get to  
2 a solution. And so I listened intently to  
3 Mr. Holmes proposal. My perspective on it,  
4 in order for me to agree to approve there  
5 will be no access from Pinehurst. It'll have  
6 to be off 19.

7 CHAIRWOMAN BIRREN: We clarified that, I  
8 think.

9 BOARD MEMBER FULFORD: So in order for  
10 me to support a approval, that would happen.  
11 But having said that --

12 BOARD MEMBER HOLMES: That was in my  
13 motion.

14 CHAIRWOMAN BIRREN: It was in his  
15 motion.

16 BOARD MEMBER FULFORD: Right. Well,  
17 we're just chit-chatting.

18 BOARD MEMBER HOLMES: Yep.

19 BOARD MEMBER FULFORD: So the other part  
20 of this is I listened intently -- and, again,  
21 I probably have more history on this than  
22 maybe I should -- but I listened to the  
23 citizens and the attorney representing the  
24 citizens.

25 And it is clear that the intensity of use

1 is probably at the highest level that it ever  
2 has been since -- this is iteration number  
3 four or five. I can't remember. And so the  
4 issue with the community being there, the  
5 original intent of the property for what it  
6 would be into perpetuity comes into play.  
7 And so I'm not comfortable with any of this  
8 and I would vote to deny.

9 CHAIRWOMAN BIRREN: Okay.

10 BOARD MEMBER NOE: With that, I mean, it  
11 is called Commercial Way. It is a very well  
12 established place for commercial activities  
13 to take place. Even on Pinehurst there is  
14 commercial properties right there on Spring  
15 Hill Drive. It is very much a commercial  
16 area out there. And so I think the way that  
17 Mr. Holmes has identified it, I would be in  
18 support of that, so.

19 CHAIRWOMAN BIRREN: All right. Any other  
20 discussion? Are we going to move forward  
21 with our motion at this point?

22 All right. So we've got a motion on the  
23 floor. Do we have a second?

24 BOARD MEMBER NOE: I'll second it.

25 CHAIRWOMAN BIRREN: Do you need to

1 clarify the motion or are we good?

2 MS. MILLER: Does the board need  
3 clarification of what's included in that  
4 motion or are you good?

5 BOARD MEMBER NOE: We can do it one more  
6 time if it makes everybody happy.

7 MS. MILLER: So 11 will stay the way it  
8 is.

9 Twelve is stricken with the replacement  
10 of the language containing that there shall  
11 be no access to Pinehurst Drive from the  
12 development.

13 Number 16, the 100 feet is changed to 200  
14 feet.

15 Number 23, there's language that we're  
16 going to add another bullet point for a  
17 25-foot landscape buffer along Spring Hill  
18 Drive. The second paragraph down in  
19 condition number 23 will read, the eastern  
20 buffer may utilize a fence to achieve the 100  
21 percent required opacity.

22 And those all of the revisions that I  
23 have.

24 CHAIRWOMAN BIRREN: Okay.

25 BOARD MEMBER HOLMES: That's all I have

1           written down, too.

2           CHAIRWOMAN BIRREN: All right. Do we  
3           have a second?

4           BOARD MEMBER NOE: I second.

5           CHAIRWOMAN BIRREN: Okay. We've got --  
6           we've got a second by Mr. Noe.

7           All in favor?

8           (Board members Birren, Holmes and Noe  
9           indicating Aye.)

10          CHAIRWOMAN BIRREN: All opposed?

11          (Board members Fulford and David  
12          indicating Nay.)

13          CHAIRWOMAN BIRREN: All right. It  
14          passes three to two.

15          MR. CONROY: Thank you.

16          (Hearing concluded.)

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1     STATE OF FLORIDA     )  
2     COUNTY OF HERNANDO )

3             I, CARLA GAIL DONATO, Court Reporter, certify  
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9             Dated this 8th day of December, 2025.

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/s/ Carla Gail Donato  
CARLA GAIL DONATO

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