

**HERNANDO COUNTY ZONING AMENDMENT PETITION**

File No. \_\_\_\_\_ Official Date Stamp: \_\_\_\_\_



**Application to Change a Zoning Classification**

**Application request (check one):**

- Rezoning  Standard  PDP
  - Master Plan  New  Revised
  - PSFOD  Communication Tower  Other
- PRINT OR TYPE ALL INFORMATION**

Date: \_\_\_\_\_

**APPLICANT NAME:** Southeast Investments, Inc.

Address: 151 Sawgrass Corner Drive, Suite 202

City: Ponte Vedra Beach State: FL Zip: 32082

Phone: 337-412-7702 Email: nwhitley@ferbercompany.com

Property owner's name: (if not the applicant) Jacobsen Property Investment, LLC and William/Melissa Samuelson

**REPRESENTATIVE/CONTACT NAME:** Kyle J. Benda, Esq.

Company Name: Benda Law

Address: 270 N. Broad St.

City: Brooksville State: FL Zip: 34601

Phone: 352-232-5757 Email: kyle@bendalawfirm.com

**HOME OWNERS ASSOCIATION:**  Yes  No (if applicable provide name) \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

1. PARCEL(S) **KEY** NUMBER(S): 79060, 79079, 79088, 79097, 79104, 79113, 79122, 79131, 79140, 79168, 79220
2. SECTION 12, TOWNSHIP 22 S, RANGE 17 E
3. Current zoning classification: PDP(GC) with limited C-2 uses and C-2
4. Desired zoning classification: PDP(GC) with limited C-2 uses
5. Size of area covered by application: 14.2 acres
6. Highway and street boundaries: Commercial Way and Hexam Road
7. Has a public hearing been held on this property within the past twelve months?  Yes  No
8. Will expert witness(es) be utilized during the public hearings?  Yes  No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much?  Yes  No (Time needed: \_\_\_\_\_)

**PROPERTY OWNER AFFIDIVAT**


I, Beecher Jacobsen of B.D.J. Sales, LLC, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

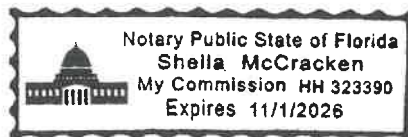
- I am the owner of the property and am making this application **OR**
- I am the owner of the property and am authorizing (applicant): Southeast Investments, Inc. and (representative, if applicable): Kyle J. Benda, Esq. of Benda Law to submit an application for the described property.

  
Signature of Property Owner

**STATE OF FLORIDA  
COUNTY OF HERNANDO**

The foregoing instrument was acknowledged before me this 15 day of May, 2026, by Beecher Jacobsen who is personally known to me or produced \_\_\_\_\_ as identification.

  
Signature of Notary Public



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

Notary Seal/Stamp

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**PRINT OR TYPE ALL INFORMATION**

File No. \_\_\_\_\_ Official Date Stamp: \_\_\_\_\_

Date: 3/10/16

**APPLICANT NAME:** Southeast Investments, Inc.

Address: 151 Sawgrass Corner Drive, Suite 202  
 City: Ponte Vedra Beach State: FL Zip: 32082  
 Phone: 337-412-7702 Email: nwhitley@ferbercompany.com  
 Property owner's name: (if not the applicant) Jacobsen Property Investment, LLC and William/Melissa Samuelson

**REPRESENTATIVE/CONTACT NAME:** Kyle J. Benda, Esq.

Company Name: Benda Law  
 Address: 270 N. Broad St.  
 City: Brooksville State: FL Zip: 34601  
 Phone: 352-232-5757 Email: kyle@bendalawfirm.com

**HOME OWNERS ASSOCIATION:**  Yes  No (if applicable provide name) \_\_\_\_\_

Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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9. Will additional time be required during the public hearing(s) and how much?  Yes  No (Time needed: \_\_\_\_\_)

### PROPERTY OWNER AFFIDAVIT

I, William Samuelson, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

- I am the owner of the property and am making this application OR
- I am the owner of the property and am authorizing (applicant): Southeast Investments, Inc. and (representative, if applicable): Kyle J. Benda, Esq. of Benda Law to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA

COUNTY OF ~~HERNANDO~~ Pinellas

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of March, 2016, by William Samuelson who is personally known to me or produced Florida Driver License identification.

