

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

PROCEEDINGS: Public Hearing Re: File No. H2482
Rezoning Petition Submitted by Mark
Keschl of Meridien Development, LLC
on Behalf of Haber

DATE: November 4, 2025

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

TRANSCRIBED BY:

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Court Reporter

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P R O C E E D I N G S

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CHAIRMAN HAWKINS: All right. On item E can you please read entry of proof of publication into the record, Mr. DePablo?

MR. DEPABLO: Yes, sir. Thank you so much. Public hearing Items E 1 and E 6, affidavits of publication in the Hernando Sun published on October 24, 2025.

And public hearing items E 2, E 3 and E 5, affidavits of publication were also published in the Hernando Sun and that was August 29, 2025.

CHAIRMAN HAWKINS: Thank you, sir. Mr. Jouben, can you please poll the commissioners for ex parte communications?

MR. JOUBEN: Commissioner Champion?

COMMISSIONER CHAMPION: Yes.

MR. JOUBEN: Commissioner Allocco?

COMMISSIONER ALLOCCO: Yes.

MR. JOUBEN: Commissioner Amsler?

COMMISSIONER AMSLER: Yes.

MR. JOUBEN: Commissioner Campbell?

COMMISSIONER CAMPBELL: Yes.

MR. JOUBEN: Mr. Chairman?

1 CHAIRMAN HAWKINS: Yes.

2 MR. JOUBEN: Then I'll give the board a
3 standard admonition. It may only consider
4 the evidence presented in today's
5 quasi-judicial hearings when making your
6 determination on them.

7 COMMISSIONER CAMPBELL: Understood.

8 CHAIRMAN HAWKINS: Thank you, sir. At
9 this time if there's anybody that wishes to
10 speak during one of these agendaed items,
11 please stand, raise your hand so the clerk
12 can administer the oath. If you think you
13 may speak, a possibility of speaking, please
14 stand now.

15 THE CLERK: Do you swear or affirm the
16 testimony you're about to give is the truth,
17 the whole truth, and nothing but the truth?

18 THE WITNESSES: (Indicating
19 affirmatively.)

20 CHAIRMAN HAWKINS: Okay. Need to adopt
21 the agenda into the backup materials.

22 COMMISSIONER AMSLER: Motion.

23 CHAIRMAN HAWKINS: Motion from
24 Commissioner Amsler.

25 COMMISSIONER CHAMPION: Second.

1 CHAIRMAN HAWKINS: Second from
2 Commissioner Champion. Any further --

3 MR. JOUBEN: You need to adopt it into
4 evidence.

5 CHAIRMAN HAWKINS: Into evidence, yes,
6 sir. Motion from Commissioner Amsler, second
7 from Commissioner Champion.

8 Any further discussion? All in favor?

9 (Commissioners indicating affirmatively.)

10 CHAIRMAN HAWKINS: Motion carries 5-0.

11 * * * * *

12 CHAIRMAN HAWKINS: On to Item four.

13 MR. DEPABLO: Thank you. Next item,
14 rezoning petition submitted by Mark Keschl of
15 Meridien Development, LLC on behalf of Gary
16 Haber, Evelyn Haber, Kenneth L. Haber --
17 Haber, I apologize -- and Martha Haber of
18 property located on Commercial Way.

19 This is File Number H2482. The request
20 before you is a rezoning from Planned
21 Development Project (Special Use) to Planned
22 Development Project (General Commercial) with
23 specific C-2 uses for drive-in restaurant.
24 The petitioner is also requesting deviations.
25 Again, this is located on the northeast

1 corner of Commercial Way and Spring Hill
2 Drive.

3 On June 9, 2025, the Planning and Zoning
4 Commission voted 3 to 2 to recommend the
5 Board of County Commissioners adopt a
6 resolution approving the petitioner's request
7 for rezoning. Later at their August -- the
8 board's August 5, the board voted 5-0 to
9 postpone the petitioner's request, allowing
10 the petitioner to come back to staff. And
11 predominantly our Public Works Department and
12 County Engineer to revise some access points
13 and ultimately the traffic access analysis.
14 That has been submitted. If I'm not
15 mistaken, it is part of the record.

16 Staff still recommends approval and I
17 will let Ms. Miller give us the detail of
18 some of the subsequent changes and
19 improvements that were made at the board's
20 request.

21 MS. MILLER: Good afternoon. Michelle
22 Miller, for the record. As Mr. DePablo had
23 mentioned, a revised traffic analysis was
24 submitted by the applicant in September of
25 2025. It was reviewed by the Department of

1 Public Works engineering division. No
2 objections were identified by Public Works.

3 The only comments they had was that if
4 the driveway locations, access connections be
5 revised by anytime or any other entity, i.e.,
6 Florida Department of Transportation, it will
7 require a master plan revision.

8 In front of you this afternoon, as well I
9 did distribute at the beginning of the
10 meeting, a letter of authorization from
11 Suncoast Credit Union to Meridien Development
12 and their associated partners. I would like
13 for this to be incorporated into the record.
14 This does allow for authorization for
15 Meridien to coordinate with Suncoast and then
16 also apply for any revised environmental
17 resource permits to provide the
18 interconnectivity to Suncoast Credit Union.

19 Also, in your packet there's a lot of
20 information, so I appreciate you all looking
21 through everything this afternoon. We did
22 provide documentation from Suncoast Credit
23 Union showing that they would be in agreement
24 to work with the applicant on providing that
25 cross-connectivity.

1 And the updated master plan that's
2 reflected on the screen is also what has been
3 included in your packet, which shows a
4 reduction in the overall project intensity
5 and removed the connection to Pinehurst and
6 provides a connection to the north through
7 the Suncoast Credit Union property ultimately
8 up to Trenton.

9 So with that, I will turn it over to the
10 applicant to provide additional details as
11 you may require.

12 CHAIRMAN HAWKINS: Commissioner Allocco?

13 COMMISSIONER ALLOCCO: Unless I just
14 missed what you said, the revised master plan
15 is only showing development on lot three and
16 lot four, but there's still lots one, two,
17 and five. Is that accurate? Is that for
18 future development?

19 MS. MILLER: So if they were to -- at
20 this point if they were to develop any other
21 parcels that are not identified on this
22 master plan, it will require a revision to
23 the master plan to come back in in front of
24 this board for consideration as the master
25 plan is ultimately adopted as part of the

1 record.

2 COMMISSIONER ALLOCCO: Why is there a
3 driveway that goes to the south if that's the
4 case?

5 MS. MILLER: To provide
6 interconnectivity for any future development
7 if it were to occur.

8 COMMISSIONER ALLOCCO: Does it --
9 looking -- so and we can have this
10 conversation, obviously, but to me that
11 basically says that this isn't really their
12 plan. Their plan is to be bigger.

13 MS. MILLER: Well, they couldn't
14 ultimately without --

15 COMMISSIONER ALLOCCO: Would --

16 MS. MILLER: Yeah, without coming back in
17 front of this board, they would have to come
18 back and provide a master plan revision. In
19 most cases we do ask for stub outs and
20 interconnectivity to be presented so that way
21 if they were to come back in a future phase,
22 somebody would know where that connection
23 point would occur.

24 COMMISSIONER ALLOCCO: May I follow back
25 up?

1 CHAIRMAN HAWKINS: Yes, go ahead.

2 COMMISSIONER ALLOCCO: Okay. So thank
3 you for clarifying that. But to me, if there
4 wasn't supposed to be any further, then I
5 would require there not to be a stub out and
6 I would require it to be permanently wooded.

7 MS. MILLER: And that could be a
8 discussion point by the board.

9 COMMISSIONER ALLOCCO: Because, I mean,
10 to me that would make -- then that would show
11 me that this truly wasn't a design with a
12 plan to expand in the future.

13 MS. MILLER: So with that, I can turn it
14 over to the applicant.

15 CHAIRMAN HAWKINS: Commissioner Champion
16 had a question.

17 MS. MILLER: Oh, I'm sorry.

18 COMMISSIONER CHAMPION: I just wanted to
19 make sure that we -- did we satisfy the
20 neighbors as far as the buffers, the --
21 the -- there's no exit on Pinehurst, right?

22 MS. MILLER: There is no exit on
23 Pinehurst. We did, based on previous board
24 direction, enhance some of the buffers. I
25 can read those into the record as well.

1 Condition number 23 does provide that --
2 let me make sure I have the right one.
3 There's been a number of changes. Here we
4 go.

5 Condition number 23 does require a
6 35-foot landscape buffer where abutting
7 residential homes. Five-foot landscape
8 buffer along the southeast perimeter.
9 25-foot landscape buffer along U.S. Highway
10 19. And a 25-foot landscape buffer along
11 Spring Hill Drive.

12 And we did include that the eastern
13 buffers may utilize a fence to achieve 100
14 percent required opacity due to the width
15 limitations of the buffer. And they must
16 provide a plan to retain, refurbish, and/or
17 rebuild the existing columns there upon the
18 entryway to Spring Hill.

19 So some of those revisions were made in
20 an effort to provide the enhanced buffering
21 and try to accommodate the existing
22 residents.

23 COMMISSIONER CHAMPION: Thank you.

24 CHAIRMAN HAWKINS: Commissioner Allocco?

25 COMMISSIONER ALLOCCO: Is there a way to

1 zoom in on that?

2 MS. MILLER: Yes, sir.

3 COMMISSIONER ALLOCCO: Thank you. Okay.
4 Just kind of scoot it off to the side so we
5 can focus on the bottom corner, that bottom
6 section again. Okay.

7 So that entire road that is a stub out is
8 in the buffer that's supposed to be there?

9 MS. MILLER: And as I mentioned, they
10 need to go through and provide a final --

11 COMMISSIONER ALLOCCO: Right.

12 MS. MILLER: -- master plan based on the
13 final conditions of the Board of County
14 Commissioners. So they will have to make
15 accommodations to their master plan.

16 COMMISSIONER ALLOCCO: Okay. So, again,
17 I want to understand this, and maybe they can
18 explain when they come up. That south
19 entrance wouldn't even exist if that stub out
20 didn't exist. And so the only entrance would
21 be out by Suncoast or that one that is the
22 furthest north one that's on this picture
23 right now?

24 MS. MILLER: I would honestly have to ask
25 them to speak to whatever coordination they

1 might have had --

2 COMMISSIONER ALLOCCO: Okay. Because --

3 MS. MILLER: -- with the Florida

4 Department of Transportation.

5 (Simultaneous cross-talk.)

6 COMMISSIONER ALLOCCO: -- exists, then
7 that entrance right at the southern end of it
8 doesn't exist.

9 MS. MILLER: Right. I would prefer for
10 them to speak on that because it could have
11 been through coordination with the Florida
12 Department of Transportation.

13 COMMISSIONER ALLOCCO: Thank you.

14 MS. MILLER: Okay.

15 MR. BENDA: Thank you, Chairman,
16 Commissioners, Development Services Director
17 and County Attorney. My name's Kyle Benda
18 from Benda Law and I'm here on behalf of the
19 applicant, Meridien Development.

20 I just wanted to first thank you for this
21 continued hearing time based on the history
22 of this project. I know it's important that
23 the County wants to responsibly develop this
24 particular property and that the neighbors
25 want to protect their residential areas and I

1 think this plan does that.

2 So to kind of touch on Commissioner
3 Allocco's comments, as far as the -- the
4 illustrations of the actual buildings are
5 there for demonstrative purposes.

6 But like any other PDP, what we're asking
7 for is lots. Right? So a certain amount of
8 lots with specific uses permitted on each of
9 those lots. Right? So it's a PDP Commercial
10 with a specific -- I think it's just a
11 straight PDP Commercial because the auto bay
12 use is less than four bays. Right? So less
13 than four bays is a C-1 use. That's
14 permitted in a PDP Commercial or just in the
15 general C-1 zoning district.

16 So what's being requested is -- just to
17 show you the whole -- is five lots. One,
18 two, three, four, five, and then this is the
19 open buffering area where all of the adjacent
20 residentials is to the north and the east.

21 The reason you're seeing this big block
22 in the middle, that is planned to be a
23 Chick-fil-A. Chick-fil-A's been involved
24 since the beginning of this. They've already
25 applied to FDOT for a pre-application

1 conference for these exits on 19. So for
2 certain we can show you what that is expected
3 to be.

4 Obviously, things might change when you
5 get to construction plans, right, as they
6 always do in any kind of PDP. The one to the
7 north is a coffee retailer, like a
8 drive-through coffee type stand. And I think
9 this will become important when you look at
10 the transportation analysis. The other two
11 uses proposed are another small type -- a
12 smaller type drive-through restaurant, which
13 I believe is going to be most likely --

14 MR. CONROY: It's the opposite.

15 MR. BENDA: Up here?

16 MR. CONROY: The one north of
17 Chick-fil-A --

18 CHAIRMAN HAWKINS: Sir, please come to
19 the --

20 MR. CONROY: Sorry. Jim Conroy. I've
21 been sworn in. This site here is for a
22 hamburger drive-through use. This is your
23 Chick-fil-A. This is your future coffee. We
24 don't have them locked down yet so we don't
25 have a final plan. We're talking to several

1 different groups. This is for the oil change
2 place. And this one here is to be
3 determined. We've talked to a couple of
4 banks. We've talked to a couple of other
5 uses, but nobody's gotten far enough along to
6 make that determination.

7 MR. BENDA: And that would be limited
8 by -- what we're requesting is to be limited
9 by the C-1, as of right uses in the C-1
10 zoning district. Nothing more.

11 If you look at the staff report, staff
12 has found that this proposed plan is
13 consistent with the Comprehensive Plan, and
14 then as part of that consistency analysis
15 there are goals and objectives related to
16 land use compatibility. And staff has found
17 that it is compatible with the adjacent
18 residential area with the buffering and some
19 of the other conditions that staff has
20 imposed.

21 And Meridien Development is in agreement
22 with all of the staff conditions proposed in
23 this iteration, which includes no access to
24 Pinehurst and the connection to the frontage
25 road to the north. And then you've got the

1 two other access points on 19.

2 And then in Department of Public Works
3 analysis of the traffic report that was
4 provided in September of 2025, they have no
5 objections as far as the traffic impacts of
6 this proposed development goes. And if you
7 look at the traffic analysis, the traffic
8 study, it analyzes the specific uses of two
9 fast food restaurants, one drive-through
10 coffee establishment, the medical office, and
11 the three-bay quick lube type facility.

12 So that's where the traffic analysis --
13 those are the uses contemplated by it. But
14 obviously, once -- if this is approved and it
15 goes to building permits, there are
16 additional traffic studies that have to be
17 performed to make sure that the actual use
18 that goes there within that C-1, the C-1
19 group of uses, is permitted and appropriate
20 and complies with what y'all ordered today.

21 The only other thing I wanted to touch
22 on just generally is there are some old like
23 red brick columns along Spring Hill Drive and
24 then up 19. Those are going to be preserved
25 and they're going to be incorporated into the

1 design of this to preserve and create that
2 same look that's there currently with the
3 fountain, and the trees with the 25-foot
4 landscape buffer and then those columns.
5 Right? So to make that entryway to Spring
6 Hill Drive and Spring Hill look as much the
7 same as it would now, just with this
8 development on it to the north.

9 I think that the staff report itself was
10 maybe pulled over from the initial
11 application which contemplated access to
12 Pinehurst, but I just want to reiterate
13 there's no access to Pinehurst; so that was a
14 condition imposed by Planning and Zoning.
15 Meridien agrees with that condition and
16 agrees to make the connection to the frontage
17 road to the north.

18 So if you -- you've looked at the new
19 traffic analysis, the previous analyses for
20 this project and the previous rezonings for
21 this property, it was always, you know,
22 eight -- you know, four to eight different
23 scenarios of different roads being accessed.
24 The current traffic report does one analysis
25 and that is this point, which is no access to

1 Pinehurst and the frontage road to the north.
2 And based on that, there are no traffic
3 impacts to the surrounding roads.

4 I mean, I can go through the specifics
5 or I can answer any questions about specific
6 roads if you have them, based on the traffic
7 report. But because there's going to be no
8 access to Pinehurst, there's going to be no
9 impact to Spring Hill Drive. Because no
10 one's going to need to use Spring Hill Drive
11 to access this property generally.
12 There's -- it's mostly going to be 19 and
13 then Trenton coming down that frontage road.

14 CHAIRMAN HAWKINS: Commissioner Champion?

15 COMMISSIONER CHAMPION: Thank you. And
16 this is not our say. You're going to have to
17 go through FDOT. It's a state road.

18 MR. BENDA: Yeah.

19 COMMISSIONER CHAMPION: But Chick-fil-A
20 is like -- is not like any other burger joint
21 or anything. I mean, they do like five times
22 the business that everybody else does. And a
23 problem we've had and I was -- I've been
24 adamant about -- staff like even sent a
25 letter to these business owners -- like for

1 example, like Dunkin' Donuts on Mariner where
2 all the traffic backs up into the road.
3 Unacceptable.

4 So they better have stacking lanes to put
5 100 cars in line there. You need to have 100
6 cars backed up. Because they are 30, 40 deep
7 times three wide, all right? So any cars
8 that are coming on that highway, you know,
9 we're going to try -- at least I hope this
10 board will instruct the sheriff to ticket
11 everyone that comes on there and the business
12 owner as well to figure it out.

13 Because I can see it being a nightmare.
14 And then what's going to happen is people
15 coming south are going to want to go to
16 Chick-fil-A because it's by far the most
17 popular fast food place. They're going to
18 need to make a U-turn.

19 So I don't know what kind of improvements
20 you're going to make for that, or is there a
21 cutout to go to that one entrance?

22 MR. BENDA: So I think --

23 COMMISSIONER CHAMPION: North.

24 MR. BENDA: -- coming from the north
25 they're going to come and they're going to

1 turn left on Trenton, come down the frontage
2 road --

3 COMMISSIONER CHAMPION: Okay.

4 MR. BENDA: -- is the proposal. Or they
5 could come in this left in if they wanted to,
6 right? Come in the left in.

7 COMMISSIONER CHAMPION: Okay.

8 MR. BENDA: Come in here. And then, I
9 mean even if there is 100 cars here, right,
10 it's going to back up into the parking lot.
11 It's going to have to go out this frontage,
12 you know, it's -- I don't think --

13 COMMISSIONER CHAMPION: I think they're
14 preparing for that because, I mean, just go
15 over there and look at the very successful
16 one on 50. This one will probably do double
17 the business.

18 MR. BENDA: Yeah. And that's why they
19 have the biggest lot, from what I can tell.

20 COMMISSIONER CHAMPION: Yeah, these
21 things do like five million to eight million
22 dollars a year, and that's a lot of chicken
23 sandwiches.

