

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE**

AGENDA

October 18, 2010

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PRESENTATIONS AND REQUEST FOR WAIVERS

1. “Florida City Government Week” Proclamation

Consideration of Proclamation declaring the week of October 17-23, 2010, as “Florida City Government Week” in conjunction with the Florida League of Cities’ sponsored annual statewide celebration of municipal government and its contributions to the quality of life of Floridians.

Presentation:	Mayor
Attachments:	Proclamation

D. CITIZENS INPUT

E. CONSENT AGENDA

1. FDOT Traffic Signal Maintenance and Compensation Agreement

Consideration of amendment to the 2002 existing agreement which provides compensation to the maintaining agency (the City) for maintaining traffic signal lights within the City to include intersection control beacons on the traffic signals.

2. State Bid Patrol Car Purchase and Surplus of Retired Patrol Cars

Consideration of authorization purchase on state bid and to surplus and trade retired vehicles.

3. Utility Bill Printing Services Bid FI2010-17 Award

Consideration of award of bid to Southwest Direct for an amount not-to-exceed \$16,339.20

CONSENT AGENDA APPROVAL (√)

Recommendation:	Approval of Consent Agenda
Action:	Motion to Approve
Attachments:	1) Memo from Director of Public Works dated 10/04/10, Amendment & Original Contract; 2) Memo from Chief of Police dated 10/18/10, Quotes; 3) Memo from Director of Finance dated 10/05/10, Bid Opening Minutes and Documents

F. PUBLIC HEARINGS – COMPREHENSIVE PLAN AMENDMENTS

- Entry of Proof of Publication into the Record

Florida Department of Community Affairs Objections Recommendations and Comments (ORC) Report, City of Brooksville Response & Comprehensive Plan Amendment Map

1. **Ordinance No. 791 - Comprehensive Plan Amendment – Derrill S. McAteer – represented by Coastal Engineering Associates, Inc.**
Consideration of request for a future land use map change from County Rural to City McAteer Residential Development District (MRDD) for property located north of Powell Road, south of Hope Hill Road and east of the CSX Railroad line.
2. **Ordinance No. 792– Comprehensive Plan Amendment – South Brooksville Planned Development District initiated by the City Of Brooksville**
Consideration of request establishing a land use category of South Brooksville Planned Development District (SBPDD), changing classifications for properties generally located south of Russell Street, east of Main Street, west of Union Street and north of Dr. M. L. King, Jr., Boulevard.
3. **Ordinance No. 793- Comprehensive Plan Amendment – Q2 Brooksville 191, LLC (Griggs) represented by Coastal Engineering Assoc., Inc.**
Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located south of Mondon Hill Road and east of Jasmine Drive.
4. **Ordinance No. 794 – Comprehensive Plan Amendment – Cornerstone Communities, Inc., represented by Coastal Engineering Associates, Inc.**
Consideration of request for a future land use map change from County Residential to City Commercial for property located on the south side of Mondon Hill Road and North of the recently realigned Jasmine Drive.
5. **Ordinance No. 795 – Comprehensive Plan Amendment – Robert J. Russell, Sr. represented by Cornerstone Communities, Inc. and Coastal Engineering Associates, Inc.**
Consideration of request for a future land use map change from County Residential to City commercial for property located on the south side of Mondon Hill Road and North of the recently realigned Jasmine Drive.
6. **Ordinance No. 796 – Comprehensive Plan Amendment – Text Only – Hampton Ridge Developers, LLC – represented by Coastal Engineering Associates, Inc.**
Consideration of request for a text amendment to the Southern Hills Plantation Mixed Use District to allow for an increase in residential units from 999 to 1,163 and an increase from 160,000 square feet of retail floor space to 240,000 square feet for property located east of U.S. Highway 41 South, southwest of Hope Hill Road and west of the CSX Railroad line.

7. **Ordinance No. 797 – Comprehensive Plan Amendment – Joseph M. Mason – represented by Coastal Engineering Associates, Inc.**
Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located north of Richbarn Road, south of Martin Drive and east of Domingo Drive.
8. **Ordinance No. 798– Comprehensive Plan Amendment – Initiated by The City of Brooksville on behalf of Flagstone Pavers, Inc.**
Consideration of request for a future land use map change from County Industrial to City Industrial for property located east of Cobb Road and north of Fort Dade Ave.
9. **Ordinance No. 799– Comprehensive Plan Amendment – Garden Homes, LLC represented by Nicholson Engineering**
Consideration of request for a future land use map change from County Residential to City Commercial for .077 acres along Hale Avenue and City Mobile Home/Multi-Family Residential for the remaining westerly 2.9 acres.
10. **Ordinance No. 800 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of Crosland-Southern Hills Boulevard, LLC**
Consideration of request for a future land use map change from County Rural to City Suburban Residential for property located east of U.S. Highway 41 and south of Southern Hills Boulevard.
11. **Ordinance No. 801 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of Lowman/Griffin Families**
Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located west of the proposed North/South connector Road (Governor Boulevard) and south of Imogene Lane.
12. **Ordinance No. 802– Comprehensive Plan Amendment – Initiated by the City Of Brooksville on behalf of AJ&J Investment Properties**
Consideration of request for a future land use map change from County Residential to City Commercial for property located west of U.S. Highway 98(Ponce De Leon Boulevard) and south of Gantz Drive.
13. **Ordinance No. 803– Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of the Humbarger Family**
Consideration of request for a future land use map change from County Rural to City Suburban Residential for property located west of Hope Hill Road and north of Powell Road.
14. **Ordinance No. 804– Comprehensive Plan Amendment – Initiated by the City of Brooksville (Mendez)**
Consideration of request for a future land use map change from County Residential to City Public Facilities and Land for property located north of Southern Hills Boulevard and east of U.S. Highway 41 South.

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15. **Ordinance No. 805– Comprehensive Plan Amendment – Initiated by the City of Brooksville (Brocato)**
Consideration of request for a future land use map change from County Residential to City Public Facilities and Land for property located southeast of Ray Browning Road and west of Hope Hill Road.
16. **Ordinance No. 806 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of Cascades At Southern Hills**
Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located north of Pine Cabin Road and east of U.S. Highway 41 South.
17. **Ordinance No. 807 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of the Continelli Family, F/K/A Earle)**
Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located south of VFW Road and west of Daffodil Drive.

Presentation: Director of Community Development & City Planner
Recommendation: Approval of **Second Reading** of individual Ordinance No.'s 791 - 807 upon roll call vote
Attachments: Memos from Director of Community Development dated 10/18/10, Proposed Ordinances, Maps

G. REGULAR AGENDA

1. **Resolution 2010-21 - Olive Street Cemetery**
Consideration of resolution recognizing the City's commitment to the Mickler Family's condition to limited future burials in the Olive Street Cemetery.
- Presentation: City Attorney
Recommendation: Approval
Attachments: Memo from City Attorney dated 10/05/10, Proposed Resolution
2. **City of Brooksville Bond Safeguard Settlement – Cascades Phase I**
Consideration of Settlement agreement in the matter of City of Brooksville vs Bond Safeguard.

Presentation: City Attorney
Recommendation: Approval of Settlement or Direction to Staff
Attachments: To Be Provided

REGULAR COUNCIL MEETING AGENDA – October 18, 2010

3. Request for Executive Session

Consideration of request for Executive Session.

Presentation:	City Attorney
Recommendation:	Approval of Session and Date
Attachments:	None

H. CITIZENS INPUT

I. ITEMS BY COUNCIL

J. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at www.cityofbrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/540-3810.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

City of Brooksville

Proclamation

WHEREAS, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents, administered for and by its citizens; and,

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and,

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and,

WHEREAS, Florida City Government Week is a very important time to recognize the important role played by city government in our lives; and,

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Florida that they can shape and influence this branch of government which is closest to the people; and,

WHEREAS, Florida City Government Week offers an important opportunity to convey to all the citizens of Florida that they can shape and influence government through their civic involvement;

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, I, LARA BRADBURN, MAYOR, do hereby proclaim October 17th through October 23rd

“Florida City Government Week”

and encourage all citizens, city government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville to be affixed this 18th day of October, 2010.

CITY OF BROOKSVILLE

Lara Bradburn, Mayor

Richard E. Lewis, Vice Mayor

Joseph E. Johnston, III, Council Member

Joe Bernardini, Council Member

Frankie Burnett, Council Member

ATTEST: _____
Janice L. Peters, CMC, City Clerk

CITY OF BROOKSVILLE MEMORANDUM

To: The Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Richard W. Radacky, Public Works Director

Date: October 4, 2010

Re: **Traffic Signal Agreement Amendment**

Background: The City of Brooksville entered into a Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT) on July 15, 2002, for the maintenance of traffic signals in the City. The agreement is still in effect and the funds received from the FDOT are passed on to Hernando County. (The County provides traffic signal maintenance services to the City). A total of 12 intersections are the responsibility of the City for maintenance. The City will be reimbursed \$22,260.78 in Fiscal Year 2011, for signal maintenance. In order to receive funds for traffic signal maintenance from the FDOT, a state road must be involved at the intersection.

Intersection control beacons are single blinking caution and stop signals. There are two (2) intersection control beacons within the City. One is at Mondon Hill Road and U.S. Highway 41 (Broad Street) and the second is at Fort Dade and Cobb Roads. The one at Mondon Hill and U.S. Highway 41 is being classified as a full traffic signal and the FDOT has recommended that the City continue to receive full compensation (\$2,622 instead of \$696). The second beacon is at Fort Dade and Cobb Roads. This intersection is intersected by all County roads and is not eligible for state compensation.

The FDOT is requesting amendment of Sections 1, 6 and 14 of the original agreement. All other Sections remain as written. Under the original agreement, traffic signal maintenance is compensated and intersection control beacons are not. In the Amended Agreement, intersection control beacons have been added to Section 1 and are eligible for compensation from the FDOT. Also, the sentence highlighted on the attached agreement amendment has been added. The highlighted sentence allows the City to inspect and modify installation(s) as long as the modifications comply with the contract and specifications previously approved by both the FDOT and City.

Section 6 has been amended to add "...and intersection control beacons..." in four (4) places. Section 14 has been amended to include "...or intersection control beacon(s)..." in one place. The changes are highlighted on the Agreement Amendment attached to the agenda item.

Also, the City Attorney is requesting that Section 18 of the original agreement be deleted. After the original agreement was approved by the City, the City Charter was amended to not allow the City to indemnify, defend, save, or hold harmless other agencies. The Amendment deletes Section 18.

The remaining sections of the original agreement (excluding Section 18) will continue to be in effect. Staff has reviewed the remaining sections of the original agreement and recommend them to continue in effect as written.

Budget Impact: The City will receive \$ 22,260.78 from the FDOT for traffic signal maintenance in Fiscal Year 2011. The funds will be passed through to the County as the County has the equipment and labor to maintain traffic signals. There will be no budget impact to the City.

Legal Review: The City Council has Home Rule Authority (Article VIII. 2(b), Florida Constitution/Subsection 166.011, Florida Statutes) to consider and take action on this Agreement Amendment.

Staff Recommendation: Staff recommends that the City Council approve the amendments to the FDOT Traffic Signal Maintenance and Compensation Agreement and authorize the Mayor to sign the agreement on behalf of the City Council.

Attachment

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT
Amendment #1

750-010-22A
TRAFFIC OPERATIONS
10/09
Amendment 1
Page 1 of 5

CONTRACT NO. _____
FINANCIAL PROJECT NO _____
F.E.I.D. NO _____

Purpose:

Amend the original TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT previously entered into by both parties. Amendment #1 adds payment for maintenance and operation of intersection control beacons, beginning with the Department's fiscal year 2010-2011. Currently, traffic signals are compensated for and intersection control beacons are not. This Amendment provides that intersection control beacons will be paid for by the Department to the Maintaining Agency at the rate of 25% of that for full traffic signals. A modified Exhibit A and B is part of this Amendment and provides the Unit Rates for traffic signals (unchanged) and for intersection control beacons (new). Amendment #1 also deletes Section 18 of the original agreement. The City Charter does not allow the City of Brooksville to indemnify other parties to its agreements. All other provisions of the original Agreement remain unchanged.

Section 1 shall be removed and replaced in its entirety by the Section 1 provided below:

1. The Maintaining Agency shall be responsible for the maintenance and continuous operation of the traffic signals, traffic signal systems (central computer, cameras, message signs, modems, and communications interconnect), flashing school zone traffic control devices, intersection control beacons, warning beacons, illuminated street name signs, and the payment of electricity and electrical charges incurred in connection with operation of such traffic signals and signal systems upon completion of their installation. The Department agrees to pay to the Maintaining Agency, an annual compensation based on Department's fiscal year for the cost of the maintenance and continuous operation of full traffic signal locations and intersection control beacons as identified in Exhibit A. Warning beacons, emergency signals, and flashing school zone signals are not included. Payments will be made in accordance with Exhibit B. Should the Maintaining Agency withdraw from the compensation portion of this Agreement; the Maintaining Agency will still be responsible for the maintenance and continuous operation of the above items. In the case of construction contracts, the Maintaining Agency shall be responsible for the payment of electricity and electrical charges incurred in connection with the operation of the traffic signals and signal systems, and shall undertake the maintenance and continuous operation of said traffic signals and signal systems upon final acceptance of the installation by the Department. Prior to any acceptance by the Department, the Maintaining Agency shall have the opportunity to inspect and request modifications/corrections to the installation(s) and Department agrees to undertake those prior to acceptance so long as the modifications/corrections comply with the contract and specifications previously approved by both the Department and Maintaining Agency. Repair or replacement and other responsibilities of the installation contractor and the Department, during construction, are contained in the Department's Standard Specifications for Road and Bridge Construction.

Section 6 shall be removed and replaced in its entirety by the Section 6 provided below:

6. The Maintaining Agency and the Department will develop annually the Exhibit A which by this reference is made a part of this Agreement as though fully set forth herein. Exhibit A shall contain all existing traffic signals and intersection control beacons on the State Highway System, applicable to the jurisdiction of the Maintaining Entity, those that are maintained by the Maintaining Agency and those that are maintained but not included for compensation. No changes or modifications will be made to Exhibit A during the year for compensation. New signals and intersection control beacons added by the Department during the fiscal year shall be maintained and operated by the Maintaining Agency upon final acceptance as stated in paragraph 1. The Maintaining Agency and the Department, preceding each fiscal year, shall develop and execute a new Exhibit A, which shall include all new Department signals and intersection control beacons added during the previous fiscal year and delete those removed. The Maintaining Agency shall begin receiving compensation for new Department's signals and intersection control beacons in the next fiscal year. In the event that no change has been made to the previous year's Exhibit A, a statement to this effect should be included. The annual compensation will be a lump sum payment detailed in Exhibit B. Future payments will be based on the

information provided in Exhibit A, in accordance with the provisions as detailed in Exhibit B, attached and made a part hereof.

- a) Payment shall be made only after receipt and approval of service.
- b) Payment shall be made in accordance with Section 215.422, Florida Statutes.
- c) Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.
- d) Record of costs incurred under terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for three (3) years after final payment for the work pursuant to this Agreement is made. Copies of these documents and records shall be furnished to the Department upon request. Record of costs incurred include the Maintaining Agency's general accounting records, together with supporting documents and records of the Maintaining Agency and all subcontractors performing work, and all other records of the Maintaining Agency and subcontractors considered necessary by the Department for proper audit of costs.

Section 14 shall be removed and replaced in its entirety by the Section 14 provided below:

14. The Maintaining Agency may be subject to inspections of traffic signals and traffic signal systems by the Department. Such findings will be shared with the Maintaining Agency and shall be the basis of all decisions regarding payment reduction, reworking, Agreement termination, or renewal. If at any time the Maintaining Agency has not performed the maintenance responsibility on the locations specified in the Exhibit A, the Department shall have the option of (a) notifying the Maintaining Agency of the deficiency with a requirement that it be corrected within a specified time, otherwise the Department shall deduct payment for any deficient traffic signal(s) or intersection control beacon(s) maintenance not corrected at the end of such time, or (b) take whatever action is deemed appropriate by the Department. Any suspension or termination of funds does not relieve any obligation of the Maintaining Agency under the terms and conditions of this Agreement.

Section 18 shall be removed in its entirety.

The City Charter does not allow the City of Brooksville to indemnify other parties to its agreements.

IN WITNESS WHEREOF, the parties have caused these presents to be executed, the day and year first above written

CITY OF BROOKSVILLE, Florida
(Maintaining Agency)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
(Authorized Signature)

By _____
(Authorized Signature)

Print/Type Name: Lara Bradburn

Print/Type Name: _____

Title: Mayor

Title: _____

Attest: Janice L. Peters, City Clerk
(Seal if applicable)

Attest: _____

Reviewed: The Hogan Law Firm, LLC

Attorney Date

Total Lump Sum	\$0.00
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I certify that the above traffic signals will be maintained and operated in accordance with the requirements of the Traffic Signal Maintenance and Compensation Agreement.
For satisfactory completion of all services detailed in this Agreement for this time period, the Department will pay the Maintaining Agency a Total Lump Sum of \$0.00.

Maintaining Agency Date

By: _____
(Authorized Signature)
Print/Type Name: Lara Bradburn
Title: Mayor

Attest: _____
Janice L. Peters, CMC
City Clerk

District Traffic Operations Engineer Date

Print/Type Name: _____
Title: _____
Attest: _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

Thomas S. Hogan, Jr., City Attorney

EXHIBIT B

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

1.0 PURPOSE

This exhibit defines the method and limits of compensation to be made to the Maintaining Agency for the services described in this Agreement and in Exhibit A and Method by which payments will be made.

2.0 COMPENSATION

For the satisfactory completion of all services detailed in this Agreement and Exhibit A of this Agreement, the Department will pay the Maintaining Agency the Total Lump Sum in Exhibit A. The Maintaining Agency will receive one lump sum payment at the end of each fiscal year for satisfactory completion of service.

Total Lump Sum Amount for each fiscal year is calculated by adding all of the individual intersection amounts. The individual intersection amounts are calculated by taking the FY Unit Rate times the percent of State Road Approaches to Total Approaches. Intersection Control Beacons are paid at 25% of the Unit Rate for full traffic signal.

Example 1: For a traffic signal intersection with 4 approaches with 2 approaches (50%) being state roads, the intersection amount for FY 10-11 will be: $\$2,622 \times (2/4) = \$1,311$

Example 2: For an intersection control beacon with 3 approaches, with 2 approaches being state roads, the intersection amount for FY 11-12 will be $\$675 \times (2/3) = \450

Unit Rates per 100% State Intersections

Traffic Signals:		Intersection Control Beacons:	
FY 07-08	\$2,400		\$0
08-09	\$2,472		\$0
09-10	\$2,546		\$0
10-11	\$2,622		$0.25 \times \$2,622 = \656
11-12	\$2,701		$0.25 \times \$2,701 = \675
12-13	\$2,782		$0.25 \times \$2,782 = \696

Beginning with FY 07-08, the Unit Rate for each fiscal year is 3% more than the Unit Rate for the previous fiscal year, unless otherwise specified in an amendment to this Agreement.

3.0 PAYMENT PROCESSING

The Maintaining Agency shall invoice the Department yearly in a format acceptable to the Department.

ORIGINAL AGREEMENT

CONTRACT NO. AM 706
FINANCIAL PROJECT NO. 405920-3-88-01
F.E.I.D. NO. _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of July, 2002, by and between the Florida Department of Transportation, an agency of the State of Florida, herein called the "Department", and Brooksville Florida, herein called the "Maintaining Agency".

WITNESSETH:

WHEREAS, the Maintaining Agency has the authority to enter into this Agreement and to undertake the maintenance and operation of traffic signals or signal systems on the State Highway System, and the Department is authorized under Sections 334.044 and 335.055, Florida Statutes, to enter into this Agreement; and

WHEREAS, the Maintaining Agency has authorized its undersigned representative to enter into and execute this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein to be undertaken by the respective parties hereto, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties mutually agree and covenant as follows:

1. The Maintaining Agency shall be responsible for the maintenance and continuous operation of the traffic signals, traffic signal systems (central computer, cameras, message signs, and communications interconnect), school zone traffic control devices, intersection flashing beacons, illuminated street name signs, and the payment of electricity and electrical charges incurred in connection with operation of such traffic signals and signal systems upon completion of their installation. The Department agrees to pay to the Maintaining Agency, an annual compensation based on Department's fiscal year for the cost of the maintenance and continuous operation of full traffic signal locations as identified in Exhibit A. Flashing beacons, emergency signals, and school zone signals are not included. Payments will be made in accordance with Exhibit B. Should the Maintaining Agency withdraw from the compensation portion of this Agreement, the Maintaining Agency will still be responsible for the maintenance and continuous operation of the above items. In the case of construction contracts, the Maintaining Agency shall be responsible for the payment of electricity and electrical charges incurred in connection with the operation of the traffic signals and signal systems, and shall undertake the maintenance and continuous operation of said traffic signals and signal systems upon final acceptance of the installation by the Department. Repair or replacement and other responsibilities of the installation contractor and the Department, during construction, are contained in the Department's Standard Specifications for Road and Bridge Construction.
2. The Maintaining Agency shall maintain and operate the traffic signals and signal systems in a manner that will ensure safe and efficient movement of highway traffic and that is consistent with maintenance practices prescribed by the International Municipal Signal Association (IMSA) and operational requirements of the Manual on Uniform Traffic Control Devices (MUTCD), as amended. The Maintaining Agency's maintenance responsibilities shall include, but not be limited to, preventive maintenance (periodic inspection, service and routine repairs), and emergency maintenance (trouble shooting in the event of equipment malfunction, failure, or damage). The Maintaining Agency shall record its maintenance activities in a traffic signal maintenance log.
3. The Maintaining Agency may remove any component of the installed equipment for repair, however, it shall not make any permanent modifications and/or equipment replacements unless the equipment provided is capable of performing at minimum the same functions. The Department shall not make any modifications and/or equipment replacements without prior written notice to the Maintaining Agency.
4. The Maintaining Agency shall set and maintain the timing and phasing of the traffic signals in accordance with the Department's timing and phasing plans, specifications, or special provisions. The Maintaining Agency shall obtain prior written approval from the Department for any modification in phasing of signals and signal systems to accommodate changing needs of traffic. The Maintaining Agency may make changes in the signal timing provided these changes are made under the direction of a qualified Professional Engineer and be contingent upon an engineering report or documentation of engineering judgment prepared by, or for, the Maintaining Agency in accordance with Section 1A.09, Engineering Study and Engineering Judgment, of the MUTCD, recommending such changes and signed and sealed by a qualified Professional Engineer registered in the State of Florida. The Maintaining Agency shall send a signed/sealed copy of the timings to the Department immediately after installation. The Department reserves the right to examine equipment, timing and phasing at any time and, after consultation with the Maintaining Agency, may specify modifications. If the Department specifies modification in timing and/or phasing, implementation of such modifications shall be coordinated with, or made by, the Maintaining Agency.
5. The Maintaining Agency shall note in the maintenance log any time/phasing changes and keep a copy of the timings and any approval documentation in a file.