Signature of Notary Public



**KASSEY REEVES**  
 Notary Public  
 State of Florida  
 Comm# HH600249  
 Expires 11/11/2028

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

Notary Seal/Stamp

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City: Brooksville State: FL Zip: 34601  
Phone: 352-232-5757 Email: kyle@bendalawfirm.com

**HOME OWNERS ASSOCIATION:**  Yes  No (if applicable provide name) \_\_\_\_\_

Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

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**PROPERTY OWNER AFFIDAVIT**

I, Melissa Samuelson, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

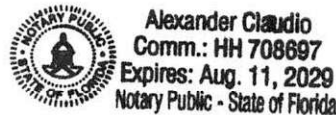
- I am the owner of the property and am making this application **OR**
- I am the owner of the property and am authorizing (applicant): Southeast Investments, Inc.  
and (representative, if applicable): Kyle J. Benda, Esq. of Benda Law  
to submit an application for the described property.

Melissa Samuelson  
Signature of Property Owner

STATE OF FLORIDA  
COUNTY OF HERNANDO Pinellas

The foregoing instrument was acknowledged before me this 10th day of MARCH, 2026, by Melissa Samuelson who is personally known to me or produced FL I.D. as identification.

Alexander Claudio  
Signature of Notary Public



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

Notary Seal Stamp

# HERNANDO COUNTY ZONING AMENDMENT PETITION



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 Master Plan  New  Revised  
 PSFOD  Communication Tower  Other  
**PRINT OR TYPE ALL INFORMATION**

File No. \_\_\_\_\_ Official Date Stamp: \_\_\_\_\_

Date: 3/13/24

**APPLICANT NAME:** Southeast Investments, Inc.

Address: 151 Sawgrass Corner Drive, Suite 202  
 City: Ponte Vedra Beach State: FL Zip: 32082  
 Phone: 337-412-7702 Email: nwhitley@ferbercompany.com  
**Property owner's name:** (if not the applicant) Jacobsen Property Investment, LLC and William/Melissa Samuelson

**REPRESENTATIVE/CONTACT NAME:** Kyle J. Benda, Esq.

Company Name: Benda Law  
 Address: 270 N. Broad St.  
 City: Brooksville State: FL Zip: 34601  
 Phone: 352-232-5757 Email: kyle@bendalawfirm.com

**HOME OWNERS ASSOCIATION:**  Yes  No (if applicable provide name) \_\_\_\_\_

Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_


**PROPERTY INFORMATION:**

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**PROPERTY OWNER AFFIDIVAT**

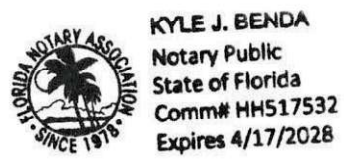
I, Christopher A. Gandy, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

- I am the owner of the property and am making this application **OR**  
 I am the owner of the property and am authorizing (applicant): Southeast Investments, Inc.  
 and (representative, if applicable): Kyle J. Benda, Esq. of Benda Law  
 to submit an application for the described property.

  
 \_\_\_\_\_  
 Signature of Property Owner

**STATE OF FLORIDA**  
**COUNTY OF HERNANDO**  
 The foregoing instrument was acknowledged before me this 13th day of March, 2024, by Christopher Gandy who is personally known to me or produced driver's license as identification.