24 MR. BENDA: Yeah.

25 COMMISSIONER CHAMPION: You know, so just

1 so you know. I mean, I think it's -- I think
2 everyone's going to love it. And as long as
3 we're not affecting the neighbors. But I
4 want to hear from the citizens shortly, see
5 what they have to say.

6 MR. BENDA: I know there were concerns
7 also about the ability to connect to the
8 frontage road to the north. And all the
9 materials I'm going to provide are already in
10 the record. I just want to provide them for
11 demonstrative purposes, right?

12 So this is the Suncoast. This is what's
13 been submitted for their SWFWMD permit back
14 in '21, I believe, right? This is the
15 wetland. This is the detention pond that the
16 road would have to come through and connect
17 here.

18 It was applied for a variance from the
19 County, a frontage road variance, which was
20 approved by the County in '21. And from what
21 I remember there, their reasoning for
22 requesting the variance was because if they
23 continued that frontage road south to the
24 property line, it would affect the
25 hundred-year floodplain that they would have

1 to compensate for and mitigate, which would
2 then actually -- if you look in closely, it's
3 the green area. It's probably here.

4 It would bleed into their parking.
5 Right? So then it would have affected their
6 parking requirements for their building
7 permit. So that's why I think they requested
8 that deviation.

9 But the County Engineer approved the
10 request on the contingency that if the
11 frontage road was ever required to be
12 connected to the front, it would be reserved
13 to do that. And then Suncoast executed a
14 deed conveying that 60-foot right-of-way and
15 fee simple to the County for use as a public
16 road, utilities, et cetera.

17 So there's nothing further that needs to
18 be done to build a road there. There's
19 already a right built into the plat and the
20 deed of dedication, you know, held by the
21 County for that public use.

22 So the challenge to Meridien becomes just
23 the engineering. Right? So that's the
24 purpose of the letter of authorization, to
25 apply to SWFWMD to make the wetland

1 mitigation work. There's going to be some
2 mitigation because there's actually two
3 different watersheds. I think there's a
4 watershed here and then this property is
5 completely different watershed.

6 So there's going to be some mitigation.
7 But the engineers for this project have, you
8 know, said they feel comfortable applying to
9 that -- to SWFWMD, and then if SWFWMD
10 approves that, it would build -- I believe
11 the plan is still to go over it. Right? So
12 the detention pond's going to remain there.
13 There's going to be the road going over it,
14 right?

15 So then I think the other issue, you
16 know -- again, like I said, staff found that
17 it was consistent with the Comprehensive Plan
18 and that the policy is for commercial infill
19 type parcel. Because it's on 19, right, that
20 that's why we don't need to do a
21 Comprehensive Plan amendment. Because it is
22 a residential future land use category, but
23 because of its location in between commercial
24 up and down 19, commercial future land use
25 category, it is as if it is a commercial

1 future land use category.

2 And then there are requirements in the
3 Comprehensive Plan factors that y'all would
4 consider to make that determination which I
5 can go through, but the general overview of
6 it is that this is no deeper than the
7 preexisting commercial corridor on 19.
8 There's no access -- there's a lot of
9 buffering once you hit the residential uses
10 to the northeast, right? Because on Spring
11 Hill Drive there's commercial on that
12 southern part already just about -- just
13 south of Alderwood.

14 So that's why it's kind of pivoted
15 towards Commercial Way, to create all of that
16 buffering to the northeast to do as much as
17 possible. That's why there's a deviation
18 requested for the setbacks from 19. That's
19 why there's a 50-foot setback deviation
20 request from 19 instead of the -- I believe
21 it's 125 feet. But with that, staff has
22 recommended a 25-foot landscape buffer along
23 19, so you'll still have that look of the
24 trees up and down 19 along the property with
25 the native -- the native plants and

1 everything.

2 I really think that's the only deviation
3 requested. Everything else asked for by
4 staff is completely fine; the 35-foot buffer
5 along the northeast where it abuts
6 residential.

7 The 100-foot buffer for the call boxes,
8 right, the code requires a minimum of 100
9 feet distance between a call box for like a
10 fast food restaurant or anything, and any
11 adjacent residential. The closest call box
12 that this development would have would be 216
13 feet. So we far exceed the minimum
14 requirements of the code.

15 You know, obviously the southern portion
16 you're dealing with, this is all commercial
17 down here. Right? So then there's a reduced
18 setback along Pinehurst here for this, but
19 then all this is going to be 80 percent
20 opacity landscape buffer with a fence.
21 Right? So you're going to do as much as you
22 can to screen that preexisting residential
23 there to protect it and comply with those
24 requirements in the Comprehensive Plan.

25 The only other thing I wanted to touch

1 on, you know, there were some comments at the
2 previous hearings about endangered species
3 and wildlife. There has already been a
4 wildlife study done on the property. A
5 wildlife expert has walked the property.
6 There's been no gopher tortoises found.
7 There's been no gopher tortoise nests found.
8 I think the closest active eagle's nest is
9 about a mile away to the northeast.

10 That's not to say there aren't protected
11 species there, but -- and then there would be
12 another survey done before anything is dug up
13 or removed or built. But, you know, as far
14 as this analysis goes, there's nothing there
15 that's been found.

16 There was a condition in the staff
17 report about complying with the Spring Hill
18 safety audit, so I just wanted to touch on my
19 understanding of what that audit talks about.
20 And I think some of the changes approved by
21 this board to Spring Hill Drive and some of
22 the problems with Spring Hill Drive were old
23 signage and pavement markings that had to be
24 updated. Some of the pavement falls off,
25 right, so it creates a dangerous situation.

1 And then I think there may be some
2 discussion about drainage problems in this
3 area, and the Spring Hill audit found that
4 the drainage problems were caused by the
5 drainage facilities around this property on
6 Pinehurst and Spring Hill Drive actually
7 being overgrown and kind of filled with dirt,
8 so they're not operating properly. Once
9 those are cleaned up and fixed I think there
10 will be no drainage problems that currently
11 exist.

12 There was an analysis of accidents,
13 right? On that segment between Pinehurst and
14 Spring Hill Drive I think in the past five
15 years there were like 150 accidents, right?
16 And my understanding of the findings of that
17 study were the fact that you have these four
18 lanes, right? You have the right turn lane,
19 you have two lanes going straight, and then
20 you have a left turn lane.

21 And the lane -- like the turning lanes
22 themselves are not long enough for people to
23 know that they're coming before they get
24 there, which kind of causes the accidents
25 essentially. And the recommendation of the

1 Spring Hill safety audit was to make those
2 turning lanes longer, right? Create a longer
3 queuing lane so people know when they're
4 going to turn far before they even hit
5 Pinehurst.

6 And I think that the other problem was
7 because of that median being open at
8 Pinehurst, right? You go across Spring Hill
9 Drive, there's an open median to get out and
10 go east.

11 COMMISSIONER CHAMPION: What does that --
12 sorry to interrupt, but what has that got to
13 do -- you have no entrances there. Why are
14 we talking about this? We solved that
15 problem, right?

16 MR. BENDA: And I say that because the
17 traffic study shows that there is some
18 traffic because you have a lot of traffic
19 coming from Spring Hill Drive to use this
20 property, right? A lot of people live east
21 of this property so they're going to have to
22 use either Spring Hill Drive and turn right
23 on 19 and then turn right coming in, or
24 they're going to have to go up Pinehurst
25 north to Trenton and hit the frontage road

1 and come down.

2 So that's kind of the traffic dispersion
3 as outlined by the traffic analysis. So I
4 think once the improvements recommended by
5 the Spring Hill safety audit are completed,
6 you're going to have no issues whatsoever.
7 You know, because you're going to close that
8 median, essentially was the recommendation.
9 You're going to have longer turning lanes and
10 you're going to not have any kind of stacking
11 problems even during peak season, peak hour
12 traffic.

13 CHAIRMAN HAWKINS: Commissioner Allocco?

14 COMMISSIONER ALLOCCO: I'm not a traffic
15 consultant, but I do go past this fairly
16 regularly and I don't see how that southern
17 access point isn't going to cause a problem
18 with people coming off of Spring Hill Drive
19 and going north. I just don't.

20 And it's not that far away from the
21 light, and then you're going to be making
22 this turn to go in here. I don't have an
23 issue with the northern -- like I said, that
24 northern one. It's that southern one that I
25 just think is going to be a disaster. And

1 again, I'm not an expert. Okay? I just said
2 it on record.

3 But I think anybody who drives it would
4 tell you if you're coming off of that light
5 and then somebody is now off of 19 is going
6 to be trying to work their way over to there,
7 you just -- you're going to run into problems
8 there. It's too close to that intersection
9 to have that access point.

10 MR. BENDA: And if I may address those
11 comments?

12 CHAIRMAN HAWKINS: Yes, absolutely.

13 MR. BENDA: So this is from the traffic
14 analysis, right? This is the project traffic
15 for the a.m. peak hour, and then I'll go
16 through the p.m. peak hour. Generally, very
17 close in numbers, so we're talking about the
18 most traffic per the hour of the day that
19 that's the heaviest.

20 We're not talking about -- I think there
21 was discussion before about 6,000 trips and
22 3,000 of those are passerby. Those are daily
23 trips. What I want to talk about is peak
24 hours.

25 So right here, this is Spring Hill Drive

1 coming by the project and this is your right
2 turn lane, which is then going to go on 19
3 and come into the property. You have 48 new
4 project trips in one hour, right?
5 Forty-eight cars, but 24 of those is passerby
6 captured. So those are people who are
7 already using that road. Right? So all
8 you're having is 24 new cars within an hour's
9 time span coming in to use this project,
10 based on FDOT's data tables and everything,
11 which was used to prepare this traffic
12 analysis.

13 And then if you look at p.m., right?
14 Same movement. You've got 29 total new
15 trips, but 7 of those are passerby capture.
16 So you've got 21 new people driving within an
17 hour to use this property because this
18 property is there.

19 COMMISSIONER ALLOCCO: So I --

20 CHAIRMAN HAWKINS: Commissioner Allocco?

21 COMMISSIONER ALLOCCO: So, listen, I know
22 the Chick-fil-A on 50 is not considered a
23 destination Chick-fil-A, right? Because you
24 have a lot of commercial all around it. So
25 they might be in BJ's, they might be going to

1 any of those other stores along there,
2 Walmart across the street, whatever. This
3 isn't a commercial plaza that has a
4 Chick-fil-A. This is going to be a
5 Chick-fil-A commercial plaza. Very
6 different.

7 And I just -- again, I'm just here to
8 state my concerns. I don't see that -- I
9 think those numbers are just -- I just don't
10 think they're accurate. And, again, I'm not
11 an expert, but nobody has -- they're not
12 going to -- you're not going to capture from
13 JC Penny and people are like, you know what?
14 Let's go over across the street and up the
15 road and we'll go to Chick-fil-A because
16 we're here. Right?

17 The people who are going there are going
18 to Chick-fil-A because it's Chick-fil-A, and
19 they're going to go there and they're going
20 to go back to wherever they were. They're
21 not going to go stop off and do other things,
22 like they do up on the one on 50 more
23 frequently because of all the commercial out
24 there.

25 COMMISSIONER CHAMPION: The good news is

1 they won't do it on Sundays.

2 COMMISSIONER ALLOCCO: Yeah. I just --
3 like I said, I just -- I struggle with that
4 29 number, but it is what it is.

5 COMMISSIONER CHAMPION: Go to the public?

6 CHAIRMAN HAWKINS: Are you done, sir?

7 MR. BENDA: Yes.

8 CHAIRMAN HAWKINS: Thank you.

9 MR. BENDA: Thank you, Chairman.

10 CHAIRMAN HAWKINS: So at this time we'll
11 go to the public. Everybody that's here has
12 been sworn, correct? So if you plan to speak
13 during this public -- at any time on the
14 agenda, please stand to be sworn.

15 THE CLERK: Do you swear or affirm the
16 testimony you're about to give is the truth,
17 the whole truth, and nothing but truth?

18 THE WITNESSES: (Indicating
19 affirmatively.)

20 CHAIRMAN HAWKINS: Thank you.

21 MS. FELLMAN: I didn't want to be first.

22 MR. ANGELIADIS: Someone's got to be
23 first.

24 MS. FELLMAN: Hi. I'm Mindy Fellman. I
25 have been sworn in. I live on Alderwood

1 Street. We already have cars going up and
2 down our road too fast. This morning I was
3 late because a neighbor dog was loose. If
4 someone was driving too fast down the road
5 trying to get a breakfast sandwich from
6 Wendy's or Chick-fil-A, they would have hit
7 it.

8 I heard that you already closed the
9 crossover from Pinehurst, causing
10 inconvenience for the people to get to
11 Publix. There are plenty other locations on
12 Commercial Way for these businesses. At the
13 last meeting in this building one of the
14 commissioners -- or one of the committee
15 members said that the road is named
16 Commercial Way for a reason. That's a
17 horrible thing to say. We don't need a
18 commercial business parcel in our
19 neighborhood. You also want to put traffic
20 on an already busy dangerous intersection.

21 Zoning laws are in place to ensure
22 compatibility, compatible development, and
23 maintain the character of a neighborhood.
24 There is no transition. I'm not a lawyer. I
25 do not know legally how to tell you that this

1 is a bad idea. I'm a resident within 500
2 feet of the desire of others that don't live
3 here.

4 And my other thought was Chick-fil-A on
5 50, there's two lanes going in there to --
6 for to be taking orders.

7 I had another issue. You wanted legal
8 earlier today. Incompatibility with existing
9 zoning ordinances, increased traffic and
10 safety concerns, negative impact on the
11 neighborhood character and property values,
12 nuisance concerning noise, odor, glare,
13 fumes, overburdening public facilities. One
14 of the ladies in our group lives right off of
15 that -- I'm here, she lives right here. And
16 right across the street is her home. If she
17 decides to move because you bring this in,
18 how is she going to sell her house? Who
19 wants that house now? Mindy Fellman. Thank
20 you.

21 CHAIRMAN HAWKINS: Thank you.

22 MR. HALL: Hi, my name's Bruce Hall and
23 I've been sworn in. I'm a neighborhood
24 resident. I live on Pinehurst a little
25 further up, and like many of the people here,

1 I'm -- and around where I live on Pinehurst,
2 I'm very concerned that commercial
3 development on property will result in
4 increased traffic.

5 And as Commissioner Allocco said, coming
6 off of Spring Hill Drive onto 19, that south
7 entrance is so close people are just ready to
8 take off on Spring Hill up 19 and, you know,
9 people are cutting over and trying to pull in
10 to a new development there. It's going to
11 cause problems.

12 Also, you know, the local residents are
13 going to experience a lot more noise and as
14 someone said, you know, probably the odor,
15 too, is going to be persistent in the area.

16 I'd also like to point out when the
17 current owner purchased the property, the
18 zoning in place at that time had to be --
19 legally it had to be disclosed to the
20 purchaser. And the original property
21 developer had intended that whole area to be
22 a green space. And many of the residents
23 that live in the Pinehurst area, Alderman
24 area, they bought those properties based on
25 the fact that they wouldn't be hearing the

1 noise from 19 because of the buffer of the
2 wooded area that it was originally designed
3 to be.

4 So I guess I just have one question.
5 Are you going to allow speculators to change
6 the character of Hernando County based on a
7 presumption that the County Commission will
8 just change the zoning to accommodate their
9 ambitions? Thank you.

10 CHAIRMAN HAWKINS: Thank you.

11 MS. HEATON: Hello. My name's Louella
12 Heaton. I have been sworn in.

13 My husband and I reside at 5452 Alderwood
14 Street, which is about three houses from
15 where the Chick-fil-A is proposed. We have a
16 lot of concerns about this. I know the
17 traffic is a huge problem. And, you know,
18 Chick-fil-A, my God, that's scaring the ham
19 out of me because like what already's been
20 said, I mean, there's going to be 1,000
21 people going in there. And I like
22 Chick-fil-A but, you know, it should be not
23 there in our neighborhood.

24 And another thing is the forest has
25 protected us from Highway 19's noise, the car

1 fumes. It protected us during the
2 hurricanes. You know, other than it's a
3 beautiful, you know, it's a beautiful forest.
4 But they're talking about a fence. A fence
5 is going to do nothing. I mean, what we're
6 going to need if this is approved is some
7 kind of a big tall brick buffer down through
8 Pinehurst into Piedmont, I think it's called.
9 You know, a vinyl fence or whatever is not
10 going to cut it. You know, so listen, keep
11 the forest so our neighborhood is safe.

12 And there's just going to be so many
13 problems. My God, we can't even get out onto
14 Spring Hill most of the time because of
15 traffic. And I really don't like the idea
16 that there's going to be a tire change right
17 there in front where, you know, you're --
18 that's going to be the first thing
19 everybody's going to see coming into Spring
20 Hill Drive. I mean, God, can't they be a
21 little more original on something they want
22 to put on that property?

23 This is just not a good thing. And
24 thank you all for your service. Thank you.

25 CHAIRMAN HAWKINS: Thank you, ma'am.

1 MS. LEHR: Hello. My name is Kalyn Lehr.
2 I live on Newmark Street right here. I have
3 been sworn.

4 Mr. Allocco, you mentioned the traffic
5 study and you seem like a numbers guy, so we
6 did our own traffic study on Pinehurst
7 actually. We set up a game camera and it
8 caught cars moving between Newmark Street and
9 Alderwood. Every single car was caught. I
10 sat there every night. I counted them up. I
11 tallied. And on average, there's roughly 450
12 cars that travel just between these two
13 streets.

14 Whether they go out to Pinehurst, we
15 don't know. We couldn't see that with the
16 camera. That's 450 commutes that's going to
17 be impacted by this, because Mr. Benda
18 already stated that cars will be going up
19 Pinehurst Drive to Trenton to cut over to the
20 frontage road by Suncoast because it does
21 come out there. So while there is no access
22 on Pinehurst, they've already stated that
23 Pinehurst will be impacted. And that's 450
24 commutes, roughly 450 commutes.

25 I can absolutely send anyone who wants it

1 the data. You can have all the trail cam
2 pictures, too. There's plenty of them. So
3 we already know that that's going to be an
4 issue.

5 The other thing I'd like to point out
6 here, what buffer? There's houses right
7 here. There is no buffer there. That is a
8 road. That is road, little bitty space,
9 road. What's going to stop people from
10 driving over the greenery to get back there?
11 We already see how people drive in this
12 county as it is, and it's questionable at
13 best sometimes. What's going to stop them?

14 And what's going to stop later on down
15 the road of them saying, oh, well, we'll just
16 cut like a little dirt path. It's going to
17 happen. We've seen it happen in other spots.
18 There's no buffer there. That's not -- no.

