

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

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

Date: September 6, 2022

File No. H-22-71 Official Date Stamp:



Received

SEP 07 2022

Planning Department
Hernando County, Florida

APPLICANT NAME: Sobel Fund VII, LLC

Address: 2385 NW Executive Center Drive, Suite 370

City: Boca Raton State: FL Zip: 33431

Phone: Email:

Property owner's name: (if not the applicant)

REPRESENTATIVE/CONTACT NAME: Darryl W. Johnston, Esq.

Company Name: Johnston Law Group, PA

Address: 29 S Brooksville Avenue

City: Brooksville State: FL Zip: 34601

Phone: 352-796-5124 Email: dwj@djohnstonlaw.com

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

Contact Name:

Address: City: State: Zip:

PROPERTY INFORMATION:

1. PARCEL(S) **KEY** NUMBER(S): 376042
2. SECTION 16, TOWNSHIP 23, RANGE 17
3. Current zoning classification: C/PDP (GC) with specific C2 uses, MF and OP
4. Desired zoning classification: C/PDP (GC) with specific C2 uses and MF
5. Size of area covered by application: 72 Acres +/-
6. Highway and street boundaries: US 19 and Lake in the Woods Drive
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, Jeffrey E. Sobel, as Manager of Sobel Fund VII, 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):

and (representative, if applicable): Darryl W. Johnston

to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA

COUNTY OF ~~HERNANDO~~ Palm Beach

The foregoing instrument was acknowledged before me this 7th day of September, 20 22, by Jeffrey E. Sobel who is personally known to me or produced as identification.

Signature of Notary Public



Notary Seal/Stamp

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

LETTER OF AUTHORIZATION

September 6, 2022

Received

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Planning Department
Hernando County, Florida

Michelle Miller
Hernando County Planning
1653 Blaise Dr.
Brooksville, Fl. 34601

RE: C/PDP Rezoning

Dear Ms. Miller:

Please allow this to serve as a Letter of Authorization for Darryl W. Johnston, Esq., of Johnston Law Group, P.A., to represent Sobel Fund VII LLC in the rezoning petition for the above-referenced property.

Sobel Fund VII, LLC

By

Jeffrey E. Sobel, as Manager

STATE OF FLORIDA

COUNTY OF Palm Beach

The foregoing instrument was sworn to and subscribed before me by means of [] physical presence or [] online notarization, this 7th day of September 2022 by Jeffrey E. Sobel, as Manager of Sobel Fund VII, LLC, who is personally known to me or who has produced _____ (type of identification) as identification.

Seal:

Carol G. DeMare
NOTARY PUBLIC



NARRATIVE – SOBEL FUND VII, LLC

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Planning Department
Hernando County, Florida**I. GENERAL DESCRIPTION**

The applicant's approximate 72 acre project site is located on the west side of US 19 just south of Lake In The Woods Drive, in Section 16, Township 23 South, Range 17 East, in Hernando County, Florida. The existing zoning on the subject parcel is C/PDP. The uses included in the C/PDP are (GC), (GC) with additional specific C2 uses, (OP), (OP) with additional specific C1 uses, (MF) to include age restricted residential and the special exception use of Assisted Living Facility.

Surrounding zoning consists of C1, C2, RI C, PDP (SF) to the north; C2 and AG to the south; C2 and C3 to the east; and AG to the west. The Hernando County Comprehensive Plan's Future Land Use Map indicates the property is located within a Commercial and a Residential designation.

This parcel was the subject of a rezoning filed in 2008 and approved in 2009. It is effectively an "infill" parcel along the US 19 corridor, with extensive commercial development to the south and north. With the exception of the far western corner of the property, it consists of soils very conducive to development. The applicant is requesting a master plan modification for a combined planned development project (C/PDP). The uses included in the C/PDP are (GC), (GC) with additional specific C2 uses, and (MF) for multifamily development in the western side of the property.

The attached master plan shows the approximate location of anticipated uses and has been designed to accomplish several objectives:

- Transition commercial use (both depth and intensity) from south to north
- Provide for a functional reverse frontage road from Lake in the Woods Drive to the west
- Place commercial out parcels along U.S. 19 adjacent to the reverse frontage road
- Provide buffers and compatible uses (multi-family residential, drainage retention) along boundary adjacent to existing subdivisions
- Provide direct access to US 19 at three locations
- Maintain the functionality of Lake in the Woods Drive/US 19 intersection by allowing only one access point (frontage road).