  
 \_\_\_\_\_  
 Signature of Notary Public



Effective Date: 11/8/16 Last Revision: 11/8/16 Notary Seal/Stamp

## **Southeast Investments, Inc. Master Plan Revision Second Amended Narrative**

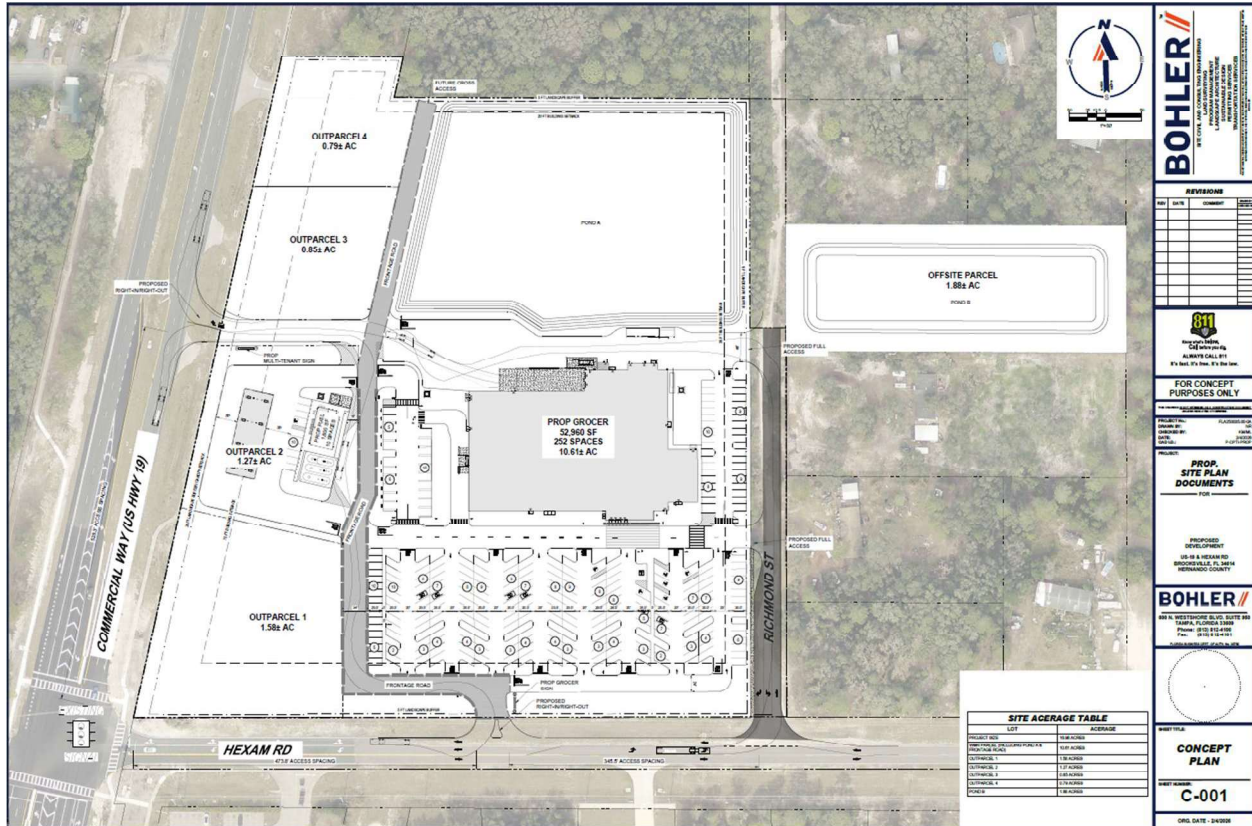
The applicant proposes a major revision of the existing master plan for property located at the corner of Commercial Way and Hexam Road, Hernando County Property Appraiser Key Numbers 79060, 79079, 79088, 79097, 79104, 79113, 79122, 79131, 790140, 79168, and 79220 (the “Subject Property”). This is a major revision because it seeks to modify the external access points, change the permitted setbacks, and alter the proposed concept or design of the development. *See App. A, Art. VIII, § 4, Hernando County Code of Ordinances (“Code”).* This application was first submitted to Hernando County (the “County”) on December 3, 2025, but this Amended Narrative is submitted to add an additional parcel east of Richmond Avenue, Parcel Key Number 79220, for additional drainage and stormwater facilities serving the Subject Property and a second additional parcel north of the existing master plan, Parcel Key Number 79168 for a commercial outparcel and additional drainage and stormwater facilities.

The applicant seeks to revise the existing, vested master plan on the southern 12.3-acres and add an additional parcel to the north and a second additional parcel across Richmond Avenue to the east. The southern 12.3-acres are currently zoned Planned Development Project (General Commercial) (“PDP(GC)”) with limited approved C-2 uses pursuant to a vested master plan created in 2013. The additional parcel to the north is currently zoned C-2 while the additional parcel to the east is currently zoned R-1-A. The additional parcels sought to be added to this rezoning are required to accommodate the new drainage and stormwater rules of the Southwest Florida Water Management District (“SWFWMD”) for this development.

If approved, the applicant seeks to modify the existing vested master plan into a larger development footprint, which will provide more buffering through the open space required for the additional drainage and an overall less dense commercial development because there will be less commercial outparcels than what is vested on the Subject Property, which outparcels will be more spaced out than in the original master plan.

While the applicant seeks the same uses as permitted by the vested master plan on the Subject Property, a retail grocery store with an accessory fueling station and convenience store, this application seeks a modification of reduced setbacks fronting Commercial Way, and reduced setbacks on a portion of Hexam Road. This application, if approved, will construct what has been contemplated and approved for this property since 2007.