6. The Maintaining Agency and the Department shall develop the Exhibit A which by this reference is made a part of this Agreement as though fully set forth herein. Exhibit A shall contain all existing traffic signals on the State Highway System, applicable to the jurisdiction of the Maintaining Entity, those that are maintained by the Maintaining Agency and those that are not included for compensation. No changes or modifications will be made to Exhibit A during the year for compensation. New signals added by the Department during the fiscal year shall be maintained and operated by the Maintaining Agency upon final acceptance as stated in paragraph 1. The Maintaining Agency and the Department, preceding each fiscal year, shall develop and execute a new Exhibit A, which shall include all new Department signals added during the previous fiscal year and delete those removed. The Maintaining Agency shall begin receiving compensation for new Department's signals in the next fiscal year. In the event that no change has been made to the previous year's Exhibit A, a statement to this effect should be included. The annual compensation will be a lump sum payment detailed in Exhibit B. Future payments will be based on the information provided in Exhibit A, in accordance with the provisions as detailed in Exhibit B, attached and made a part hereof.
- a) Payment shall be made only after receipt and approval of service.
 - b) Payment shall be made in accordance with Section 215.422, Florida Statutes.
 - c) Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.
 - d) Record of costs incurred under terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for three (3) years after final payment for the work pursuant to this Agreement is made. Copies of these documents and records shall be furnished to the Department upon request. Record of costs incurred include the Maintaining Agency's general accounting records, together with supporting documents and records of the Maintaining Agency and all subcontractors performing work, and all other records of the Maintaining Agency and subcontractors considered necessary by the Department for proper audit of costs.
7. Maintaining Agency providing goods and services to the Department should be aware of the following time frames. Upon receipt, the Department has five (5) working days to inspect and approve the goods and services, unless the Agreement specifies otherwise. The Department has twenty (20) days to deliver a request for payment (voucher) to the Department of Banking and Finance. The twenty (20) days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.
8. If a payment is not available within forty (40) days, a separate interest penalty at a rate as established pursuant to Section 215.422, Florida Statutes, shall be due and payable, in addition to the invoice amount, to the Maintaining Agency. Interest penalties of less than one (1) dollar shall not be enforced unless the Maintaining Agency requests payment. Invoices returned to a Maintaining Agency because of Maintaining Agency preparation errors shall result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.
9. A Vendor Ombudsman has been established within the Department of Banking and Finance. The duties of this individual include acting as an advocate for contractors/vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 410-9724 or by calling the State Comptroller's Hotline, 1-800-848-3792.
10. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.
11. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.
12. The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement.
13. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. In the event this Agreement is in excess of \$25,000 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:
- a) The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000 and which have a term for a period of more than one year.

14. The Maintaining Agency may be subject to inspections of traffic signals and traffic signal systems by the Department. Such findings will be shared with the Maintaining Agency and shall be the basis of all decisions regarding payment reduction, reworking, Agreement termination, or renewal. If at any time the Maintaining Agency has not performed the maintenance responsibility on the locations specified in the Exhibit A, the Department shall have the option of (a) notifying the Maintaining Agency of the deficiency with a requirement that it be corrected within a specified time, otherwise the Department shall deduct payment for any deficient traffic signal(s) maintenance not corrected at the end of such time, or (b) take whatever action is deemed appropriate by the Department. Any suspension or termination of funds does not relieve any obligation of the Maintaining Agency under the terms and conditions of this Agreement.

15. The Maintaining Agency may enter into agreements with other parties pertaining to traffic signals and signal systems including, but not limited to, agreements relating to costs and expenses incurred in connection with the operation of traffic signals and signal systems on the State Highway System, provided that such Agreements are consistent with the mutual covenants contained in this Agreement. The Maintaining Agency shall furnish a copy of such agreements to the Department.

16. This Agreement may not be assigned or transferred by the Maintaining Agency in whole or in part without consent of the Department.

17. The Maintaining Agency shall allow public access to all documents, papers, letters, or other material subject to provisions of 119, Florida Statutes, and made or received by the Maintaining Agency in conjunction with this Agreement. Failure by the Maintaining Agency to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the Department.

18. The Maintaining Agency, to the extent allowed by Section 768.28, Florida Statutes, shall indemnify, defend, save and hold harmless, the State, the Department, any joint pole owner and all of their officers, agents and employees from all suits, actions, claims, demands, and liabilities of any nature whatsoever arising out of, because of, or due to breach of, this Agreement by the Maintaining Agency, its subcontractors, agents or employees or due to any act or occurrence of omission or commission of the Maintaining Agency, its subcontractors, agents or employees. The parties agree that this paragraph shall not waive sovereign immunity of the State of Florida, nor waive the benefits or provisions of Section 768.28, Florida Statutes, or any similar provision of law.

19. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The invalidity or unenforceability of any portion of this Agreement shall not affect the remaining provisions and portions hereof. Any failure to enforce or election on the part of the Department to not enforce any provision of this Agreement shall not constitute a waiver of any rights of the Department to enforce its remedies hereunder or at law or in equity.

20. This Agreement shall remain in force during the life of the original installed equipment and/or the life of any replacement equipment installed with the mutual consent of the parties hereto.

21. Upon execution, this Agreement cancels and supersedes any and all prior Traffic Signal Maintenance Agreement(s) between the parties.

22. This Agreement contains all the terms and conditions agreed upon by the parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

City of Brooksville, Florida
(Maintaining Agency)

By: E.E. Wever, Jr.
(Authorized Signature)

Print/Type Name: E.E. "Ernie" Wever, Jr.

Title: Mayor

Attest: Jennifer J. Battista
Jennifer J. Battista, (Seal if Applicable)
Deputy City Clerk

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: John F. Temple
(Authorized Signature)

Print/Type Name: John F. Temple

Title: Director of Operations

Attest: Christina K. Daddie

REVIEWED:
APPROVED AS TO FORM AND CONTENT
FOR THE RELIANCE OF THE CITY OF
BROOKSVILLE ONLY:

Attorney David LaCroix
David LaCroix, City Attorney

Barbara Oklesen 10.1.09
Legal Review

1	SR 50 & BUCKHOPE RD (3 WAY)	66.00%	\$2,622.00	\$1,730.52
2	SR 45/US 41 & SR 50/CORTEZ BLVD	100.00%	\$2,622.00	\$2,622.00
3	SR 45/US 41 & SOUTH PLAZA ENTRANCE	50.00%	\$2,622.00	\$1,311.00
4	SR 45/US 41 & CHATMAN/MLK BLVD	50.00%	\$2,622.00	\$1,311.00
5	SR 45 & SR 700 (3 WAY)	100.00%	\$2,622.00	\$2,622.00
6	SR 45/US 41 & BROOK PLAZA	50.00%	\$2,622.00	\$1,311.00
7	SR 45/US 41 & MAIN ST (3 WAY)	33.00%	\$2,622.00	\$865.26
8	SR 45/US 41 & SR 50A E. JEFFERSON(98/700)	100.00%	\$2,622.00	\$2,622.00
9	SR 50A & MAIN ST	50.00%	\$2,622.00	\$1,311.00
10	SR 50A & MILDRED (3 WAY)	100.00%	\$2,622.00	\$2,622.00
11	SR 50A & SR 700/PONCE DE LEON BLVD (98/700)	100.00%	\$2,622.00	\$2,622.00
12	SR45/US 41 & FT. DADE/MONDON HILL RD FLASHING SIGNAL	50.00%	\$2,622.00	\$1,311.00
12				\$22,260.78

EXHIBIT B

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

1.0 PURPOSE

This exhibit defines the method and limits of compensation to be made to the Maintaining Agency for the services described in this Agreement and in Exhibit A and Method by which payments will be made.

2.0 COMPENSATION

For the satisfactory completion of all services detailed in this Agreement and Exhibit A of this Agreement, the Department will pay the Maintaining Agency the Total Lump Sum in Exhibit A. The Maintaining Agency will receive one lump sum payment at the end of each fiscal year for satisfactory completion of service.

Total Lump Sum Amount for each Fiscal Year is calculated by adding all of the individual intersection amounts. The individual intersection amounts are calculated by taking the FY Unit Rate times the Percent of State Road Approaches to Total Approaches.

Example: For a intersection with 4 approaches with 2 approaches (50%) being state roads, the intersection amount will be: $\$518 \times (2/4) = \259

Unit Rates per 100% State Intersections

FY 02-03	\$ 518
03-04	\$1,599
04-05	\$2,196
05-06	\$2,262
06-07	\$2,330

Beginning FY 07-08, the Unit Rate for each fiscal year will be 3% more than the Unit Rate for the previous fiscal year, unless otherwise specified in an amendment to this Agreement.

3.0 PAYMENT PROCESSING

The Maintaining Agency shall invoice the Department yearly in a format acceptable to the Department.

**Brooksville Police
Department**

Memo

To: The Honorable Mayor and Members, Brooksville City Council

VIA: Jennene Norman-Vacha, City Manager 

From: George B. Turner, Chief of Police 

Date: October 18, 2010

Re: **STATE BID PATROL CAR PURCHASE, and SURPLUS OF RETIRED PATROL CARS**

General information: The City Council has approved the purchase of three patrol vehicles in the 2010/2011 budget. Per City of Brooksville Purchasing Policy, the Police Department now requests to complete that approved purchase of said patrol vehicles, on State Bid Contract, through Bartow Ford, 2800 US Hwy North, Bartow Florida. The state bid price per Ford Crown Victoria Police Interceptor is \$22,292.00, plus emergency equipment.

The emergency equipment package was bid out to three approved state bid contractors, (Bartow Ford, Emergency Vehicle Supply and Dana Safety Supply, Inc.) with the lowest bid received by Bartow Ford in the amount of \$4,040.05 per vehicle. The total cost of vehicles and equipment is \$78,996.15.

The Department is requesting to surplus the retired 2003 Ford Crown Vic police cars (vin#2FAFP71W63X101542, and 2FAFP71W83X210911). These retired patrol vehicles will be traded in to Bartow Ford to offset the purchase price of the new patrol vehicles. Trade in value is \$6,000 total.

 **Budget Impact:** The City Council approved 2010 JAG GRANT in the amount of \$55,874 is committed for the purchase of two marked patrol cars. The remaining patrol car purchase is budgeted in the 2010/2011 budget from the Vehicle Replacement fund 502.

 **Legal Impact:** City Council has home-rule authority (Art. VIII, 2(b), Fla Const./Section 166.011, F.S.) to consider matters of fiscal and intergovernmental benefit. Pursuant to Section 5.04 of the City Charter, competitive bidding is required except to the extent that Council authorizes otherwise by ordinance. Pursuant to Section 2-304 (a) (1) and (2) of the Code of Ordinances, the amount of expenditure for which the City may obligate itself without competitive bidding by the City is increased provided: (1) the City Manager

recommends to the City Council that a specific purchase be made by piggybacking on an award by another governmental entity's competitive bidding process; and (2) the other governmental entity's competitive bidding process provides substantially equivalent guarantees of fairness and competitiveness to those of the City.

Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

Staff Recommendation: Approval to purchase on state bid and to surplus and trade the retired patrol vehicles through Bartow Ford.



Chief Turner
Brooksville Police

Tag - \$55,874.00

2011 Ford Crown Victoria Police Interceptor Package 3

- Vibrant White
- Charcoal Cloth Buckets Front / Vinyl Rear Seat
- 720A Package
- 4.6L Engine Code 99V
- Automatic Transmission
- P235/55R17 Black Side wall Tires
- Remote Keyless Entry (Fob Only)
- Trunk Pack with Kevlar Liner
- Silicone Hoses with Aircraft Clamps
- Grill/Lamp/Siren/Speaker Wiring
- Police Pigtail Wiring
- Courtesy Lamp Disable
- Driver Side Factory Installed Spotlight
- Comfort & Convenience Group Includes
- 6-Way Power Driver Seat
- Speed Control
- Deck lid Release on Interior Panel & Driver Side Door
- Rear Door Handles INOP - Lock Operable
- Rear Power Window Delete
- Body Moldings Installed
- Air Conditioning
- Am/Fm Stereo with Single Disc CD Player

TOTAL

\$22,292.00

Bartow Ford will have these Vehicle's ready for delivery the week of 9/1/10

If you have any questions or need any additional information please to contact me anytime.

Sincerely Yours,
 Richard Weissinger
 Commercial Fleet Sales
 Bartow Ford Company
 2800 US Hwy 98 North
 Bartow, FL 33030
 Direct Line (813) 477-0052
 Fax (863) 533-8485



**Chief Turner
Brooksville Police**

2011 Ford Crown Victoria Police Interceptor (Package 3)

- Vibrant White
- Charcoal Cloth Buckets Front / Vinyl Rear Seat
- 720A Package
- 4.6L Engine Code 99V
- Automatic Transmission
- P235/55R17 Black Side wall Tires
- Remote Keyless Entry (Fob Only)
- Trunk Pack with Kevlar Liner
- ~~Silicone Hoses with Aircraft Clamps~~
- Grill/Lamp/Siren/Speaker Wiring
- Police Pigtail Wiring
- Courtesy Lamp Disable
- Driver Side Factory Installed Spotlight
- Comfort & Convince Group Includes
- 6-Way Power Driver Seat
- Speed Control
- Deck lid Release on Interior Panel & Driver Side Door
- Rear Door Handles INOP - Lock Operable
- Rear Power Window Delete
- All Body Moldings Installed
- Air Conditioning
- Am/Fm Stereo with Single Disc CD Player

TOTAL \$22,292.00

Code 3 Package with Jotto \$ 3,979.25 Each - 11,937.75

Whelen Package with HAVIS SHIELD Console & Laptop Stand \$ 3,590.00 Each

Code 3 Package with HAVIS SHIELD Console & Laptop Stand \$ 3,705.05 Each - 8,115.15

Upgrade to (4) Whelen Vertex LED's (5 year warranty) \$ 68.00 Total > 175

Upgrade to (4) Sound off LED's \$ 92.00 Total > 11,290.15

City Tag \$ ~~132.10~~ Each →

All Equipment per your specifications and prices include installation

**Bartow Ford will have these Vehicle's ready for delivery the week of [redacted].
If you have any questions or need any additional information please to contact me anytime.**

Sincerely Yours,
Richard Weissinger
Commercial Fleet Sales
Bartow Ford Company
2800 US Hwy 98 North
Bartow, FL 33030
Direct Line (813) 477-0052
Fax (863) 533-8485

**2800 US Hwy North
Bartow, Florida 33830**



4661 JOHNSON ROAD - SUITE 1
 COCONUT CREEK, FL 33073
 Tel. 954-428-5201 * Fax 954-428-5202

Quotation

Quote Number: 10229
 Quote Date: Sep 7, 2010
 Page: 1

Quoted to: BROOKSVILLE PD
 87 VETERANS AVE
 ATTN:LT. HANKINS
 BROOKSVILLE, FL 34601

Customer ID	Good Thru	Payment Terms	PO Number
BROOKSVILLE PD	10/7/10	Net 30 Days	

Quantity	Item	Description	Unit Price	Extension
3.00	2747A2	CODE 3 48" RX2700 LED LIGHTBAR RED/BLUE (LIGHTBAR/SIREN/SPEAKER PACKAGE)	1,675.00	5,025.00
3.00	FDCV92	CODE 3 HOOK KIT 92/10 CROWN VIC		
3.00	3892L6	CODE 3 3892L6 MASTERCOM		
3.00	C3100CV2	CODE 3 100W SPEAKER W/ CROWN VIC BRACKET		
3.00	900-06	CODE 3 PLUG-IN-PLAY HEADLIGHT FLASHER FOR 2006-2010 CROWN VICTORIA	42.00	126.00
3.00	P2612FD-P	PRO-GARD STANDARD PARTITION. 1/2 LEXAN AND 1/2 EXPANDED METAL.	514.95	1,544.85
3.00	3P300C	PRO-GARD RECESSED PANEL KIT FOR P2600 SERIES PARTITIONS		
3.00	S6507F-P	PRO-GARD LOWER EXTENSION PANEL FOR SPACE SAVER PARTITION		
3.00	G7210	PRO-GARD VERTICAL GUN RACK (AR15/SHOTGUN)	275.00	825.00
3.00	425-6019	IOTTO 10" CONTOUR CONSOLE FOR 97/10 CROWN VICTORIA (INCLUDES FLOOR PLATE & 10" OF FACE PLATES)(PACKAGE)	475.00	1,425.00
3.00	425-5210	IOTTO UNIVERSAL COMPUTER		
			Subtotal	Continued
			Sales Tax	Continued
			Total	Continued



4661 JOHNSON ROAD - SUITE 1
 COCONUT CREEK, FL 33073
 Tel. 954-428-5201 * Fax 954-428-5202

Quotation

Quote Number: 10229
 Quote Date: Sep 7, 2010
 Page: 2

Quoted to: BROOKSVILLE PD
 87 VETERANS AVE
 ATTN:LT. HANKINS
 BROOKSVILLE, FL 34601

Customer ID	Good Thru	Payment Terms	PO Number
BROOKSVILLE PD	10/7/10	Net 30 Days	

Quantity	Item	Description	Unit Price	Extension
3.00	425-6033	MOUNT (SIDE OF CONSOLE) (PACKAGE)		
9.00	425-2273	JOTTO DUAL CUP HOLDER EXTERNAL (PACKAGE)		
3.00	425-6054	JOTTO CIGARETTE PLUGS (SINGLE)(PACKAGE)		
3.00	425-6103	JOTTO 2" FP W/ 3 7/8" HOLES FOR POWER OUTLET(PACKAGE)		
3.00	425-6051	JOTTO 3" FP CODE 3 MASTERCOM SIREN (PACKAGE)		
3.00	425-6063	JOTTO 2" FP BLANK (PACKAGE)		
3.00	425-6029	JOTTO 3" FP MOTOROLA RADIO (PACKAGE)		
3.00	TH400	JOTTO STORAGE BOX W/ ARM REST (PACKAGE)		
3.00	RX7019	THOR 400 WATT POWER INVERTER	35.00	105.00
3.00	CEVKN60PICC25	FLASHLIGHT 12V STRAIGHT WIRE	75.00	225.00
3.00		SOUNDOFF 60W STROBE KITS 2-15FT & 2-25FT CABLES AND 4-BULBS	163.95	491.85
3.00	FUSE BLOCK 6	FUSE BLOCK 6 TERMINAL W/ GRND	26.00	78.00
3.00	CB30-100	IP 100 AMP POWER BREAKER	15.00	45.00
3.00	INSTALLATION	CUSTOM INSTALLATION AT EVS COCONUT CREEK, FL FACILITY	995.00	2,985.00
			Subtotal	12,875.70
			Sales Tax	
			Total	12,875.70

SALES QUOTE

DANA SAFETY SUPPLY, INC
 5221 W. MARKET ST
 GREENSBORO, NC 27409

Sales Order No.	67868-B
Customer No.	BROOKPD

Telephone: 800-845-0045

Bill To:

BROOKSVILLE POLICE DEPT.
 87 VETERANS AVE
 BROOKSVILLE, FL 34601-2041

Ship To:

BROOKSVILLE POLICE DEPT.
 87 VETERANS AVE
 BROOKSVILLE, FL 34601-2041

Telephone: (352) 754-6800
 Contact: CHIEF GEORGE TURNER

Telephone: (352) 754-6800
 Contact: CHIEF GEORGE TURNER

Ship Via		F.O.B.		Terms		Salesperson	
UPS GROUND OR TRUCK		PPAY & ADD TO		Net 30		STU COX	
Order Date	Ordered By		Customer Phone #		PO #		Resale #
09/01/10	CHIEF GEORGE TURNER		(352) 754-6818				
Order Quantity	Back Order Quantity	Tax	Item Number Description		Unit Price	Extended Price	
3	3	Y	RX2747-CC U of M: EACH PSE PRISM-II LIGHTBAR W/LED TAKEDOWN & ALLEY LTS Warehouse: INSTT MOUNTING KIT FOR 2011 CV		1,650.0000	4,950.00	
3	3	Y	3892L6 U of M: EACH PSE MASTERCOM SIREN W/6-SWITCHES Warehouse: INSTT		0.0000	0.00	
3	3	Y	C3100CV2 U of M: EACH PSE 100W CV SPEAKER W/ 03-09 BRACKET Warehouse: INSTT		0.0000	0.00	
3	3	Y	900-06 U of M: EACH PSE PLUG-IN H/L FLASHER FOR 2006+ FORD C/V PPV Warehouse: INSTT		42.0000	126.00	
3	3	Y	5700CV5050 U of M: EACH GO RHINO PARTITION CAGE 50 WINDOW 50 SCREEN Warehouse: INSTT		489.0000	1,467.00	

Print Date	09/03/10
Print Time	01:40:23 PM
Page #	1

Printed By: TOM SABO

Continued on Next Page.