19 The other thing that was brought up
20 before was the homeless that live in there.
21 They generally don't bother us. Sometimes
22 you see them walk through the neighborhood,
23 but they don't, you know, come knocking on
24 people's doors. They don't take stuff from
25 us. They're there. That's where they want

1 to be, I say leave them.

2 The other thing we need to do is focus
3 on cleaning up the issues this county already
4 has instead of bringing in more issues.
5 Because that's what this is going to cause,
6 issues. You know, there's plenty of lots up
7 and down 19. There's a one-acre lot on the
8 other side of Lowe's, north on 19 from this,
9 that is zoned commercial already and it's for
10 sale. I didn't look into the price of it,
11 but that's an option, at least to me.

12 You know, and there's not a lot of
13 people here today. We all work. We've had
14 to take off how many days for this already?
15 So we might be small in number, but trust me,
16 we are mighty. A lot of us, you know, don't
17 want to see this come in.

18 And something that was brought up last
19 time was the County doesn't control what
20 people do with their property. Well, if
21 that's the case, why does the permits exist?
22 Why does planning and zoning exist? Why do
23 land use meetings exist? To protect the
24 residents.

25 It's time to step up and protect the

1 residents. We're the ones that live here
2 day-to-day. The developers do not. The
3 owners of these businesses do not. You know,
4 step up and protect the residents. We're the
5 ones that vote. We're the ones that pay
6 taxes.

7 CHAIRMAN HAWKINS: Thank you.

8 MS. LEHR: Thank you. Sorry, my time was
9 up anyway. My child is calling.

10 MS. KELLY: I don't know if that's the
11 right way. Cheryl Kelly, for the record. I
12 have been sworn.

13 I do want to take this couple of seconds
14 to thank Commissioner Allocco for all the
15 work that he's doing and has done in the
16 past, and you do ask a lot of pertinent
17 questions.

18 I am putting up the crash survey off of
19 Spring Hill Drive, and people will come from
20 Spring Hill Drive to US 19. And this was
21 done because of public safety, and they
22 decided from the study they are going to
23 widen those four lanes that we currently
24 have, the one going across and the right-hand
25 turn.

1 My concern is, I guess Commissioner
2 Allocco brought up, what is that first
3 entrance. Now, are they creating a
4 right-hand turn lane?

5 MR. CONROY: Yes.

6 MS. KELLY: Okay. That's good. And you
7 guys have done a lot of work, extra work, to
8 try to accommodate the residents. I do want
9 to also point that out.

10 Let's see. My other biggest issue is --
11 because this has been approved -- which is
12 going to come first, the widening of Spring
13 Hill Drive or the two to five businesses
14 that -- if you guys approve it today?
15 Because it's just going to continue to create
16 public safety hazards.

17 I would like to bring up this. I know
18 the lady before me brought up this area where
19 there is no buffering. But I wanted to point
20 this out. They're saying that -- in your
21 minutes -- that you're going to have an 80
22 percent opacity, I think a 35-foot buffer.
23 Well, part of that is also swale.

24 And is it going to be natural
25 landscaping and not where they're going to

1 wipe out the whole buffer and then come and
2 plant some trees and throw up a fence? I'm
3 asking once again to stop the rezoning and
4 deviations until this county's infrastructure
5 is fixed.

6 You guys do have the right and this does
7 apply to public safety. Thank you.

8 CHAIRMAN HAWKINS: Thank you.

9 MS. RABBITT: Good afternoon. I'm Brenda
10 Rabbitt and I have been sworn.

11 And before I forget, I'm just going to
12 submit some petitions that another resident
13 forgot to bring up, and there's about 60 just
14 from about Alderwood opposing this.

15 So the wooded -- as we all know, the
16 wooded parcel was intended to remain a
17 permanent buffer of oaks and pines shielding
18 us from the roar of commercial sprawl. Heavy
19 storms and hurricanes already turn Spring
20 Hill Drive and Pinehurst Drive into a river.
21 What happens when the woods are gone and it
22 becomes a lake? We've already seen the
23 floods, even with the woods there.

24 Weeki Wachee Springs is just six miles
25 downstream, as you all know. The Florida

1 Department of Environmental Protection B map
2 for Weeki Wachee mandates aggressive nitrate
3 and sediment reduction. Approximately ten
4 million tax dollars have already been spent
5 to save the springs through septic tank
6 drainfields being replaced, building
7 stormwater ponds, and et cetera. Many in our
8 neighborhood have already upgraded our drain
9 fields to help reduce the sediment and
10 harmful nitrates.

11 This buffer traps 92 percent of poison
12 before it reaches the spring. Pave it, and
13 you pour oil, trash, and heartbreak straight
14 into the mermaids' homes. The springs can't
15 survive another betrayal.

16 I'll end with there's no transition to
17 our neighborhood, making this rezoning
18 request incompatible with our residential
19 area, and humbly request denial. Thank you
20 for your time and your service.

21 CHAIRMAN HAWKINS: Thank you.

22 MR. ANGELIADIS: Good afternoon,
23 everyone. George Angeliadis, Lucas, Macyszyn
24 & Dyer Law Firm. I have been sworn. In
25 Spring Hill.

1 You know, I think you guys know, as we
2 addressed earlier, you know, this is a
3 quasi-judicial hearing. Competent,
4 substantial evidence is required to be
5 considered. And when you're talking about
6 nature, character, compatibility of the
7 neighboring residential area, health, safety,
8 and welfare, all that, you know, I think
9 Commissioner Allocco kind of touched on it
10 earlier.

11 Because even though there's a new traffic
12 study, I don't think any of these numbers --
13 or many of these numbers have changed from
14 the last time. This is from your packet.

15 You know, we have 3,172 new trips daily.
16 And this is the estimated a.m. Estimated
17 p.m., this is again in your packet. This was
18 what I really found interesting from the
19 traffic study: 40 percent to and from the
20 east via Spring Hill Drive. You know,
21 that's -- I think kind of speaks for itself.

22 But, you know, if -- it's a problem. I
23 mean, it's great they're not going on
24 Pinehurst anymore, but it's definitely still
25 a problem. And you can see where the

1 majority of the trips are going to be
2 generated from the three fast food
3 restaurants, including the coffee shop.

4 So that's kind of what I wanted to point
5 out to you as far as compatibility with
6 neighboring residential, as far as
7 quasi-judicial and competent, substantial
8 evidence is concerned, I think it's in your
9 packet. I think it's included in the traffic
10 study that the petitioner has supplied you.

11 And in the event you do decide to approve
12 this, you know, I think there are lingering
13 questions about what type of fence, what type
14 of wall. I know there are concerns about
15 construction activity not originating on
16 Pinehurst. And so those are all things I
17 think you need to take into consideration in
18 the event you do approve this. Thank you
19 very much.

20 CHAIRMAN HAWKINS: Thank you.

21 MR. RABBITT: Good afternoon, gentlemen.
22 My name's Dave Rabbitt, 5488 Newmark Street,
23 and I have been sworn. I'm not here as an
24 expert witness, but I do have some major
25 safety concerns, traveling this intersection

1 at US 19 and Spring Hill Drive on a daily
2 basis.

3 Based on the site plan and their legend,
4 I can come up with a 200-foot distance, I
5 think, from Spring Hill Drive to the southern
6 entrance into this parcel. Well, based on 55
7 miles an hour, it takes a vehicle
8 approximately 300 feet to stop. There's
9 about 60 foot in reaction time where the
10 brain sees an incident; 60 feet at 55 miles
11 an hour, reaction time from foot from the gas
12 to the brake, approximately 120 feet at 55
13 miles an hour to actually stop a vehicle in
14 ideal conditions. And that's from the
15 Department of Transportation.

16 So we all know people driving on 19.
17 They're coming down 19. They go across
18 Spring Hill Drive. They say, oh my God, look
19 here, a Chik-fil-A. Immediate right-hand
20 turn.

21 So what's going to happen? Now in your
22 Spring Hill audit plan it's my assumption
23 that you're going to fix that intersection?
24 Now if you do create two right turns to the
25 north on 19, they have a right turn lane. So

1 are the cars going to turn into the
2 right-hand turn lane into this parcel? And
3 my recommendation is don't put the cart
4 before the horse. Meaning fix that
5 intersection first before you approve
6 anything to go in here.

7 Thank you so much for your time.

8 CHAIRMAN HAWKINS: Thank you.

9 MS. MOORE: Asia Moore, Brooksville,
10 Florida, for the record. I hate the fact
11 that you guys closed that road behind the
12 water fountain and I really do feel like it
13 was just a ploy to make all this happen,
14 regardless of what you say up on there dais.
15 I don't care what you say. I am one of those
16 ones that now has to make the stupid U-turn,
17 and it's not by my choice.

18 What I have a problem with is that other
19 oil change place. There's seven before you
20 even get out of the next shopping center just
21 going to the south. You want to talk about
22 fast food restaurants. This one is
23 classified by FDOT as the same as the other,
24 with only a 80 percent increase for the
25 increased square footage.

1 Our legislative delegation meeting's
2 coming up, so why don't we request our
3 legislative delegation to have FDOT change
4 how we do traffic studies. Your traffic
5 studies are skewed and retarded. I don't
6 care how you look at it, two people per
7 household? Most of our houses now are four
8 to eight adults per house,
9 multi-generational. So two adults to a house
10 is not an accurate calculation.

11 Two and a half cars to a Chick-fil-A is
12 not an accurate calculation. I don't like
13 the fact that this plan has the -- as you
14 pointed out Allocco -- other entrances for
15 other spots, and not being on there when
16 their actual plan that's attached to the
17 packet, 938 pages, does include that oil
18 change place being as the main one right
19 there on Spring Hill Drive.

20 Right across the street is a local oil
21 change place and then we have Family down the
22 road, Mavis, and Take 5, all right there
23 staying on Commercial. I did not go off of
24 Commercial.

25 If we look at our Comprehensive Plan in

1 the way that we've designed it is that it's
2 supposed to go highway, commercial,
3 multi-family, residential. This does not
4 offer that.

5 The other cool thing about this one is
6 when you actually take an aerial view and
7 zoom out, right now before this development
8 goes in, that is the only tract of forest
9 that goes from Hog Pond -- that got smashed
10 in with all the developments -- and the
11 forest comes out from Hog Pond between those
12 residentials, through the commercial, and
13 connects to this piece here. And then they
14 can make the death-defying jump across 19
15 because we refuse to put overpasses for our
16 wildlife. Which is something that I would
17 like one of these developers that wants to
18 develop 19 to do, especially when you're
19 talking about right across from the preserve.

20 No, I do not think Chick-fil-A needs to
21 go there. I think that this needs to be
22 delayed until the traffic study can be
23 recalculated at an actual number that is
24 consistent with what Chick-fil-A's numbers
25 are. Because Chick-fil-A, no location --

1 even their smallest one -- only puts out an
2 additional 20 percent of cars in an hour to
3 the normal passerby. And that's a huge
4 problem for me.

5 I could say a lot more and we could go
6 personal and actually attack people, but I'm
7 not going to do that. Just keep in mind I'm
8 paying attention and, no, we didn't get to
9 vote for him up here either.

10 CHAIRMAN HAWKINS: Thank you. Is there
11 any further public comment? So at this time
12 we'll close public comment.

13 So I've been quiet up here because I've
14 been very vocal over the last couple of
15 meetings in regards to this particular parcel
16 and the rezoning of this parcel.

17 And I believe that the Deltona
18 Corporation got this portion right. You
19 know, they dedicated it -- designated it as a
20 natural buffer for the residents that live on
21 Pinehurst Drive, Alderwood Street, Newmark,
22 and Piedmont Drive. I mean, that was -- that
23 was the entire reasoning behind that because
24 of the difficult nature of selling those
25 properties in the future, you know, had they

1 not had that vegetative buffer put there. It
2 was sold in 1995.

3 You know, we can sit here and
4 contemplate and talk about, you know, what
5 type of commercial buildings in there are,
6 you know, the traffic count and all those
7 types of things. But I'm just -- I'm having
8 a hard time getting over the fact that it was
9 designated as a vegetative buffer for the
10 residents of that community all those years
11 ago for this exact reason, to prevent this
12 from happening. And so I've been very vocal
13 on that.

14 COMMISSIONER CHAMPION: If that's the
15 case, we shouldn't have been ripping them off
16 taxing them on a quarter million dollars a
17 year.

18 CHAIRMAN HAWKINS: You know --

19 COMMISSIONER CHAMPION: They've been
20 ripped off for decades. Then it should have
21 been zero value.

22 CHAIRMAN HAWKINS: I mean, I --

23 COMMISSIONER CHAMPION: I'm saying that's
24 a moot point. When it's assessed and we're
25 taxing them as a commercial property.

1 CHAIRMAN HAWKINS: Yeah.

2 COMMISSIONER CHAMPION: I mean, that's
3 not -- that's not cool.

4 CHAIRMAN HAWKINS: And that might have
5 been during the transaction with -- back in
6 1995 when they got it wrong. But, I mean,
7 you know, it clearly states that the Deltona
8 Corporation sold this as a vegetative buffer
9 for that community.

10 I mean, that's very different than a
11 rezoning petition for something that is
12 looking to go C-1, C-2 or whatever, that is
13 currently commercial on US 19 or located
14 above north of Highway 50 that had a future
15 land use residential that needed a Comp Plan
16 amendment to become commercial because it's
17 directly on Commercial Way.

18 So that's the difficult nature that I'm
19 having a hard time getting over. I
20 appreciate the fact that you, you know,
21 closed the access to Pinehurst. That was
22 another sticking point for me.

23 The fact that this -- I agree with the
24 closure of the cut-through, you know, behind
25 the fountain. I think that's going to limit

1 the amount of traffic that's currently on
2 Pinehurst Drive. And also with the expansion
3 of the four-lane highway there and the
4 queuing area, I think is going to be
5 beneficial to that particular intersection.
6 But, you know, the property was purchased in
7 1995 as a vegetative buffer.

8 MR. BENDA: Can I just respond to that?
9 I'd be happy to.

10 CHAIRMAN HAWKINS: Sure.

11 MR. BENDA: So basically the existing use
12 of a piece of property, the existing zoning,
13 is not relevant to an analysis of whether a
14 rezoning is consistent with the Comprehensive
15 Plan, right? But that it complies with that
16 Snyder analysis that Mr. Jouben was talking
17 about, right, that's the evidence that has to
18 be presented and analyzed.

19 And the Florida Supreme Court has said in
20 relation to that issue, and I'm going to
21 quote, "This Court has never gone so far as
22 to hold that a City will be estopped to
23 enforce an amendment to a zoning ordinance
24 merely because a party detrimentally alters
25 his position upon the chance and in the faith

1 that no change in the zoning regulations will
2 occur. It is our view that such a doctrine
3 would be an unwise restraint upon the police
4 power of the government. All that one who
5 plans to use his property in accordance with
6 the existing zoning regulations is entitled
7 to assume is that such regulations will not
8 be altered to his detriment, unless the
9 change bears a substantial relation to the
10 health, morals, welfare or safety of the
11 public."

12 That's what the Comprehensive Plan is,
13 right? If we meet our burden of showing that
14 this proposed plan is consistent with the
15 Comprehensive Plan, then the burden flips to
16 the County in this case to provide competent
17 and substantial evidence that keeping the
18 land use the same serves a legitimate public
19 purpose and is not arbitrary and capricious.

20 So if you look at the evidence presented,
21 which would include staff's recommendation,
22 right, staff's expert analysis of consistency
23 with the Comprehensive Plan and
24 compatibility, with the conditions that
25 they've imposed, which opinions are echoed by

1 our own land use planning expert, Mr. Forgey,
2 and his expert report that's part of the
3 record.

4 Another objective in the Comprehensive
5 Plan is the frontage road requirements,
6 right, and the frontage road network in the
7 county which has been reviewed by DPW and
8 approved by DPW in this case. So the
9 County's expert testimony for the traffic
10 impacts align with what the traffic report in
11 the record also says.

12 And any other testimony that I've heard
13 about traffic impacts, it is by lay people
14 who aren't experts in traffic analysis,
15 right? So that's not competent, substantial
16 evidence to counteract what the traffic
17 analysis before you holds.

18 CHAIRMAN HAWKINS: So do you have --
19 excuse me Mr. Benda -- do you have competent
20 testimony that the residents to the east of
21 this particular development are not going to
22 be financially impacted by being able to
23 resell their properties?

24 MR. BENDA: That's not the analysis.
25 Right? The analysis is --

1 CHAIRMAN HAWKINS: Well, that's my
2 analysis, you know, and so those are the
3 things that I take into consideration.
4 Because the people particularly bought those
5 properties because it was sold as a PDP(SU)
6 Planned Development (Special Use) vegetative
7 buffer.

8 MR. BENDA: So if you look at the
9 Comprehensive Plan requirements and you're
10 looking at its -- and I believe what you're
11 talking about is the protection of the
12 adjacent residential neighborhood.

13 CHAIRMAN HAWKINS: Correct.

14 MR. BENDA: Right? That's the objective
15 that we're talking about. It's 1.11 -- it's
16 1.10 B (2). Right? It holds that zoning
17 changes have to be compatible to protect
18 those residential areas.

19 And the factors that it lists for y'all
20 to consider and look at the facts related to
21 are building placement buffers, noise
22 reduction, and then setbacks. Right? So as
23 far as building placement, that's the
24 deviation to move things as close to 19 as
25 possible and put all of the buffering with

1 the fence and the landscape buffer and the
2 drainage area to the north where the actual
3 residential property is.

4 All of the residences on Alderwood and
5 Newmark Street, they are already adjacent to
6 commercial to their, I guess, southeast.
7 There is an existing commercial use there
8 that they're already kind of dealing with.

9 So by adding this to the north, it
10 doesn't -- it doesn't change that. And
11 there's no -- right? So if you wanted to use
12 that analysis, right, it's like you're asking
13 me to prove a negative. You're asking me to
14 prove, to get a rezoning, that the property
15 values have not gone down. Right?

16 The point is to prove with competent,
17 substantial evidence consistency with the
18 Comprehensive Plan, right? And staff's
19 expert testimony, our expert testimony, is
20 that this use is consistent with the
21 Comprehensive Plan, compatible with the
22 surrounding land uses. So now the burden
23 flips to the County to prove that it's not.
24 Right? So --

25 CHAIRMAN HAWKINS: So my recommendation

1 would be to remove lot one and two from the
2 plan. So if you were to do that and limit it
3 to lot three and four, I think you've proved
4 that burden. By extending the road and the
5 residential area to that southern portion of
6 that property, I think -- I think you -- the
7 burden of proof is now back on you.

8 I mean, you're talking about future
9 expansion on Pinehurst Drive where there's
10 residential impact directly across the street
11 from that with very little buffer. And then
12 you're talking about the exact same thing
13 except that you're using a pond as the buffer
14 for that natural vegetative exemption.