The proposed site plan is below:



## Vested Entitlements

In 2007, the Subject Property was original rezoned from a mixed-use Planned Development Project (“PDP”) zoning including Recreational, General Commercial, and Residential uses to PDP(GC) with limited C-2 uses. In 2013, through H-13-11 as approved by Resolution 2013-119, the master plan was revised with a sign deviation to allow pole signs and retained all previous entitlements. The Subject Property is vested for all C-1 uses and the following specific C-2 uses from the Code:

- Drive-in restaurants
- Tire and automotive accessory establishments
- Automotive specialty establishments
- Veterinarian and animal clinics or hospital service establishment
- Alcoholic beverage dispensation
- Publishing and printing service establishments
- Retail plant nurseries
- Automobile service establishments.

Pursuant to Appendix A, Article VIII, if substantial performance is not initiated according to a master plan within two years of its approval, the master plan becomes null and void; however, “[t]he intensity<sup>1</sup>/density<sup>2</sup> is retained under the zoning approval,” but a new master plan meeting the existing Code is required.

Pursuant to Resolution 2013-119, the Subject Property has a vested density of 6 commercial outparcels: 5 commercial outparcels each occupying a minimum of 1.6 acres and 1 large commercial outparcel for the creation of a shopping center from the remaining area on the Subject Property. Also based on Resolution 2013-119, the Subject Property has the following vested intensity:

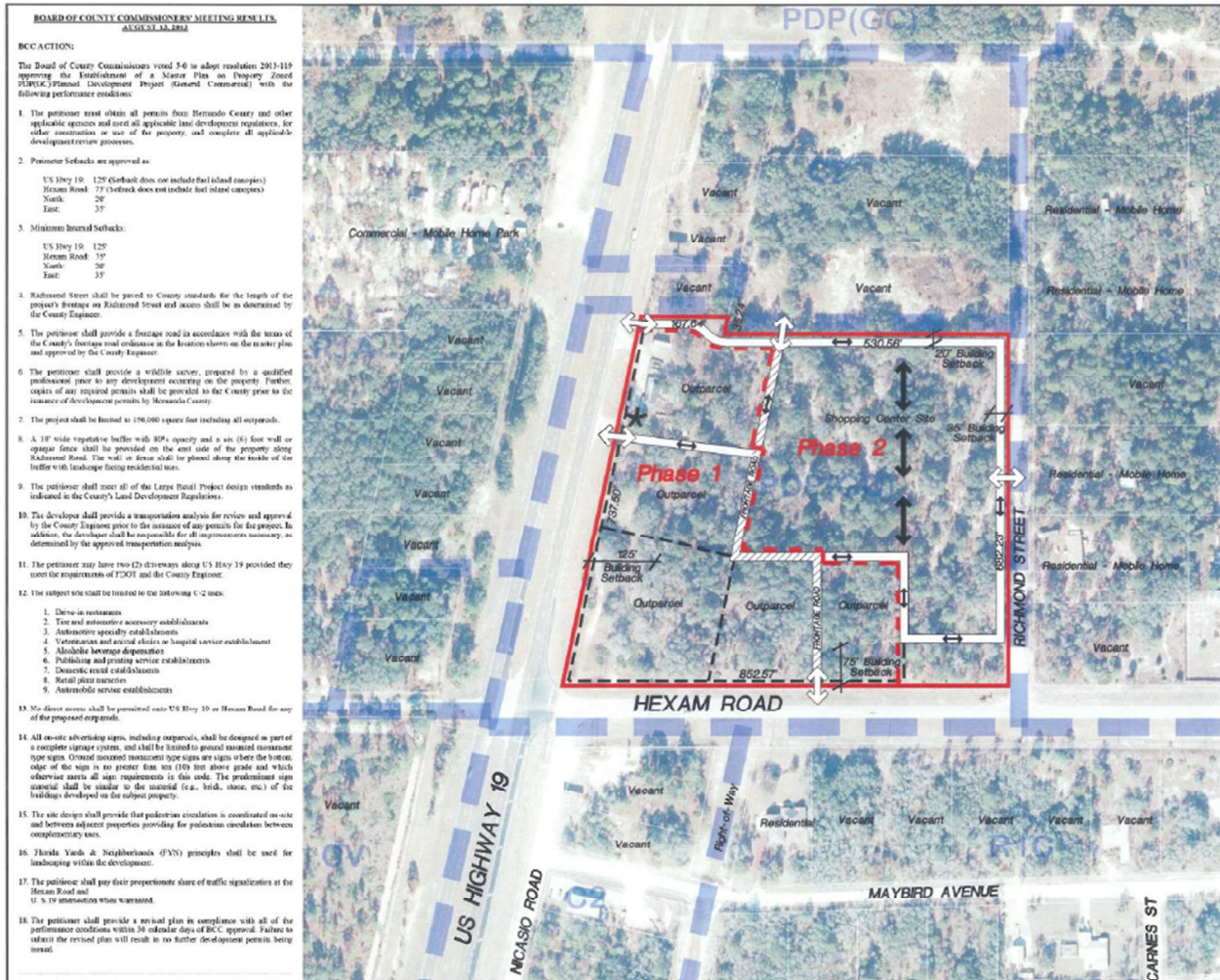
- 125’ setback from Commercial Way, which does not include fuel island canopies
- 75’ setback from Hexam Road, which does not include fuel island canopies
- A total development of 150,000 square feet including all outparcels
- Up to two access points on Commercial Way, provided that the Florida Department of Transportation (“FDOT”) approves.