SALES QUOTE

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Sales Order No.	67868-B
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Telephone: (352) 754-6800
 Contact: CHIEF GEORGE TURNER

Ship Via		E.O.B.		Terms		Salesperson	
UPS GROUND OR TRUCK		PPAY & ADD TO		Net 30		STU COX	
Order Date	Ordered By	Customer Phone #	PO #	Resale #			
09/01/10	CHIEF GEORGE TURNER	(352) 754-6818					
Order Quantity	Back Order Quantity	Tax	Item Number	Description	Unit Price	Extended Price	
3	3	Y	5700CVR	GO RHINO RECESSED AND LOWER PANEL KIT Warehouse: INSTT	0.0000	0.00	
3	3	Y	G7210	U of M: EACH PG DUAL VERTICAL PARTITION MOUNT GUNRACK C/V Warehouse: INSTT SPECIFY GUNS TO BE USED: 1) 2) *****	262.0000	786.00	
3	3	Y	VECO24B	BDE VEC POWER INVERTER 400 WATTS Warehouse: INSTT	34.0000	102.00	
3	3	Y	RX7019	U of M: KIT MI MAGCHARGER RECHARG. FLASHLIGHT, DC HARD WIRE Warehouse: INSTT	74.0000	222.00	

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Ship Via		E.O.B.		Terms		Salesperson	
UPS GROUND OR TRUCK		PPAY & ADD TO		Net 30		STU COX	
Order Date	Ordered By	Customer Phone #		PO #		Resale #	
09/01/10	CHIEF GEORGE TURNER	(352) 754-6818					
Order Quantity	Back Order Quantity	Tax	Item Number	Description	Unit Price	Extended Price	
3	3	Y	S660CCCC	U of M: EACH WEC S660CCCC HIDEWAY STROBE PACKAGE Warehouse: INSTT INCLUDES (1) CSP660 6-HEAD, 60W P/S WITH 9 SCAN LOCK PATTERNS & (4) HA239C CLEAR STROBE HEADS W/15' OF CABLE EACH. THERE IS NO SWITCH IN THIS PACKAGE. ***** *****	165.0000	495.00	
3	3	Y	C-AS-1060	HAV 10 ANGLE SERIES CONSOLE FOR CV Warehouse: INSTT Faceplates C-EB35-CD3-1P (CODE 3 3892L6) C-EB30-MCS-1P (MOTOROLA MCS2000) C-FP-35 (3.5" BLANK)	115.0000	345.00	
3	3	Y	C-TMW-CV-01	U of M: EACH HAV 28 X 8 TRACK MOUNT BASE FOR C/V Warehouse: INSTT REPLACES C-TM-24 FOR THE FORD C/V INCLUDES ALL NECESSARY HUMP MOUNT BRKTS. *****	90.0000	270.00	

Print Date	09/03/10
Print Time	01:40:23 PM
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Ship Via		E.O.B.		Terms		Salesperson	
UPS GROUND OR TRUCK		PPAY & ADD TO		Net 30		STU COX	
Order Date	Ordered By		Customer Phone #		PO #		Resale #
09/01/10	CHIEF GEORGE TURNER		(352) 754-6818				
Order Quantity	Back Order Quantity	Tax	Item Number Description		Unit Price	Extended Price	
3	3	Y	C-CB-2 U of M: EACH HAV COMBO BOX W/PADDED ARMREST TOP & NO 12V OUTLETS Warehouse: INSTT		120.0000	360.00	
3	3	Y	C-LP-3 U of M: EACH HAV 2 PLATE W/ THREE 12VDC LIGHTER OUTLETS Warehouse: INSTT		29.7000	89.10	
3	3	Y	C-CUP2-E-C U of M: KIT HAV DUAL EXTERNAL CUP HOLDER C-SERIES Warehouse: INSTT		24.9800	74.94	
3	3	Y	UT-X U of M: EACH HAVIS UNIVERSAL COMPUTER MOUNT W/ LOCK Warehouse: INSTT		190.0000	570.00	

Print Date	09/03/10
Print Time	01:40:23 PM
Page #	4

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Customer No.	BROOKPD

Telephone: 800-845-0045

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Ship Via		E.O.B.		Terms		Salesperson	
UPS GROUND OR TRUCK		PPAY & ADD TO		Net 30		STU COX	
Order Date	Ordered By	Customer Phone #		PO #		Resale #	
09/01/10	CHIEF GEORGE TURNER	(352) 754-6818					
Order Quantity	Back Order Quantity	Tax	Item Number Description			Unit Price	Extended Price
3	3	Y	C-HDM-303 U of M: EACH HAV FIXED ADAPTER, HEAVY DUTY MNT, 6 OFFSET BKT Warehouse: INSTTT			13.5000	40.50
3	3	Y	C-MD-202 U of M: EACH HAV TILT/SWIVEL ACTION ADAPTER Warehouse: INSTTT			52.0000	156.00
3	3	Y	MISC HAVIS (C-HDM-214) CONSOLE SIDE MOUNT/POLE Warehouse: INSTTT			82.0000	246.00
3	3	Y	INSTALL U of M: EACH DANA INSTALLATION OF VEHICLE EQUIPMENT Warehouse: INSTTT ***** SPECIFICS: INSTAL.L THE ABOVE EQUIPMENT PLUS CUSTOMER SUPPLIED RADIOS, ANTENNAS, GPS, AND CAMERAS AT DSS TAMPA LOCATION *****			995.0000	2,985.00

Print Date	09/03/10
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Page #	5

Amount Shipped	0.00
Amount B.O.	13,284.54

Subtotal	13,284.54
Freight	0.00
Total	13,284.54

Printed By: TOM SABO

MEMORANDUM

To: The Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager



From: Steve Baumgartner, Finance Director



Subject: Utility Bill Printing Services Bid FI2010-07 Award

Date: October 5, 2010

BACKGROUND: The City advertised for sealed bids for the printing of the utility bills. Bids were opened and read aloud in Council Chambers on September 17, 2010. There were three (3) bids submitted as follows:

Bidders	Bid Amount
Meter-Made Marketing, Inc., Ft. Lauderdale, FL	\$42,020.00
Southwest Direct, Ft. Myers, FL	\$16,339.20
Pride Enterprises, St. Petersburg, FL	\$25,920.00
Alternate bid using recycled paper:	\$27,120.00

The low bidder, Southwest Direct of Ft. Myers, is the current service provider to the City.

 **FINANCIAL IMPACT:** Funds for our monthly printing of the utility bills are currently budgeted in our 10/11 Budget under Other Contractual Services (53400) in the Water and Sewer Fund and the Sanitation Fund. The two Enterprise Funds share the cost of printing the utility bills. Our current provider is the lowest bidder and adequate monies were budgeted in the new fiscal year.

 **LEGAL:** Pursuant to the City's Charter, Article V, Sec. 5.04. Competitive Bidding, the City Council is authorized to approve the award for procurement of personal property or services via the bid process within the statutory categories and limits established pursuant to Florida Statutes, Chapter 287. Only after all additional documents are received, reviewed and approved by Legal Counsel will the City sign an Agreement for Contractor Services.

RECOMMENDATION: Staff recommends award of Bid No. FI2010-07 to Southwest Direct for the not-to-exceed annual amount of \$16,339.20.

BID OPENING MINUTES
UTILITY BILL PRINTING SERVICES
BID NO. FI2010-07

September 17, 2010

3:00 p.m.

A Bid Opening was held at approximately 3:00 p.m. on Friday, September 17, 2010, in the City Hall Council Chambers for the UTILITY BILL PRINTING SERVICES BID NO. FI2010-07. Janice L. Peters, City Clerk, Mary Cason, Utilities Supervisor and Kim Harsin, Deputy City Clerk/Recording Secretary were in attendance.

City Clerk Peters advised that an Invitation to Bid was published in the August 20, 2010, edition of the Hernando Today with a closing date and time set for 3:00 p.m. on Friday, September 17, 2010.

As a result, 3 sets of bids were received, all properly sealed and notated*. The bids were to include a Bid Certification Form, State of Florida Business License, Public Entity Crime Statement, Drug-Free Workplace Certification, one (1) notarized original with two (2) signed copies and three (3) references for which services of similar size and scope as the bid have been performed within the last five (5) years with sample billing. Optional additive alternate bids were encouraged for use of recycled paper.

The following companies submitted bids, which were opened and the results read as follows:

1. Meter-Made Marketing, Inc., Fort Lauderdale, FL \$42,020.00
Recycled Paper Alternate Bid \$42,020.00
(.382 per unit)

All required documentation included; No Drug Program Implemented

*Bid envelope was not properly notated; the company had contacted the City Clerk via telephone that the bid was missing an item and City Clerk Peters informed them that it would have to be forwarded in time for the bid opening. After opening of the bid, all required documentation was included.

2. Southwest Direct, Fort Myers, FL \$16,339.20
(0.148 per unit)
24-month sum based on 4,600 statements per month

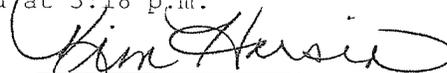
All required documentation included; Drug Program Implemented
Appendix B is indicated as the required documents.

Total bid amount was not indicated on the required Bid/Certification form. Actual total bid amount was determined manually by City Clerk Peters.

3. Pride Enterprises, St. Petersburg, FL \$25,920.00
Recycling Paper Alternate Bid \$27,120.00
24-month sum based on 4,600 statements per month

All required documentation included; Drug Program Implemented

City Clerk Peters informed bidders that the packets would be reviewed by staff and the bid opening meeting closed at 3:18 p.m.



Kim Harsin
Deputy City Clerk

Bidder/Company Name: SOUTHWEST DIRECT

City of Brooksville BID/CERTIFICATION FORM
UTILITY BILL PRINTING SERVICES
BID NO.: FI2010-07

BIDDERS CERTIFICATION TO THE CITY OF BROOKSVILLE:

1. The undersigned warrants that: (A) this Bid is submitted in response to, and is in compliance with, all terms and conditions applicable thereto as set forth in the Advertisement, General Instructions and Conditions, Special Instructions and Conditions, Bid/Certification Forms and (if any), the Minimum Technical Specifications, Plans, Addendum, Exhibits, Agreement, Bonds and Insurance requirements, each of which has been carefully examined, (B) Bidder or Bidder's representative has made such investigation as is necessary to determine the character and extent of the work and their capability to perform the work, and (C) agrees that if the Bid is accepted by the City, Bidder will provide the necessary labor, materials, machinery, equipment, tools or apparatus, and perform all the work or services required to complete the assignment and/or contract within the time specified according to the requirements of the City as herein and hereinafter set forth, and (D) he/she is authorized to legally execute binding contracts for and on behalf of the Bidder.

2. Please check one:
 Bidder declares that the only person, persons, company or parties interested in this Bid are named in the Bid.

 Bidder, or one or more of bidder's officers, principals, or any owner of more than 5% in or of bidder, or members of their immediate families: (A) have a financial interest in another company, project, or property that could benefit financially from this proposed project; and/or (B) another individual or business will be compensated by (or on behalf of bidder) if bidder is selected by the City to bid the requested services. (Attach a detailed explanation for either.)

3. Bid Bond - If the Bid is accepted by the City, it will become a binding contract on both parties. If a Bid Bond or Cashier's Check/Certified Check is required, it shall be submitted with the Bid. If the undersigned shall fail to deliver or perform, or if applicable, execute a Contract as stated herein, then the City may, at its option, determine that the undersigned has abandoned the Award/Contract, and thereupon such Bid and/or Award shall be null and void, and any Cashier's Check/Certified Check or Bond accompanying this Bid shall be forfeited to and become the property of the City, and the full amount of said check, or if a Bid Bond, the full amount of such bond, shall be paid to the City as partial liquidated damages; otherwise, any Bond or Cashier's Check/Certified Check accompanying this Bid shall be returned to the undersigned within 30 calendar days from the date of Award, or if provisions for a Notice to Proceed are included, from the date of the Notice to Proceed.

4. Bidder proposes and agrees to provide all materials, services or equipment required for billing services, consisting of printed statement stock, printed envelopes, printing, folding, insertion and mailing of customer user statements, for the Total Cumulative Bid (24 month) Sum of 16,339.20 Dollars (\$ 16,339.20) as itemized below in number 7 of this Bid Certification.
And/or **Additive Alternative** Sum of Dollars (\$) as itemized below in number 8 of this Bid Certification for use of recycled paper.

Bidder/Company Name: SOUTHWEST DIRECT

5. The City reserves the right to accept any or all prices itemized in any combination that best serves the interests of the City.

6. BIDDER HEREBY ACKNOWLEDGES RECEIPT OF THE FOLLOWING ADDENDUMS:

7. Billing Services materials:

DESCRIPTION OF SERVICE	MONTHLY QTY*	TOTAL BULK AMOUNT**
Printing, folding, insertion and mailing of monthly utility statements to include the following specifications:	4,100-4,600 Statements	<u>0.148 per UNIT</u>
a. Number 10, Double Window Envelope-For use in automatic insertions equipment. See-Attachment <u>1</u> .		\$16,339.20
b. Number 9, Window Return Envelope will be inserted with statement. See-Attachment <u>2</u> .		
c. Twenty-four pound (24 lb), pre-printed paper (8.5" x 11") with perforation, for return bill stub. See-Attachment <u>3</u> .		

* The quantities indicated are based on last year's statements mailed. The quantities in this bid are not to be construed as the minimum or maximum quantities that the CITY is obligated or limited to purchase.

**This total amount must appear on page one, number 4 of this Bid Certification form. The price cannot increase from the figure quoted in this table before a renewal period, and then only upon approval by the City.

8. Additive Alternate Bid for use of **Recycled Paper**:

DESCRIPTION OF SERVICE	MONTHLY QTY*	TOTAL BULK AMOUNT**
<p>Printing, folding, insertion and mailing of monthly utility statements to include the following specifications:</p> <p>a. Number 10, Double Window Envelope-For use in automatic insertions equipment. See-Attachment <u>1</u>.</p> <p>b. Number 9, Window Return Envelope will be inserted with statement. See-Attachment <u>2</u>.</p> <p>c. Twenty-four pound (24 lb), pre-printed paper (8.5" x 11") with perforation, for return bill stub. See-Attachment <u>3</u>.</p>	<p>4,100-4,600 Statements</p>	<p>_____</p>

* The quantities indicated are based on last year's statements mailed. The quantities in this bid are not to be construed as the minimum or maximum quantities that the CITY is obligated or limited to purchase.

**This total amount must appear on page one, number 4 of this Bid Certification form. The price cannot increase from the figure quoted in this table before a renewal period, and then only upon approval by the City.

<Remainder of Page Left Intentionally Blank>

Name of Bidder: SOUTHWEST DIRECT, INC.

Business structure: Corporation, () Partnership, () Individual,
() Other _____

If a Partnership:

Name(s) of Partner(s): _____

If a Corporation:

Incorporated in State of: FL Date of Incorporation 5/2/1988

Business Address: 2129 ANDREA LANE

City, State, Zip: FT. MYERS State FL Zip 33912

Telephone Number: 800 968-5777 Fax (239)-765-0408

Submitted By: (Print) MARTY BIELECKI Title: VP BUSINESS DEVELOPMENT

Signature: _____

ATTEST: Secretary

By: _____

MARTY BIELECKI
Print Name

Affix Corporate Seal
(If Corporation)

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 16 day of September, 2010, by Marty R. Bielecki, who is personally known to me or who presented _____ as identification, and who (did) (did not) take an oath.

Nancy S. Chestney
[Signature of Notary Public]

NOTARY PUBLIC-STATE OF FLORIDA
Nancy S. Chestney
Commission # DD864141
Expires: APR. 10, 2013
BONDED THROUGH ATLANTIC BONDING CO., INC.

[Printed, typed or stamped name of Notary Public]

[Commission Number of Notary Public]

NOTE: BIDS MAY BE REJECTED IF ALL DOCUMENTS ARE NOT COMPLETE AND EXECUTED, AND THE NUMBER OF COPIES SPECIFIED/REQUESTED OF EACH ARE NOT SUBMITTED WITH THE BID.

8

13.97

HERNANDO TODAY

Published Daily
BROOKSVILLE, HERNANDO, FLORIDA
STATE OF FLORIDA
COUNTY OF HERNANDO:

Before the undersigned authority personally appeared Judy Warnock, who on oath says that he/she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida: that the attached copy of the advertisement, being a Legal Notice in the matter of Invitation To Bid File NO. 2010-40, Utility Bill Printing Services in the N/A Court, was published in said newspaper in the issues of Friday, August 25, 2010

Affiant further says that the said Hernando Today/Hernando Sunday is a newspaper published at Brooksville, in said Hernando County, Florida, and that the said newspaper has heretofore been continuously published in said Hernando County, Florida, each week and has been entered as a second class mail matter at the post office in Brooksville, in said Hernando County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Judy Warnock
(Signature of Affiant)

Sworn to and subscribed before me this 20th day of August, 2010

(Signature of Notary Public)
Denise Nohejl
(Name of Notary typed, printed or stamp)

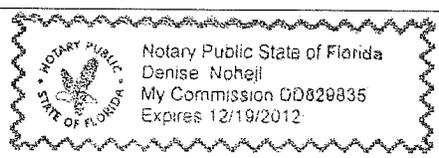
Personally Known X or
Produced Identification _____
Type of Identification Produced

File 2010-40/2941096
Legal Notice
INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Brooksville is requesting sealed proposals for UTILITY BILL PRINTING SERVICES, BID NO.: F12010-07. Proposal Specifications, Conditions & Forms are available at the City Clerk's Office, 201 Howell Avenue, Brooksville, Florida 34601, (352) 540-3853, or can be downloaded at www.cityofbrooksville.us. Bid responses must be submitted on the forms included in the package. Sealed and properly identified bids will be received by the City Clerk's Office up to and including Friday, September 17, 2010 at 3:00 p.m. and will be opened immediately following the close of bids in the City Council Chambers, City Hall, 201 Howell Avenue, Brooksville, Florida.

The City reserves the right to reject, waive technicalities and/or negotiate any or all bids. Bids not received for any reason by the due date will not be accepted.

s/Janice L. Peters
Janice L. Peters, CMC
City Clerk
FILE NO. 2010-40
PUBLISH: Friday,
August 20, 2010





Please Reply to:

*City Clerk's Office
201 Howell Avenue
Brooksville, Florida 34601
Phone: (352) 540-3853
Fax: (352) 544-5424*

REQUEST FOR BIDS

NOTICE IS HEREBY GIVEN that the City of Brooksville is requesting sealed bids for **UTILITY BILL PRINTING SERVICES BID NO. FI2010-07**. Bid Specifications, Conditions & Forms are available at the City Clerk's Office and on the City's website at www.cityofbrooksville.us. Bid proposal responses must be submitted on the forms included in the package. Sealed and properly identified bids will be received by the City Clerk's Office up to and including **FRIDAY, SEPTEMBER 17, 2010 AT 3:00 PM** and will be opened following the close of bids in the City Council Chambers, City Hall, 201 Howell Avenue, Brooksville, FL.

The City reserves the right to reject, waive technicalities and/or negotiate any or all bids. Bids not received for any reason by the due date will not be accepted.

CITY OF BROOKSVILLE

Janice L. Peters

Janice L. Peters, CMC
City Clerk

PUBLISHED: Friday, August 20, 2010 in the Hernando Today section of the Tampa Tribune.



October 20, 2010

Mr. D. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
Bureau of Local Planning
Plan Processing Team
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**RE: DCA No. 10-1
City of Brooksville Comprehensive Plan Amendments--CPA 2010-L2, CPA 2010-L3, CPA 2010-L4, CPA2010-L5, CPA 2010-L6, CPA 2010-L7, CPA 2010-L8, CPA 2010-S1, CPA 2010-S2, CPA 2010-S3 CPA 2010-S4, CPA 2010-S5, CPA 2010-S6, CPA 2010-S7, CPA 2010-S8, CPA 2010-S9 and CPA 2010-S10**

Dear Mr. Eubanks:

Please find enclosed, in accordance with Sections 163.3161 through 163.3215, Florida Statutes and Chapters 9J-5 and 9J-11.006, Florida Administrative Code, one hard-copy and two electronic copies of the above-referenced adopted amendments to the City of Brooksville Comprehensive Plan.

The City Council serving also as the Local Planning Agency held the first public hearing concerning the amendments to the Comprehensive Plan on June 7, 2010 and authorized their transmittal to DCA for review. At the second public hearing on October 18, 2010, the City Council adopted the amendments by Ordinance Nos. 791 through 807. There are no findings by the local governing body which were not included in the adoption of the Ordinances. The amendments are adopted with modifications as noted below and in the enclosed response to the Department's Objections Recommendations and Comments (ORC) Report, which was received by the City on August 27, 2010.

DCA raised objections regarding the site suitability of CPA 2010-L3, the need for additional housing units provided through CPA 2010-L3 and the potential that the amendment represents urban sprawl. In response to the ORC Report, a site suitability analysis is provided and is founded on a complete biological/environmental assessment and flood plain mapping. The text of the Future Land Use Element for CPA-2010-L3 has been modified to address the Department's concerns. Additionally, data is provided relative to the need for additional housing for the projected population within the City of Brooksville for the 2020 planning horizon. The potential that CPA 2010-L3 represents urban sprawl is addressed through a general description of the project followed by the provision of data and analysis in the context of responding to the thirteen (13) sprawl indicators listed in Rule 9J-5.006(5)(g), F.A.C.

The Department also raised objections to the fact that adequate data and analysis was not provided to assess the impact on public schools, the area transportation network, and potable water and sanitary sewer services for amendments CPA 2010-L3, CPA 2010-L4, CPA 2010-L6, CPA 2010-L7 and CPA 2010-L8. Data and analysis is provided in the City's response and indicates the transportation network has adequate capacity, water and sewer services are either available or planned to be available to meet or exceed the needs of the impacts of the amendments. The potential impact of the amendments based on their maximum development densities is assessed and an appropriate planning strategy is presented.

Finally, the Department raised several objections relative to CPA 2010-L7. Specifically, the Department noted that inadequate data and analysis rendered the Department unable to determine the net difference in maximum development potential, a percentage or acreage limitation for each use within the proposed land use category was not provided, intergovernmental coordination was not adequately addressed, a mix of housing types was not ensured and the amendment failed to provide for land use intensity standards. The Department also recommended policy language be amended to ensure that a land use pattern supportive of transit is developed in the area. As the City's attached response indicates, data is provided relative to the acreage of each use, language regarding intergovernmental coordination has been added, the text addressing area housing mix has been modified and language designed to ensure transit-oriented development in the area is achieved has been inserted. There are no other changes to the amendments not previously reviewed.