15 So -- so, I mean, if you're really
16 wanting to get this particular project done,
17 in my opinion, for me, lot two -- lot one and
18 two would have to be removed.

19 MR. BENDA: But lot one and two are
20 directly adjacent to the commercial use. Are
21 you talking about five and four?

22 CHAIRMAN HAWKINS: I'm looking at it as
23 well. I understand. I'm talking about the
24 particular frontage road that's going down
25 into that area as well. So you have the

1 corner of Alderwood Street. You have the
2 residential properties there. You have it
3 all the way up to Pinehurst. And then you
4 have the opposite side, Pinehurst as well.

5 MR. BENDA: I'm sorry, I just want to
6 clarify. You're talking about lots one and
7 two?

8 CHAIRMAN HAWKINS: I'm looking at -- so
9 if you're looking down here --

10 MR. BENDA: Or lots four and five up
11 here?

12 CHAIRMAN HAWKINS: If you look at H2482
13 of your maps in the actual information
14 packet, it has a satellite view map of the
15 residential properties and then the
16 commercial you're talking about to the east.

17 MR. BENDA: Does that help? So this is
18 -- this is all commercial.

19 CHAIRMAN HAWKINS: I understand that.

20 MR. BENDA: And then so -- just could you
21 clarify for me, I guess?

22 CHAIRMAN HAWKINS: So the vegetative
23 buffer that you're talking about is a tree
24 line when it's currently thick woods. That
25 is currently providing the natural buffer

1 between US 19 and those particular residents
2 to the north of the commercial location.

3 You're saying that their way of -- you
4 know, their particular way of life and their
5 property values are not going to be disturbed
6 by this development?

7 MR. BENDA: Yes. I think there's no
8 competent, substantial evidence in the record
9 that says that their property values will be
10 reduced by this development being there with
11 these buffers as conditioned by staff. So
12 that would be the landscape buffer, plus a
13 fence, plus the distance.

14 CHAIRMAN HAWKINS: I'm one commissioner.

15 MR. BENDA: No, it --

16 CHAIRMAN HAWKINS: Commissioner Champion?

17 COMMISSIONER CHAMPION: Thank you. I
18 have quite a bit. First off, I wanted to --
19 I wanted to thank the developer for actually
20 listening to the citizens on Pinehurst and
21 working that out. So I think that's a win no
22 matter what. At least we don't have any
23 access to Pinehurst.

24 And as well as the cut-through, I'm all
25 for getting rid of that. I'm glad that's

1 gone because I think it's just a nightmare.
2 Which I know it's an inconvenience, you know,
3 for some of the residents, but, et cetera.

4 So when I looked at this, there is no
5 doubt this is commercial property. If this
6 is not commercial property, then there is no
7 commercial property in Hernando County.

8 And then when you look at -- and you know
9 what the good thing is? We got it right at
10 our fingertips. Every single lot except for
11 one on the east side of Pinehurst is
12 commercial. And I'm going to argue this
13 because five of the six that come after
14 commercial are all owned by out-of-town
15 people, so I'm assuming they're rentals.
16 They're not living there. If they are,
17 they're not doing homestead.

18 Because Groveland, Jacksonville, you name
19 it, there's one house on the southeast
20 side -- or on the -- which is the east side
21 of Pinehurst, only one house is homestead.
22 Four of the five on the northwest side, those
23 are homestead. Those right there, four of
24 the five there are homestead that are up
25 against that.

1 Therefore, I'm glad to see the buffer
2 there. I'm glad I see the retention pond.
3 It seems like they're doing everything they
4 can. But common sense -- and we don't have
5 enough of this these days -- if I bought one
6 of those houses, common sense would say
7 there's going to be something there one day.
8 I mean, you're not going to sit there and
9 say, oh, this is a buffer.

10 And you know what? I would sue this
11 county if you turn this down. I'm paying
12 taxes on a quarter million dollars for
13 something you say is a vegetation buffer?
14 Then we've been ripping them off for decades.
15 We owe them a lot of money. Why are they
16 paying taxes on it? Why are we assessing
17 them for commercial property --

18 COMMISSIONER ALLOCCO: They're not.

19 COMMISSIONER CHAMPION: -- when it's not
20 commercial? 223,000, it's says that.

21 COMMISSIONER ALLOCCO: The last time I
22 looked it was --

23 COMMISSIONER CHAMPION: I got it right
24 here. I can show you right here on the
25 screen.

1 COMMISSIONER ALLOCCO: \$223,000 a year?

2 COMMISSIONER CHAMPION: \$223,080 is what
3 they -- but they got it capped because that's
4 the law. But it's assessed at two
5 twenty-three. They're capped at 85,000. But
6 they're being assessed and taxed. That's not
7 a residential lot and it's definitely got
8 taxes.

9 I own some power line lots that are
10 easements. I pay \$23 a year, is what I pay.
11 I don't get assessed on \$223,000, I can tell
12 you that, because it's not buildable. You
13 can't use that for anything. So to me I
14 just -- it is a taking of property. If you
15 sit there and say they can't use commercial,
16 you're taking their property. I mean, it's
17 not constitutional.

18 And who are you protecting when five of
19 the six are rental properties on Pinehurst,
20 and the first two are commercial? And
21 everything on Spring Hill Drive -- I mean,
22 everything down there is commercial.
23 Everything on both sides of Commercial Way is
24 commercial. Everything to the north,
25 everything to the south, everything to the

1 west, all commercial. So we're going to say,
2 oh, that's residential? Ridiculous. It
3 would be a criminal act to build houses there
4 off of 19.

5 So to me, I don't see any problem with
6 this. I think they satisfied the neighbors.
7 They satisfied the buffers. They have no
8 access on Pinehurst, which I agree with.

9 They've done everything they can. Now,
10 as far as traffic and all the other mess, let
11 them deal with FDOT on that. And they can
12 deal with SWFWMD on all the other stuff. If
13 the water's not right or the drainage isn't
14 right or 19's not right, or the traffic
15 study's bad, they can deal with that. It's
16 not our problem. It really isn't.

17 I mean, the State's going to have to
18 decide whether the traffic is right or not
19 for that intersection. I mean, I'm sure our
20 engineer is going to try then and I'm sure
21 the petitioner is going to give them this
22 information.

23 By the way, I've never met these
24 gentlemen, never talked to him, or you, about
25 any of this, ever. So I don't know anything

1 about this project other than what's been
2 here. But I'm about fair, and this is fair
3 to approve this as commercial. Thank you.

4 CHAIRMAN HAWKINS: Commissioner Allocco?

5 COMMISSIONER ALLOCCO: I've been agreeing
6 on a lot. I'm not going to agree on this one
7 right now. My concern is I looked it up,
8 too, and I saw that their taxes were about
9 \$2,000 a year and it was zoned -- it's not
10 zoned commercial. It's zoned Rural(SU), I
11 think, which means, you know, special use.

12 COMMISSIONER CHAMPION: Acreage, not
13 agricultural use, right?

14 COMMISSIONER ALLOCCO: No.

15 CHAIRMAN HAWKINS: The special use is
16 vegetated buffer.

17 COMMISSIONER ALLOCCO: Right. Right.

18 CHAIRMAN HAWKINS: It's defined.

19 COMMISSIONER ALLOCCO: Right. So but
20 here's where -- the challenge I have here
21 is -- and -- and the company, I think, you
22 know, I think Chick-fil-A does a lot of
23 things really good. But in this particular
24 case I just think there's a level of
25 stubbornness. I have to be honest with you,

1 okay?

2 There are literally -- if you pull up the
3 map that shows the aerial that shows that and
4 Spring Hill Drive and Commercial Way, there
5 is literally like three or four lots to the
6 south in a developed commercial -- in a
7 developed commercial area with lots of
8 stores, designed with frontage roads and
9 everything, there's four acres vacant, not
10 being used. You know, and you're looking at
11 four acres -- less than four acres there,
12 barely over three acres, with lot three and
13 four.

14 I just -- I feel like -- I just -- I
15 just think it's -- and, again, I understand
16 you have the right to petition the
17 government. But I struggle with changing
18 that landscape buffer. And I hear what
19 you're saying Commissioner Champion, but when
20 there's still commercial available that's
21 already zoned commercial and a commercial --
22 commercially developed parcels with frontage
23 roads and everything that close, I mean, I
24 could -- listen, at some point this is going
25 to probably be something.

1 But I don't think Hernando County is at
2 the point where we have to take things that
3 are landscape buffers and turn them into
4 commercial when we still have a decent amount
5 of commercial that's still around and still
6 close enough to this area. That's where I'm
7 struggling with. That's what I'm struggling
8 with saying, you know, that this makes sense
9 at this point in time. And I -- again, I
10 just -- that's where I'm at.

11 MR. BENDA: And if I could, you know,
12 knowing the history of the county, I mean, I
13 could kind of explain how it got zoned as a
14 landscape buffer. And it's because, right,
15 this was platted before Hernando County had a
16 zoning code.

17 So my understanding is that when the
18 zoning code was created in 1972, they looked
19 at what was already in the county and they
20 just slapped a zoning based on the use that
21 was there. So because this was platted,
22 right, as -- right, this is what we're
23 talking about, this tract A. Because this
24 was platted as a landscape buffer -- and I
25 think this was platted in 1970 -- the zoning

1 code being created in '72 said, okay, that's
2 a land use buffer.

3 And I think honestly all of Spring Hill
4 was created as a PDP. They didn't slap on
5 like R-1C, R-1A, right? They just did PDPs.
6 So that's -- I think that's how we got here,
7 right? Because that's how it was initially
8 designed.

9 But, again, we're here today asking to
10 rezone that parcel to allow commercial
11 development based on the facts and the
12 evidence in the record before you.

13 CHAIRMAN HAWKINS: Thank you, sir.
14 Commissioner Champion?

15 COMMISSIONER CHAMPION: I was going to
16 say that if you're going to look at that and
17 you're going to use that as evidence and say,
18 okay, 1970, there's a lot of things they did
19 wrong. You can go all the way down Spring
20 Hill Drive, Hernando Beach, disaster.
21 Mariner, disaster. Just, you know, I don't
22 know what they were thinking back then.

23 But they were also -- all of that was
24 commer -- residential as well, as well as the
25 properties that we rezoned and allowed

1 commercial in there on Pinehurst. They were
2 never intended in the beginning to be
3 commercial, you know?

4 And then why did we vacate easements?
5 I'm just looking at the property appraiser
6 site. And this commission had to have
7 approved it. So they vacated the easement in
8 '05. What did you think they were going to
9 do with that property when they vacated the
10 easements? Did you think they were just
11 going to leave that vegetated buffer? Or did
12 you think they were going to try to market it
13 for commercial? I mean, so you got to look
14 at the intent when you look back and say,
15 well, why did that happen.

16 I just -- I'm not for taking someone's
17 property because, you know, I don't care what
18 they paid for it. I don't care what the
19 original intent was. We're taxing them on
20 \$223,080 of value. That's what our property
21 appraiser says it's worth. And it didn't go
22 down. It did go up. It went up every single
23 year, so did their taxes. Now, they have a
24 cap, 10 percent cap, just like all of us do
25 on commercial property, so they're not paying

1 a full assessment. If they changed hands, of
2 course, they'd pay full assessment.

3 So to me, if you say it's a vegetated
4 buffer, then you in essence take their
5 property rights. Thank you.

6 CHAIRMAN HAWKINS: Thank you, sir. Any
7 further discussion? Commissioner Campbell?

8 COMMISSIONER CAMPBELL: Thank you,
9 Mr. Chairman. I appreciate the conversation
10 about, you know, what was the thought
11 process, you know. And I don't think it
12 takes much of an imagination -- which by the
13 way I have a pretty good one -- but I don't
14 think it takes much of an imagination to look
15 at a Google Earth view or satellite view of
16 this area and say that the intent was for
17 this to be an enhanced entrance to Hernando
18 County and specifically to Spring Hill Drive.

19 There's a waterfall there in the middle.
20 There's, you know, a landscape buffer on
21 either side of Spring Hill Drive. And so I
22 think if you're going to talk about that,
23 that's kind of where I go with it.

24 And I see -- I do. I understand and I
25 get what Commissioner Champion is saying, but

1 I also get what Commissioner Hawkins is
2 saying, and in some way Commissioner Allocco.
3 And that is that this current zoning is SU,
4 PDP(SU). By definition -- you can look at
5 the definition and it says landscape buffer
6 conservation, and I could read it if you
7 wanted me to, but that's what it speaks to.

8 I agree that this should not be
9 residential. I agree with that. That would
10 just be absolutely ridiculous. And I also
11 agree with the concerns around the traffic
12 and the safety that comes with that.

13 Anybody -- I used to live on that side
14 of town. I don't traverse that side of town
15 as much as I used to. But that used to be,
16 you know, the department store that I would
17 go to on a regular basis when I lived there.
18 You know, I visited the convenience center
19 quite a bit when I lived there. My kids were
20 young so we might have went to the Sweet Frog
21 there a time or two on the other side.

22 So, you know, I've been on that side of
23 town, you know, the first half of my time
24 here in Hernando County on a daily, daily
25 basis. And all of the concerns that you

1 mentioned, Mr. Benda, about when you get to
2 Pinehurst, it's a free for all.

3 When you're approaching -- when you're
4 approaching Highway 19, Commercial Way, from
5 Spring Hill Drive and you cross that last
6 Pinehurst, it's an absolute disaster, and we
7 all know it. I mean, again, I've been here
8 20-plus years and sometimes I'm trying to
9 figure out what lane I got to be in to go
10 where I want to go.

11 So, you know, that's the challenge. I
12 don't know, you know, what we -- are we
13 legally allowed to -- Mr. Jouben, are we
14 legally allowed to say, hey, we can't approve
15 anything here because this hasn't been
16 upgraded, even though it's the County's
17 responsibility to upgrade it? We're working
18 on it. But I mean, it would be -- it would
19 be a disaster to let this be developed
20 without this being upgraded.

21 MR. JOUBEN: Well, I mean, it's their
22 burden to prove that it's consistent with the
23 Comprehensive Plan. If the Comprehensive
24 Plan requires adequate transportation, then
25 it would not be consistent, you know, based

1 on what you're saying.

2 COMMISSIONER CAMPBELL: Right. Okay.
3 You know, that's -- you know, a lot of good
4 things. And I'll give you credit for those.
5 You know, you got the deal done. You know,
6 we wouldn't even consider it, you know,
7 without that access to the north. You got
8 that done.

9 I am still concerned -- and I know you
10 got to go back and you got to redraw this --
11 but I am concerned with the buffering south
12 of Alderwood there on Pinehurst, you know.
13 Because right now you have the reverse
14 frontage road there, which I don't really
15 consider as a buffer. Maybe a little bit of
16 grass. You do have Pinehurst there.

17 But there is I think -- unless somebody
18 tells me differently -- is that house on the
19 corner of Alderwood and Pinehurst, is that a
20 residential home?

21 MR. CONROY: This here is the last
22 residential.

23 COMMISSIONER CAMPBELL: Yeah. Yeah. So,
24 you know, that is a concern, the rental.

25 AUDIENCE MEMBER: It's for sale.

1 COMMISSIONER CHAMPION: It's got somebody
2 else -- it's got an address out of town.

3 COMMISSIONER CAMPBELL: Yeah. But it's
4 still residential, residential property.

5 (Simultaneous cross-talk.)

6 COMMISSIONER CAMPBELL: And you do have
7 to consider that. But it still is a
8 residential property.

9 COMMISSIONER CHAMPION: It's mostly
10 rentals.

11 COMMISSIONER CAMPBELL: Understood.
12 That's understood, but that doesn't mean
13 they're not, you know, you got to devalue
14 them. So those are my concerns.

15 You know, this already had problems and
16 then you put a major popular chicken
17 restaurant on there, you know -- I do --
18 we're not -- I don't think we're close, but
19 if we are close, I think we need to limit the
20 uses, not just wide open C-1. I think we
21 need to limit them. But that's just me
22 personally.

23 But I don't think -- I don't -- from what
24 I'm hearing, I don't think we're close to
25 that. But, you know, I'm still all ears. I

1 want to hear from the rest of the
2 commissioners.

3 CHAIRMAN HAWKINS: Commissioner Champion?

4 COMMISSIONER CHAMPION: Just one last
5 point. I get it. I get your concerns, all
6 that, but why didn't we just turn it down and
7 tell them no? Why did we make them go
8 through SunTrust, get the access, shut down
9 the road, shut down the median, had no access
10 to it, and then we pull the carpet out from
11 under them and say, ah, sorry? It's like --

12 COMMISSIONER ALLOCCO: We have to vote on
13 it.

14 COMMISSIONER CHAMPION: I mean, literally
15 that's what we -- that's what we -- that's
16 what we said. You know, and --

17 (Audience members speaking.)

18 COMMISSIONER CHAMPION: Please be
19 respectful. We don't interrupt you when
20 you're talking.

21 I don't -- it is not constitutional to
22 do that. We should have just turned them
23 down. And then, you know, and they're going
24 to have a lawsuit. They'll probably win
25 because you're taxing them, again, for

1 decades. It should have been taxed at zero.
2 It should have been 20 bucks or whatever it
3 is, like I told you I pay on my power line
4 properties; \$23 a year, that's what I pay.

5 Why are they taxed? Why are they taxed
6 as a commercial property if you're saying
7 they can't put commercial? Now, you didn't
8 exactly say that. You said we could go back
9 and redraw it, maybe do something different.
10 But they did exactly what we told them to do;
11 shut down Pinehurst, put the buffers in, put
12 the access road going all the way through to
13 the bank. All of that got done, but yet we
14 say, nah, I don't think that fits here.

15 Why didn't we tell them that to begin
16 with? Why didn't you shut it down? You
17 three should have stepped up and said
18 absolutely not. I'm not approving that no
19 matter what. I don't care what you do, I'm
20 not going to approve it.

21 And it doesn't really matter. I don't
22 know why you told us it was Chik-fil-A. You
23 should have just said a drive-through
24 restaurant, and this probably hurt you by
25 saying Chick-fil-A. Should have said it was

1 a drive-through restaurant, because it's
2 really none of our business. You don't have
3 to tell us that. You know? It's going to be
4 some restaurant.

5 Because literally you're biased based on
6 that. You are. Don't tell me you're not,
7 because you are. Because we know -- and I
8 am, too. I looked at it, what did I say?
9 It's going to be five times the business.
10 Because if you put a Burger King there -- no
11 offense to Burger King, don't sue me or
12 anything -- but nobody's coming. Right? You
13 put a Chick-fil-A there, the whole world's
14 coming to see it. They're going to use it.
15 You know, so you kind of hurt yourself by
16 saying it's a Chick-fil-A, unless you had to
17 for some reason that I don't know about.