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<sup>1</sup> “Intensity” means “an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.” § 163.3164(22), Fla. Stat.

<sup>2</sup> “Density” means “an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.” *Id.* § 163.3164(12).

The master plan approved by Resolution 2013-119 is shown below:



The applicant seeks to develop the Subject Property in a similar fashion by having a retail grocery store, but a reduction from 5 commercial outparcels to 3 commercial over a larger development footprint. Directly to the east of the grocery store will be for an accessory fueling station complementing the grocery store. The three outparcels would be available for any of the vested C-1 or limited C-2 uses with frontage on Commercial Way. The fueling stations will be located on the eastern portion of the Subject Property near Commercial Way and 8 fueling stations are proposed with each fueling station having two pumps. The fueling station will operate 24 hours a day, seven days a week. The applicant further seeks to construct a true frontage road through the Subject Property with Richmond Street paved only up to the grocery store's eastern access point.

## Background Information

**Total Site Size:** +/- 14.2 acres

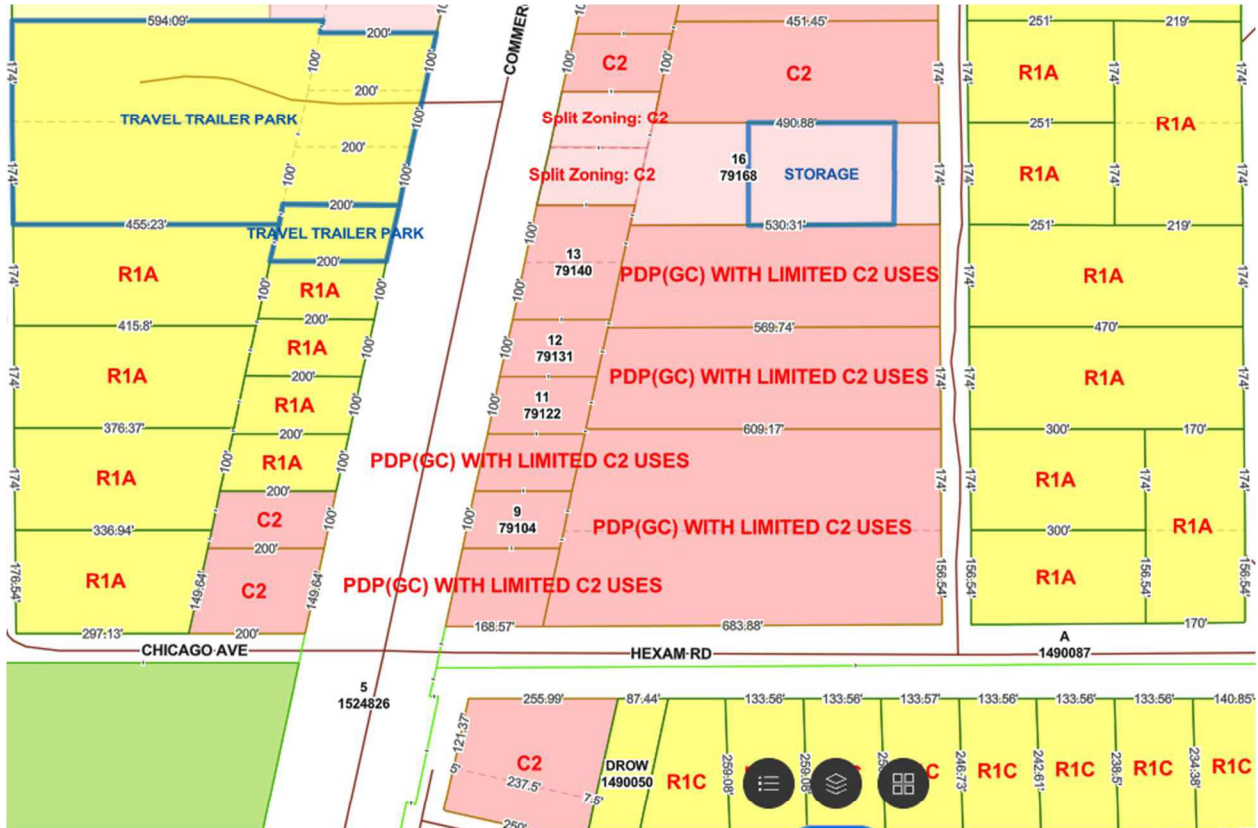
### **Surrounding Zoning:**

North: C-2

South: C-2 and R-1-C (across Hexam Road)