The amendments have been prepared in underline, double underline / ~~strikethrough~~ format to facilitate the Department's review. Text that is double underlined represents changes associated with the City's response to the ORC Report. The City's enclosed response includes additional information, data and analysis as requested by the Department. Copies of the notices for the public hearings and the Courtesy Information List are also enclosed.

In accordance with Chapter 9J-11.011(5), Florida Administrative Code, the City hereby certifies that the adopted Comprehensive Plan amendments and support documents, which include data and analysis, have been transmitted in electronic form to the Withlacoochee Regional Planning Council, Southwest Florida Water Management District, Florida Department of Transportation District Seven, Florida Department of Environmental Protection, Florida Department of State, Florida Department of Education, Hernando County Local Planning Agency, the Hernando County School Board and to all other applicable review agencies listed in Chapter 9J-11.009(8)(a) through (h), Florida Administrative Code via cover of this letter, dated October 20, 2010.

CPA2010-L2 is an approximately 182.4-acre tract located on the south side of Mondon Hill Road immediately east of Jasmine Road. The subject parcel was annexed into the City in 2005. The application is to amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 456 dwelling units at a density of 2.5 units per acre.

CPA2010-L3 is an approximately 450-acre tract located north of Powell Road immediately east of the CSX Railroad line and west of Culbreath Road. The subject site was annexed into the City in 2006. The application is to amend the Comprehensive Plan Future Land Use Map to designate the property as McAteer Residential Development District (MRDD), which would allow for the consideration of up 450 dwelling units at a density of 1.0 units per acre.

CPA2010-L4 is an approximately 1092-acre tract located east of U.S. Highway 41, west of the CSX Railroad line and south of Hope Hill Road. The subject site was annexed into the City in 2003 and 2004. A Comprehensive Plan amendment creating the Southern Hills Plantation Mixed Use District was approved in 2007. The property's Comprehensive Plan designation presently allows for a maximum of 999 residential units (1.2 du/ac), 160,000 square feet of retail floor space, 45,000 square feet of office space and a minimum of 350 acres of open space/recreational uses. The application is to amend the text of the Comprehensive Plan Future Land Use designation to allow for the development of an additional 164 dwelling units and 80,000 square feet of retail floor space. As requested, the project would be allowed a maximum of 1,163 residential units (0.94 du/ac), 240,000 square feet of retail floor space, 45,000 square feet of office space and a minimum of 350 acres of open space/recreational uses.

CPA2010-L5 is an approximately 44-acre tract located north of Richbarn Road, south of Martin Drive and east of Domingo Drive in the northeast portion of the City. The subject site was annexed into the City in 2005. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 110 dwelling units at a density of 2.5 units per acre.

CPA2010-L6 is an approximately 17.25-acre tract located on the east side of Cobb Road and north of Fort Dade in the west portion of the City. Annexed into the City in 2006 (Ordinance No. 713), the property is presently designated Industrial on the Hernando County Comprehensive Plan Future Land Use Map. The property is developed with a finished-concrete facility and no new development is anticipated to occur on the site. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Industrial, which would allow for the consideration of up to 375,705 square feet of non-residential floor space. Hernando County's Industrial Future Land Use designation would allow for the consideration of up to 375,705 square feet of floor space.

CPA2010-L7 is a Comprehensive Plan amendment initiated by the City to establish the South Brooksville Planned Development District (SBPDD), which would represent a new land use category on the City of Brooksville Future Land Use Map. The 122-acre SBPDD is generally located south of Russell Street, east of Main Street, west of Union Street and north of Dr. M.L. King Boulevard. Another 289.5 acres of the overall South Brooksville PDD is located to the immediate south in unincorporated Hernando County, which is simultaneously processing a Comprehensive Plan Amendment designed to be complementary to this submittal. The South Brooksville PDD proposes the development of a mixed-use community situated in a unique multi-jurisdictional setting. The PDD will be comprised of a variety of dwelling unit types catering to families, workers and retirees. The PDD also contains a mix of retail, industrial, transit-oriented, institutional, service, recreational and open space land uses. These uses are proposed at levels intended to provide opportunities to area residents, as well as provide an appropriate level of retail, service, recreational, cultural and social amenities to meet most anticipated resident demands.

CPA2010-L8 is an approximately 3.7-acre tract located on the west side of Hale Avenue, approximately 460 feet south of Dr. Martin Luther King, Jr. Boulevard. Annexed into the City in 2006, the property is designated as Residential on the Hernando County Comprehensive Plan Future Land Use Map. The application is to amend the Comprehensive Plan Future Land Use Map to designate the eastern 0.77 acres along Hale Avenue as Commercial and the remaining 2.9 acres as Multi-Family Residential. A commercial designation on the 0.77-acre portion of the site would allow for the consideration of up to 23,425 of non-residential floor space. The Mobile Home/Multi-Family Residential designation on the western 2.9 acres would allow for the consideration of up to 52 multi-family dwelling units at a density of 18 dwelling units per acre.

CPA2010-S1 is an approximately 1.37-acre tract located east of U.S. Highway 41 and south of Southern Hills Boulevard. The subject site was annexed into the City in 2006. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 3 single-family dwelling units at a density of 2.5 units per acre.

CPA2010-S2 is an approximately 7-acre tract located east of the proposed North/South Connector Road (Governor Boulevard) and south of Imogene Lane in the southern portion of the City. The subject site was annexed into the City in 2007. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 17 single-family dwelling units at a density of 2.5 units per acre.

CPA2010-S3 is an approximately 1.88-acre tract located west of U.S. Highway 98 (Ponce De Leon Boulevard) and south of Gantz Drive in the northwest portion of the City. The subject site was annexed into the City in 2007. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Commercial, which would allow for the consideration of up to 57,325 square feet of floor space for commercial uses.

CPA2010-S4 is an approximately 1.09-acre tract located west of Hope Hill Road and north of Powell Road in the southern portion of the City. The subject site was annexed into the City in 2006. The application amends the text of the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 2 single-family dwelling units at a density of 2.5 units per acre.

CPA2010-S5 is an approximately 3.56-acre tract located east of U.S. Highway 41 and north of Southern Hills Boulevard. The subject site was annexed into the City in 2006. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Public Facilities and Land, which would allow for the consideration of up to 193,842 square feet of floor space for governmental services, public libraries, public schools, churches, quasi-public entities and state and federal structures and buildings. It is the intent of the City, however, to utilize the property for a future north/south roadway. The future roadway, Governor Boulevard, will link State Road 50 (Cortez Boulevard) to the north to Powell Road to the south.

CPA2010-S6 is an approximately 4.11-acre tract located at the southeast corner of Ray Browning Road approximately ½ mile west of Hope Hill Road. The subject site was annexed into the City in 2006. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Public Facilities and Land, which would allow for the consideration of up to 223,790 square feet of floor space for governmental services, public libraries, public schools, churches, quasi-public entities and state and federal structures and buildings. It is the intent of the City, however, to utilize the property for a future north/south roadway. The future roadway, Governor Boulevard, will link State Road 50 (Cortez Boulevard) to the north to Powell Road to the south.

CPA2010-S7 is an approximately 8.39-acre tract located south of Mondon Hill Road and east of Jasmine Drive in the northeast portion of the City. The subject site was annexed into the City in 2010. The petition amends the Comprehensive Plan Future Land Use Map to designate the property as Commercial, which allows for the consideration of up to 255,828 square feet of commercial floor space. The property will be limited, however, to 100,000 square feet of floor space and will be developed

utilizing the property immediately north and surrounded by the subject site (CPA2010-S8). Together, the property and the adjacent property will be allowed a maximum of 100,000 square feet of non-residential floor space.

CPA2010-S8 is an approximately 1.38-acre tract located south of Mondon Hill Road and east of Jasmine Drive in the northeast portion of the City. The subject site was annexed into the City in 2010. The petition amends the Comprehensive Plan Future Land Use Map to designate the property as Commercial, which allows for the consideration of up to 42,079 square feet of commercial floor space. The property will be limited, however, to 100,000 square feet of floor space and will be developed utilizing the property abutting the subject site to the east, west and south (CPA2010-S7). Together, the property and the adjacent property will be allowed a maximum of 100,000 square feet of non-residential floor space.

CPA2010-S9 is an approximately 3.5-acre tract located east of U.S. Highway 41 and north of Pine Cabin Road. The subject site was annexed into the City in 2006. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 8 dwelling units at a density of 2.5 units per acre.

CPA2010-S10 is an approximately 2.5-acre tract located east of U.S. Highway 41, south of VFW Road and west of Daffodil Drive. The subject site was annexed into the City in 2006. The application amends the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 6 dwelling units at a density of 2.5 units per acre.

With the exception of CPA 2010-L7, the amendments were not adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

Bill Geiger, Community Development Director, is the person who is familiar with the proposed amendment and can be contacted in writing at 201 Howell Avenue, Brooksville, Florida 34601 or by telephoning (352) 544-5430 (fax number 352-544-5429.) Copies of the Plan amendments are available for public inspection during regular business hours at the Brooksville Community Development Department located at 201 Howell Avenue, Brooksville, Florida. The City hereby designates Hernando Today as the newspaper for publication of the Notice of Intent by the Department. Hernando Today can be reached at 15299 Cortez Boulevard, Brooksville, Florida 34613 or by calling (352) 544-5200.

Sincerely,

Lara Bradburn
Mayor

Attachments:

- Attachment 1—Adopted Ordinances 791 through 807
- Attachment 2—ORC Report
- Attachment 3—ORC Response
- Attachment 4—Comprehensive Plan Amendment Staff Reports
- Attachment 5—City of Brooksville Future Land Use Element

City of Brooksville

352.540.3810 Phone

352.544.5424 Fax

Attachment 6—Public Notice

Attachment 7—Courtesy Information List

xc: Florida Department of Education and SMART Schools Clearinghouse
Florida Department of Environmental Protection
Florida Department of State, Division of Historic Resources
Florida Department of Transportation, District 7
Southwest Florida Water Management District
Withlacoochee Regional Planning Council
Hernando County Local Planning Agency
Hernando County School Board

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

MEMORANDUM

TO: **City of Brooksville**

Date: August 26, 2010

Subject: Proposed Comprehensive Plan Amendment Review Objections,
Recommendations and Comments Reports

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Brooksville 10-1

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August
July 24, 2010

The Honorable Lara Bradburn
Mayor, City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Dear Mayor Bradburn:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for the City of Brooksville's DCA Number 10-1, which was received on June 25, 2010. Copies of the proposed amendment were distributed to appropriate state, regional and local agencies for their review, and their comments are enclosed. Within the next 60 days, the City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes and the City of Brooksville Comprehensive Plan.

In this amendment package, the City of Brooksville is proposing changes to the Future Land Use Map as well as to the text of the Future Land Use Element. The Department has identified issues with this amendment which are outlined in the attached Report. The identified issues pertain to the lack of data and analysis to support the amendment, urban sprawl, need, and site suitability.

The Department's staff is available to work with the City as it prepares its response to the issues raised in the attached Report. If you have any questions concerning this matter, please contact Emily Howard, Planning Analyst, at (850) 922-1811 or via e-mail at emily.howard@dca.state.fl.us.

Sincerely,

Charles Gauthier, AICP
Director, Division of Community Planning

CG/eh

Enclosure: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Michael R. Moehlman, Withlacoochee Regional Planning Council
Mr. Bill Geiger, Community Development Director, City of Brooksville

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City of Brooksville has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's

Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Withlacoochee Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
THE CITY OF BROOKSVILLE
COMPREHENSIVE PLAN AMENDMENT 10-1

August 24, 2010
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010,
F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Brooksville's proposed amendments to their comprehensive plan (DCA number 10-1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

I. CONSISTENCY WITH RULE 9J-5, F.A.C., AND CHAPTER 163, F.S.

The Department has completed its review of the proposed amendments to the City of Brookville's Comprehensive Plan (DCA No. 10-1). The proposed Amendment contains both Future Land Use Map amendments and text amendments to the Future Land Use Element. The Department has identified the following objections to the proposed amendments:

A. Future Land Use Map Amendments

- 1. Inadequate Data and Analysis(CPA-2010-L7):** The City is proposing to change the land use designations on a 120-acre site to the newly proposed South Brooksville Planned Development District. The Department is unable to determine the net difference in maximum development potential for the proposed FLUM amendment because no analysis of the development potential of the proposed amendment compared to the current designations based on the acreage of land in each current land use designation was provided. Also, the acres of land within each land use category were not provided. Thus, the amendment is not supported by relevant data and analysis upon which the net effect of this amendment could be determined

Authority: Section 163.3177(2) and (6)(a), F.S., and Rules 9J-5.005(2) and (5); 9J-5.006(2)(b) and (c), F.A.C.

Recommendation: Provide data and analysis that evaluates the current development potential of the amendment site based on the maximum development potential of the existing land use categories compared to the proposed land use category and showing the net difference in development. The public facility analysis discussion in the subsequent objections should be based on this maximum development assessment.

- 2. Site Suitability** - Subject site CPA-2010-L3 contains wetlands and floodplains. It has not been demonstrated that the above subject site is suitable for the proposed suburban and urban type development, and that the proposed amendments are consistent with Rule 9J-5.013(3)(b), F.A.C. The proposed amendment is not supported by data and analysis demonstrating that the natural resources located within the site will be protected consistent with the requirements of Rule 9J-5, F.A.C., Chapter 163, F.S., and the City's Comprehensive Plan. Policy 2-12 of the Future Land Use Element states that new development approval shall be based on the land's ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures. Additionally, policy 2-16 discourages commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas. Thus, the amendment is inconsistent with the requirements of these policies of the City's Comprehensive Plan.

The Southwest Florida Water Management District commented that the proposed FLUM amendment is located in the Bystre Lake watershed, which is a closed basin in Hernando County and that closed basins pose special water resource concerns for flood protection. The proposed amendment has not been demonstrated to be suitable for the site in light of these circumstances.

Authority- Sections 163.3161(3) and (5); 163.3177(2), (6)(a), (c), and (d), (8), and (10); 163.3187(2), F.S.; Rules 9J-5.005(2), (5), and (6); 9J-5.006(1), (2)(a) and (b), (3)(b) 1 and 4, (3)(c)1 and 6; and 9J-5.013(1), (2)(c)b, and (3), F.A.C.

Recommendation- The City should provide, as supporting data and analysis, an assessment of the environmental resources on the subject site for the proposed amendment and document the type, amount, and condition of natural resources on the site. The information is needed in order to determine the suitability of the subject site for the proposed land use designation. Additionally, the City should utilize the most recent Bystre Lake watershed study and floodplain information to evaluate the suitability of the site for the proposed FLUM amendment.

3. **Need:** Subject site CPA-2010-L3 has the potential to add at least 405 residential units to the existing residential development within the City. The City has not demonstrated the need for the additional residential land uses and how they are needed to accommodate the projected population of the City for the planning horizon (2020).

Pursuant to Chapter 163.3177(6)(a), F.S., the future land use plan shall be based upon data regarding the area including the amount of land required to accommodate anticipated growth, and the projected population of the area. In the 2009 EAR-Based Amendments the City was projected to grow by 3,541 people by 2020 for a city total population of 10,850 people. It has not been demonstrated that this amendment is needed considering the vacant development potential that currently exists in the City that will accommodate the expected growth.

Authority – Section 163.3177(6)(a), F.S.; Rules 9J-5.005(2 and 5); 9J-5.006(1), (2), (3)(c)1, (4), and (5)(h), F.A.C.

Recommendation – Include with the amendment a land use needs analysis based on best available data and analysis demonstrating that the increase in residential land use allowed by the amendment is needed to accommodate the City's projected population and anticipated growth for the planning timeframe of the City's Comprehensive Plan. The analysis should take into account the vacant residential potential that already exists in the City and shows how it is insufficient to accommodate the projected population for the planning horizon.

The needs analysis should include: (1) the amount of vacant land in the City that is designated residential; (2) the number of units or square feet that the vacant land could accommodate; (3) the population projection through both the short range

(2015) and the long range planning timeframe (2020); and (4) the number of additional acres of residential land needed to accommodate the projected growth. The needs analysis may be supplemented by policy objectives that would be fulfilled by the amendment.

4. **Urban Sprawl**- The proposed amendment, CPA-2010-L3 is not supported by data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl pursuant to Section 163.3177(6)(a), F.S., and Rule 9J-5.006(5), F.A.C., because they exhibit the indicators of urban sprawl, including the following:

- Allows for substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need;
- Designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available;
- Designates urban development in isolated patterns emanating from existing urban developments;
- Promotes premature conversion of rural land to urban uses and fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, and natural groundwater aquifer recharge areas;
- Fails to adequately protect adjacent agricultural areas and activities including silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils;
- Fails to maximize use of existing public facilities and services, as no facilities or services exist on the site;
- Fails to maximize use of future public facilities and services;
- Allows for land use patterns which disproportionately increase the cost of providing and maintaining facilities and services including roads, potable water, sanitary sewer, stormwater management, and education;
- Fails to provide a clear separation between rural and urban uses;
- Discourages infill development or the redevelopment of existing neighborhoods and communities;
- Results in poor accessibility among linked or related land uses, as the policies intending to do so are not meaningful and predictable.

Also, the proposed amendment does not promote energy efficient land use patterns that will reduce greenhouse gas emissions because they promote urban sprawl which in turn demands greater use of the automobile, one of the main sources of greenhouse gas emissions.

Additionally, the proposed FLUM amendments are inconsistent with many of the existing Comprehensive Plan policies. For example, Policy 2-3 of the Future Land Use Element require for the location of future land uses at densities and intensities that will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the city. Future Land Use Element policies

2-2, 2-5, 2-8, 2-11, and 2-13 of the Comprehensive Plan also discourage isolated development.

Authority – Sections 163.3161(3),(5); 163.3177(2), (3), (4), (6)(a),(b),(c), (d), (f), and (j), (8), (10)(e); 163.3187(2), F.S.; Rules 9J-5.005(1), (2), (4), (5) and (6); 9J-5.006(2)(a), (b) and (c), (3)(b)8, (3)(c)1, (4), and (5); 9J-5.011(2)(b)3, F.A.C.

Recommendation – The City must demonstrate with data and analysis that the amendment discourages the proliferation of urban sprawl and revise the amendments as necessary to be consistent with, and supported by the analysis. Additionally, the City should consider the introduction of planning controls to govern the conversion of rural-designated lands for urban uses. These controls should address the timing and character of development to ensure the creation of compact, energy efficient land use patterns that avoid leapfrog development, achieve a mixture of uses, and ensure the provision of adequate facilities and services.

5. **Public Facilities: Potable Water and Wastewater-** The proposed amendments (CPA-2010-L3, L4, L6, L7, and L8) do not provide adequate data and analysis to ensure that potable water and wastewater treatment services will be available to serve the proposed sites at their adopted LOS standards during the short term planning horizon and for the long term planning horizon of the Comprehensive Plan. The submitted amendments fail to address changes in demand for potable water and wastewater treatment with data and analysis based on the maximum densities and intensities allowed under the amendments. The data and analysis does not indicate how adopted LOS standards for these facilities will be affected and whether facility capacity is available or planned to be available to meet these needs. If improvements are needed to maintain the adopted LOS standards they must be coordinated with the Future Land Use Element, Public Facilities Element and Capital Improvement Element, including implementation through the Five-Year Schedule of Capital Improvements.

Authority -Sections 163.3161(3); 163.3167(13); 163.3177(2), (3), (6)(a), (b) and (d), (8), (10); and 163.3180(1), (2)(a), F.S.; and Rule 9J-5.005(2), (2)(a), (4); 9J-5.0055(1) and (3)(d); 9J-5.006(2)(a) and (b), (3)(b)1, (3)(c)3; 9J-5.011(2)(b) and (c)1 and 2; 9J-5.016(1)(a), (2), (3)(b) 1, 3, 4, and 5, (3)(c)1.e, 1.f, 1.g, 6, 8, (4)(a) and (b), F.A.C.

Recommendation – The City should submit data and analysis necessary to support the amendments and demonstrate that sufficient potable water and wastewater treatment capacity exists or is planned to be available to serve the proposed amendments at their maximum development potential and at the adopted LOS standards for these facilities. The data and analysis must also demonstrate coordination with all other pertinent Comprehensive Plan Amendments and the planning for and the provision of public facilities. The analysis should show the impact of the amendments for the short term (5-year) and the long term (horizon of

the Comprehensive Plan). Capital improvements needed to address deficiencies identified within the next five years must be included in a Five-Year Schedule of Capital Improvements. Improvements needed beyond 5-years should be addressed in the Comprehensive Plan but they need not be funded.

6. **Public School Facilities**- The City of Brooksville has adopted its Public School Facilities Element, and therefore, is required to assess the impacts of the amendments on its public school facilities. The data and analysis provided in support of the proposed amendments included an assessment of the increase in the number of students as a result of the proposed amendments. However, this assessment was not based on maximum development potential (particularly for subject sites L3, 4, 7 and 8), and data and analysis was not provided to demonstrate that the adopted LOS standard for the City's schools will be met over the five-year short-term planning timeframe. The City did not provide a cumulative analysis of the impacts of these amendments.

Authority- Section 163.3177(2), (3), (6)(a), (8), (10), & (12)(c), (f) & (g); and 163.3180(13)(d), F.S. and Rule 9J-5.006(2)(a); 9J-5.025(2)(b), (2)(d), (3)(b)2, (3)(c)7, F.A.C.

Recommendation- The City should support the amendments with data and analysis and appropriate planning for public school facilities. The data and analysis should be based on the maximum development potential of the amendments and should address; (1) the impact of the additional students on the LOS standards for the school concurrency service area for the short-term (five-year) planning timeframe, (2) identify school facility capacity improvements that are needed to achieve and maintain the adopted LOS standards, and (3) if any deficiencies are identified in the first five years and there are no planned school facilities already in the Capital Improvement Plan then one of the following actions may be taken:

- a) Revise the amendment to reduce development potential to an amount that can be supported by the impacted school facilities at the adopted LOS standard; or
- b) In coordination with the School District, with the adoption of this amendment revise the Capital Improvement Schedule to add school facility improvements necessary to ensure adequate school capacity.

