

**LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT  
SPECIAL MAGISTRATE HEARING  
REQUEST FOR RELIEF APPLICATION H-25-20**

Casey Cane/  
The Bauen Group, Inc.,

Petitioners,

v.

HERNANDO COUNTY BOARD  
OF COUNTY COMMISSIONERS

Application H-25-20  
6191 Lockhart Road  
Brooksville, FL 34602

Respondent.

/

**REPORT AND RECOMMENDATION OF SPECIAL MAGISTRATE  
PURSUANT TO FLORIDA STATUTES § 70.51**

**BACKGROUND SUMMARY**

The Parties met in one mediation session on December 4, 2025, to explore possible solutions to the contested issues arising at the Public Hearing held by Hernando County Board of County Commissioners (“Board”) on September 2, 2025, denying the rezoning request. In accordance with § 70.51 Florida Statutes, the mediation session was attended by other interested members of the public.

At the conclusion of the December 4, 2025 mediation, the Parties were able to identify a revised project that satisfactorily address the issues raised at the September 2, 2025 hearing (the “Revised Project”). The Revised Project details are listed below, and included in the attached plans.

## REVISED PROJECT

A PDP (NC) Planned Development Project (Neighborhood Commercial) with specific C-1 uses and deviations with corresponding performance standards as provided for in Exhibit “A” incorporated hereto. The master plan referenced in paragraph 14 of Exhibit “A” is attached as Exhibit “B” and incorporated herein.

## CONCLUSION

Pursuant to Section 70.51, Florida Statutes, the first responsibility of the Special Magistrate is to facilitate the resolution of matters in disagreement. To that end, the mediation sessions were informal in nature and directed towards both full and complete discussion of the issues and identification of acceptable terms and solutions to all those interested and appearing. The Revised Project appear to address the prior concerns raised by the Board, and further addresses any legitimate concerns that have been raised by either Party and members of the public who participated in the Section 70.51 process. Therefore, it is the recommendation of the Special Magistrate that the Board favorably consider the Revised Project.



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Scott I. Steady  
Florida Bar No. 614173  
Special Magistrate  
Dated: April 23, 2025

## REVISED STAFF RECOMMENDATION

It is recommended that the Board of County Commissioners approve the Mediated Settlement Agreement that approves a Rezoning from AG (Agricultural) to PDP(NC) Planned Development Project (Neighborhood Commercial) with specific C-1 uses and deviations with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall be limited to the following C-1 (General Commercial) uses:
  - Comparison goods stores
  - Convenience goods stores with a limit of twelve (12) vehicle fueling stations
  - Domestic and business service establishments
  - Domestic and business repair establishments
  - Business training schools
  - Restaurants with or without alcohol dispensation
  - Light building material establishments
  - Retail food stores
  - Fire stations and state, county and municipal police stations
  - Places of Public Assembly
  - Fraternal organizations
  - Light construction service establishments
3. Building Setbacks:  
Front: 75'  
Side: 20'  
Rear: 35'  
*\*Automotive M \* Automobile parking establishments VM*
4. Buffers:  
West: 25'  
South: 25'
5. **Floor Area Ratio:** 35%
6. **Maximum Building Height:** 35' (Deviation from 20' within Residential Protection Area)
7. A Traffic Access Analysis will be required at the time of development. Any improvements recommended in the analysis will be the responsibility of the developer.
8. Driveway connections, parking spaces, and parking lot layout must comply with Hernando County standards.
9. Improvements to Lockhart Road, as outlined in the I-75/SR 50 Planned Development District Area Plan (adopted by the BOCC in September 2007), will be required. The project must also meet the Planned Development District surcharge requirements outlined in Scenario #2 of the Plan.

10. Lockhart Road is classified as a Collector Roadway; dedication of right-of-way may be required to accommodate future widening.
11. The petitioner shall be required to coordinate with the County Engineer at the time of site development to determine specific ingress and egress locations to the site.
12. The petitioner shall be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring properties.
13. The subject site shall be subject to the following Residential Protection Standards:
  - There shall be no speakers or other sound equipment located within 100 feet of any single-family residential district property line.
  - There shall be no buildings containing alcoholic beverage dispensation establishments, convenience stores, or automotive and truck repair establishments located within 100 feet of any single-family residential district property line.
  - No commercial activities which include customer entrances, drive-up windows, ordering boxes, or loading/unloading areas shall be allowed to operate between the hours of 12 midnight and 7:00 a.m. within 100 feet of any single-family residential district property line.
  - All loading bays and loading docks must be a minimum of 100' from any single-family residential district property line. Additionally, all loading bays and loading docks must be screened from view from the public right-of-way or single-family residential district property line. Screening may include landscape plantings, berms, fences or walls.
  - Air conditioning and/or other operational equipment must be oriented away from single family residentially zoned property or screened to minimize noise impacts and reduce visual incompatibility to the single family residentially zoned property. Screening may include landscape plantings, berms, fences or walls.
14. The petitioner shall be required to provide a master plan in accordance with the above conditions for inclusion as an appendix to the Mediated Settlement Agreement for presentation to the Board of County Commissioners at one of the January 2026 meetings.