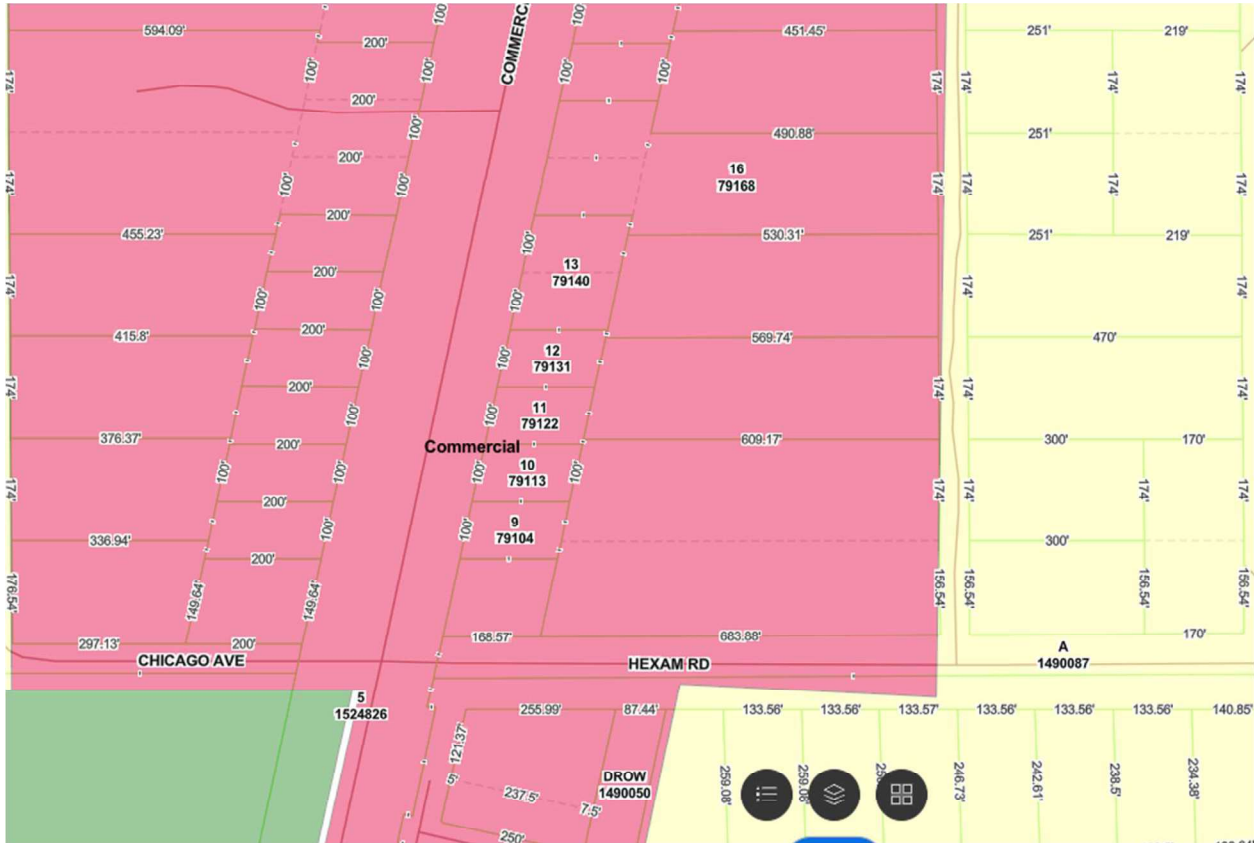
East: R-1-A (across Richmond Street)

West: C-2 and R-1-A (across Commercial Way)<sup>3</sup>



<sup>3</sup> In the zoning map incorporated into this application, the yellow portion indicates residential zoning and the red portion indicates commercial zoning.