7. **Transportation** - The proposed Future Land Use Map amendments (CPA-2010-L3, L4, L6, L7 and L8) increase development potential. However, the proposed amendments are not appropriately supported by a transportation analysis that is conducted based on the maximum development allowed by each amendment site using a professionally acceptable methodology (including assumptions, data sources, and description of methodologies used). Additionally, the City has not provided data and analysis that determines the impacts of the amendment within the study area. There is no data and analysis that includes the current LOS for each of the affected roadways, the remaining capacity for each of the affected roadways, the projected amount of growth at the end of the short-term planning period and at the

end of the County's planning horizon, and showing the impact of the proposed FLUM amendments on the roadways as peak hour trips.

Authority- Sections 163.3177(2) and (3), (6), (a), (b) and (j); and 163.3180(10), F.S.; Rules 9J-5.005(2) and (5)(a); 9J-5.006(2)(a) and (3)(b)1 and (3)(c)3; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4)(a)1 and 2; 9J-5.019(3)(f, g, and h) and (4)(c)1, F.A.C.

Recommendation- The City should provide traffic data and analysis to support the amendments. The analysis should address the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendments; (2) the impact of the peak hour vehicle trips (including the combined trips of FLUM amendments impacting the same road segment) on the projected operating level of service of the affected roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvement Element, and implementation through the five-year Schedule of Capital Improvements; and (5) coordination of the road improvements with plans of the Florida Department of Transportation.

B. Text Amendments

Future Land Use Element

The proposed amendment consists of four Future Land Use Element text amendments. The newly proposed South Brooksville Planned Development District is a joint land use with Hernando County. The County is currently amending its plan to incorporate this category at the same time. The Department has identified the following objections related to the creation of the new South Brooksville Planned Development District.

8. **Percentage Distribution of Uses**: The City is proposing to establish guidelines for the South Brooksville Planned Development District (SBPDD). Proposed Policy 1-5 of the Future Land Use Element, seeks to establish allowable uses and maximum acreages for each of the allowed uses in the development plan. Residential is included in the policy with a density of 16 dwelling units per acre. However, the policy does not include an acreage or percentage limitation on this use.

Authority: Section 163.3177(6)(a), F.S., and Rules 9J-5.006(3)(b)10., (3)(c)1. and 5., and (4)(c), F.A.C.

Recommendation- Revise the policy to establish a percentage or acreage limitation for each use allowed within the SBPDD in order to ensure that a mixed use community is developed.

9. **Intergovernmental Coordination:** Proposed Policy 1.5 seeks to establish coordination mechanisms between the City and the County regarding redevelopment activities, policies and programs, and changes in zoning. However, the policy does not ensure coordination because it does not indicate the measures to be undertaken to achieve coordination between the City and the County.

Authority: Sections 163.3177(4)(a), (6)(h), F.S.; and Rule 9J-5.015(1)(a), F.A.C.

Recommendation- The policy should be revised to describe the coordination mechanisms to be used to ensure the implementation of the SBPDD as well as for redevelopment activities, and other planning programs.

10. **Mix of Housing Types:** Proposed Policy 1-5 requires a variety of housing types to be included in the SBPDD. However, the policy does not specify the housing mix (i.e, the number or percentage of units that will be single family and multi-family dwelling units); in the absence of this information, it is difficult to ensure that a mixture of housing types will be developed. Additionally, the policy also states that the *“mix of housing types and a range of densities shall be encouraged.”* The use of the word *“encouraged”* makes the policy uncertain and does not provide any meaningful guidance to implement a mix of housing types.

Furthermore, proposed Policy 1-5 states, *“Affordable and workforce housing may be considered in review of new mixed use and residential projects.”* Also, the narrative as provided by the City states that the SBPDD *“will be comprised of a variety of dwelling unit types catering to families, workers and retirees.”* As written, Policy 1-5 does not ensure the inclusion of Affordable and Workforce housing in the development because it uses the phrase *“may be considered”*, which makes it uncertain and unpredictable.

Authority: Sections 163.3177(6)(a) and (f)1. a., d., and g., F.S.; and Rules 9J-5.005(6) and 9J-5.010(3)(b)1., F.A.C.

Recommendation: Revise policy 1.5 to establish the amount of each housing type to be included within the SBPDD in order to ensure that a mixture of housing types is developed. The amount may be expressed in the form of a range. Additionally, Policy 1-5 should be revised to delete the phrase *“may be considered”* and require the provisions of affordable units in order to ensure that affordable and workforce housing are included in the development.

11. **Lack of Intensity Standards:** Proposed Policy 1-5, allows Good Neighbor Trail Corridor, Highway Commercial, Employment Center, and Mixed Use Areas, respectively within the SBPDD, however, the policies do not include intensity standards for these categories. Chapter 163.3177(6)(a), F.S., requires that each future land use category include standards to be followed during development.

Authority: Section 163.3177(6)(a), F.S.; and Rule 9J-5.006(3)(c)1. and 7., F.A.C.

Recommendation: Revise the policies to include appropriate intensity standards for the uses allowed in the SBPDD in order to be consistent with the requirements of the law.

12. **Transit-oriented Development (TOD):** Proposed Policy 1-5 of the SBPDD states that “*development in proximity to the Tampa Bay Area Rapid Transit Authority (TBARTA) Master Plan shall be transit oriented type of uses, such as mixed uses, higher densities, and quality pedestrian environment.*” However, the policy does not define the density and intensity of uses as well as other standards for development that will be required in these areas in order to ensure the development of a land use pattern that will support transit. Thus, the policy is not meaningful and predictable and will not ensure a TOD land use pattern.

Authority: Sections 163.3177(2), (6)(a) and (b), F.S.; and Rules 9J-5.006(3)(b)10., (3)(c)1., and (3)(i)9., and 9J-5.019(4)(b)2., F.A.C.

Recommendation: Revise the policy to establish the standard that will be applied to developments in proximity to the existing railroad Right-of-Way (ROW) identified as a regional transit corridor by the TBARTA Master Plan in order to ensure that a land use pattern that will be supportive of transit is developed in the area. The policy should establish the minimum density that will be required in this area as well as the minimum standards for other uses in order to achieve a TOD pattern.

II. **CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The proposed amendments are not consistent with the State Comprehensive plan including the following goals and policies:

Objections 3 and 5:

Goal (7) Water Resources, Policies (b) 2, 5, 8, 9, and 10, ensure that new development is compatible with local and regional water supplies, and protect wetlands and floodplains;

Objection 2:

Goal (9) Natural systems and Recreational Lands (a)(b) 1, 2, 3, 7, 10, concerning the protection of unique natural habitat and ecological systems; and

Objections 3 and 7:

Section 187.201(11) Energy, Goal (a) Policies (b) 1,3,4, and 5, reduce its energy requirements through enhanced conservation and efficiency measures; and

Objections 1, 3, 5, 6, 7, and 11:

Goal (15) Land Use, (a), concerning land use and directing development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal

abilities, and service capacity to accommodate growth in an environmentally acceptable manner; and

Objections 1, 3, 5, 6, 7 and 11:

Goal (17) Public Facilities, (b) 1, 3, 4, 5, 6, 7, and 9, maximize the use of existing public facilities, allocate the cost of new public facilities based on the benefits received by existing and future residents, and develop fiscally sound and cost effective techniques for financing public facilities; and

Objections 1 and 7:

Section 187.201(19), Transportation Policies (b) 3, 8, 9, 13, and 15, ensure the direction of future transportation improvements and aid in the management of growth; and

Objections 1, 3, 4, 8, 9, 10, and 11:

Goal (25) Plan Implementation, (a) (b) 5, 8 ensuring that functional plans are designated to achieve policies and goals consistent with the state law and that encourage cooperation among communities that have unique natural areas.

Recommendation: Revise the amendments, as indicated in the objections and recommendations of this report, in order to be consistent with the above goals and policies of the State Comprehensive Plan.

MICHAEL R. MOEHLMAN
EXECUTIVE DIRECTOR

1241 S.W. 10th Street
OCALA, FLORIDA 34471-0323

Telephone 352-732-1315
FAX 352-732-1319
email: mailbox@wrpc.cc
http://www.wrpc.cc



OFFICERS

RONALD ALLEN
CHAIR

JOSEPH JOHNSTON, III
VICE - CHAIR

BARBARA FITOS
SECRETARY

RECEIVED

JUL 21 2010

DIVISION OF
COMMUNITY PLANNING

Via Facsimile
850-921-0781

July 20, 2010

Mr. Mike Mc Daniels, Chief
Office of Comprehensive Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: Proposed Comprehensive Plan Amendment (DCA#10-1)
Jurisdiction: City of Brooksville, CPA2010-L2 through CPA 2010-L7

Dear Mr. Mc Daniels:

Pursuant to Chapter 163.3184(5) FS, the Withlacoochee Regional Planning Council (WRPC) staff reviewed the above referenced proposed large scale comprehensive plan amendments. Staff comments can be found in the attached DCA amendment review form. These amendments were found to be generally consistent with the *Strategic Regional Policy Plan* for the *Withlacoochee Region* without apparent adverse impacts on regionally significant resources or other jurisdictions.

If you have any questions, you may contact me at dcorreia@wrpc.cc or call, extension 235.

Sincerely,

Douglas J. Correia
Senior Planner

cc: Hon. Lara Bradburn, Mayor
City of Brooksville

**WITHLACOOCHEE REGIONAL PLANNING COUNCIL
(AMENDMENT REVIEW FORM)**

1. Local Government Name: **City of Brooksville**
2. Amendment Number: **DCA#10-1 (CPA#2010-L2 through L7) p**
3. Did the RPC prepare the Plan Amendment: **No**
4. Date DCA Notified RPC that Amendment Package was Complete, if Applicable:
June 28, 2010
5. Date Amendment Review must be Completed and Transmitted to DCA: **July 25, 2010**
6. Date the Review was transmitted to DCA: **July 20, 2010**

7. Description of the Amendment:

Overall this submittal package represents proposed large and small scale amendments. Review is limited to the first six large-scale amendments (L-2 through L-7), Future Land Use text and Future Land Use Map changes to the City's Comprehensive Plan. Most subject properties were annexed into the City, the earliest going back to 2003 to as recent as 2006. WRPC review staff took the liberty of commenting on several amendments rather than the entire seven large-scale.

CPA 2010-L2 The subject property is 182 +/- acres is located on the south side of Mondon Hill Road. Although annexed bears the County FLU designation as Residential with an Agricultural/Residential zoning designation. The City requests a land use change to Suburban Residential allowing 456 dwelling units at a density of 2.5 units per acre. Under the County's Residential designation a maximum of 984 dwelling units or 5.4 units per acre would be permitted. According to City staff the surrounding area is 'primarily developed with residential uses and contains a number of undeveloped agricultural tracts and overall compatible with development patterns. City services are available with no negative impacts to the levels of service (LOS).

CPA2010-L3 This amendment pertains to allowing 450 dwelling units at one unit per acre on an approximately 450 acre parcel on property known as the McAtee Residential Development District (MRDD). This annexed parcel under County jurisdiction had a Rural FLU designation allowing one unit per 10 acres or a maximum total of 45 dwelling units. The subject property is located in a semi-rural setting with one and two and one-half acre home sites abutting on three sides. The Southern Hills Plantation mixed use residential development is located northwest of the subject property.

City staff in their review based on the development conceptual plan found compatibility with surrounding land uses and the City's ability in providing public services without negatively impacting the LOS.

CPA2010-L4 Annexed by the City in 2003 and 2004, the Southern Hills Plantation mixed use development is a 1092 acre mixed use development permitted for 999 dwelling units accompanied by retail, office use and open space/recreation uses. Retail accounted for 160,000 square feet. The applicant is requesting a text amendment to the comprehensive plan allowing for an increase in the number of dwelling units to 164 and an increase in the amount of retail from 160,000 to an additional 80,000.

CPA2010-L5 This amendment is relative to an annexed 17.25 acre active Industrial site. The applicant is requesting the City to re-designate this site to Industrial. Under the City's regulations up to 601,128 square feet of floor space would be allowed versus a maximum of 375,705 square feet under the County's Industrial designation.

CPA 2010-L6 This request is an amendment to the Future Land Use Map. The subject property is the site of a finished concrete operation, annexed into the City in 2006, with a designated Industrial designation. Under the Hernando County regulations, the maximum intensity of this facility is 375,705 square feet of floor space. Amending the City's FLUM and applying the intensity permitted would increase the non-residential floor square footage up to 601,128.

CPA 2010-L7 This is a City initiated comprehensive plan text amendment introducing a new land use category to the Future Land Use Map known as the South Brooksville Planned Development District (SBPDD) encompassing 120 acres. Abutting the subject property to the south, is unincorporated Hernando County who is simultaneously processing a comprehensive plan amendment designed to compliment this application. The SBPDD is basically a mixed use development offering a variety of housing types, a mix of retail, service, and recreational, cultural and social amenities.

8. Is the Amendment consistent with the Strategic Regional Policy Plan? Yes

9. Applicable Strategic Regional Policy Plan Goals and Objectives:

Since this amendment package contains several amendments, their consistency to the SRPP shall be relative to many of the amendments as cited below:

The following policy cited in the *Chapter V Transportation* of the *Strategic Regional Policy Plan (SRPP)* of the *Withlacoochee Region* is relative to several of these mixed use amendments and their proximity to roadways of regional significance.

Policy 5.9.1 Local comprehensive plans and land development regulations shall provide incentives to develop and redevelop using mixed uses, higher densities, and multi-modal transportation facilities such as bicycle, pedestrian, and transit facilities.

Policy 5.2.2 Land use plans and development regulations shall incorporate design standards to make communities "walkable" and "bicyclable," especially requiring path and sidewalk links to future transit stops that serve office and industrial complexes, retail centers, and residential development.

It is viewed by staff that those existing developments reflect the above policies to some degree and in all likelihood those developments, particularly the RDD and the PDD are amenable to multi-modal transportation facilities within their developments.

The integrity of roadways of regional significance must be maintained in recognition of the fact that several of these amendments are either directly or in the vicinity to US 41 and SR 50. The following policy is taken from the SRPP in *Chapter V Transportation*.

Policy 5.5.1 Level of service standards for regionally significant roadways should be consistent with the Florida Department of Transportation recommended level of service standards.

10. The effects on the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:
Overall, these amendments bear no negative effect on the regional resources in the SRPP. The integrity of all LOS standards reflected in the comprehensive plans shall be adhered to once these proposals go forward.
11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:
None is expected

Analysis of the effects of the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

-
12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:
There are no military bases involved.
 13. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:
**The City of Brooksville as the rest of Hernando County lies within the same groundwater recharge area.
Site development will impact groundwater quality through changes in surface drainage patterns, introduction of potential contaminants that may have been present with prior land uses or increased usage. As a consequence of increased vehicular traffic, the increase in the presence of contaminants and the hydrologic connection can impact the groundwater quality. As preventive measures the placement of treatment/retention ponds to treat stormwater run off on or off-site is encouraged and the presence of drainage swales will function as filtration mechanisms for pollutants prior to discharge or percolation.**
 14. Affordable housing issues and designation of adequate sites for affordable housing:
The proposed mixed-use community within the South Brooksville Planned Development District shall contain a variety of affordable and workforce housing types catering to families, workers and retirees. This redevelopment endeavor is ambitious, proposing specialty retail and services along the "Good Neighbor Trail," highway commercial along SR 50 and 50A, various types of employment opportunities and significantly into the future, commuter rail transportation plan consistent with the Tampa Bay Area Transit Authority. Therefore the impact of commercial revitalization and employment opportunities in this neighborhood will sustain the variety of housing types necessary to accommodate the needs of its residents.

15. Protection of natural resources of regional significance identified in the Strategic Regional Policy Plan including, but not limited to, protection of spring and groundwater resources and recharge potential:
All of Hernando County of which Brooksville is located, is within the same groundwater recharge area.
As a by-product of development there is the need to protect natural springs and groundwater recharge areas. The need to mitigate the use of fertilizers/herbicide/pesticide usage in effect to reduce the infiltration of nitrates into the aquifer through stormwater flows which in turn functions as an hydrologic connection to the Floridan aquifer and can adversely impact groundwater quality.
16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:
Some of these amendments from the standpoint of transportation abut or lie in close proximity of roadways recognized as those of regional significance. The LOS of these roadways must be maintained.
17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:
Hernando Country is the lead agency responsible for emergency preparedness with the full cooperation of local municipalities.
18. Analysis of the effects of extra-jurisdictional impacts which may be created by this amendment:
The South Brooksville Planned Development District is a joint effort between the City and County which is a positive extra-jurisdictional venture transcending jurisdictional boundaries.



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only: 1-800-231-6103 (FL only)

On the Internet at WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

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Hillsborough

David L. Moore
Executive Director
William S. Blenck
General Counsel

August 13, 2010

D. Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: City of Brooksville 10-1

Dear Mr. Eubanks:

The staff of the Southwest Florida Water Management District has reviewed the City of Brooksville's comprehensive plan amendment package. The District offers the following comments for consideration by the Department of Community Affairs in its Objections, Recommendations and Comments (ORC) report. It is important that the City adequately address these recommendations prior to the adoption of the proposed amendment.

McAteer Residential Development District (CPA-2010-L3)

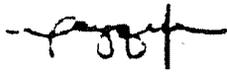
The proposed FLUM amendment is located in the Bystre Lake watershed, which is a closed basin in Hernando County. Closed basins pose special water resource concerns for flood protection because water flows to the lowest point in the watershed (Bystre Lake) and only leaves through infiltration or evaporation, rather than through flow ways, which can result in higher residence times during periods of flood. The City of Brooksville should be aware that a project is underway in Hernando County to re-examine flood zones and develop detailed digital flood hazard maps that reflect better data collection, historic alterations to the landscape and, therefore, current flood risks. A restudy of the 100-year floodplain in the Bystre Lake watershed is likely to result in revisions to Federal Emergency Management Agency Flood Insurance Rate Maps that correspond to the proposed McAteer Residential Development District. The most recent Bystre Lake watershed study and floodplain information should be used to evaluate the suitability of the site for the proposed project and to regulate future site development. It should also be noted that the District generally does not support development that encroaches upon the 100-year floodplain.

We appreciate the opportunity to comment on this package as part of the comprehensive plan amendment review process. These comments do not constitute permit approval under Chapter 373, Florida Statutes, or any rules

D. Ray Eubanks
August 13, 2010
Page 2

promulgated thereunder, nor do they stand in lieu of normal permitting procedures. The District offers technical assistance to the Department of Community Affairs and the City in the development of sound, sustainable land use policies that protect water resources. If I can be of further assistance, please call me at (352) 796-7211 extension 4408.

Sincerely,



Maya Burke
Staff Planner

MCB

(e-mail) cc: Bill Geiger, City of Brooksville
Cara Martin, CLA-BRO
Jim Quinn, FDEP
Joe Quinn, PLN

FLORIDA DEPARTMENT OF EDUCATION



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August 3, 2010

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Brooksville 10-1 (proposed)

Thank you for the opportunity to review the City of Brooksville's proposed comprehensive plan amendment package, which includes text and future land use map amendments related to the South Brooksville Planned Development District, and several other future land use map amendments. The amendments have potential to impact public school facilities through increased residential densities; thus, supporting data must demonstrate that affected public school facilities have available capacity. The Department offers the following comments for consideration by the Department of Community Affairs:

1. South Brooksville Planned Development District (CPA 2010-L7). – The amendment complements Hernando County's proposed 10-2 amendment package; the amendment has potential to increase residential densities. The city provided analysis similar to that provided by the county. While the summary analysis concludes that the amendment will increase the number of students and that additional elementary school capacity will be needed, it does not quantify the impacts or demonstrate that level of service standard for public school facilities will be met. According school district's level of service analysis prepared for the 2009 update to the capital improvements element, all but one elementary school will be operating at 100% capacity through the 10-year planning period. The projections of Capital Outlay Full Time Enrollment released in July, forecast enrollment

THOMAS H. INSERRA

DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS CLEARINGHOUSE

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increases at the elementary level above those in the 2009 forecast through the 10-year forecast period. This means that even before the amendment is considered, additional elementary capacity will be needed to maintain level of service standards.

The city, in collaboration with the school district and county must revise the amendment to include a complete analysis of the amendment's impacts on schools. The analysis must be based on maximum residential potential allowed by the amendment and be specific to the affected concurrency service areas and school type. Because it is likely the analysis will show a capacity deficit at the elementary level, the county and school district must provide a planning strategy or additional capital improvements to ensure level of service standards will be maintained.

2. Other future land use map amendments. – The city proposes 16 other future land use map amendments, 12 of which have the potential to increase residential densities. The amendment package does not demonstrate that level of service standards (100% of permanent or core capacity, whichever is greater) for public school facilities will be maintained. While the city included information about school impacts in staff reports for the various amendments, the city's conclusions regarding school capacities are not supported by the analysis provided by the Hernando County School district staff and included with the amendment package.

In addition, the adequate capacity analysis for one amendment, 2010-L4, does not appear to be based on the maximum development potential of 1,163 units. The staff report indicates that the majority of the residential development is either completed or under development. Under section 5.4.2.(a) of the approved Amended and Restated Interlocal Agreement for school facilities planning and concurrency, any lot of record having received final plat approval prior to the effect date of the school element is exempt from school concurrency requirements. The staff report, however, does not identify the number of lots enjoying that exemption. To satisfy the requirement of Section 163.3177(6)(a), F.S., the city and school district should revise the analysis to be based on the maximum development potential of the unplatted lands.