Scott Stead, Special Magistrate



DEVELOPMENT SERVICES DIRECTOR



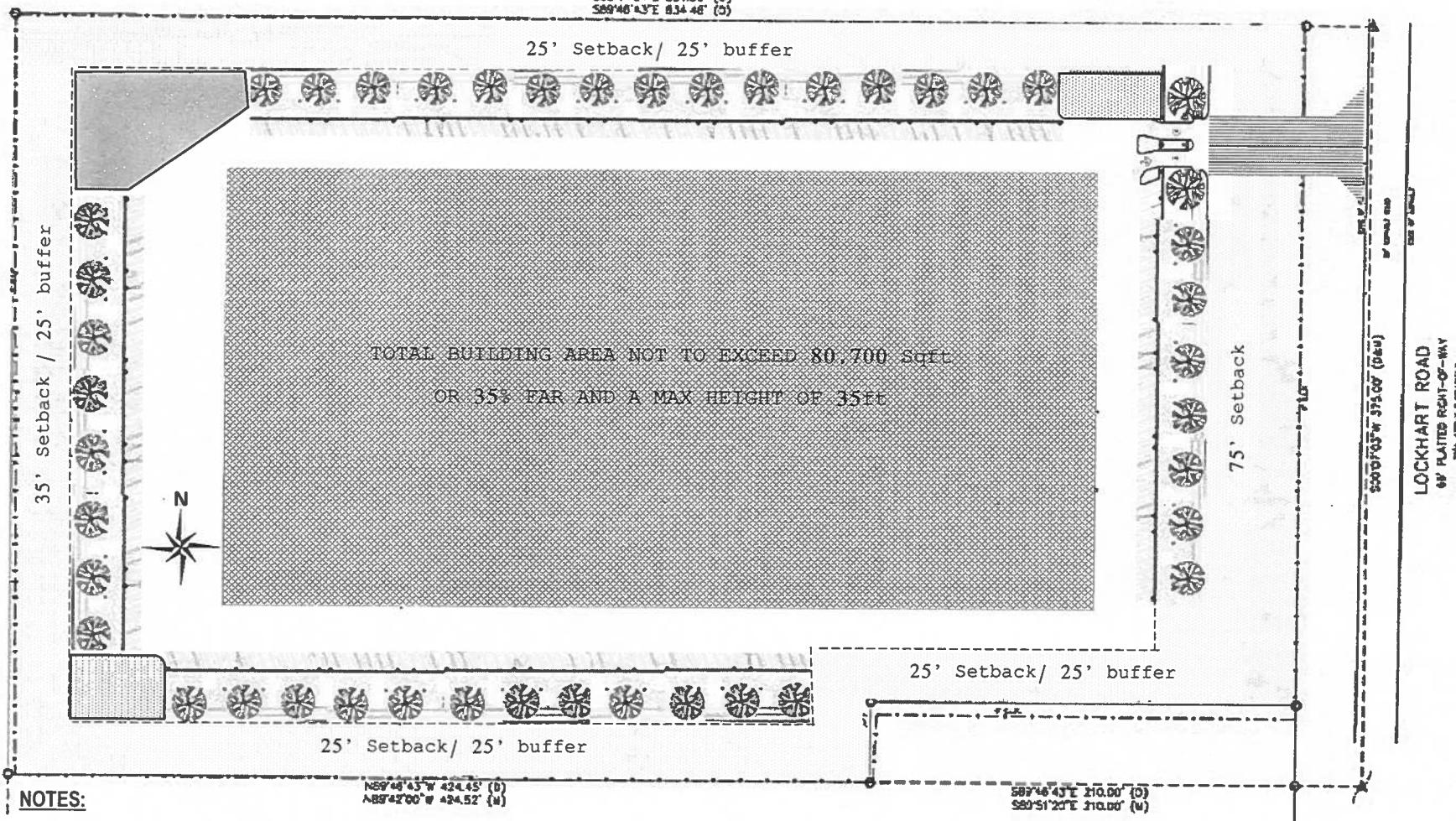
The BAVEN Group, PASLEY CANE, Trustee of 6191 Lockhart Trust



6191 LOCKHART RD | MASTER PLAN

12/4/2025

EXHIBIT "B"



**NOTES:**

Building setbacks shall be 75 feet to the east or front at Lockhart Rd, 25 feet to the North and South and 35 feet to the West with buffers at the West and South boundaries of 25 feet, with all vegetative buffers being supplemented to 80% opacity within 18 months development and or of planting.

The property shall be rezoned from agricultural to PDP neighborhood commercial C3 with specific C1 uses and deviations

### C1 Uses include:

- Comparison goods stores
- Convenience good stores with a limit of 12 vehicle fueling stations
- Domestic and business service establishments
- Domestic and business repair establishments

- Business training schools
- Automobile parking establishments
- Restaurants with or without alcohol dispensation
- Light building material establishments
- Retail food stores
- Fire stations and state county facilities or municipal police stations
- Places of public assembly
- Fraternal organizations
- Light construction service establishments
- All C3 uses in effect as of the date of rezoning

\*This master plan is conceptual and subject to change during the development of construction documents. The building footprint, traffic circulation, egress points, parking layout, and landscaping illustrated herein are preliminary and should not be considered final or binding.

\*Development shall be subject to residential protection standards as outlined within the agreed to mediated settlement agreement  
12/4/25

**6191 LOC** *Brooksville, FL 34602*