**Surrounding Land Use:** North: Commercial  
South: Commercial and Residential (across Hexam Road)  
East: Residential (across Richmond Street)  
West: Commercial (across Commercial Way)<sup>4</sup>



**Current Zoning:** PDP(GC) with limited C-2 uses, C-2, and R-1-A

**Consistency With the Comprehensive Plan**

The applicant seeks a revision to the existing master plan established by H-13-11 as approved by Resolution 2013-119 to develop the Subject Property as a retail grocery store with a small fueling station and 3 additional commercial outparcels fronting Commercial Way. The retail grocery store will also have a drive-thru pharmacy.

Specifically, the applicant seeks the following deviations:

- Reduction of the building setback along Commercial Way from 125’ to 75’

<sup>4</sup> In the Future Land Use Map (“FLUM”) incorporated herein, the yellow portion indicates a Residential future land use and the red portion indicates a Commercial future land use.

- Reduction of the setback for the fuel station canopy only along Hexam Road from 75’ to 20’
- Reduction of the eastern buffer abutting the residential use across Richmond Street from 10’ to 5’ with a 6’ tall fence within that reduced buffer to achieve greater than 80% opacity.

#### Future Land Use Element of the Comprehensive Plan

The proposed development is consistent<sup>5</sup> with the Hernando County 2040 Comprehensive Plan (“Comprehensive Plan”) because the proposed commercial use is located within the Commercial Category in the Comprehensive Plan, uses conditions in a PDP zoning to ensure compatibility with the surrounding uses, discourages urban sprawl, and utilizes existing infrastructure in an efficient manner. *See* Strategy 1.04A(6) and Goals 1.10-1.12, Comprehensive Plan.

Objective 1.04G of the Comprehensive Plan, which outlines the purpose of the Commercial Category, provides that it “allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 . . . .” Further, Strategy 1.04G(1) of the Comprehensive Plan contemplates commercial uses “primarily for locations at major intersections and along major corridors where service to local and regional markets are enhanced by transportation patterns . . . [f]rontage roads and cross-access between commercial uses is required where needed in accordance with the provisions of this Plan and adopted land development regulations.” Further, Strategy 1.04G(2) of the Comprehensive Plan seeks to develop commercial nodes while protecting residential areas by locating such development at intersections of roads having collector status or greater, are located near existing commercial development, and is generally less than 100 acres in size. The proposed commercial development for the Subject Property also accommodates the extension of Hernando County’s frontage road network pursuant to Strategy 1.04G(4), which will pull traffic from Commercial Way between the Subject Property and Hexam Road and provide cross-access within this entire commercial node. *See generally* Objective 1.10B, Comprehensive Plan. Lastly, by being a PDP development, this project complies with Strategy 1.04G(5) of the Comprehensive Plan, which requires adoption of a master plan to regulate drainage, landscaping, access management, multi-modal site circulation, and signage.

This project is consistent with the Future Land Use Element of the Comprehensive Plan because it proposes commercial uses that are vested on a majority of the Subject Property by the previous rezoning, which include all C-1 uses and limited C-2 uses. The project is also consistent

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<sup>5</sup> “After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.” § 163.3194(1)(a), Fla. Stat.

because it is located at a commercial node adjacent to Commercial Way, an arterial road, where there is already a concentration of commercial development and the Subject Property is only 14.2 acres in size. *See* Strategy 1.04G(2), Comprehensive Plan. The project is using the PDP process to condition its development to control drainage, landscaping, access management, site circulation for pedestrians and vehicles, and signage.

Strategy 1.10B(2) of the Comprehensive Plan provides that “[z]oning changes should be compatible<sup>6</sup> with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks, and other appropriate planning techniques or performance measures.” This project will utilize buffering on the west side to screen the Subject Property from the residential uses across Richmond Street. The additional parcel that is across Richmond Avenue will be used solely for drainage and stormwater retention, so it will essentially be a vacant buffer that is beneficial to the adjacent residential parcels. The stormwater pond on this parcel will be connected through a piping system underneath Richmond Avenue. All other development surrounding the Subject Property is commercial or already adjacent to commercial uses. Moreover, the majority of the Subject Property has already been zoned for the exact commercial uses sought in this application; thus, this project is compatible with the surrounding area.

Additionally, because this project proposes more than 65,000 square feet of gross floor area, the Residential Protection Standards in Appendix A, Article VIII, Section 6 of the Code apply. This project will comply with those requirements, including no speakers within 100 feet of any single family residential property line, no alcohol dispensation, convenience stores, or automotive truck repair establishments within 100 feet of any single family residential property line, no building above 20 feet in height within 100 feet of any single family residential property line, no loading bays or docks within 100 feet of any single family residential property line, and air conditioning units being oriented away from single family residential property.