The amendments will impact two elementary school concurrency service areas (Moton and Brooksville), the Parrot Middle School concurrency service area, and the Hernando High School concurrency service area. The city did not provide a cumulative analysis of the impacts. In addition, the city omitted the school district's cover letter, which indicated the amendments would create deficiencies at the elementary school level and that the district facilities work plan does not include projects that would correct the capacity deficits. Considered on a cumulative basis, the amendments would result in level of service at Moton Elementary of 109% and at Brooksville Elementary of 112%; level of service at the middle school and high school would be 60% and 70%, respectively. (Note: these level of service projections **do not** include impacts of the South Brooksville Planned Development District.) To support the amendments, the city must provide an appropriate planning strategy or capital plan to correct the deficiencies.

Mr. D. Ray Eubanks
August 3, 2010
Page 3 of 3

Again, the Department appreciates the opportunity to comment and would be pleased to make Department staff available to assist the city in responding to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy D. Suber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

Enclosure

cc: Ms. Amber Wheeler, Hernando County School District
Ms. Nia Clark, DCA



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

5
Jeff Kottkamp
Lt. Governor

BP
Michael W. Sole
Secretary

7/23/10

July 21, 2010

Mr. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: City of Brooksville 10-1; Comprehensive Plan Amendment Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (FDEP) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, *Florida Statutes*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*. Our comments address the potential impacts of the proposed land use designation or policy change on resources or facilities within the scope of the Department's regulatory and proprietary responsibilities. We provide the following comments and recommendations to assist your agency in developing the state's response to the proposed future land use map amendment.

Introduction

After reviewing the proposed amendment package, the Department has concerns regarding proposed Future Land Use Map amendments CPA2010-L3, CPA2010-L4, and CPA2010-L6. Our concerns are based upon potential increases in densities and intensities of development, floridan aquifer protection, and wetlands and floodplain protection. The three noted amendments represent substantial increases in development potential from their current designations.

Amendment CPA2010-L3 will increase in *Residential* development potential by 405 dwelling units; Amendment CPA2010-L4 will increase *Residential* development potential by 164 dwelling units and 80,000 square feet of non-residential development, and; Amendment CPA2010-L6 represents an increase in *Industrial* development by a potential of 226,423 square feet.

Groundwater Recharge and Aquifer Vulnerability

The Florida Aquifer Vulnerability assessment (FAVA) is a statewide screening tool that identifies areas of relative aquifer vulnerability by examining several characteristics of an area, including soil permeability, topography, closed topographic depressions (indicators of karst features), water-table elevation, and extent of aquifer confining unit. Based on FAVA, the majority of the uplands within the proposed land use amendment sites are in a region designated as "more vulnerable." The measure of vulnerability refers to the likelihood of contamination to the Floridan Aquifer System, the principal drinking water source for the area. FAVA measures indicate that groundwater quality in Hernando County, including the City of Brooksville, is sensitive to pollution from land use activities.

Therefore, the additional densities and intensities of development within the subject land use amendment sites could have negative impacts on groundwater quality. Increased stormwater runoff from both *Residential* and *Industrial* developments could alter surface water and groundwater through increased pollutant loading. Runoff carrying oils, greases, metals, sediment and other pollutants from intense uses and impervious surfaces will be of significant concern.

Recommendation:

The Department recommends that the applicant use planning strategies to minimize impacts to groundwater including but not limited to: limiting impervious surfaces, clustering buildings, implementing water conserving Xeric landscaping techniques, buffering karst features (if identified), and designing stormwater treatment systems to protect groundwater and surface water resources. These and other strategies may be found in the publication entitled "Protecting Florida's Springs - Land Use Planning Strategies and Best Management Practices," accessible at <http://www.dca.state.fl.us/fdcp/dcp/publications/springsmanual.pdf>

Wetlands and Floodplains:

Proposed amendments CPA2010-L3, CPA2010-L4 contain generally isolated wetlands and floodplains on-site. Disturbance to wetlands and floodplains should focus on avoiding and minimizing impacts to the greatest extent possible. Thereafter, mitigation can be considered for the remaining, unavoidable wetlands impacts.

Ray Eubanks
Page 3 of 3
July 21, 2010

Thank you for the opportunity to comment on the proposed amendments. Department staff will be happy to meet with County officials and the applicants to discuss the issues detailed in this letter. Should you require additional information, please do not hesitate to call or contact me at (850) 245-2182 or Robin.Branda@dep.state.fl.us.

Yours sincerely,

Robin Branda

Robin Branda
Environmental Specialist III
Office of Intergovernmental Programs

RSB/



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

11201 N. McKinley Drive
Tampa, FL 33612-6456

STEPHANIE C. KOPELOUSOS
SECRETARY

SBP
7/21/10

July 22, 2010

Ray Eubanks, Plan Processing Administrator
Florida Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: City of Brooksville Proposed Amendment 10-1

Dear Mr. Eubanks:

We have reviewed the City of Brooksville proposed Amendment 10-1 according to Chapter 163, Florida Statutes, Rule 9J-5, Florida Administrative Code, and our review guidelines. The City proposes seven large scale amendments (817 acres total) which allow a net gain of at least 902 dwelling units/DU and perhaps 2,182 DU. The lack of some information prevents accuracy in determining the net gain of DU. The City also transmitted ten small scale amendments which do not appear to be adopted yet. Our objections and comments follow the descriptions of the large scale amendments. We have one general and one specific comment about the small scale changes.

CPA 2010-L2 proposes to amend the land use (LU) on 182.4 acres (annexed in 2005) from County Residential (zoned Ag/Rural) to City Suburban Residential (2.5 dwelling units/DU per acre). The site is approximately one mile east of US 41/SR 45 on the south side of Mondon Hill Road immediately east of Jasmine drive. The development potential is increased from 18 DU to 456 DU.

Objections: Minimal trip generation information is provided, and no analysis regarding roadway impact, only a statement "as required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network." The amendment is not adequately supported by data and analysis to assess the impacts of the proposed change on the roadway system. The proposal does not link land use and transportation by demonstrating that adequate analysis and planning for roadway facilities has been done to meet the needs of the additional development.

CPA 2010-L3 proposes to add text to Policy 1.5 in the FLUE and to amend the FLUM to change the LU of 450 acres (annexed in 2006) from County Rural (1 DU/10

acres) to McAteer Residential Development District -- MRDD (1 DU/acre). The site is located on the north side of Powell Road and west of Culbreath Road, partially adjacent to and just east of the Southern Hills Plantation Mixed Use District. The development potential is increased from 45 DU to 450 DU. The proposed text allows a variety of housing types and requires clustering, a minimum of 150 acres of open space, neighborhood parks, multi-purpose trails, and xeriscaping.

Objection: CPA 2010-L3 is not adequately supported by data and analysis to assess the impacts of the proposed change on the roadway system. The proposal does not demonstrate the linkage of land use and transportation by demonstrating that adequate analysis and planning for roadway facilities to meet the needs of the additional development potential has been done.

CPA 2010-L4 proposes a text change to revise FLUE Policy 1.5 to increase development amounts for the Southern Hills Plantation Mixed Use District (SHPMUD). A DCA binding letter of determination, BLID-05-2007-007 and Final Order No: DCA 07-BL-244 was done for SHPMUD and the presumption that the project was a DRI was rebutted based on the Multi-Use threshold. We note that the development plan in the BLID and Final Order is inconsistent with the development plan in adopted FLUE Policy 1.5 and in the proposed policy. A traffic analysis study (TAS) based on 240,000 s.f. of Office use would produce significantly different results than a TAS based on 240,000 s.f. of Retail use (greater impacts on peak hour traffic and roadway level of service would result from a TAS based on 240,000 s.f. of office use).

	BLID/Final Order	Current FLUE Policy	Proposed Policy
Residential	1,163 DU	999 DU	1,163 DU
<u>Retail</u> s.f.	240,000	160,000 retail <u>or office</u>	240,000 retail <u>or office</u>
Office s.f.	45,000	45,000 clubhouse	45,000 clubhouse

Objection: The transmittal mentions an approved development agreement regarding the construction of a four lane City collector road extending northward from the site to SR 50. Also, that the "based on the previously developed traffic study, the resulting distribution of project trips onto the surrounding road network continues to operate at acceptable level of service with project traffic." However, in light of the proposed increase to the amount of development allowed in FLUE Policy 1.5 and the inconsistency illustrated above, we object to the proposed change pending the submittal of a traffic analysis based on the maximum development potential in proposed FLUE Policy 1.5 or the previously developed traffic study is shown to analyze the amounts and type of development in proposed FLUE Policy 1.5.

Ray Eubanks, Plan Processing Administrator
Page 3
July 22, 2010

CPA 2010-L5 proposes to amend the LU of 44 acres (annexed in 2005) from County Residential (with Combined Planned Development Project zoning) to City Suburban Residential (2.5 DU/acre), decreasing the development potential from 237 to 132 DU. The site is in the northeastern portion of the City north of Richbarn Road, south of Martin Drive and east of Domingo Drive.

Comment: We do not object to this LU change because the proposal reduces the development potential.

CPA 2010-L6 proposes to change the LU of 17.25 acres (annexed in 2006) from County Industrial (developed with a finished-concrete operation) to City Industrial. The proposal increases the development potential from 375,705 s.f. to 601,128 s.f. The site is along the east side of Cobb Road/CR 485 and is 2,000 feet north of the intersection of SR 50 (an SIS facility) and Cobb Road.

Objection: The development potential is increased, but the transmittal includes only a minimal amount of trip generation information and references an ordinance requiring the developer to submit a detailed traffic analysis to address the impacts of any new development on the level of service of the impacted road network. This proposal is not supported by a traffic analysis study to demonstrate that the roadway system can accommodate the proposed increased development potential. The amendment does not link land use and transportation planning.

CPA 2010-L7 proposes a new LU category and a 120-acre FLUM change comprised of the City's portion of a City/County South Brooksville Planned Development District (SBPDD) covering 409.5 acres. The SBPDD is within a designated City-County Joint Planning Area. Hernando County currently proposes an amendment to create their portion of the SBPDD on 289.5 adjacent acres. The SBPDD is located between SR 50 (an SIS facility) on the south/southeast side; Main Street on the west, SR 50A on the northeast side, and Russell Street and ACL Street on the north. The proposed SBPDD text in FLUE Policy 1.5 allows residential uses not exceeding 80 acres (16 DU/acre); commercial retail not exceeding 30 acres; highway-oriented commercial not exceeding 30 acres; and business and industrial space not exceeding 60 acres.

Objection: The proposal needs to be supported by an Interlocal Agreement that addresses infrastructure between the City and the County. Please send us a copy of the Interlocal Agreement.

Objection: The proposed LU category is vague; it does not establish meaningful standards, including a required mix of uses (minimum and maximum acreage for each use and density and/or intensity standards for allowed uses, as appropriate). The vagueness of the proposed LU category prevents a TAS based on the maximum amount of development possible under the proposed change in order to gauge the

impacts of the proposed change on the roadway system. Although proposed policy text states that the City will incorporate coordinated infrastructure, sufficient to maintain the health and safety of the existing community, while accommodating growth, the proposal does not indicate how this will be done. Considering that the proposed policy indicates that "Highway commercial uses shall be located along the SR 50/Cortez Boulevard (SIS) and SR 50A/Jefferson Street corridors, it is very important to assess roadway impacts and to develop plans to address needs that may become apparent after adequate study.

Objection: The proposed LU change is not supported by a TAS. Although the transmittal indicates that a TAS for the amendment(s) was conducted by the County and concluded that the proposed project will not require capacity improvements to the surrounding roadway system, it was not transmitted to support CPA 2010 L-7. The proposed LU category states that mobility needs shall be met by providing transit and mobility alternatives/infrastructure consistent with the County transit development plan, the plans of the Metropolitan Planning Organization (MPO), the City, TBARTA, and the Florida Department of Transportation. The City has not demonstrated that the plans of these other agencies have been developed with the proposed LU change in mind, and that their plans are adequate to address the (undetermined) amount of development potential proposed by this text and land use change.

Objection: Proposed text indicates that Transit Oriented Development (TOD) shall be designed consistent with model policies developed by Tampa Bay Area Regional Transit Authority (TBARTA) and with "goals/objectives/policies established elsewhere in this plan related to mass transit, mobility and transit oriented development," but this reference is vague. The proposed text or the supporting analysis needs to reference specific TOD policies in the Plan to address mass transit, mobility, and TOD, and the amendment needs to demonstrate consistency with TBARTA model policies.

Although TBARTA has identified the existing rail rights-of-way from Tampa to Brooksville as a regional transit corridor in their 2035 master plan, those plans are long range and subject to change, and they are not funded yet. It may be many years before rapid transit connection will occur in Brooksville. This amendment seems premature.

CPA 2010 L-8 proposes to change the LU of 3.7 acres (annexed in 2006) from County Residential (allowing 15 DU at a density of 5.4 DU/acre) to City Commercial (0.77 acres) and Mobile Home/Multi-Family Residential (2.9 acres) which allows up to 52 multi-family units at 18 DU/acre. The site is located about 2,000 feet north of SR 50 (SIS) on Hale Avenue, approximately 500 feet south of Martin Luther King Boulevard. The proposal provides minimal trip generation information and refers to an ordinance

Ray Eubanks, Plan Processing Administrator
Page 5
July 22, 2010

requiring the developer to submit a TAS to address impacts of development on the level of service of the impacted roadway network.

Objection: CPA 2010-L8 is not adequately supported by data and analysis to assess the impacts of the proposed change on the roadway system. The proposal does not demonstrate the linkage of land use and transportation by demonstrating that adequate analysis and planning for roadway facilities to meet the needs of the additional development potential has been done.

CPA 2010-S7 and CPA 2010-S8 are small scale amendments (8.39 acres and 1.38 acres of County Residential LU, respectively) to be change to City Commercial LU. These two changes are accompanied by a proposed text change in underlined format which appears in the Commercial LU category in FLUE Policy 1.5, within the transmittal section for CPA 2010-L-7). The proposed text addition to the Plan is: "CPA 2010-S7 and CPA 2010 S8. Development of the parcels labeled as amendments CPA 2010-S7 and CPA 2010-S8 on the Future Land Use Map shall not collectively exceed 100,000 square feet of building floor area."

Comment: Text changes to the Plan are not small scale amendments.

General Comment about the small scale amendments: Although the acreage amounts are small, we recommend including the small scale amendments along with the large scale amendments for study purposes. The City needs to assess the cumulative impacts of all of the proposed FLUM changes on area roadways.

Thank you for the opportunity to review the proposed amendment. If you have any questions regarding this letter, please contact me at 813 975-6444 or write to carol.collins@dot.state.fl.us. Please ensure that we receive a copy of the amendment after it is adopted.

Sincerely,



Carol M. Collins
Comprehensive Plan Coordinator

cc: Bill Geiger, City of Brooksville Community Development Director
Kathleen Neill, Director of Policy Planning, FDOT

**RESPONSE TO CITY OF BROOKSVILLE AMENDMENT 10-1
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
OCTOBER 18, 2010**

The following represents the formal response from the City of Brooksville to the Florida Department of Community Affairs on the Objections, Recommendations and Comments (ORC) Report issued for the City of Brooksville 10-1 Comprehensive Plan Amendment. This document is organized consistent with the order of the Objections, Recommendations and Comments contained in the Department's report. The format of this document includes a restatement of each of the Department's Objections, Recommendations and Comments, followed by specific information, data and analysis provided to respond to each of the noted points. The staff of the City of Brooksville are available to answer any questions or comments that the Department may have on the responses provided.

DEPARTMENT OBJECTIONS:

A. Future Land Use Map Amendments

1. ***Inadequate Data And Analysis (CPA-2010-L7)*** - *The City is proposing to change the land use designations on a 120-acre site to the newly proposed South Brooksville Planned Development District. The Department is unable to determine the net difference in maximum development potential for the proposed FLUM amendment because no analysis of the development potential of the proposed amendment compared to the current designations based on the acreage of land in each current land use designation was provided. Also, the acres of land within each land use category were not provided. Thus the amendment is not supported by relevant data and analysis upon which the net effect of this amendment could be determined.*

Recommendation - Provide data and analysis that evaluates the current development potential of the amendment site based on the maximum development potential of the existing land use categories compared to the proposed land use category and showing the net difference in development. The public facility analysis discussion in the subsequent objections should be based on this maximum assessment.

City Response:

The land use designation for the proposed amendment is the South Brooksville Planned Development District (PDD) and includes several sub-designations. The sub-designations include: Residential; Conservation; Commercial; Industrial/Corporate Park; Public Facilities and Land; Recreation; and Transit Oriented Development (TOD). Currently, the area proposed within amendment contains property with Residential, Conservation, Commercial, Industrial, Public Facilities and Land and Recreation future land use designations. The acreage for the existing designations and proposed sub-designations are as shown in Table 1. Table 2 provides the number of residential dwelling units and nonresidential floor space presently allowed and proposed in the South Brooksville PDD area. The number of residential dwelling units and nonresidential floor area proposed within the South Brooksville PDD will not, as shown in the public facility analysis, result in additional impacts. A revised Policy containing the acreages and density and intensity limitations is provided in Attachment A.

Table 1
Existing and Proposed Acreage for Uses in the South Brooksville PDD Area

Land Use	Existing	Percentage	Proposed	Percentage
Residential	25.7	21.07	25.7	21.07
Conservation	2.1	1.72	2.1	1.72
Commercial	28.8	23.61	31.0	25.41
Industrial/Corporate Park	39.2	32.13	22.0	18.03
Public Facilities	4.9	4.02	4.9	4.02
Recreation	21.3	17.46	21.3	17.46
Transit Oriented Development (TOD)	-0-	-0-	15.0	12.30
Total	122.0	100%	122	100%

Table 2
Existing and Proposed Acreage for Uses in the South Brooksville PDD Area

Land Use	Existing FLU	Proposed	Multiplier	Units	Existing FLU Units/Sq.Ft.	Proposed Units/Sq. Ft.
Residential	25.7	25.7	9.96 ¹	DU	256	256
Commercial	28.8	31.0	0.30	FAR	878,170	405,108
Industrial/Corporate Park	39.2	22.0	0.80	FAR	1,366,042	766,656
TOD – Residential	-0-	15.0	16	DU	-0-	240
TOD – Commercial	-0-	15.0	0.70	FAR	-0-	457,380

Notes:

- The area contains 6.9 acres of land designated as Multi-Family (18 du/ac) and 18.8 acres designated Single-Family (7 du/ac).
- Site Suitability*** – Subject site CPA-2010-L3 contains wetlands and floodplains. It has not been demonstrated that the above subject site is suitable for the proposed suburban and urban type development, and that the proposed amendments are [sic] consistent with Rule 9J-5.013(3)(b), F.A.C. The proposed amendment is not supported by data and analysis demonstrating that the natural resources located within the site will be protected consistent with the requirements of Rule 9J-5, F.A.C., Chapter 163, F.S., and the City's Comprehensive Plan. Policy 2-12 of the Future Land Use Element states that new development approval shall be based on the land's ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures. Additionally, policy 2-16 discourages commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas. Thus the amendment is inconsistent with the requirements of these policies of the City's Comprehensive Plan.

Recommendation - The City should provide, as supporting data and analysis, an assessment of the environmental resources on the subject site for the proposed amendment and document the type, amount, and condition of natural resources on the site. The information is needed in order to determine the suitability of the subject site for the proposed land use designation. Additionally, the City should utilize the most recent Bystre Lake watershed study and

floodplain information to evaluate the suitability of the site for the proposed FLUM amendment.

City Response:

A complete biological/environmental assessment, included in the original application, documents the type, amount and condition of all environmental resources, including listed wildlife, wetlands and flood plain areas. The flood plain mapping is based on the most recent Bystre Lake Study 2007 from the Southwest Florida Water Management District. The design of the conceptual site plan, included in the application, took those parameters into account, with approximately 40% of the property retained in open space to protect environmental resources and provide for adequate stormwater retention and flood plain protection. The study is included in Attachment B.

As shown in Attachment A, the text of the Future Land Use Element for CPA-2010-L3 has been modified to address the Department's concerns for this and other items discussed below. Included in the revised text is the following:

- Natural Resources/Site Suitability
 - Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access, utilities and utilization for stormwater projects. There shall be no net loss of wetlands.
 - Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
 - Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

3. *Need – Subject Site CPA-2010-L3 has the potential to add at least 405 residential units to existing residential development within the City. The City has not demonstrated the need for the additional residential land uses and how they are needed to accommodate the projected population of the City for the planning horizon (2020).*

Pursuant to Chapter 163.3177(6)9a), F.S., the future land use plan shall be based upon data regarding the area including the amount of land required to accommodate anticipated growth, and the projected population of the area. In the 2009 EAR-Based Amendments the City was projected to grow by 3,541 people by 2020 for a city total population of 10,850 people. It has not been demonstrated that this amendment is needed considering the vacant development potential that currently exists in the City that will accommodate the expected growth.

Recommendation – Include with the amendment a land use needs analysis based on best available data and analysis demonstrating that the increase in residential land use allowed by the amendment is needed to accommodate the City's projected population and anticipated growth for the planning timeframe of the City's Comprehensive Plan. The analysis should take into account the vacant residential potential that already exists in the City and shows how it is insufficient to accommodate the project population for the planning horizon.

The needs analysis should include: (1) the amount of vacant land in the City that is designated residential; (2) the number of units or square feet that the vacant land could accommodate; (3) the population projection through both the short range (2015) and the long range planning timeframe (2020); and (4) the number of additional acres of residential

land needed to accommodate the projected growth. The needs analysis may be supplemented by policy objectives that would be fulfilled by the amendment.

City Response:

As part of its existing Comprehensive Plan, reviewed and approved by the Department, the City prepared data and analysis related to the need for residential dwellings by the year 2015. As a result of the analysis, in 2005 the City adopted and adjusted in 2009 the following objective in the Housing element of the Comprehensive Plan. The objective is as follows:

Objective 1: Assist the private sector in the provision of approximately 3400 new dwelling units of various types, sizes and costs by the year 2015 to meet the needs of the existing and anticipated population of the City through adoption and implementation of all the following objectives and policies identified within this element. [9J-5.010(3)(b)1]

A review of land use data from 2005 forward clearly indicates that approved units have not approached the housing need identified in 2009. Comprehensive plan amendments approved during that time period have added a potential of 1,097 units.