18 MR. BENDA: And, you know, again we were
19 trying to be up front, honest with what's
20 going on there. But just because they're in
21 negotiations to have a Chick-fil-A, I mean,
22 we're not a -- like you don't apply for
23 rezoning to have a specific kind of
24 restaurant, right?

25 If you say, oh, I'm going to deny you a

1 rezoning because you're putting a Chick-fil-A
2 there, that's a free speech issue. Now
3 you're basically --

4 COMMISSIONER CHAMPION: Nobody's saying
5 that.

6 MR. BENDA: -- looking at the type of
7 use --

8 COMMISSIONER CHAMPION: We did not say
9 that. You said --

10 COMMISSIONER CAMPBELL: The reason why
11 because it makes it very challenging.

12 COMMISSIONER CHAMPION: Realistically. I
13 understand.

14 COMMISSIONER CAMPBELL: Because I know --
15 I know the amount of traffic it's going to --

16 COMMISSIONER CHAMPION: That's what I'm
17 saying. We're kind of biased because we know
18 about it now.

19 COMMISSIONER CAMPBELL: Yeah.

20 COMMISSIONER CHAMPION: Right?

21 COMMISSIONER CAMPBELL: Yeah. Well, I
22 wouldn't say -- I wouldn't -- I wouldn't
23 concede to that obviously. I would just say
24 that that's the reality.

25 MR. BENDA: But that's --

1 COMMISSIONER CAMPBELL: Okay. So we all
2 talked about -- we all talked about the
3 traffic studies. There is no way that they
4 based that on a Chick-fil-A's generation.
5 There's -- we know that's what intended to go
6 there, you know? There's no way that was
7 based on that.

8 MR. BENDA: But it's not --

9 COMMISSIONER CAMPBELL: Well, we know
10 what the reality is. That's the only thing
11 I'm saying.

12 MR. BENDA: You're approving a C-1 -- a
13 category of C-1 uses, right? You're not
14 approving a Chick-fil-A. And there's no
15 competent, substantial evidence in the record
16 that the traffic would be -- that the roads
17 surrounding this area would be adversely
18 affected, even if there was a Chick-fil-A
19 there. Right?

20 So and I think there were some
21 discussions from some of the neighbors about
22 the percentage of traffic and where it's
23 coming from, right? That's what these
24 numbers mean. Right? You've got 300 trips
25 per peak -- peak season for peak hour, right?

1 But then it's going to be distributed between
2 all these roadways.

3 But I think what is most important is the
4 capacity use of the roads based on the added
5 traffic. Right? So this is in the traffic
6 study. This is table five, right? So you're
7 looking at the total peak hour two-way
8 capacity for each of these roads. That's --
9 here are your roads, here's the capacity.
10 These are the amount of trips that can go on
11 each road per day. Right?

12 And then the percent traffic is 21
13 percent and 25, 20, right? Where the traffic
14 is coming from, distributed, based on FDOT's
15 data about traffic counts that they do, you
16 know. And then these are your new trips
17 added during like say the p.m. peak hour
18 because of this project. Right? So not
19 including passerby, just the new people
20 coming to this area using those roads because
21 this development is there.

22 And this is the percent consumed that
23 you're taking up. Those uses are only adding
24 basically one percent of the total capacity
25 of those roads just because this project is

1 here. So if we're going to deny something
2 based on adding one percent of the total
3 capacity of road, I don't think anything
4 could really ever be developed there.

5 But I think you also want to look at -- I
6 mean, this table -- this table, right? So
7 this looks at 19 and the use on 19. And so
8 even with this, if you look at the background
9 peak season capacity, plus this project's
10 traffic that it's going to generate, which is
11 what the traffic report says, you still have
12 915 trips available and 889 trips available
13 on US 19. Right?

14 So you -- even with all this traffic
15 added, US 19 still has 20 percent capacity
16 available during the peak season that
17 everyone comes to Hernando County and is
18 going to be using these roads.

19 And if you actually -- so the traffic
20 analysis looked at 19, but if you look at --
21 so you got to kind of do some math, and me as
22 a lawyer, doing math is not a good thing, but
23 I tried. I tried, right?

24 COMMISSIONER CHAMPION: We sit on the MPO
25 board and all of us know that 19's not

1 (indiscernible) not even close.

2 MR. BENDA: No. But looking at the
3 other roads around there -- if you'll give me
4 one moment. Sorry. Going back to this
5 table. Right?

6 So you've got US 19, right? If we're
7 looking at Spring Hill Drive capacity from
8 Kenlake to US 19, the added capacity from
9 this project is 43 additional trips. That's
10 including passerby captures. So I'll -- I
11 mean, I'll give you the passerby capture.
12 Even still that's 1.3 percent of the total
13 capacity available on Spring Hill Drive.

14 Then you're looking at Osowaw, which
15 really isn't a big deal, but the other one is
16 Trenton. Right? Trenton from US 19 to
17 Piedmont, right? So from the north to the
18 south.

19 This is the total capacity of that, and
20 then you're adding these new trips and you're
21 consuming four percent. Right? Trenton's
22 really the one that is taking on the most
23 traffic, but even still that's four percent
24 of the total.

25 CHAIRMAN HAWKINS: So, okay. Hold on a

1 second. So now we're talking about data
2 points. One of the things that I think
3 you're looking at, you're saying that it's
4 going to increase capacity, not add to the
5 bucket of capacity?

6 MR. BENDA: No, it adds trips that takes
7 up the available capacity.

8 CHAIRMAN HAWKINS: Right. So that's an
9 interesting word of saying that it falls into
10 the bucket, but in reality it's adding to the
11 capacity. So it'll be 4.3 percent above
12 capacity at that time.

13 MR. BENDA: No. No, no. These numbers
14 are total capacity and the trips that this
15 project is generating. Right? This is a
16 percentage of this (indicating.)

17 CHAIRMAN HAWKINS: Right. But so what
18 you're not stating is what is current
19 capacity at that peak hour. What are the
20 documented trips at that hour?

21 MR. BENDA: Sure. So we got to look at
22 background trips.

23 CHAIRMAN HAWKINS: No, no, hold on a
24 second. So --

25 COMMISSIONER CAMPBELL: He said 43, I

1 think.

2 MR. BENDA: So here's your existing
3 traffic.

4 CHAIRMAN HAWKINS: Okay. So what I'm
5 saying is that the current road capacity at
6 that time by FDOT standards is X?

7 MR. BENDA: Right.

8 CHAIRMAN HAWKINS: Right? You're saying
9 by adding this commercial district or this
10 commercial development --

11 MR. BENDA: Right.

12 CHAIRMAN HAWKINS: -- it increases by Y.

13 MR. BENDA: No.

14 CHAIRMAN HAWKINS: It adds and --

15 MR. BENDA: It takes up a percentage of
16 that total capacity.

17 CHAIRMAN HAWKINS: I understand. That's
18 an interesting way of saying that it adds
19 four percent to the capacity.

20 MR. BENDA: Yes. Exactly.

21 COMMISSIONER ALLOCCO: It falls into the
22 bucket of capacity.

23 CHAIRMAN HAWKINS: If you have a cup of
24 water that's at capacity and you add 43
25 ounces to it, it's going to go over.

1 MR. CONROY: We're not adding to the
2 capacity. We're saying it different. What
3 they're doing is you have a capacity right
4 now. That's your capacity. You're only
5 using this much of that capacity.

6 CHAIRMAN HAWKINS: Show me where that's
7 at.

8 MR. CONROY: Hum?

9 CHAIRMAN HAWKINS: Show me where it says
10 that, because that's not what you're
11 presenting, right?

12 MS. MILLER: I think what you need to do
13 is explain where --

14 CHAIRMAN HAWKINS: You're not showing me
15 that they're not currently at --

16 MR. CONROY: There's still available
17 capacity. The four percent is eating into
18 that available capacity.

19 CHAIRMAN HAWKINS: Where does it say
20 that? Because nothing that --

21 MR. CONROY: We should have --

22 MS. MILLER: Go back up, Kyle, to the
23 table?

24 Mr. Chair, do you mind if I --

25 CHAIRMAN HAWKINS: No problem.

1 MS. MILLER: So -- so this says -- so the
2 peak two -- the peak hour two-way capacity,
3 this is showing how much is currently
4 available.

5 CHAIRMAN HAWKINS: Right.

6 MR. BENDA: In an hour you can have 1,000
7 trips.

8 COMMISSIONER ALLOCCO: Well, how many are
9 we getting?

10 MS. MILLER: And then what this is saying
11 is that this is -- this is how many trips the
12 project is going to --

13 CHAIRMAN HAWKINS: So my argument is
14 you're not --

15 MR. BENDA: I understand.

16 CHAIRMAN HAWKINS: What you're not
17 showing me is what -- what the current trips
18 are during that peak time.

19 MR. BENDA: On which road?

20 CHAIRMAN HAWKINS: Any of them.

21 MS. MILLER: And that's what the --

22 MR. BENDA: So that's what this is. So
23 this is the current traffic on Spring Hill
24 Drive right here. I can zoom, go in. Right?
25 So you got to take 236 plus 136 plus 383.

1 Right? That's your a.m. existing traffic on
2 Spring Hill Drive during peak -- yeah, peak
3 hours. Right?

4 So now if you're adding 45 trips -- so
5 you've got -- again, I'm doing math -- 483 --
6 you're looking at like 750. Right?

7 COMMISSIONER ALLOCCO: 775.

8 MR. BENDA: 775, look at that. And the
9 capacity is 1,100, you're adding 40 trips to
10 775, you've still got 20 percent capacity.
11 Right?

12 CHAIRMAN HAWKINS: So -- so this is where
13 the data is super subjective.

14 MR. BENDA: I don't think --

15 CHAIRMAN HAWKINS: To me, it is. Because
16 as a person that has lived in that particular
17 area since 2007, just for example, I mean --
18 I wish you would have put a counter down on
19 the road and counted the data for 30 days.

20 MR. BENDA: That's what this is.

21 COMMISSIONER ALLOCCO: But where do you
22 have that data?

23 MR. BENDA: This is the -- and, again,
24 I'm showing you the tables, but the traffic
25 report itself --

1 CHAIRMAN HAWKINS: So when was -- when
2 was that capacity study done?

3 MR. BENDA: It's done by FDOT.

4 CHAIRMAN HAWKINS: When?

5 MR. BENDA: I think it was '23, '24?

6 CHAIRMAN HAWKINS: So show me where that
7 was done in 2023.

8 MR. BENDA: Sorry. It's in the evidence
9 packet before you --

10 CHAIRMAN HAWKINS: Because you're
11 showing it -- you're showing it as objective
12 data. Show me that that was done at that
13 time. Because I'm telling you right now, if
14 you put a strip down right now and you did
15 the average trips over that time frame for,
16 let's say, a 30-day period, you could put a
17 speed sign there, right, from the -- that the
18 sheriffs use to, you know, identify areas of
19 speeding. I would really like to see the
20 data that you're showing. Because it just --

21 MR. BENDA: Yeah. I mean, it's 86 pages
22 of data but I can pull it up.

23 CHAIRMAN HAWKINS: Yeah. I think it's
24 important.

25 MR. BENDA: But that's what the traffic

1 counts are. That's what the traffic analysis
2 analyzes. Right? It's data from FDOT
3 which --

4 CHAIRMAN HAWKINS: But it shows traffic
5 US 19, not Spring Hill Drive.

6 MR. BENDA: All the roads and the turn
7 counts and everything. That's what this
8 data, --

9 CHAIRMAN HAWKINS: Commissioner Allocco?

10 MR. BENDA: -- the opinions are based on.

11 COMMISSIONER ALLOCCO: No, I just -- it
12 looks to me based off that data that they're
13 saying that we're basically only at 10
14 percent of capacity.

15 MR. BENDA: No. You're at 80 percent.
16 775 out of 1,100.

17 COMMISSIONER ALLOCCO: Okay. I saw the
18 each -- I was looking at each individual
19 number there. Okay.

20 MR. BENDA: You got to add them up. It's
21 all the turns, so I kind of, --

22 COMMISSIONER ALLOCCO: Okay.

23 MR. BENDA: -- you know.

24 COMMISSIONER ALLOCCO: So we're at 80
25 percent capacity, right? In 2023, by the

1 way, not in 2025.

2 MR. BENDA: Let me pull the table so I
3 can be sure.

4 COMMISSIONER ALLOCCO: Going back to what
5 Commissioner Champion has said, I just want
6 to be clear. I was opposed to the
7 development of the southern lots last time
8 this was here. I was opposed to that. I
9 didn't like lot one and lot two. I still
10 don't like lot one and lot two. I think
11 that's -- to me, that's the big -- one of the
12 biggest issues. And if lot one and two
13 weren't there, you wouldn't need the southern
14 access point. It changes the project at that
15 point.

16 COMMISSIONER CHAMPION: If you take that
17 off there's --

18 COMMISSIONER ALLOCCO: I think it changes
19 the project big time at that point. Now --
20 now your access point --

21 (Simultaneous cross-talk.)

22 COMMISSIONER ALLOCCO: -- is further up
23 and then you're focusing on using the
24 frontage road. But those two at the bottom,
25 I still, even though it's --

1 (Simultaneous cross-talk.)

2 COMMISSIONER ALLOCCO: Hold on. Even
3 though it's a small area, if that part of the
4 bottom remains wooded, it still is helping
5 provide some of that buffer that was there.
6 I don't like the project as a whole, but I
7 just -- those lot one and lot two, to me, are
8 terrible. And the fact that you have a road
9 running adjacent to another road with a vinyl
10 fence between them and calling it a buffer is
11 just -- it's comical.

12 MR. CONROY: I think we did indicate at
13 the Planning and Zoning and also at the last
14 BOCC meeting that along -- that along this
15 area of lot one, that we were going to try to
16 retain some of those -- maybe 20 feet worth
17 of the existing trees. Same thing along the
18 rear area back, which is immediately adjacent
19 to the residential.

20 We would certainly be open to enlarging
21 that area if it means it's a nicer entrance
22 into the community. If we could give up
23 maybe a portion of lot one to create that,
24 and create that environment, we could do
25 that.

1 COMMISSIONER ALLOCCO: That's barely a
2 half an acre then. So what are you going to
3 build on there if you give up more of it?
4 It's -- it's -- I mean, you going to put an
5 ice cream stand? I mean, seriously, it's
6 just -- I'm just telling you, I don't like
7 lot one, I don't like lot two. That's my
8 statement.

9 CHAIRMAN HAWKINS: So the estimated a.m.
10 project traffic that I'm reading from the ITI
11 -- or the ITE Trip Generation, 11th Edition
12 based on 2021 data, so not physical trips --

13 COMMISSIONER ALLOCCO: '21?

14 CHAIRMAN HAWKINS: The 2021 data has the
15 project would attract approximately 685 trip
16 ends during the a.m. peak hour, with 354
17 inbound and 331 outbound shown as table two.

18 MR. BENDA: It's 2024 data at the end.

19 CHAIRMAN HAWKINS: So it's what -- no.
20 So if you read what it says, it says the trip
21 rates utilized in this report were obtained
22 from the latest computerized version of the
23 OTISS, which utilizes the Institute of
24 Transportation Engineer's Trip Generation,
25 11th edition, 2021, as its database.

1 MR. BENDA: I think what you're --

2 CHAIRMAN HAWKINS: Based on these trip
3 rates, it is estimated that the proposed
4 project -- based on these trip rates, that
5 the proposed project will attract
6 approximately 6,101 daily trips as shown in
7 table one.

8 MR. BENDA: So I think what you're
9 talking about is what FDOT does is, it
10 defines uses and then assigns a number of
11 trips per that use, and it's based on a
12 manual from 2021. And that's what all of
13 this data is, right? So daily for quick
14 lubrication vehicle shop, right? And then
15 that's how they calculate the daily trips per
16 use.

17 CHAIRMAN HAWKINS: So they're saying that
18 they're going to capture about half of the
19 current traffic that's there with new trip
20 ends that exceed the 6,000, so that's the way
21 I'm reading this. So if you look at the
22 daily trip ends, it's 6,101. Passerby
23 capture is 2,929, and new daily trip ends is
24 3,172, which is in table one, estimated daily
25 project traffic.

1 Are you saying that that's not correct?

2 MR. BENDA: I'm not understanding the --
3 that's -- I'm not understanding the question.

4 CHAIRMAN HAWKINS: So that's what it's
5 stating, by the analysis of the data that was
6 captured in 2021, based on the data that's in
7 their project for 2024 consumption, is that
8 the daily trip ends for all five -- excuse
9 me -- six of those locations -- nope, sorry.
10 Five of the locations, daily trip ends is
11 6,101 trip ends. Passerby capture is 2,929.
12 And then new daily trip ends, additional
13 daily trip ends, is 3,172.

14 MR. BENDA: Yeah. See, trip rates are
15 this data. So FDOT assigns a certain amount
16 of users for different kinds of uses. So
17 like a fast food restaurant had a certain
18 trip rate and that's how they calculate these
19 numbers per day and per peak hour. Right?

20 But if you want to talk about the actual
21 traffic counts on these roads, that's what
22 this data is. So you've got Commercial Way,
23 19, and Spring Hill Drive. And then you've
24 got all your data about where the cars are
25 coming from and where they're going. And

1 then it continues for all the other links
2 around. So like 19 and Trenton, right? And
3 it tells you the counts and the times of each
4 vehicle and each car in November of 2024.

5 But then I think what you want to --
6 what you want to keep in mind in reviewing
7 the actual report itself is the growth rate
8 of traffic itself, right? Because you're
9 saying all right, 2021 is not 2025.

10 But so right here, background -- when
11 we're talking about background traffic, this
12 is the traffic report. Based on FDOT
13 historical traffic counts, there has been
14 little to no growth in traffic over the past
15 10 years. But to be conservative, this
16 report assigns a one percent growth per year
17 to get you the numbers that are presented.

18 So, I mean, I can't -- I can't change the
19 data. I can't make up the data. All I can
20 do is present it to you.

21 CHAIRMAN HAWKINS: Understood.

22 MR. BENDA: You know, so even if it were
23 2021, I don't think the analysis would be
24 different.

25 CHAIRMAN HAWKINS: Mr. Jouben?

1 MR. JOUBEN: I was going to say we have a
2 expert witness that has opined on this in the
3 agenda packet if you want to call on the
4 County Engineer whose data, I believe,
5 accepted the analysis. He could explain. We
6 need evidence in the record either way. So
7 the only one that can provide it is going to
8 be --

9 CHAIRMAN HAWKINS: Understood.

10 MR. JOUBEN: -- the County Engineer.

11 And in response to Commissioner Allocco's
12 question, the board can lop off one and two
13 if that's part of one's motion.