Fire protection for the area that is the subject of this application would be provided by Hernando County Fire and Emergency Services. Objective 1.12A of the Comprehensive Plan provides that “new development pay a fair, equitable, and proportionate share of the costs required to provide adequate public facilities.” For fire protection, the Hernando County Fire District must maintain or exceed an overall Insurance Service Office (“ISO”) rating of Class 2/2Y, and the development for the Subject Property does not adversely affect the current ISO rating for the County. *See* Strategy 1.12A(1)a., Comprehensive Plan. It is the applicant’s understanding that a new fire station is planned to be built at Atlanta Avenue and Commercial Way in the near future, but said construction still needs to be submitted for the public bidding process. An additional fire

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<sup>6</sup> “Compatibility” means “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.” § 163.3164(9), Fla. Stat.

hydrant may be required for the Subject Property, and any requests by Hernando County Fire and Emergency Services required by the Comprehensive Plan will be accommodated by the applicant. Further, the applicant is amenable to accommodating engineering or design requests by Hernando County Fire and Emergency Services required by the Code.

Police protection would be provided by the Hernando County Sheriff's Office. Strategy 1.12A(1)b. of the Comprehensive Plan requires that law enforcement maintains a ratio of at least 1.32 sworn officers per 1,000 permanent residents of the County. The proposed development for the Subject Property does not adversely affect the current ratio of sworn officers to permanent residents of the County.

#### Transportation Element of the Comprehensive Plan

The PDP process will ensure that any transportation impacts resulting from the proposed development on the Subject Property will be addressed to maintain safe and efficient traffic operating conditions in accordance with the Comprehensive Plan and Code, including a frontage road. *See* Objective 5.01B, Comprehensive Plan. A traffic analysis study is being prepared and will comply with Hernando County's methodology. The applicant agrees to construct any improvements identified by the traffic analysis.

The applicant intends to pave Richmond Avenue to just north of the eastern access for the Subject Property, with the remaining norther section of Richmond Avenue to be paved if the need is demonstrated by the County in the future. Alternatively, the applicant proposes a true frontage road through the center of the Subject Property in lieu of continuing Richmond Avenue through to Boston Avenue.

The applicant recently added Hernando County Property Appraiser Key Number 79168 to this application, so there should be no issues of cross connectivity for the Subject Property to the north. The applicant further agrees to align any cross connectivity for the Subject Property so that such access does not impede the existing access for the parcel to the north, Hernando County Property Appraiser Key Number 79042, and the existing alignment with Hexam Road to the south. The access connection to Hexam Road shall be right in, right out only and will work with the County Engineer to prevent left turn maneuvers on Hexam Road through site plan design. The applicant further agrees to construct a sidewalk along Hexam Road the entire width of the Subject Property to connect to the existing sidewalk on Commercial Way.

Lastly, all access from the Subject Property to Commercial Way will be coordinated and authorized by FDOT.

### Utilities Element of the Comprehensive Plan

The project is consistent with the Utilities Element of the Comprehensive Plan.

The design of the project using the PDP process will help regulate the drainage and stormwater at the Subject Property, and all requirements of the Southwest Florida Water Management District (“SWFWMD”).

There is a 10” force main on north side of Hexam Road and east side of Commercial Way. There is also a 16” water main on south side of Hexam Road, which crosses Hexam right before the intersection with Commercial Way, then runs parallel to the force main on the east side of Commercial Way. As a result, water and wastewater are available to the Subject Property. This infrastructure can accommodate the project with no adverse effect to the level of service for the Hernando County Utilities Department. At the time of development, the applicant will prepare a utility capacity analysis and properly connect to the central water and wastewater system of the County.

The Hernando County Landfill is also currently operating at an acceptable level of service and this project will not adversely affect that level of service.

### Conservation Element of the Comprehensive Plan

The applicant will perform a wildlife study for the Subject Property to ensure that no threatened or endangered species are negatively impacted. *See* Goal 10.01, Comprehensive Plan. Further no wetlands are on the site that will be impacted by development. *See* Goal 10.03, Comprehensive Plan.

### Property Rights Element of the Comprehensive Plan

Because of the vested entitlements in the Subject Property, approval of this application for a revision to the existing master plan is consistent with the Property Rights Element of the Comprehensive Plan. *See generally* Goal 12.02, Comprehensive Plan.

### **Conclusion**

Because the application for a master revision for the Subject Property is consistent with the Comprehensive Plan, the applicant requests that the Hernando County Board of County Commissioners approve this application.