Comp Plan Amendments

Majestic Oaks	2005-L1 & L2	910 units
Southern Pines	2005-L5	64 units
Risky Business	2007-L2	113 units
Dukes	2007-S2	4 units
Innovators	2008-S1	<u>6 units</u>
		Total 1,097 units

Actual zonings during that time period have approved 1,397 units, 980 of which are duplicative of Comprehensive Plan amendments. Obviously, the underlying FLUM designation of the 417 other units allowed for the approved zoning densities.

Zonings

Southern Pines Condo Blk	12/7/05	224 units
BV Holding	8/15/05	14 units
Brookstone	1/22/07	12 units
Cloverleaf Farms	12/18/06	68 units
Crosland	6/18/07	164 units
Innovators	11/16/09	6 units
Majestic Oaks	6/16/08	<u>910 units</u>
		Total 1,387 units

With respect to actual units built, according to Hernando County (Jan 2005 – September 2006) and City of Brooksville (October 2006 – present) Building Departments, actual residential certificates of occupancy during that period were 91 units (2005—10, 2006—31, 2007—15, 2008—15, 2009—5, 2010—15).

Based on the above data and analysis, the demonstrated housing need for the City of Brooksville in the adopted Comprehensive Plan has not been met. The 1,097 maximum development units from subsequent Comprehensive Plan amendments would equal approximately one-third of that need. The maximum development units from subsequent zonings would equal approximately 40 percent. When combined (1,504 units, accounting for duplicative projects), they would still meet less than 45% of the need described in Housing Element Objective 1.

The additional 450 units proposed in CPA-2010-L3 would bring any of the above totals to less than 58% of the housing need identified in Objective 1. Even with the other two transmitted CPA's that increase maximum development potential (CPA-2010-L4 – 164 single family units, CPA-201-L8 – 52 multi-family units) added in, less than 65% of the identified year 2015 housing need would have been reached.

It should be noted that the Hernando County Comprehensive Plan has a policy [1.01B(10)] for transitional areas such as the subject property, which allows residential density to be approved for adjacent Rural designated properties that meet criteria (proximity of utilities, services, etc.) that is met by the subject property. The average density in these projects approved over the past 19 years (1990 - 2009) has been 1.73 units per acre, as evidenced in Table 3. The maximum density in the MRDD is one unit per acre, with net density (not including flood plain and wetlands) being approximately 1.7 units per acre.

As part of its upcoming EAR process, the City intends to evaluate housing needs using updated population projections and a needs analysis methodology generally equivalent to that outlined in the DCA recommendation above.

**Table 3
Hernando County Density Analysis – 1,320-Foot Transition Area
Projects approved in 1,320-Foot transition area since 1990**

Project	Key Number	Zoning Number	Acres	Dwelling Units
D'Andrea	01426914	H - 99 - 8	80	12
Weithorn	01121921	H - 0736	8	0
Cortez 114 LLC	00665293	H - 05111	110	49
Vitola - South	01277255	H - 0740	20	16
Orsi	01298107	H - 9811	190	307
Liax	00360503	H - 0416	38	192
Brooksville Regional Med. Center	00973922	H - 0456	13	0
Mussenak LLC	00344611	H - 0743	26	34
Goode - SR 50 multifamily	01212440	H - 0616	33	288
Totals			518	898
Average Density				1.73 du/ac

4. **Urban Sprawl** – *The proposed amendment, CPA-2010-L3 is not supported by data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl pursuant to Section 163.3177(6)(a), F.S., and Rule 9J-5.006(5), F.A.C., because they [sic] exhibit the indicators of urban sprawl, including the following:*

- *Allows for substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need;*
- *Designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available;*

- *Designates urban development in isolated patterns emanating from existing urban developments;*
- *Promotes premature conversion of rural land to urban uses and fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, and natural groundwater aquifer recharge areas;*
- *Fails to adequately protect adjacent agricultural areas and activities including silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils;*
- *Fails to maximize use of existing public facilities and services, as no facilities or services exist on the site;*
- *Fails to maximize use of future public facilities and services;*
- *Allows for land use patterns which disproportionately increase the cost of providing and maintaining facilities and services including roads, potable water, sanitary sewer, stormwater management, and education;*
- *Fails to provide a clear separation between rural and urban uses;*
- *Discourages infill development or the redevelopment of existing neighborhoods and communities;*
- *Results in poor accessibility among linked or related land uses, as the policies intending to do so are not meaningful and predictable.*

Also, the proposed amendment does not promote energy efficient land use patterns that will reduce greenhouse gas emissions because they promote urban sprawl which in turn demands greater use of the automobile, one of the main sources of greenhouse gas emissions.

Additionally, the proposed FLUM amendments are [sic] inconsistent with many of the existing Comprehensive Plan policies. For example, Policy 2-3 of the Future Land Use Element require [sic] for the location of future land uses at densities and intensities that will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the city. Future Land Use Element policies 2-2, 2-5, 2-8, 2-11, and 2-13 of the Comprehensive Plan also discourage isolated development.

Recommendation – The City must demonstrate with data and analysis that the amendment discourages the proliferation of urban sprawl and revise the amendments as necessary to be consistent with, and supported by the analysis. Additionally, the City should consider the introduction of planning controls to govern the conversion of rural-designated lands for urban uses. These controls should address the timing and character of development to ensure the creation of compact, energy efficient land use patterns that avoid leapfrog development, achieve a mixture of uses, and ensure the provision of adequate facilities and services.

City Response:

While the Department's recommendation relates specifically to CPA-2010-L3, the recommendation also addresses the general concept of introducing planning controls to govern the conversion of rural-designated lands for urban uses. With respect to the general concept of planning controls for conversion, the City intends to evaluate the entire jurisdictional boundary in coordination with Hernando County to effectively approach the creation of planning controls such as, for example, the creation of an Urban Service Area. Such a comprehensive effort will need to be part of the next EAR cycle scheduled to begin in the City in 2011 and presently underway in Hernando County.

With regard to the specific amendment, a general description of the project will be presented, followed by the provision of data and analysis in the context of responding to the thirteen (13) sprawl indicators. “Urban sprawl” is the planning term used to describe certain kinds of growth or development patterns. It refers to scattered, untimely, poorly planned development that occurs in urban fringe and rural areas and frequently involves lands that are important for environmental and natural resource protection. One or more of the following land development patterns are often identified as encouraging urban sprawl: (1) leapfrog development; (2) ribbon or strip development; and (3) large expanses of low-density, single dimensional development.

The proposed amendment CPA-2010-L3 is clearly not ribbon or strip development nor leapfrog development. While it may appear to be a somewhat “low-density” development, that appearance is due primarily to the extensive protection of natural features, the provision of open space and the buffering of an adjacent large lot residential subdivision. Net densities will be moderate (around 1.7 units/acre), befitting the transitional nature of the area and consistent with the average density of projects approved in the 1,320 ft. policy in Hernando County (See Table 3). The project will retain approximately 40% of its property in open space and will be appropriately buffered from the existing large-lot residential subdivisions along its northern and eastern boundaries. This community will provide sidewalks, bicycle paths and other non-vehicular routes for its residents as shown in the revised policy contained in Attachment A. Non-residential uses are not appropriate for the location of the property and limited size of the project.

Analysis

The analysis below paraphrases each of the urban sprawl indicators listed in Rule 9J-5.006(5)(g), F.A.C. The analysis also evaluates whether the indicator is present, and if so, sufficiently mitigated.

1. *Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.*

This indicator is not present. The plan provides a functional mix of residential, recreational and community uses, including an array of residential densities intended to address the population growth projections for the City of Brooksville. Residential neighborhoods will be clustered to achieve density, retain natural features and provide open space and recreation. A conceptual plan provided as Map A-1 in the City’s staff report depicts the planned clustering of residential neighborhoods. The proposed text contained in Attachment A addressing Community Features will ensure the clustering of housing.

2. *Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.*

This indicator is not present. The subject property is within the City of Brooksville’s service boundaries for sewer, water and fire service and lies less than four miles from downtown Brooksville. It is also within a joint planning area, set up by the City of Brooksville and Hernando County to coordinate development along the US 41 corridor. Two adjacent communities, already well developed (Southern Hills and The Cascades), lie directly to the west of the subject property. The land to the north and east of the

subject property has been subdivided into low density residential parcels, a circumstance that is being avoided on the subject parcel through this Comprehensive Plan amendment.

3. *Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.*

This indicator is not present. The McAteer RDD (CPA-2010-L3) project is not isolated, in that it is adjacent to two master planned communities (Southern Hills, Cascades). It does not propagate a radial or strip pattern, running along a transportation corridor (i.e. US 41). It is a parcel within the joint urban planning area of the City and County, which was anticipated for development. This finding is supported by the comments of Hernando County, which have concluded that the proposed CPA-2010-L3 is not inconsistent with County policies.

4. *As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

This indicator is not present. The subject site would be more properly described as “transitional,” not “rural,” since it has residential subdivisions to the west and east and it qualifies as transitional in the Hernando County policy cited in the Needs response above. Floodplain, wetland and environmental analyses, prepared for the site prior to the Comprehensive Plan amendment application submittal, were utilized in the development of the conceptual site plan and policies. These analyses identified natural resources, environmental features and site limitations. The location of the major features, shown on the conceptual plan, were instrumental in the preparation of the plan, including the placement of open space, recreation and residential clusters. Policies addressing Open Space and Protected Plant and Animals have been developed to ensure protection of the features identified in the above analyses and are presented in Attachment A. To further protect those features, the following policy is proposed and is included in Attachment A:

- Natural Resources/Site Suitability

- Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access, utilities and utilization for stormwater projects. There shall be no net loss of wetlands.
- Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
- Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

5. *Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.*

This indicator is present. However, the properties to the west and south are the only agricultural properties adjacent to the site. The agricultural property to the west is wooded, utilized for grazing and is bordered on the north and west by the Southern Hills and Cascades developments. The property to the south contains a citrus grove. There are no unique or prime farmlands or soils on the subject or adjacent sites.

6. *Fails to maximize use of existing public facilities and services.*

This indicator is not present. As further described in the Public Facilities response below, the City of Brooksville has made extensive investment in both potable water and wastewater treatment facilities and has plans to even further expand capacity. The City's Hope Hill Wellfield and Water Treatment Plant are located approximately one mile north of the subject property, with significant transmission lines in the area. The adjacent Southern Hills Plantation is the recipient site of the City's wastewater reuse system. The ponds and transmission mains have been designed, permitted, and constructed for expansion of the Cobb Road Regional WWTP and enhancement for reuse operation. The subject CPA-2010-L3 will be helping to maximize the use of existing facilities, such as recreation, solid waste disposal, middle and high schools and roadways. As discussed above, the project will (1) tie into the existing Cobb Regional wastewater treatment plant, (2) use existing capacity at the County's recently expanded solid waste facility, (3) use significant existing capacity on US Highway 41 and Powell Road, (4) use existing capacity in the area middle and high schools, (5) use existing capacity at the Tom Varn, Ernie Wever and Kennedy parks and, (6) be served by existing fire stations in the area.

7. *Fails to maximize use of future public facilities and services.*

This indicator is not present. The project will (1) provide flows to an underutilized Cobb Rd. WWTP and funding needed for its planned expansions, (2) provide funding for future planned expansion of the Northwest Waste Management Facility, (3) incorporate a community recreation area within the project as well as funding expansion of facilities at the Tom Varn and Ernie Wever Regional Parks. The Public Facilities response below addresses future potable water infrastructure. Policy 2-9 of the Future Land Use Element requires "central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems."

8. *Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

This indicator is not present. The clustered land use patterns in the MRDD promote efficiency in the provision of stormwater management, non-vehicular movement and maintenance of facilities and services. The property is within the City's Service Area, which defines where the City can efficiently provide facilities and services, including potable water, wastewater treatment, law enforcement, fire, emergency response and general government. As further described in the Public Facilities response below, the City has the capacity to serve the proposed project.

9. *Fails to provide a clear separation between rural and urban uses.*

This indicator is not present. The project conceptual plan provides a distinct boundary with buffers between the land uses within the project and those of the surrounding larger lot residential subdivisions. No agricultural or rural uses surround the subject property. The revised Future Land Use Element text contained in Attachment A mandates a "Definable Edge" and thus ensures a buffer and thus a transition is provided.

10. *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

This indicator may be present in that all new planned developments will add other market options to the prospective homeowner. While the City does not have significant areas

requiring infill or redevelopment, much of the County’s ability to “infill” is limited by the lack of infrastructure or the lack of parcels of sufficient size for a quality mixed use community. Most of the existing partially vacant subdivisions lack paved roads, wastewater treatment and potable water service and are some distance from retail, employment and services. It should also be noted that the proposed project will utilize smart growth principles as required in the proposed Future Land Use Element text (Attachment A) addressing Community Features and Housing Mix. It is anticipated that a significant variety of housing choices will be provided.

11. *Fails to encourage an attractive and functional mix of uses.*

This indicator is not present. The McAteer RDD (CPA-2010-L3) project provides a functional, attractive, integrated mix of residential and recreational land uses, as described in the Future Land Use Element text contained in Attachment A. The text addresses Land Uses and Intensity, Community Features, Housing Mix, Definable Edge, Open Space, and Landscaping. Due to its size and location, the inclusion of a retail or industrial component is not feasible.

12. *Results in poor accessibility among linked or related land uses.*

This indicator is not present. The proposed project will be a pedestrian-friendly community that includes an integrative vehicular roadway network and a comprehensive system of non-vehicular pathways that connect residential areas, open space and recreational opportunities. The Future Land Use Element text contained in Attachment A addresses such features and thus ensures this.

13. *Results in the loss of significant amounts of functional open space.*

This indicator is not present. With approximately 40% of the project property being retained as open space and buffers, this project will provide significantly more functional open space than most proposed amendments. Much of the open space will be designated for environmental preservation and natural habitat, as shown on the conceptual plan and ensured by the proposed Future Land Use Element text contained in Attachment A.

5. ***Public Facilities: Potable Water and Wastewater:*** *The proposed amendments (CPA-2010-L3, L4, L6, L7, and L8) do not provide adequate data and analysis to ensure that potable water and wastewater treatment services will be available to serve the proposed sites at their adopted LOS standards during the short term planning horizon and for the long term planning horizon of the Comprehensive Plan. The submitted amendments fail to address changes in demand for potable water and wastewater treatment with data and analysis based on the maximum densities and intensities allowed under the amendments. The data and analysis does not indicate how adopted LOS standards for these facilities will be affected and whether facility capacity is available or planned to be available to meet these needs. If improvements are needed to maintain the adopted LOS standards they must be coordinated with the Future Land Use Element, Public Facilities Element and Capital Improvement Element, including implementation through the Five-Year Schedule of Capital Improvements.*

Recommendation – *The City should submit data and analysis necessary to support the amendments and demonstrate that sufficient potable water and wastewater treatment capacity exists or is planned to be available to serve the proposed amendments at their maximum development potential and at the adopted LOS standards for these facilities. The data and analysis must also demonstrate coordination with all other pertinent*

Comprehensive Plan Amendments and the planning for and the provision of public facilities. The analysis should show the impact of the amendments for the short term (5-year) and the long term (horizon of the Comprehensive Plan). Capital improvements needed to address deficiencies identified within the next five years must be included in a Five-Year Schedule of Capital Improvements. Improvements needed beyond 5-years should be addressed in the Comprehensive Plan but they need not be funded.

City Response:

In response to the Department’s concerns regarding potable water and wastewater treatment, the following data and analysis is provided. As shown below, the data and analysis demonstrate that sufficient potable water and sanitary sewer capacity exists or is planned to be available to serve the proposed amendments at their maximum development potential.

Presently, according to the University of Florida Bureau of Economic and Business Research (BEBR), as of April 2010 the City of Brooksville has a population of 7,592. According to the BEBR estimates submitted in the 2008-2009 EAR process, the City had a population of 7,309 in 2007 and was projected to grow to approximately 8,900 by 2015 and 9,300 by 2020. Notwithstanding the BEBR projections, the City’s potable water and sanitary sewer planning has addressed and continues to address a projected population in excess of that estimated by BEBR. The project population and capital improvements necessary to serve the population will be further evaluated in the City’s forthcoming EAR process. It should be noted that the potable water demands and sanitary sewer flow will be reduced in the South Brooksville PDD amendment (CPA-2010-L7). Table 4 and Table 5 provide details for potable water demands in the South Brooksville PDD area and Table 6 and Table 7 address sanitary sewer in the area.

**Table 4
Proposed South Brooksville PDD Public Facility Impacts for Potable Water**

Land Use	Proposed	Units	Multiplier	Units	Potable Water (GPD)
Residential (Preserved)	256	DU	250	GPD	64,000
Commercial	405,108	Sq. Ft.	0.1875	Gal/Sq. Ft.	75,958
Industrial/Corporate Park	766,656	Sq. Ft.	0.1875	Gal/Sq. Ft.	143,748
TOD – Residential	240	DU	250	GPD	60,000
TOD – Commercial	457,380	Sq. Ft.	0.1875	Gal/Sq. Ft.	85,759
Total Impacts					429,465

**Table 5
Existing South Brooksville PDD Area Public Facility Impacts for Potable Water**

Land Use	Current FLU	Units	Multiplier	Units	Potable Water (GPD)
Residential	256	DU	250	GPD	64,000
Commercial	878,170	Sq. Ft.	0.1875	Gal/Sq. Ft.	164,657
Industrial	1,366,042	Sq. Ft.	0.1875	Gal/Sq. Ft.	256,133
Total Impacts					484,790

**Table 6
Proposed South Brooksville PDD Public Facility Impacts for Sanitary Sewer**

Land Use	Proposed	Units	Multiplier	Units	Sanitary Sewer (GPD)
Residential (Preserved)	256	DU	200	GPD	51,200
Commercial	405,108	Sq. Ft.	0.150	Gal/Sq.Ft	60,766
Industrial/Corporate Park	766,656	Sq. Ft.	0.150	Gal/Sq. Ft.	114,998
TOD – Residential	240	DU	200	GPD	48,000
TOD – Commercial	457,380	Sq. Ft.	0.150	Gal/Sq. Ft.	68,607
Total Impacts					343,571

**Table 7
Existing South Brooksville PDD Area Public Facility Impacts for Sanitary Sewer**

Land Use	Current FLU	Units	Multiplier	Units	Sanitary Sewer (GPD)
Residential	256	DU	200	GPD	51,200
Commercial	878,170	Sq. Ft.	0.150	Gal/Sq. Ft.	131,726
Industrial	1,366,042	Sq. Ft.	0.150	Gal/Sq. Ft.	204,906
Total Impacts					387,832

Potable Water: The source of potable water for Brooksville is groundwater from the Floridan Aquifer. The City provides this water to all its residents and to some locations outside its boundaries via a system that includes wells, water treatment plants, storage tanks, and a looped system of underground distribution piping. Three water treatment plants are maintained by the City– Hillside Court, Lamar Avenue, and Hope Hill Road. The combined total maximum capacity is 4.728 million gallons per day (mgd), equal to the total capacity of the pumps for the City’s five wells. Since at times a facility will be out of service for maintenance, for the purposes of permitting, the maximum capacity is calculated with one of the main sources out of service. Therefore, the DEP permit allows a combined maximum capacity of 3.267 mgd. For 2010 the average daily flow for the City’s service area is 1.313 mgd. Peak flow is 1.893 mgd, or 1.442 times average. The variation between average and peak, or maximum daily flow is the result of seasonal population increases and/or seasonally increased (dry season) demand for irrigation water. The existing level of service is expressed as gallons per capita per day (gpcd) and is derived by dividing the average daily flow by the population served. With a service population of 14,327 people in 2010 in the incorporated and unincorporated areas combined, this value is calculated to be approximately 92 gallons per capita per day (gpcd).

Demand for water is estimated by multiplying the current level of service (92 gpcd) by the population increases anticipated for the City’s potable water service area by the Public Works Department. Service populations within the unincorporated area are expected to increase as the City expands potable water services to businesses and non-city residents both existing and new within the City’s First Right to Serve area. The First Right to Serve area was established through an Interlocal Agreement with Hernando County in 2002 and is shown in Attachment C. Table 8 presents the projected average and maximum (peak) daily demand for the years 2010, 2015 and 2020. Table 9 compares peak demand with the City’s existing capacity to provide treated potable water. This analysis indicates an excess capacity in 2015 and 2020.

**Table 8
Daily Potable Water Demand
(million gallons per day)**

Year	2009			2010			2015			2020		
	Pop. ¹	Avg. ²	Peak ³	Pop.	Avg.	Peak	Pop.	Avg.	Peak	Pop.	Avg.	Peak
City	10,826	0.996	1.430	10,826	0.996	1.430	11,584	1.066	1.531	13,395	1.140	1.638
County	3,501	0.317	0.463	3,501	0.317	0.463	3,746	0.345	0.503	4,008	0.369	0.538
Total	14,327	1.313	1.893	14,327	1.313	1.893	15,330	1.410	2.033	16,403	1.509	2.176

Notes:

1. Population figures include nonresidential ERUs. Estimate and data provided by City of Brooksville Public Works Department.
2. Average daily demand is 92 gallons per day.
3. Peak ratio is 1.442 of average.

**Table 9
Daily Potable Water Demand and Residual Capacity
(million gallons per day)**

Year	Capacity	2009		2010		2015		2020	
		Peak Demand	Residual Capacity						
City	2.526	1.420	1.106	1.430	1.066	1.531	0.958	1.638	0.848
County	0.750	0.473	0.277	0.463	0.317	0.503	0.284	0.538	0.252
Total	3.276	1.893	1.383	1.893	1.383	2.033	1.243	2.176	1.100

The need for additional treated potable water will be met by new wells. The City has plans to add two new supply wells at its Hope Hill Facility to replace one existing under-producing well at Hope Hill and one at the Lamar Avenue site. One of these new wells has been drilled. A new wellfield with two supply wells and an elevated storage tank is planned for the north side of town in the vicinity of the Pasco -Hernando Community College. One test well has been drilled there to date. Three of these four new wells will be available to meet the demand in 2015, and the fourth will be producing by 2020. With the addition of four wells and the retirement of two, Brooksville will have nine active wells by 2020. These projects and others are summarized in Table 8-2 of the City's Capital Improvements Element. Table 8-2 is provided in Attachment D.