14 COMMISSIONER CHAMPION: That's what I had
15 the light on to see.

16 CHAIRMAN HAWKINS: Okay. Commissioner
17 Champion?

18 COMMISSIONER CHAMPION: Is it -- is this
19 something you would -- you don't have the
20 votes up here to get this done.

21 MR. CONROY: I understand.

22 COMMISSIONER CHAMPION: You could get
23 three, four, and five done; don't develop one
24 and two, leave it off --

25 MR. CONROY: I understand.

1 COMMISSIONER CHAMPION: -- and make it
2 happen. I mean, is that something you would
3 be open to, or no?

4 MR. CONROY: I understand and I
5 appreciate the discussion. I appreciate
6 being open. We've been very open about
7 everything. We've done a lot of research.
8 We've worked hard to get that north frontage
9 road connection.

10 My confusion is it seems like you're
11 mostly concerned about lots one and two,
12 when, in fact, lots one and two are directly
13 across from commercial, not residential.

14 COMMISSIONER CHAMPION: I think they're
15 concerned about traffic. I don't want to put
16 words in their mouth, but that's what I think
17 the biggest issue is.

18 MR. CONROY: Okay. So -- so out of
19 curiosity, in the spirit of discussion,
20 trying to get this --

21 CHAIRMAN HAWKINS: You're reducing --
22 sorry, sir. You're reducing capacity by
23 almost 20 percent from the trip data on --
24 coming from US 19. That's my concern.

25 The other concern is the fact that, you

1 know, the PDP(SU) that has historically been
2 there, I'm asking for you to have some sort
3 of a process here where we can talk through.
4 Because at this point that's what I'm looking
5 for.

6 I hear -- I hear the presented data. I
7 would love to hear our engineer come up --
8 our County Engineer come up and explain to us
9 why he accepted this data because he's the
10 expert that's hired to do that.

11 But to Commissioner Champion's point, I
12 think it's a valid concern. You're reducing
13 trips. You're reducing those right-hand
14 turns. You're doing those things.

15 MR. CONROY: My concern is I need a
16 certain amount of density here to make it
17 viable from a -- you got a lot of fill you
18 got to bring in. You got a lot of
19 infrastructure you got to bring in. We've
20 already spent a lot getting -- working with
21 FDOT and SWFWMD. We're already in for
22 permitting.

23 To give up two-thirds or two-fifths of
24 this development really pinches the
25 development. If I had to give up lot one, I

1 could probably still make the numbers work.
2 Lot one and two together, you start to lose
3 the gravitational pull and the size and the
4 economy to scale. Because I've got to grade
5 this entire 10-acre site to bring it up in
6 scale and everything else.

7 As you offer, I would respond what if we
8 were able to give up lot one? And leave lot
9 one full of the trees that are existing there
10 today if that would be beneficial. Or to
11 clean it up. I don't know which way you want
12 that handled.

13 CHAIRMAN HAWKINS: Commissioner Allocco?

14 COMMISSIONER ALLOCCO: So your argument,
15 sir, is the exact flip of the argument we're
16 saying. We're saying -- we're saying
17 two-fifths of that business is too much, you
18 know. That puts this in a position where it
19 becomes a liability more than it -- and I --
20 that's what I see.

21 And I see if it's so expensive to do
22 everything and you can't do it here, go build
23 it where you already have a whole commercial
24 development across the street and all the
25 infrastructure's there already.

1 MR. KERTH: Commissioner, we were asked
2 if we'd be open to it, okay?

3 CHAIRMAN HAWKINS: Sir, can you state --

4 MR. KERTH: I'm sorry.

5 CHAIRMAN HAWKINS: Sorry. Can you state
6 your name for the record?

7 MR. KERTH: Geoff Kerth. I've been
8 sworn.

9 You asked, okay? I think we have truly
10 tried to listen to what you guys have said
11 and do everything within our power. Okay?
12 You've -- you know, what we've done is gotten
13 the road from the north, the frontage road.
14 We got rid of Pinehurst Drive. Everything
15 comes at a cost.

16 So what we would ask back at you is if
17 we're going to lose a lot -- just take lot
18 one, okay? You're correct. You're -- don't
19 care if we lose every penny we put into the
20 project. Okay? Just like the correct
21 comment from Kyle is some of the concerns you
22 have are not legitimate concerns to reject
23 us. Okay?

24 It's a give and take. We're trying to
25 work with you. And what we're saying is

1 you've tied us into a knot really well, okay?
2 But we're trying to -- what we're saying is
3 we would really like to be able to keep lot
4 two. If we have to lose lot one, we would be
5 okay with that.

6 CHAIRMAN HAWKINS: Commissioner Champion?

7 COMMISSIONER CHAMPION: Okay. I have a
8 question first and then I want to go back to
9 this. Did staff recommend approval on this?
10 I'm looking through but --

11 MS. MILLER: Yes, sir.

12 COMMISSIONER CHAMPION: So the traffic is
13 null and void. We got a engineer that's
14 already looked at it. I don't think -- I
15 don't think you would have a say in 19. So I
16 don't think -- I think you're going to have a
17 lawsuit for sure if you do that, but. But,
18 you know, maybe they don't care about that.
19 I care about it.

20 CHAIRMAN HAWKINS: We care.

21 COMMISSIONER CHAMPION: And, you know, I
22 don't want to see you lose the money because
23 I'm a business person and I know what you
24 have to deal with. And they're all business
25 people, so I would hope they would understand

1 what you have to deal with.

2 And we rang you through the ringer and
3 demanded this stuff for the citizens.
4 Rightfully so. Right? And we brought you
5 back here and we said, oh, no.

6 What I would suggest, I would simply pull
7 one and two off. Doesn't mean you can't
8 develop it in the future. You can bring it
9 back. Pull one and two off and you bring it
10 back when something changes. And this board
11 may not be here. You do something different.
12 Maybe traffic changes. Maybe we do some work
13 at Spring Hill Drive and we close it off and
14 maybe it's not as much of an issue. But just
15 don't develop that piece at all. Do the rest
16 of it.

17 MR. CONROY: If that gets us an approval
18 today, to do lots three, four, and five --

19 MR. KERTH: We'll do it in a heartbeat.

20 COMMISSIONER CHAMPION: And I don't think
21 this board can hold any other board to
22 anything in the future. So if you come back
23 for it, we could simply say no. But, again,
24 they can't tell you you can't do something
25 with your land. Well, they can try probably,

1 but it's not legal, I don't think.

2 That's just -- that's my feeling. I
3 mean, otherwise you could get turned down.
4 You already got three votes pretty much up
5 here. I don't know where Ryan's at. He
6 hasn't said nothing.

7 (Simultaneous speaking.)

8 COMMISSIONER CHAMPION: But you've spent
9 all your money and you're not going to be
10 able to do anything.

11 MR. KERTH: We'd be okay with that.

12 (Simultaneous speaking.)

13 COMMISSIONER CHAMPION: I would say don't
14 develop one and two, leave it as-is. Do
15 three, four, and five and then see what
16 happens in the future. That's what I would
17 do.

18 CHAIRMAN HAWKINS: Commissioner Allocco?

19 MR. KERTH: Okay. We'd be okay with
20 that, sir.

21 COMMISSIONER ALLOCCO: So let -- let --
22 tell you what.

23 COMMISSIONER CAMPBELL: Modify the
24 proposal.

25 COMMISSIONER ALLOCCO: I would want -- I

1 would want in this approval for lot one and
2 two to be a permanent landscape buffer.
3 That's the whole point.

4 MR. KERTH: But that's a permanent
5 landscape buffer across from commercial.

6 COMMISSIONER ALLOCCO: No, it's across
7 the street from a waterfall, which is the
8 entrance to Spring Hill. Okay? That was the
9 whole intention of it, was to have a nice
10 entrance area there. Even -- and I realize
11 it's gotten more commercial and I realize
12 it's busier and it's not -- maybe not the
13 most beautiful thing in the world, but that
14 was the whole purpose of it. Again --

15 COMMISSIONER CHAMPION: They could sell
16 it to us down the road or something maybe.

17 COMMISSIONER ALLOCCO: Again, what I'm
18 saying, and there would be no reason for
19 that -- that southern access point. The
20 whole point of going through the frontage
21 road was so you didn't have access that close
22 to Spring Hill Drive. That was the whole
23 point of going that direction.

24 CHAIRMAN HAWKINS: Mr. Jouben?

25 MR. JOUBEN: I just wanted to point out

1 in response to the current discussion, if you
2 remove lots one and two by motion, the
3 current zoning would remain the same. Omar
4 and Michelle can correct me if I'm wrong.
5 That would still be a vegetated buffer.

6 COMMISSIONER CHAMPION: The two that are
7 left?

8 COMMISSIONER ALLOCCO: But it's not
9 broken up into separate parcels at this
10 point. It's one big parcel, so.

11 MR. JOUBEN: You would only rezone three,
12 four, and five. So the current rezoning
13 would remain, I believe, on one and two.

14 MS. MILLER: So if I may, I think there's
15 two different ways that this could be
16 approached. The first would be to do a split
17 zoning and identify lots one and two to
18 remain as PDP(SU).

19 The second would be just to modify the
20 master plan and add a condition that the only
21 lots that would be eligible for construction
22 at this time would be three, four, and five.
23 One and two would not be able to be
24 developed.

25 That would then lend itself easier for

1 potential redevelopment later. If you
2 separated it out and made it into a split
3 zoning, then they would have to come in for a
4 full rezoning later for lots one and two if
5 they wanted to do that. So it's really the
6 board's pleasure as to the best way to
7 approach it.

8 COMMISSIONER ALLOCCO: I (indiscernible.)

9 COMMISSIONER CHAMPION: The entrance?
10 The first one?

11 COMMISSIONER ALLOCCO: Yeah.

12 COMMISSIONER CHAMPION: I mean, they
13 could probably take that off so
14 (indiscernible.)

15 CHAIRMAN HAWKINS: Commissioner Amsler?

16 COMMISSIONER AMSLER: Thank you,
17 Mr. Chairman. We haven't talked about --
18 much about the Pinehurst border here behind
19 the fast food joint.

20 So if it's just low, you know, brand new
21 plants and bushes, that's not going to really
22 cut it. If you look -- say if you go behind
23 Hobby Lobby off of Cortez, you look at that
24 white vinyl fence, it's got holes kicked in
25 it left and right, you know, where the

1 residential homes are.

2 So that's a better set-up overall there,
3 right, because the homes are at least set
4 back. It's not a heavily traveled back road
5 behind the Tijuana Flats type area, that
6 plaza, but you still see that there's clearly
7 some vagrants or some kids traveling through
8 people's yards constantly going through that
9 fence.

10 I think maybe what I would entertain to
11 move this forward for you -- because I like
12 to see businesses make money if they can.
13 It's not always easy, especially right now in
14 2025. I would leave one and two PDP(SU), go
15 ahead with three, four, and five. Nix the
16 southern most US 19 entrance/exit. You still
17 have one exit there. You still have the
18 frontage road behind SunTrust or the credit
19 union.

20 And then add some type of, you know, real
21 barrier there reasonably. You know, it
22 doesn't have to be 12-foot tall. Something
23 reasonable to buffer that sound. Because
24 you're going to have several hundred people
25 at any given time, you know, entering and

1 exiting this fast food joint here.

2 COMMISSIONER CHAMPION: Is that your
3 motion?

4 COMMISSIONER AMSLER: I want to see it do
5 well. Those are my conditions.

6 COMMISSIONER CHAMPION: Is that your
7 motion?

8 COMMISSIONER AMSLER: That's my motion.

9 COMMISSIONER CHAMPION: I'll second your
10 motion.

11 MR. BENDA: Can I clarify the motion?

12 CHAIRMAN HAWKINS: Sure, of course. I
13 was going to do it for you.

14 MR. BENDA: Perfect.

15 CHAIRMAN HAWKINS: Go ahead. Ms. Miller?

16 MS. MILLER: So my understanding is that
17 lots one and two would then be retained as
18 PDP(SU).

19 COMMISSIONER AMSLER: Yes.

20 MS. MILLER: And then the elimination of
21 the southernmost access to US 19.

22 COMMISSIONER AMSLER: Yes. And the
23 barrier --

24 COMMISSIONER CHAMPION: Behind lot three.

25 COMMISSIONER AMSLER: -- behind -- yeah,

1 behind three and four, or wherever there's
2 homes that are directly bordering it, it
3 needs to be, you know, like a six-foot
4 reasonable, you know -- not a vinyl fence
5 someone can just lean on and go through.
6 Something that's affordable and durable.

7 MS. MILLER: So --

8 COMMISSIONER AMSLER: A wall? Big,
9 beautiful wall behind it?

10 MS. MILLER: So currently condition
11 number 23 reads that buffers may utilize a
12 fence. So do you want this change to be a
13 "shall" and possibly include a wall as
14 opposed to a fence?

15 COMMISSIONER AMSLER: Some sort of wall.
16 I mean, it doesn't have to be out of
17 concrete, but something that can't be poked
18 through. Something that's going to protect
19 the neighborhood and retain the property
20 values and keep vagrants from -- or even just
21 kids getting a burr and walking through their
22 yard all the time. And keep down the noise,
23 you know.

24 I've lived here since '94. Like I know
25 this corner extremely well. I know the

1 neighborhood right behind it extremely well.
2 I had a Gold's membership back when there was
3 a Gold's Gym there behind this area.

4 COMMISSIONER ALLOCCO: For the floor
5 felon?

6 COMMISSIONER AMSLER: What's that?

7 COMMISSIONER ALLOCCO: For the floor
8 felon?

9 COMMISSIONER AMSLER: The floor felon at
10 Gold's gym? I didn't know about that.

11 So, I mean, I think y'all look at this as
12 like -- no offense. I know you're
13 businessmen trying to do your thing. All
14 kudos to that. I think you looked at this as
15 like how do we maximize that, every penny out
16 of this. And maybe you didn't. Maybe I'm
17 totally wrong. I mean no disrespect if I'm
18 wrong.

19 But looking at this like objectively as I
20 can -- and sometimes I'm not -- but as
21 objectively as I can, like how can they make
22 money here but not overstress things, make
23 things dangerous. Also, you know, not harm
24 or bring super inconvenience to the other
25 land owners in the area. This is a very

1 small strip of land.

2 So, I mean, I'm trying to present
3 something. It's not going to make anyone
4 exactly happy, but it'll be something to move
5 the ball forward for everybody.

6 MR. BENDA: Just to comment on that.

7 CHAIRMAN HAWKINS: One second.

8 Mr. Herring, can you comment on the removal
9 of the southern section to ensure that it
10 doesn't affect the traffic study or the
11 queuing areas of the particular development?
12 I just want to make sure that we have that
13 clarified.

14 MR. HERRING: Good afternoon, Mr. Chair,
15 Commissioners. For the record, Scott
16 Herring, Public Works Director, County
17 Engineer.

18 Yes, the removal of the southern access
19 point will significantly impact the driveway
20 analysis for this project, which is why we
21 included a condition in there that should the
22 driveway access change, they would need to do
23 additional analysis at that point in time.

24 CHAIRMAN HAWKINS: Got it. Commissioner
25 Amsler?

1 COMMISSIONER AMSLER: So they would have
2 to get another traffic study? I mean, I'm
3 sorry to hear that but I think it's better
4 not to have it there.

5 MR. CONROY: And just for the -- just for
6 the record, we've already had preliminary
7 discussions with FDOT. These meet their
8 spacing requirements. They preliminarily on
9 a pre-app conference call with them approved
10 in concept these locations. They said that
11 they would have to evaluate the actual
12 configuration of the curb cuts themselves,
13 but they were on board with this.

14 So to start making some of those changes
15 not only would impact our tenants, but would
16 also impact the whole -- like he said, the
17 traffic study, FDOT, all that.

18 The circulation around the site would
19 just be more challenging for fire trucks, for
20 every aspect of the development.

21 COMMISSIONER AMSLER: I just look at that
22 particular chunk of 19, I mean, there's a
23 reason why O'Reilly's and Taco Bell like have
24 those -- that frontage road behind them
25 there. It seems to make the most sense to

1 me. I mean, what is that, 200 feet from the
2 intersection coming across Spring Hill Drive
3 through 19?

4 MR. CONROY: What, from here?

5 COMMISSIONER AMSLER: It's about 200
6 feet.

7 MR. CONROY: Oh, no. No. This is almost
8 400 feet; probably over 400 feet.

9 COMMISSIONER AMSLER: I would --

10 COMMISSIONER ALLOCCO: You've got .6 and
11 .9 acres, so it's one and a half acres of
12 land.

13 COMMISSIONER CHAMPION: About 300 feet
14 deep. I mean, most acre lots are --

15 CHAIRMAN HAWKINS: Commissioner Campbell?

16 COMMISSIONER CAMPBELL: Thank you, Mr.
17 Chairman. So I just wanted to revisit a
18 couple things. So the cut-through that we
19 talked about behind the waterfall, I just
20 want to put it on record that I made no
21 decision on that based on this development or
22 any other development or this parcel in any
23 way, shape, or form. Just wanted to clarify
24 that.

25 The traffic study, I have a question

1 about the traffic study for whoever wants to
2 answer it. So we know that there are popular
3 fast food restaurants, at least two of them,
4 going on these parcels.

5 My concern isn't as much Commercial Way,
6 Highway 19, as it is the intersection with
7 Spring Hill Drive and Highway 19 and
8 everything that's happening there. So from
9 Pinehurst up on Spring Hill Drive to -- from
10 Pinehurst to Commercial Way, that's where --
11 that's where my concern is.

12 And when they do the study, did they do
13 the study and say there's going to be, you
14 know, three -- let's just say 3,000 trips to
15 this parcel? And right now you have them all
16 C-1, so they're all just saying they're all
17 C-1, right? Or you do have them as the two
18 restaurants. Well, you have the other five.

19 What do they consider the other five,
20 just basic C-1?

21 MR. BENDA: So the report is based on one
22 three-bay quick --

23 COMMISSIONER CAMPBELL: Yep.

24 MR. BENDA: -- lube, one 3,000 square
25 foot coffee shop, one 5,500 square foot fast

1 food restaurant --

2 COMMISSIONER CAMPBELL: Yeah.

3 MR. BENDA: -- one 3,600 hundred square
4 foot fast food restaurant, and one 3,500
5 square foot medical office.

6 And then that OTISS data that Chairman
7 Hawkins was talking about, I believe, that is
8 where this data comes from. Right?