The proposed master plan incorporates a retail commercial area and up to fourteen (14) out-parcels, with maximum density of 450,000 sq. ft. of building square footage, including the out parcels. A four story, 150 room hotel facility is anticipated on the north portion of the site west of Walgreens and adjacent to existing commercial. A climate controlled self-storage facility of approximately 120,000 square feet is anticipated on the south portion of the site adjacent to similar uses. The proposed maximum density of for the multi-family portion is 500 units. The proposed reverse frontage road and access drives from US 19 will provide access to the commercial and residential areas within the project. Direct access to US 19 will

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be available at three locations, including one full median intersection (south entrance) that will be extended to the reverse frontage road and will be emphasized as the project's primary point of access. This intersection can also function as a "alternative" route for existing traffic on Lake in the Woods Drive (via the reverse frontage road). With the provision of a reverse frontage road and access drive, the applicant is requesting a 75' setback from US 19.

This project is consistent with the Comprehensive Plan and has been designed to be compatible with the surrounding area. It provides buffering to adjacent residential uses to the north and adjacent open space to the west. Once constructed, this project would bring businesses into Hernando County that would increase tax revenue and employment opportunities.

The specific commercial and C2 uses being requested for the property consist of: grocery store, fitness center, sporting goods store, self-storage, hotel, membership warehouse store, bank, medical, restaurants, and compatible general commercial uses. Specific C2 uses being requested include drive-in restaurants and tire and automotive accessory establishments.

Perimeter Setbacks are requested to remain consistent with the existing C/PDP and are as follows:

From US 19 = 75'

From Proposed Frontage Road = 35'

From Lake In the Woods Drive = 75'

From West Property Line (Rear) = 20'

Eighteen (18) copies of the proposed master plan are enclosed.

II. SITE AND ENVIRONMENTAL CHARACTERISTICS

- A. TOPOGRAPHY - The topography of the property ranges from a low of approximately 13' m.s.l. in the northwestern portion of the project to approximately 25.7' m.s.l. near the northeastern portion of the project.
- B. FLOOD PLAIN - According to Flood Insurance Rate Map Community-Panel 120110 0280B, the subject site falls into Zone X Indicating an area of minimal flooding.
- C. SOILS - According to the Hernando County Soil Survey (U.S. Soil Conservation Service), four (4) soil types exist on site, they include: Candler fine sand, 0 to 5 percent slopes, Candler fine sand, 5 to 8 percent slopes, Myakka fine sand and Basinger fine sand.
- D. ENVIRONMENTAL— The following is a brief description of the property:
 - The subject property is undeveloped and vacant. No buildings or structures are on the property. An abandoned road bisects the central portion of the property in a southwesterly direction.

- Most of the property has recently been cleared of timber.

- A cypress dome wetland is present within the northwestern corner of the subject property. The canopy of this wetland system is comprised of bald cypress and loblolly bay trees with an understory of fetterbush and wax myrtle. Herbaceous vegetation present includes St. John's wort, cinnamon fern, Virginia chain fern, royal fern, yellow-eyed grass, shore rush, and camphor weed.

- Gopher tortoise burrows were located during a wildlife survey conducted during the rezoning in 2008. No other protected fauna species were revealed during the last wildlife survey. An updated wildlife survey shall be provided prior to any development occurring on the property.

E. DRAINAGE — It is anticipated that stormwater will be handled on site using drainage retention areas, the exact size and location of which will be determined during engineering design.

F. POTABLE WATER AND SEWER This project is located within the Hernando County Utilities service area. Both potable water and sanitary sewer are in close proximity to the project site.

III. PLANNED PUBLIC IMPROVEMENTS AND ACCESS

The proposed reverse frontage road. Access to the project site would be gained via proposed reverse frontage road with connections to Lake In the Woods Drive on the north and US 19 adjacent to the southerly property line. Two additional access points (right-in/right-out) are also proposed to the commercial plaza from US 19 as shown on the site plan. A traffic light is anticipated at the south entry to the property.

IV. COMPREHENSIVE PLAN COMPABILITY

The Property is located within a Commercial and Residential Land Use classification on the adopted Future Land Use Map. The area is characterized by commercial, professional office and residential homes. The site is located on an arterial road, and the proposed development is a mixed use project. The proposed deviations requested are consistent with the existing land use approval for the property.

V. CONCLUSION The proposed site plan modification is consistent with the County's adopted Comprehensive Plan and the surrounding land uses in the area. We request approval with reasonable performance conditions.

Received

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Hernando County, Florida