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BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

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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:

CARLA GAIL DONATO  
Court Reporter

BOARD MEMBERS:

BRIAN HAWKINS, Chairman  
JERRY CAMPBELL, Vice Chairman  
STEVE CHAMPION  
JOHN ALLOCCO  
RYAN AMSLER

**JOY HAYES COURT REPORTING**  
**407 Courthouse Square**  
**Inverness, Florida 34450**  
**(352) 726-4451**

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STAFF:

JON JOUBEN, ESQUIRE  
County Attorney

OMAR DEPABLO  
Development Services Planning Director

MICHELLE L. MILLER, AICP, Senior Planner

SCOTT HERRING, P.E., County Engineer

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.

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

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

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

Any further discussion? All in favor?  
(Commissioners indicating affirmatively.)

CHAIRMAN HAWKINS: Motion carries 5-0.

\* \* \* \* \*

CHAIRMAN HAWKINS: On to Item four.

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

This is File Number H2482. The request  
before you is a rezoning from Planned  
Development Project (Special Use) to Planned  
Development Project (General Commercial) with  
specific C-2 uses for drive-in restaurant.  
The petitioner is also requesting deviations.  
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 furthestest 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 residential 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 BJs, 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.

10

11 /s/ Carla Gail Donato  
12 CARLA GAIL DONATO

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