9 COMMISSIONER CAMPBELL: Okay.

10 MR. BENDA: So a quick lube generates
11 120 trips, a hundred -- 120 new trips, right?
12 Coffee shop, 800; fast food rest -- like a
13 bigger one, 1,200; a smaller one, 841;
14 medical office -- so like if you don't have a
15 medical office, if you have three
16 restaurants, you're going to add --

17 COMMISSIONER CAMPBELL: Okay. It's a
18 real simple question. I don't mean to
19 interrupt you. But let's just say we're
20 focusing on the bigger fast food restaurant,
21 1,285, do they take that number and divide it
22 by the hours that they're open? Or are they
23 segmenting it into day -- morning part, lunch
24 part, dinner part, evening part? How do they
25 do it?

1 MR. BENDA: These are the daily trip
2 ends. So this is in a 24-hour --

3 COMMISSIONER CAMPBELL: I understand.
4 But then when you break that down and you're
5 telling me --

6 MR. BENDA: Yeah, and they break it down
7 a.m. peak hour, p.m. peak hour.

8 COMMISSIONER CAMPBELL: They break it
9 down how?

10 MR. BENDA: So that's -- so a.m. peak
11 hour traffic, right? A quick lube in the
12 a.m. peak hour, right, the hour of time in
13 the morning that has the most traffic, you're
14 going to have nine people coming and going,
15 total. Right? You've got in, out. Right?

16 And then here's the a.m. So you've
17 got -- the trip ends is 9, 129, 122, 80 and
18 12. Right? That's how you get this 352 in
19 one hour. After removing the passerby
20 capture, remember.

21 And then same analysis for p.m. peak
22 hour. And I think p.m. peak hour is actually
23 a little bit less, right, 215 instead of 300
24 something. And medical office is still kind
25 of the same.

1 So does that answer your question?

2 COMMISSIONER CAMPBELL: It does. I just
3 don't -- I get the numbers. I understand how
4 you came up with it. I just don't agree with
5 that being reality for what we know about
6 what's being proposed.

7 MR. BENDA: Right. And I guess my --
8 what I'm struggling with is the only data you
9 have in front of you is this report and the
10 County Engineer's testimony that this report
11 is valid. So there's no other evidence in
12 the record that says Chick-fil-A has more
13 traffic, therefore this study is wrong. So
14 I'm just -- I'm struggling with where's that
15 evidence in the record.

16 COMMISSIONER CAMPBELL: By the way, I
17 didn't say Chick-fil-A. I just said that
18 there's -- what you presented of what
19 potentially can go on this space, there is no
20 way that the peak hour in the morning is
21 going to be 120 trips.

22 MR. BENDA: I mean, that's what the data
23 says.

24 COMMISSIONER CAMPBELL: That's what the
25 data says. I understand that.

1 MR. BENDA: But think --

2 COMMISSIONER CAMPBELL: But --

3 MR. BENDA: Think about the position --

4 COMMISSIONER CAMPBELL: -- go to where
5 there's a coffee shop and a restaurant, you
6 know, that's similar to what you're proposing
7 and another restaurant similar to what you're
8 proposing, it's not happening. That's not
9 reality.

10 MR. BENDA: But this is data based on the
11 entire state of Florida. But again, I mean,
12 think about the position that I'm in right
13 now. You're -- you're essentially
14 testifying to evidence. And am I going to
15 cross-examine you as the -- essentially the
16 judge in my case about -- all I can do is
17 tell you this is what the report says, this
18 is the number of trips it generates.

19 And the opinions of the experts are that
20 that the traffic isn't overburdened;
21 therefore, it's consistent with the
22 Comprehensive Plan policies, objectives, and
23 goals related to traffic. Which essentially,
24 the Comprehensive Plan related to traffic
25 says you can't overburden the roads more than

1 an acceptable level of service.

2 And I mean, I'd be happy to ask
3 Mr. Herring if -- maybe to explain why he
4 agrees with the traffic report. Or, you
5 know, if the roads will still operate at an
6 acceptable level of service with this added
7 project traffic. I mean, he might be able to
8 help us, you know.

9 I'm just a messenger, right? I'm
10 bringing you the data and trying to pull it
11 all together based on the evidence.

12 COMMISSIONER CAMPBELL: Yeah. So it was
13 referenced earlier about a popular doughnut
14 and coffee shop. We all know the data got
15 that way wrong. Way wrong.

16 COMMISSIONER CHAMPION: I think it's more
17 about their competence over there, if you ask
18 me.

19 COMMISSIONER CAMPBELL: Well, I don't --
20 I don't know. I don't know.

21 COMMISSIONER CHAMPION: Yeah.

22 COMMISSIONER CAMPBELL: Because
23 they're --

24 COMMISSIONER CHAMPION: They can't get a
25 drive-through done. Chick-fil-A's expert at

1 drive-throughs.

2 COMMISSIONER CAMPBELL: I'm not -- I
3 stopped saying Chick-fil-A. But --

4 CHAIRMAN HAWKINS: Mr. Jouben?

5 MR. JOUBEN: I just wanted to clarify a
6 point I think Mr. Benda was trying to make.
7 There needs to be competent, substantial
8 evidence in the record, and right now what
9 we've been discussing is the board's own
10 personal knowledge of the subject matter, but
11 that can't be the basis for the decision.
12 There has to be evidence in the record. The
13 only person that can provide that either way
14 at this point is Mr. Herring.

15 CHAIRMAN HAWKINS: Understood.
16 Commissioner Champion?

17 COMMISSIONER CHAMPION: I was going to
18 say kind of along with what Mr. Jouben said,
19 staff has recommended approval. They have
20 approved this. But based on the evidence and
21 his expertise, he's saying this is what's
22 needed.

23 Now, granted Commissioner Allocco
24 mentioned, hey, they're willing to
25 compromise, we take one and two off, it

1 solves the problem. I don't necessarily have
2 a problem with that first entrance because if
3 you get rid of those other two lots, there's
4 not going to be anything built there. I
5 mean, it gives -- it gives two entrances and
6 a roundabout -- like if you go around the
7 access road around the back and you come out
8 the other side, or you go to Trenton. I
9 think it's giving you three exits to get out
10 of the property.

11 I think it's -- I think it's fine as long
12 as we're not putting anything on those first
13 two. I mean, that's what you guys were
14 concerned with, which I'm concerned with,
15 too, on that -- what's going on right on
16 Spring Hill Drive. So if they're not
17 building there, is it really a problem?

18 COMMISSIONER ALLOCCO: Yes.

19 COMMISSIONER CHAMPION: You know, I
20 don't -- I don't think it is. And I think
21 that you're putting -- we're putting our --
22 our opinions ahead of the facts. Because we
23 are -- I mean, educated opinions, because we
24 are from here. We live here. We drive those
25 roads every day.

1 But the State doesn't have a problem with
2 it. The County Engineer doesn't have a
3 problem with it. But we have a problem with
4 it because we think that the traffic is -- I
5 don't think the traffic is a problem on 19.
6 I mean, I don't think there is. I think that
7 our design on Spring Hill Drive is atrocious
8 and we need to figure that out. And maybe
9 with this, if we don't do one and two, maybe
10 we can figure that out.

11 COMMISSIONER CAMPBELL: Can I say
12 something now, Mr. Chairman?

13 CHAIRMAN HAWKINS: Of course.

14 COMMISSIONER CAMPBELL: Okay, thank you.
15 What I'm saying is -- let me try to say it a
16 little better. What I'm saying is we know
17 that there's an issue with that area of
18 Spring Hill Drive from Pinehurst to
19 Commercial Way because we have a plan to fix
20 it. Right? Closing off that, you know,
21 access across. We're redoing -- we're adding
22 lanes, we're redoing it, we're doing all of
23 that, right?

24 But that's not done. Right? Even with
25 these numbers it's going to -- the reality of

1 it, from Pinehurst to Commercial Way on
2 Spring Hill Drive is going to be an absolute
3 nightmare. Right? We know that. We already
4 know we have an issue and we have a plan to
5 fix it.

6 CHAIRMAN HAWKINS: Commissioner Allocco?

7 COMMISSIONER CAMPBELL: That's what I'm
8 trying to say.

9 COMMISSIONER ALLOCCO: Going back to a
10 couple of things. Again, my concern with
11 that southern access point -- I want to go
12 back to DOT says we're okay with it. DOT
13 also said they were okay with having a
14 cross -- going across four lanes of traffic
15 on 50 to get to Aldi. Okay? And every other
16 day somebody is in a near fatal accident
17 there. Okay? It's just -- it's terrible.
18 Right? But DOT said it was okay.

19 You know, and so that's my concern about
20 this. I have this -- you're right, it's not
21 100 percent in agreement with the objective
22 data from that study. But at some level I
23 have to also think about what's my gut and,
24 you know, and if I -- if I lost in a court of
25 law because I used my gut on this one, I'd be

1 okay with it because I see it.

2 I get the emails every day. I get the
3 pictures every day from what's happening when
4 they said it was okay when Aldi went in there
5 for people to cut across basically six lanes
6 of traffic to go west from the south side, or
7 vice versa. Right? And so that's where my
8 concern is.

9 And going back to competent, substantial
10 evidence, I don't see competent, substantial
11 evidence that there is a need to rezone it.
12 That's where I'm at. I don't see a need to
13 rezone it from a -- I'm sorry, a special use
14 landscape buffer to commercial. I don't see
15 a need for that. And so that's where I'm at
16 with this thing.

17 I'm like, okay, so there's not a need.
18 We have commercial property still available
19 on US 19. So this is where I'm stuck now.
20 So I'm trying to have this conversation about
21 how do you make this better.

22 CHAIRMAN HAWKINS: Commissioner Champion?

23 COMMISSIONER CHAMPION: Thank you. Well,
24 on your points, a couple things. Just
25 because you don't think there's a need

1 doesn't mean that investors can't do
2 something. They have property rights, which
3 trumps your opinion. They have -- they have
4 property rights, right? So and if -- they
5 would not build it, if there wasn't demand
6 for it.

7 All of us own a business or have owned
8 one, and we wouldn't open it if we couldn't
9 make money. There's no doubt. Do any of you
10 guys doubt that that restaurant -- if that
11 restaurant goes there -- we don't say the
12 name -- that they're not going to be --
13 they're not going to be profitable? It's
14 going to be very profitable. And it's going
15 to be very much used by the community.
16 Right?

17 COMMISSIONER ALLOCCO: Well, you could
18 open a gentlemen's club there and it would be
19 profitable.

20 COMMISSIONER CHAMPION: Probably would
21 but that's against the law.

22 (Simultaneous cross-talk.)

23 COMMISSIONER CHAMPION: But here's the
24 deal, they've been taxed on commercial
25 property so we've been ripping them off for

1 years. Anyway, so let me --

2 COMMISSIONER ALLOCCO: It's not
3 commercial.

4 COMMISSIONER CHAMPION: Let me finish my
5 thought.

6 COMMISSIONER ALLOCCO: Okay.

7 COMMISSIONER CHAMPION: Right? So
8 Pinehurst, number one, you're going to see --
9 if you did a traffic study after the median's
10 closed, you would be a fool to use that to
11 get to Spring Hill Drive. If I lived in that
12 area, I would go to Trenton to go north. Or
13 if I wanted to go -- if I wanted to go east
14 on Spring Hill Drive, I would cut down any of
15 the many roads you can cut down to get to
16 Spring Hill Drive. I am absolutely not
17 driving down Pinehurst to get to Spring Hill
18 Drive unless I want to go to Chick-fil-A.
19 Then I might do that. But other than that,
20 there is 99 percent better routes to take
21 than going that way.

22 And a lot of times we change traffic --
23 we change roads, like we changed to right
24 turn only, we take out the median. We do a
25 lot of stuff to force drivers to take a

1 different route.

2 CHAIRMAN HAWKINS: Ms. Miller?

3 COMMISSIONER CHAMPION: And that's what
4 we're doing. And you kind of force them to
5 take a different route.

6 CHAIRMAN HAWKINS: Go ahead.

7 MS. MILLER: So I believe that we need to
8 have a conversation though regarding that
9 southern access and how it impacts internal
10 circulation.

11 CHAIRMAN HAWKINS: Right.

12 MS. MILLER: Because based on a very
13 brief conversation I just had with
14 Mr. Herring, eliminating that southern access
15 point is going to cause internal traffic
16 conflicts. And so while I think all of us
17 can understand the elimination of it for
18 safety off 19, the safety issues that will be
19 caused internal to the project by the
20 elimination of that need to be addressed as
21 well.

22 The not-to-be-named chicken restaurant,
23 by trying to create, you know -- my concern
24 is the internal queuing for the
25 drive-through, et cetera, that it actually

1 could cause internal conflicts with other
2 tenants by having only one entrance and exit
3 into this commercial subdivision.

4 So just putting that out there. We need
5 to have a conversation on what that might
6 look like.

7 CHAIRMAN HAWKINS: Well, I have a motion
8 and second. I just want to make sure I
9 understand that.

10 COMMISSIONER CHAMPION: Take off the exit
11 if you -- I think it's necessary and if the
12 engineers are saying that, it's necessary.

13 CHAIRMAN HAWKINS: Mr. Jouben has his
14 light on.

15 MR. JOUBEN: Oh, I was just going to
16 comment -- answer Mr. -- Commissioner
17 Allocco's question. The only burden that the
18 applicant has is to show that it's consistent
19 with the Comprehensive Plan and complies with
20 the County codes and rules for applying for
21 rezoning.

22 Unfortunately, the Florida Supreme
23 Court -- or fortunately depending on your
24 point of view -- has not put the burden of
25 establishing the need for this particular

1 parcel on the applicant. It's on the burden
2 to show that they're --

3 COMMISSIONER CHAMPION: So otherwise,
4 it's property rights.

5 MR. JOUBEN: It's just not the burden --
6 the test under Snyder, Snyder vs. Board of
7 County Commissioners. Once they've met their
8 initial burden, it's on the opponents -- or
9 in this case it would be the opponents in the
10 County to show that it is -- it has a
11 non-arbitrary and capricious reason to keep
12 the current zoning.

13 There's no burden to prove that this
14 particular parcel is needed in the overall
15 county scheme. That's more of a Comp Plan
16 issue.

17 COMMISSIONER ALLOCCO: The FLUM.

18 MR. BENDA: I think by adding -- by
19 basically saying that you want to bank this
20 again as a landscape buffer to the detriment
21 of the property owners, is basically a
22 taking.

23 COMMISSIONER CHAMPION: It is. I agree.

24 MR. BENDA: You know.

25 COMMISSIONER CHAMPION: You can put me on

1 record with that, too. It's taking of the
2 property. That's what it is.

3 CHAIRMAN HAWKINS: Commissioner Campbell?

4 COMMISSIONER CAMPBELL: Okay. So I think
5 your frustration, Commissioner Champion, with
6 the -- with the property tax issue -- and I
7 understand that. They have a process -- it's
8 not zoned commercial. They do have a process
9 where they can appeal that. I don't know if
10 they ever have. I don't believe these are
11 the current owners of the property. But they
12 do have a process in which they can appeal
13 that, go through the proper channels with
14 that.

15 The Future Land Use Map, since we're
16 going to talk about that, the Future Land Use
17 Map has this designated residential, so it's
18 not consistent.

19 MS. MILLER: If I may?

20 COMMISSIONER CAMPBELL: Yes.

21 MS. MILLER: It actually is -- it
22 actually is consistent based on the mapping
23 criteria that's located in Section B of the
24 Comprehensive Plan that allows us to
25 interpret certain areas of the plan that are

1 not actually identified as commercial on the
2 map. It's surrounded by commercial on the
3 map, and so therefore the mapping criteria
4 allows us to interpret the area as
5 commercial, even though it's not designated
6 as such.

7 COMMISSIONER CAMPBELL: Yeah. It doesn't
8 mean we must, right? You can.

9 MS. MILLER: It doesn't mean we must, but
10 we can.

11 COMMISSIONER CAMPBELL: You can.

12 MS. MILLER: Correct.

13 CHAIRMAN HAWKINS: You want to restate
14 your motion, sir?

15 COMMISSIONER CAMPBELL: Can I say
16 something real quick? Can you clarify
17 exactly where the SU is going to stop? And
18 then I think there's an -- there's a
19 potential issue with leaving that entrance.
20 I get why you want to leave the entrance, but
21 you could increase the buffer substantially
22 behind there if you didn't have the frontage
23 road coming all the way down to where it is
24 now.

25 If it stops, if the frontage road stops

1 where the back entrance into the chicken
2 place is, then you would -- you could add a
3 buffer where the current reverse frontage
4 road is now. But there's all kind of
5 problems there.

6 MR. CONROY: You're saying from here
7 north stays, and here south remains the
8 landscape buffer?

9 COMMISSIONER CAMPBELL: SU.

10 MR. CONROY: Okay. But we do need the
11 second entrance just for truck and fire
12 circulation. You just can't eliminate it.
13 You can't have truck turnarounds within these
14 small lots.

15 COMMISSIONER AMSLER: I mean --

16 COMMISSIONER CHAMPION: The engineer
17 says that, you know, that we need to have a
18 second entrance. I mean, when Scott came up
19 here.

20 COMMISSIONER AMSLER: Yeah, but I don't
21 believe it.

22 COMMISSIONER CHAMPION: You don't believe
23 Scott?

24 COMMISSIONER AMSLER: Oh, I love Scott.
25 I think he's an expert. I think very highly

1 of Scott. He knows that, I hope. But I
2 disagree in this case.

3 That's where I'm at. Take off the first
4 one; leave the two in the current zoning;
5 three, four, and five, good to go, and a
6 six-foot wall on the back by the houses.

7 COMMISSIONER CHAMPION: Can we move the
8 other one north? Can you put two in there,
9 but move it north by the retention pond? You
10 can't do that?

11 MR. KERTH: We got to leave the roads
12 where they are.

13 COMMISSIONER CHAMPION: Yeah.

14 MR. KERTH: FDOT has talked -- met with
15 us and they're saying they -- this is where
16 their expertise says you need to put the
17 access roads. So --

18 COMMISSIONER CHAMPION: They told you to
19 put these in these places?

20 MR. KERTH: This is where they approved
21 them and said they need to be. Preliminary,
22 you know, we haven't gotten final approval,
23 as you know, but they indicated with all the
24 information we've given them that this is
25 what works. So --

1 COMMISSIONER CHAMPION: Can you -- sorry.
2 Can you restate -- is there any way to say
3 that we would like this eliminated or moved
4 to the north if possible with FDOT, and work
5 with our County Engineer? So that way we can
6 get the best of both worlds. But if it has
7 to be there, it has to be there.

8 COMMISSIONER AMSLER: We're going to go
9 get a new traffic study anyway if we don't --
10 if we take it away, so they'd have to talk to
11 FDOT again.

12 MR. CONROY: Some of this hasn't --
13 doesn't have to do with FDOT. The removal of
14 that access drive makes it very difficult for
15 fire trucks, for delivery trucks. You've
16 got -- you've got semis pulling in there to
17 deliver. And it's very difficult for them to
18 circulate around that site. That's not an
19 FDOT question.

20 COMMISSIONER AMSLER: Well, you can
21 still change this configuration. Even if we
22 take that away, you can still change that
23 configuration after this, correct?

24 MR. KERTH: In all due respect, guys,
25 we've been willing to go do anything we can

1 when we can. Those have to be there. Okay?
2 Listen, I think we've --

3 COMMISSIONER AMSLER: They don't have to.
4 I can make a motion to deny this whole thing
5 and I may have the votes for it today.

6 MR. KERTH: That's understandable. But
7 that's --

8 COMMISSIONER AMSLER: No disrespect.

9 MR. KERTH: Correct. And we're not
10 trying to be disrespectful. Okay? I think
11 we've really tried to work with you guys.

12 MR. CONROY: And I don't want you to put
13 a condition on this that will make it
14 unbuildable. That type of an approval
15 doesn't get us anywhere. If you can take
16 from this line I drew northward and leave
17 that alone, and leave these two as the
18 landscape buffer, and leave that as the same
19 zoning as it currently is, just rezone this
20 portion, I think we can try to live with
21 that.

22 We still have to run our numbers, too,
23 but I think that would be something that we
24 would accept today. And that's pretty
25 reasonable. We really -- we truly have --

1 CHAIRMAN HAWKINS: Commissioner Campbell?

2 MR. CONROY: -- tried.

3 COMMISSIONER CAMPBELL: So one thing I
4 would like for whoever's going to make a
5 motion -- I think we do have a motion and a
6 second -- so I would like you to consider in
7 your motion limiting the uses. Because right
8 now we have wide open C-1 use, which could
9 mean hotel, motel --

10 MR. KERTH: No, sir. We've already -- if
11 you ask staff, we already --

12 COMMISSIONER CAMPBELL: Lot five doesn't
13 tell me anything.

14 MR. KERTH: Ms. Miller?

15 MS. MILLER: The PDP does not allow you
16 to actually restrict the uses that would be
17 allowed in the Euclidian Zoning District.
18 The only time that would apply is if you were
19 using a district as a base and then adding
20 specific uses from the zoning district one
21 above.

22 COMMISSIONER CAMPBELL: But they could
23 voluntarily do it?

24 MS. MILLER: They could, yes, sir. But
25 in terms of our requirement, we cannot

1 require them to restrict themselves above and
2 beyond the Euclidean District.

3 COMMISSIONER CAMPBELL: Would you be
4 willing to restrict to specific C-1 uses?

5 MR. CONROY: Tell me what uses you don't
6 want and we can tell you which ones we can
7 accept.

8 COMMISSIONER CAMPBELL: Motel?

9 MR. CONROY: I'm fine with that.

10 MR. KERTH: No problem.

11 MR. CONROY: Gentlemen's club, I already
12 know.

13 COMMISSIONER CHAMPION: I don't think
14 anybody's proposing that.

15 COMMISSIONER CAMPBELL: Does anybody have
16 an issue with a 12-vehicle fueling station?
17 Funeral home?

18 MR. CONROY: I'm okay not doing a funeral
19 home.

20 COMMISSIONER CAMPBELL: Light marine
21 establishment?

22 MR. CONROY: I don't even know what that
23 is. I'm okay with not doing that.

24 COMMISSIONER CAMPBELL: Light domestic
25 rental establishment, what is that?

1 MS. MILLER: Commissioner, just so --
2 just to put this on the record, I actually
3 put the front page of our staff report on the
4 ELMO. The specific uses that they have
5 requested, according to their narrative, are
6 actually listed there in that, so they're
7 already self-restricting.

8 COMMISSIONER CAMPBELL: So they've
9 already limited themselves.

10 MR. CONROY: Yes.

11 COMMISSIONER CAMPBELL: So retail,
12 restaurants, financial institutions, medical,
13 dental -- okay, I'm fine with all those.
14 Yeah. Or specific C-1 uses, as defined.

15 COMMISSIONER AMSLER: I'm fine with that.

16 CHAIRMAN HAWKINS: Do you have a second,
17 sir?

18 COMMISSIONER CHAMPION: Yes.

19 COMMISSIONER CAMPBELL: Your motion is
20 saying exactly where that line is, and
21 leaving the two entrances unless they can
22 move them?

23 COMMISSIONER AMSLER: So far it's been no
24 first entrance.

25 COMMISSIONER CHAMPION: Are you saying no

1 first entrance?

2 COMMISSIONER AMSLER: I just don't see
3 how it makes sense.

4 COMMISSIONER CHAMPION: Or can he work
5 with the engineer? I mean, you trust Scott
6 to make the right decision?

7 COMMISSIONER AMSLER: I do, but it's --
8 driving that as much as I've drove it, with
9 the traffic volumes that we have some times
10 of day and some times of year, it just
11 doesn't seem like it makes sense to be
12 turning right there when you have traffic
13 blazing through the intersection and also
14 traffic picking up speed to get into traffic.

15 COMMISSIONER CHAMPION: But you're going
16 to have a decel lane.

17 MR. CONROY: But they do have a decel
18 lane, yeah.

19 COMMISSIONER AMSLER: You're adding a
20 lane?

21 MR. CONROY: Yeah, we're adding a
22 deceleration lane so that people turning
23 right get out of the --

24 COMMISSIONER AMSLER: I'll just leave it
25 up to staff.

1 MR. CONROY: -- get out of the through
2 traffic.

3 COMMISSIONER CHAMPION: I'll second that
4 then. Leave it up to staff. If we get --
5 let's say that -- and I don't want to put
6 words in your mouth. It's your motion. But
7 if it could be moved or if you could work
8 with Scott to reduce that, but a decel lane
9 makes a big difference. If you can get off
10 of 19 while they're flying by, it makes it
11 safer at least.

12 But I'd like to see it -- keep it to the
13 north or we could eliminate it and go out
14 Trenton and have the other one, that would be
15 fine, too. But if not, and if it's
16 detrimental to the development and you work
17 with Scott, is that what you're saying? That
18 basically to work with them?

19 COMMISSIONER AMSLER: Yeah. If there's
20 enough of a lane added there to make it make
21 sense -- I don't think it's possible, but I'm
22 open to it.

23 MR. CONROY: We could extend that decel
24 lane if that helps. We could extend this
25 decel lane further down to allow traffic to

1 get out of the way sooner.

2 COMMISSIONER CHAMPION: You got a
3 extra lane -- you got a extra lane now.

4 MR. CONROY: There you go.

5 COMMISSIONER CHAMPION: I like that.

6 CHAIRMAN HAWKINS: Commissioner Campbell?

7 COMMISSIONER CAMPBELL: I'm just going
8 to -- I'm just going to say this just so you
9 guys know. We're going to vote. I don't
10 know that you have the votes. So you need to
11 decide if you want us to vote.

12 MR. BENDA: So I just want to clarify the
13 motion then. All right?

14 We're going to keep lots three, four,
15 and five for the C-1 uses listed in the
16 application. And then the drainage retention
17 at the front end. With all the other staff
18 conditions, but then lots one and two are
19 going to remain a landscape buffer. It's
20 going to remain its current zoning.

21 COMMISSIONER AMSLER: PDP(SU).

22 MR. BENDA: Yeah. At that line, and then
23 we're going to have two entrances off of 19
24 as approved by staff. Sorry, I'm -- I'm just
25 trying to figure out the wording.

1 COMMISSIONER CHAMPION: The decel lane.

2 MR. BENDA: Yeah, the decel lane --

3 COMMISSIONER CHAMPION: Extend the decel
4 lane like the gentleman said.

5 CHAIRMAN HAWKINS: I believe Ms. Miller
6 has the language.

7 MS. MILLER: So the language that I am
8 proposing for that is the petitioner shall
9 coordinate with the County Engineer and the
10 Florida Department of Transportation to move
11 and/or eliminate the southernmost turn lane
12 off 19, if possible. So that way it just
13 clarifies that if there is a possibility to
14 eliminate, it can be eliminated. Otherwise,
15 it will be -- it will remain as noted on the
16 master plan.

17 COMMISSIONER AMSLER: That's good.

18 MS. MILLER: And then the only other
19 change I had is that condition number 23. We
20 are changing that language to say that the
21 eastern buffer shall use a six-foot wall to
22 achieve 100 percent required opacity.

23 COMMISSIONER AMSLER: For every area that
24 has a house that's directly across from it.

25 MR. CONROY: Yeah. So it's just a

1 limited wall section, right?

2 MS. MILLER: Where immediately --

3 MR. CONROY: Across from residential?

4 MS. MILLER: -- adjacent to residential?

5 COMMISSIONER AMSLER: Yeah. Anything
6 that's -- so from that first house up to --

7 MR. KERTH: This area here?

8 COMMISSIONER AMSLER: Well, it's going to
9 be -- it's going to be those three houses and
10 then to the northwest for the other four
11 houses.

12 MS. MILLER: Okay. Got it.

13 COMMISSIONER AMSLER: Yeah, those up
14 there, too.

15 CHAIRMAN HAWKINS: Commissioner Campbell?

16 COMMISSIONER CAMPBELL: Mr. Herring?
17 What is the timing of the upgrades on Spring
18 Hill Drive there from Pinehurst to Commercial
19 Way?

20 MR. HERRING: Mr. Chairman,
21 Commissioners, for the record, Scott Herring,
22 Public Works Director, County Engineer.

23 They are not currently in the adopted
24 capital improvement program due to the fact
25 that the board didn't approve it until we had

1 already approved the capital improvement
2 program. We're looking at working them into
3 it, so probably wouldn't start -- unless this
4 board directed us otherwise -- until the
5 following fiscal year, 26-27.

6 CHAIRMAN HAWKINS: Thank you. So I have
7 a motion and a second. Is there any further
8 discussion?

9 All in favor?

10 (Commissioners Amsler and Champion
11 indicating Aye.)

12 CHAIRMAN HAWKINS: Any opposed?

13 (Commissioners Campbell, Allocco and
14 Hawkins indicating Nay.)

15 CHAIRMAN HAWKINS: Motion fails, 2-3.

16 MR. BENDA: The motion failed. You got
17 to do a new motion.

18 CHAIRMAN HAWKINS: We understand, sir.

19 MR. BENDA: Sorry. I'm used to the --

20 COMMISSIONER ALLOCCO: Motion to deny.

21 CHAIRMAN HAWKINS: We have a motion of
22 denial, Commissioner Allocco.

23 Commissioner Campbell?

24 COMMISSIONER CAMPBELL: Thank you. Where
25 I'm getting hung up is you just heard -- you

1 just heard the County Engineer say there is
2 no plan. And the history of this board is
3 not to -- not to get behind spending a whole
4 lot of money to do much of anything,
5 especially when it comes to CIP projects,
6 that's the first thing that we cut.

7 So because we try to maintain property
8 taxes, low property taxes, or getting rid of
9 them all together. So I just can't -- I just
10 can't get behind that, knowing everything we
11 do about that area. You know, we've
12 identified it as a problem.

13 So I just can't -- I can't in good faith
14 change the zoning from SU, basically
15 landscape buffer, conservation landscape
16 buffer, to heavy -- heavy commercial without
17 knowing that it is in sight to fix the
18 problem. That's where I'm at.

19 CHAIRMAN HAWKINS: Commissioner Champion?

20 MR. BENDA: What was that last part?
21 Sorry. You kind of cut off at the end for
22 me.

23 COMMISSIONER CAMPBELL: I have issue with
24 the problems that we have with the section of
25 Spring Hill Drive between Pinehurst and

1 Commercial Way. We've identified it as a
2 problem.

3 MR. BENDA: Yes.

4 COMMISSIONER CAMPBELL: And we do not
5 have a plan to fix it.

6 CHAIRMAN HAWKINS: Commissioner Champion?

7 COMMISSIONER CHAMPION: I've repeated
8 this before and I might as well say it again.
9 We made them jump through hoops, I don't know
10 how many meetings now. We told them to come
11 off Pinehurst, they did. Told them to put
12 walls up, they did. We told them to get an
13 agreement with the bank. They went out and
14 spent money, got an agreement with the bank
15 to put the road through. They're going to
16 construct the road. They're going to put
17 decel lanes in.

18 And then on top of it -- and I believe
19 that was your suggestion -- I don't want to
20 put words in your mouth, because I said, hey,
21 if they took it off, maybe would you vote for
22 it. I thought you would. They take off one
23 and two. They agree to -- if we can do
24 something different with the other
25 entrance -- they agree to do all this, but

1 because of something that we're doing or
2 haven't addressed over the years -- and we
3 just started addressing it by getting rid of
4 the pass-through -- nobody up here can say
5 that Pinehurst is going to use that as a way
6 to get out. They're just not. All right?

7 Now the traffic still exists coming from
8 Spring Hill west to get on 19, right? But is
9 that the land owner's problem? I mean, he's
10 trying to do everything they can. But yet
11 you're going to cause him to lose -- because
12 by a straight out denial without
13 compromising, you've cost them tens of
14 thousands of dollars on top of ripping them
15 off for decades on taxes.

16 AUDIENCE MEMBER: That's not their --

17 COMMISSIONER CHAMPION: Is it -- please
18 stop. But there -- that is -- you are --
19 it's the definition of taking of their
20 property. You're asking for a lawsuit.
21 Right? And they should sue, by the way. You
22 should sue the County because you're getting
23 railroaded. That's all I can tell you.

24 And if they could ask me, I'm going to
25 tell them you were railroaded. Just play

1 this video. Because I'm for property rights
2 and the constitution first over everything
3 else; not their opinion, not what they think
4 is going on. Even though you presented --
5 you presented traffic reports, you've got the
6 engineer saying it's okay. We got the staff
7 saying it's okay. It's on Commercial Way
8 with commercial 360 degrees around it pretty
9 much, including all the rental properties,
10 and you're going to just flat out deny them?
11 It is absolutely a travesty of the
12 constitution. And, you know, so that's my
13 words.

14 AUDIENCE MEMBER: When do residents
15 matter? When do our voices matter?

16 CHAIRMAN HAWKINS: So hold on a second,
17 please.

18 AUDIENCE MEMBER: Sorry.

19 CHAIRMAN HAWKINS: Thank you.

20 COMMISSIONER CHAMPION: Somebody didn't
21 want you in your house. They didn't want you
22 there either at some point. Somebody didn't
23 want you there. Okay. Move back up north
24 where you came from.

25 CHAIRMAN HAWKINS: So --

1 COMMISSIONER CHAMPION: Go back up. Go
2 back to the liberal state you're from.

3 CHAIRMAN HAWKINS: So based on -- based
4 on the fact for me, I stated it earlier in
5 regards to the current zoning. The fact that
6 OTISS is not -- O-T-I-S-S -- is not currently
7 used by FDOT, by any of the documentation,
8 the research that I've done, it is not
9 currently used by FDOT and that is the basis
10 of the traffic analysis. I understand where
11 the engineer's coming from.

12 COMMISSIONER CHAMPION: You're an expert
13 with that now, with FDOT, too?

14 CHAIRMAN HAWKINS: Well, I'm just -- I'm
15 saying that it's not --

16 COMMISSIONER CHAMPION: You're an expert
17 at that?

18 CHAIRMAN HAWKINS: -- it's not. I'm just
19 telling you where I'm standing, sir. And
20 then the fact that, you know, I appreciate
21 all the things that they've done. I just --
22 I'm sticking by what I've said over the last
23 two meetings.

24 COMMISSIONER CHAMPION: Should have said
25 no a year ago.

1 CHAIRMAN HAWKINS: I did. I did, sir.

2 COMMISSIONER CHAMPION: Should have said
3 no and it never would have came back. You
4 should have said it then.

5 CHAIRMAN HAWKINS: I did, sir.

6 COMMISSIONER CHAMPION: All three of you
7 said it?

8 CHAIRMAN HAWKINS: I said it. I'm
9 talking --

10 COMMISSIONER CHAMPION: You three voted
11 no. Why didn't you vote no then?

12 CHAIRMAN HAWKINS: Commissioner Champion,
13 I'm talking about myself, sir.

14 COMMISSIONER CHAMPION: Why didn't you
15 vote no then?

16 CHAIRMAN HAWKINS: Because I can't make a
17 motion. I'm the chair.

18 COMMISSIONER CHAMPION: You weren't the
19 chair when it started.

20 CHAIRMAN HAWKINS: Yes, I was, a hundred
21 percent.

22 COMMISSIONER CHAMPION: When it started?

23 CHAIRMAN HAWKINS: One hundred percent.
24 One hundred percent. So that's where I'm at.
25 Okay. And that's the reason why I will

1 second the motion.

2 We have a motion and a second. Is there
3 any further discussion?

4 Commissioner Campbell?

5 COMMISSIONER CAMPBELL: So just to be
6 clear, and that's why I said this about you
7 want us to go through and vote, because
8 there's options for this property. Right?

9 It's currently zoned SU Future Land Use
10 Map Residential, right? There's options. I
11 agree -- I agree with what you're saying and
12 I agree with the frustrations of all of it.
13 Right? But it's not -- I'm not saying, you
14 know, you can't do anything with your
15 property. That's not what I'm saying.

16 I'm saying this is the current zoning.
17 They have the right to come in and ask us.
18 We have the ability to consider, you know,
19 other -- other stuff or we have the ability
20 to say no, you know? And with the current
21 condition -- and we all know it -- with the
22 current condition of that section of Spring
23 Hill Drive between Pinehurst and Commercial
24 Way, I have a problem with rezoning this to a
25 high density use. That's where I'm at.

1 CHAIRMAN HAWKINS: So I have a motion and
2 a second. Is there any further discussion?

3 MR. BENDA: And the motion is for
4 straight denial?

5 CHAIRMAN HAWKINS: Yes, sir.

6 Any further discussion?

7 All in favor of the denial, Aye?

8 (Commissioners indicating affirmatively.)

9 CHAIRMAN HAWKINS: Any opposed?

10 COMMISSIONER CHAMPION: No.

11 CHAIRMAN HAWKINS: I didn't hear your
12 vote, sir?

13 COMMISSIONER AMSLER: Yeah, I vote Aye.

14 CHAIRMAN HAWKINS: Aye. The motion
15 carries 4-1 for denial.

16 (Hearing concluded.)

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1 STATE OF FLORIDA)
2 COUNTY OF HERNANDO)

3 I, CARLA GAIL DONATO, Court Reporter, certify
4 that I was authorized to and did transcribe from
5 videotaped recording the foregoing proceedings and
6 that the transcript is a true record of said
7 proceedings prepared to the best of my ability
8 from the videotaped recording.

9 Dated this 8th day of December, 2025.

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/s/ Carla Gail Donato
CARLA GAIL DONATO

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