Sanitary Sewer: Brooksville currently operates a single wastewater treatment plant and a collection system that serves all land uses in the incorporated area. There are no septic tanks operating within the city limits and no private wastewater treatment plants. Outside the City, the Interlocal Agreement with Hernando County designates Brooksville's First Right to Serve area (Attachment C). At present the City provides sewer service to fewer than 600 customers in the unincorporated area and does not have improvements programmed within the next five years for the unincorporated area.

Brooksville's Cobb Road treatment plant provides secondary treatment of wastewater by the extended aeration process. This facility has a capacity of 1.9 million gallons per day (mgd). Expansion to a capacity of 3.0 mgd has been designed and permitted. Wastewater flows for the 2009 base year are at 0.904 mgd average daily flow and 1.315 mgd peak flow. Peak conditions are heavily influenced – as much as 30 percent of the total flow – by periodic inflow and infiltration resulting from an aging collection system. The City, using a combination of local financing options and grants, is rehabilitating older collection lines and manholes in an effort to correct this problem. Treated effluent is disposed of at the nearby

holding ponds of the Cemex (f.k.a. Florida Crushed Stone) mining and cement plant complex. Brooksville and Cemex have entered into a 30-year effluent disposal service agreement that will expire in 2020. Under the agreement, the City is responsible for all permitting, construction and maintenance of all effluent transmission improvements. Cemex must maintain its facilities in accordance with its Industrial Waste Operating Permit. This arrangement allows Cemex to reuse treated wastewater to reduce the amount of groundwater pumped into its cooling ponds and rock washing operations. The DEP permitted disposal permit allows up to 8.0 mgd per day of secondarily treated effluent, providing the City with expansion opportunity for the Cobb Road facility. Sludge is picked up by a contractor and disposed of on permitted land application sites.

Average daily wastewater treatment needs for the years 2010, 2015 and 2020 are projected by assuming that the 2009 average daily flow per person (84 gallons per capita per day) will remain constant. The amount of extra flow that presently adds to average daily flow on rainy days to constitute peak flow is also assumed to remain constant because population growth will occur only in areas served by new pvc pipe and therefore with no infiltration. Thus, wastewater generated by new residents will not have a peaking factor. Future peak flow will be a maximum of the 2010 peak flow, which comes from areas served by the old collection system, plus the wastewater generated by the additional population (average daily flow per person times the population increase since 2009). The 2010 peak flow, carried forward in the projections, is expected to diminish as the City continues to reduce infiltration and inflow. In Table 10 below, average and peak demand are compared with the treatment plant capacity of 1.9 mgd in the first three time periods, and 3.0 mgd in the last period, reflecting the planned expansion of the Cobb Road plant from 1.9 mgd capacity to 3.0 mgd in the year 2015. As the analysis shows, there is no anticipated shortage of treatment capacity for projected peak flows in 2010, 2015 and 2020. The sanitary sewer projects and others scheduled for the next five years are contained in the City's Five-Year Schedule of Capital Improvements in the Capital Improvements Element. The Schedule is provided in Attachment D.

Table 10
Wastewater Generation and Treatment Capacity

Year	Population	Per Capita Demand (gpcd)	Total Demand (mgd)		Treatment Capacity ¹ Surplus or Deficit (mgd)	
			Average	Peak	Average	Peak
2009	11,421	84	0.959	1.359	0.941	0.959
2010	11,421	84	0.959	1.359	0.941	0.959
2015	12,179	84	1.023	1.449	0.877	1.023
2020	12,990	84	1.091	1.546	1.909	1.091

Notes:

1. Based on 1.9 mgd treatment capacity in 2009, 2010 and 2015, and 3.0 mgd in 2020.

6. ***Public School Facilities:*** *The City of Brooksville has adopted its Public School Facilities Element, and therefore, is required to assess the impacts of the amendments on its public school facilities. The data and analysis provided in support of the proposed amendments included an assessment of the increase in the number of students as a result of the proposed amendment. However, this assessment was not based on maximum development potential (particularly for the subject sites L3, L4, L7, and L8), and data and analysis was not provided to demonstrate that the adopted LOS standard for the City's schools will be met over the five-*

year short-term planning timeframe. The City did not provide a cumulative analysis of the impacts of these amendments.

Recommendation - The City should support the amendments with data and analysis and appropriate planning for public school facilities. The data and analysis should be based on the maximum development potential of the amendments and should address; (1) the impact of the additional students on the LOS standards for the school concurrency service area for the short-term (five-year) planning timeframe, (2) identify school facility capacity improvements that are needed to achieve and maintain the adopted LOS standards, and (3) if any deficiencies are identified in the first five years and there are no planned school facilities already in the Capital Improvement Plan then one of the following actions must be taken:

- a) Revise the amendment to reduce development potential to an amount that can be supported by the impacted school facilities at the adopted LOS standard; or*
- b) In coordination with the School District, with the adoption of this amendment revise the Capital Improvement Schedule to add school facility improvements necessary to ensure adequate school capacity.*

City Response:

In response to the Department's comments regarding schools, the City offers the following data and analysis and appropriate planning for public school facilities. It should be noted that, contrary to the Department's statement that the "this assessment was not based on maximum development potential (particularly for the subject sites L3, L4, L7, and L8)," the analysis was in fact based on the maximum potential. The Florida Department of Education (FDOE) notes that "one amendment, 2010-L4, does not appear to be based on the maximum development potential of 1,163 units." The FDOE review advises that, "to satisfy the requirement of Section 163.3177(6)(a), F.S., the city and school district should revise the analysis to be based on the maximum development potential of the unplatted lands." As of this time, 999 lots have been platted or approved for platting. Therefore, the analysis provided by the city and school district and based on 164 units is that which is required. CPA-2010-L7, as indicated previously, has been revised to allow a maximum of 496 dwelling units, of which 256 are presently allowed. The amendment therefore results in an increase in the City of Brooksville's portion of the South Brooksville PDD area of 240 units. Using the school district's general multiplier of 0.358 students per dwelling unit, the amendment results in an increase of 86 students. Hernando County, in its companion amendment, has proposed a reduction from the presently allowed 2,786 units to 1,106 dwellings. The reduction in allowed dwelling units results in a decrease of 601 students in the unincorporated area. The overall decrease in the number of students from the South Brooksville PDD area will therefore total 515. It should also be noted that the City's increased number of students will be the result of projects in the South Brooksville PDD Transit Oriented Development area. Such development is not expected to occur in the 5-year short term planning period or before 2020. Any new develop that occurs in the area will be subject to concurrency requirements of Section 5.4 and Section 6 of the 2009 Amended and Restated Interlocal Agreement between Hernando County, City of Brooksville and Hernando County School Board, and the City of Brooksville's Land Development Code regulations regarding school concurrency.

Presented below is Table 11 containing student generation data and cumulative total is derived from the staff reports accompanying the proposed amendments and the school district's review.

**Table 11
Cumulative Public School Impacts**

Amendment	Dwelling Units	Elementary School Students	Middle School Students	High School Students	Total Students
CPA2010-L2	456	69	45	49	163
CPA2010-L3	450	68	44	49	161
CPA2010-L4	164	24	15	17	56
CPA2010-L5	110	16	10	11	37
CPA2010-L7	496	74	48	54	176
CPA2010-L8	52	7	5	5	17
CPA2010-S1	3	.46	.29	.33	1
CPA2010-S2	17	2	1	1	4
CPA2010-S4	2	.30	.19	.22	1
CPA2010-S9	8	1	.78	.87	2
CPA2010-S10	6	.91	.58	.22	1
Totals	1,764	262	169	188	619

Attachment E contains the data and analysis for the Hernando County School District. As the data indicate, all middle schools and high schools impacted by the amendments are projected to operate at acceptable levels of service with the addition of students generated by the amendments. The data further show that CPA 2010-L7 will primarily impact Brooksville Elementary School and result in a 109% level of service. Amendments CPA2010-L3, L4, L5, L7, L8, S1, S2, S4, S9 and S10 will impact Moton Elementary School and result in a projected 120% level of service. The impacts include the 74 students anticipated to be generated by the South Brooksville PDD amendment, the development of which, as noted above, is not anticipated to occur before 2020. Additionally, the total does not include the reduction proposed by Hernando County's companion amendment for the South Brooksville PDD. The Hernando County amendment will result in a reduction from the 420 elementary students that would be generated from the presently allowed dwelling units and who would attend Brooksville Elementary School to a total of 167 elementary students generated. The projected deficiency, as stated above, will be addressed through appropriate planning strategies. Appropriate planning strategies, as stipulated by the FDOE, are provided in Section 5.4 and Section 6 of the 2009 Amended and Restated Interlocal Agreement between Hernando County, City of Brooksville and Hernando County School Board, and the City of Brooksville's Land Development Code regulations regarding school concurrency. The 2009 Amended and Restated Interlocal Agreement between Hernando County, City of Brooksville and Hernando County School Board is provided in Attachment F. Attachment G contains the City of Brooksville's Land Development Code regulations addressing school concurrency.

- Transportation:*** *The proposed Future Land Use Map amendments (CPA-2010-L3, L4, L6, L7 and L8) increase development potential. However, the proposed amendments are not appropriately supported by a transportation analysis that is conducted based on the maximum development allowed by each amendment site using a professionally acceptable methodology (including assumptions, data sources, and description of methodologies used). Additionally, the City has not provided data and analysis that determines the impacts of the amendment within the study area. There is no data and analysis that includes the current LOS for each of the affected roadways, the remaining capacity for each of the affected roadways, the projected amount of growth at the end of the short-term planning period and at*

the end of the County's planning horizon, and showing the impact of the proposed FLUM amendments on the roadways as peak hour trips.

Recommendation – The City should provide traffic data and analysis to support the amendments. The analysis should address the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendments; (2) the impact of the peak hour vehicle trips (including the combined trips of FLUM amendments impacting the same road segment) on the projected operating level of service of the affected roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvement Element, and implementation through the five-year Schedule of Capital Improvements; and (5) coordination of the road improvements with plans of the Florida Department of Transportation.

City Response:

The Department's recommendation relates specifically to five proposed amendments that ostensibly added potential development beyond their existing FLUM designations. The five amendments include CPA-2010-L3, CPA-2010-L4, CPA-2010-L6, CPA-2010-L7 and CPA-2010-L8.

CPA-2010-L6 is proposed to be modified to allow a maximum development potential consistent with that allowed under its present Hernando County Future Land Use designation. The current designation is Industrial and, according to the Hernando County Comprehensive Plan, a maximum FAR of 0.50, or 375,705 square feet of floor space, would be allowed. The site is presently developed at an intensity far less than the maximum allowed and no new development is contemplated by the owner. Therefore, no new potential impacts are proposed. The text addressing the maximum potential for CPA-2010-L6 is as follows and is provided in Attachment A.

A. CPA2010-L6. Development of the parcel labeled as amendment CPA2010-L6 on the Future Land Use Map shall not exceed 375,705 square feet of building floor area.

With respect to CPA-2010-L7, Table 12 provides the number of residential dwelling units and nonresidential floor space presently allowed and proposed in the South Brooksville PDD area. The number of residential dwelling units and nonresidential floor area proposed within the South Brooksville PDD will not, as shown in the tables below, result in additional impacts. Table 13 provides transportation impact figures for the proposed uses at maximum intensities and densities in the South Brooksville PDD area and Table 14 provides figures for the presently allowed maximum densities and intensities in the area. A revised Policy reflecting the acreages and density and intensity limitations is provided in Attachment A.

Table 12
Existing and Proposed Acreage for Uses in the South Brooksville PDD Area

Land Use	Existing FLU	Proposed	Multiplier	Units	Existing FLU Units/Sq.Ft.	Proposed Units/Sq. Ft.
Residential	25.7	25.7	9.96 ¹	DU	256	256
Commercial	28.8	31.0	0.30	FAR	878,170	405,108
Industrial/Corporate Park	39.2	22.0	0.80	FAR	1,366,042	766,656
TOD – Residential	-0-	15.0	16	DU	-0-	240
TOD – Commercial	-0-	15.0	0.70	FAR	-0-	457,380

Notes: The area contains 6.9 acres of land designated as Multi-Family (18 du/ac) and 18.8 acres designated Single-Family (7 du/ac).

Table 13
Proposed South Brooksville PDD Public Facility Impacts for Roads

Land Use	Proposed	Units	Multiplier	Units	Vehicle Trips
Residential (Preserved)	256	DU	0.520	/DU	133
Commercial	405,108	Sq. Ft.	3.730	/1,000 Sq. Ft.	1,526
Industrial/Corporate Park	766,656	Sq. Ft.	0.860	/1,000 Sq. Ft.	659
TOD – Residential	240	DU	0.520	/DU	125
TOD – Commercial	457,380	Sq. Ft.	3.730	/1,000 Sq. Ft.	1,706
Total Impacts					4,149

Table 14
Existing South Brooksville PDD Area Public Facility Impacts for Roads

Land Use	Current FLU	Units	Multiplier	Units	Vehicle Trips
Residential	256	DU	0.520	/DU	133
Commercial	878,170	Sq. Ft.	3.730	/1,000 Sq. Ft.	3,276
Industrial	1,366,042	Sq. Ft.	0.860	/1,000 Sq. Ft.	1,175
Total Impacts					4,584

The following transportation analysis evaluates the impact of the maximum development potential of the remaining three proposed amendments (CPA-2010-L3, CPA-2010-L4 and CPA 2010-L8) on the surrounding network.

Trip Generation:

Trip generation characteristics for the project were calculated using the Institute of Transportation Engineers (ITE) Trip Generation, Eighth Edition. Table 15 provides the PM peak hour trip generation characteristics, based upon the following maximum development potential for each project: CPA-2010-L3 – 450 dwelling units, maximum development as single family detached; CPA-2010-L4 – 164 dwelling units, maximum development as single family detached; and CPA-2010-L8 – 52 multifamily units & 23,500 square feet of commercial (specific designation).

**Table 15
PM Peak Hour Trip Generation**

Amendment	Land Use	ITT Land Use Code	DU/Sq.Ft	PM Peak Hour Trips
CPA-2010-L3	Single-Family Detached	210	450 DU	455
CPA-2010-L4	Single-Family Detached	210	164 DU	166
CPA-2010-L8	Low-Rise Apartment	221	52 DU	30
	Shopping Center	820	23,500 Sq.Ft.	88

Source: ITE Trip Generation Manual, 8th Edition.

Background Traffic:

Existing

The latest available traffic counts (Hernando County 2008 Traffic Counts), compiled by the Hernando County MPO were utilized for this analysis. With development being stagnant over the two intervening years, the traffic counts should be relatively accurate for 2010. The PM Peak Hour traffic count for each affected roadway segment is depicted as “Existing” on Exhibit A (Impact on Existing Peak Hour Conditions).

Year 2015

In order to develop background traffic data for the horizon year for the Brooksville Comprehensive Plan, a growth rate of two percent (2%) per year was used. This growth rate was recommended by the Hernando County Engineering Department, even though present housing construction is well below that rate. The two percent growth rate was applied to the existing traffic volume in order to determine Year 2015 background traffic volumes. The PM Peak Hour traffic count for each affected roadway segment is depicted as “Background” on Exhibit B (Impact on 2015 Peak Hour Conditions).

Trip Distribution/Assignment and Transportation Impact Study Area:

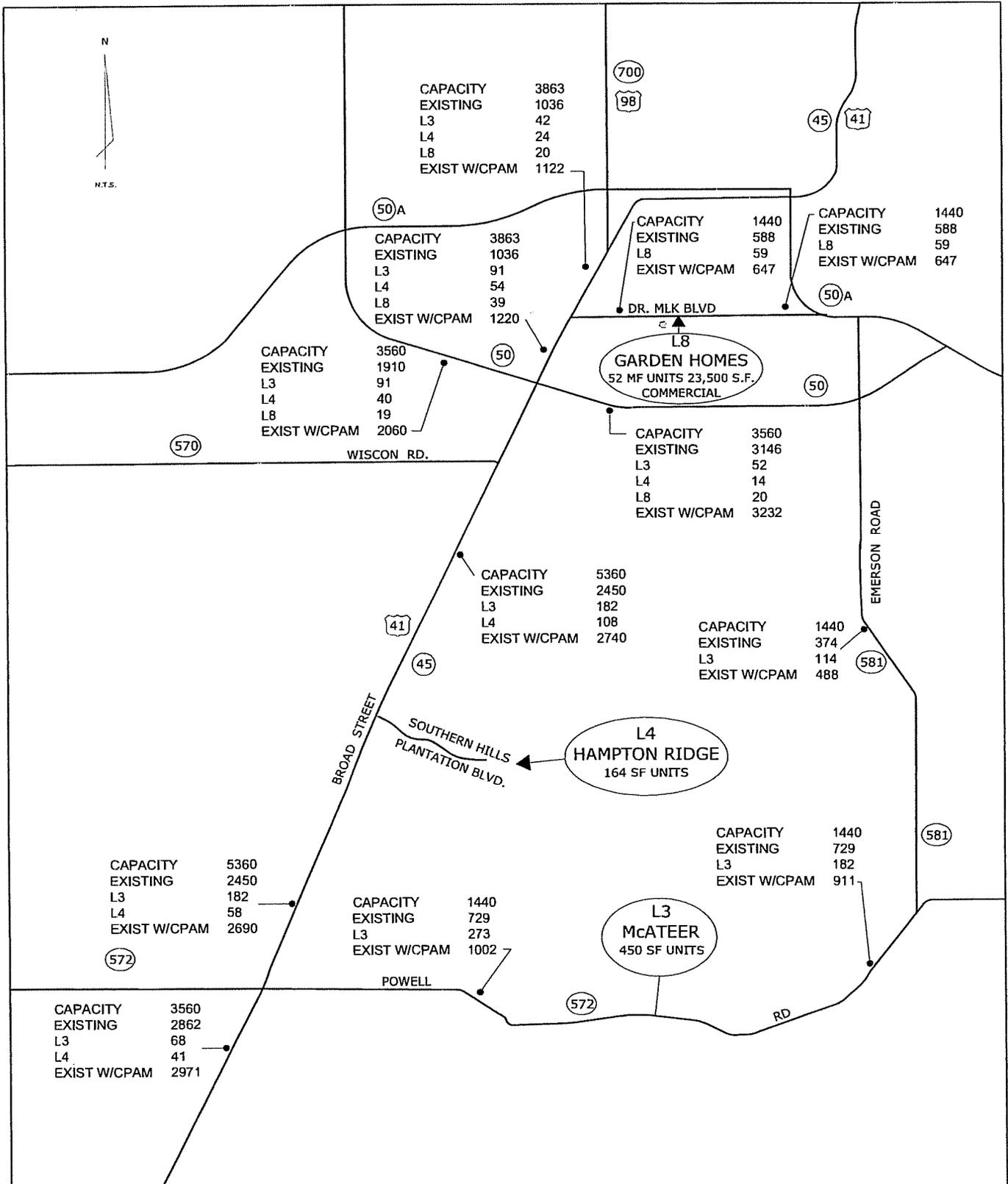
Exhibits A and B depict the transportation impact study area, which contains all surrounding roads, even where traffic generated by the project less than five percent (5%) of the maximum service volume at the adopted Level of Service. External project traffic, also depicted on Exhibits A and B, was distributed based on the existing traffic patterns in the area and engineering judgment. The projected PM peak hour traffic generated by each project (L3, L4 and L8) is identified on each link in exhibits A & B, along with the existing (Exhibit A) or background (Exhibit B) traffic and link capacity. Link capacity was determined from the 2009 FDOT Quality/Level of Service Handbook.

Conclusion:

As can be viewed directly from Exhibits A & B, the addition of the three proposed Comprehensive Plan amendments will not exceed the capacity of any of the surrounding roadway links, whether in 2010 or 2015. In most cases, significant capacity remains on the link. The City has one planned roadway, Governor Boulevard, that will connect Southern Hills Plantation Boulevard and SR 50, which will alleviate traffic on the most traveled link, SR 50 between US 41 and Emerson Road. Governor Boulevard, which will be funded primarily by the developer of Hampton Ridge (CPA L4), is scheduled for construction in the Year 2013-14, as can be viewed in the City of Brooksville’s adopted 5-Year CIE Plan (Table

8-2, "5 Year Schedule of Capital Improvements with Financial Feasibility Balance Statement").

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IMPACT ON PM PEAK HOUR CONDITIONS - 2010

CITY OF BROOKSVILLE CPAM DCA 10-1

DATE
09/27/2010

09008
EXHIBIT

A

B. Text Amendments

Future Land Use Element

8. **Percentage Distribution of Uses:** *The City is proposing to establish guidelines for the South Brooksville Planned Development District (SBPDD). Proposed Policy 1-5 of the Future Land Use Element, seeks to establish allowable uses and maximum acreages for each of the allowed uses in the development plan. Residential is included in the policy with a density of 16 dwelling units per acre. However, the policy does not include an acreage or percentage limitation on this use.*

Recommendation – Revise the policy to establish a percentage or acreage limitation for each use allowed within the SBPDD in order to ensure that a mixed use community is developed.

City Response:

The text of Policy 1-5 of the Future Land Use Element has been revised to provide maximum acreages for each use in the district. The maximum acreages are as follows and are provided in the text contained in Attachment A.

South Brooksville Planned Development District (SBPDD). The SBPDD shall provide for the orderly redevelopment of the South Brooksville area into a viable mixed-use community, while retaining the positive features of the existing neighborhood character.

~~Land Uses and Intensity.~~ The SBPDD designation consists of 1202 acres. Land uses permitted within the SBPDD shall include:

- ~~• The existing single-family residential uses neighborhood not exceeding approximately 80~~ 18.8 acres and up to 16.7 dwelling units per acre;
- ~~• The existing multi-family residential community not exceeding 6.9 acres and up to 18~~ dwelling units per acre;
- ~~• Highway-oriented, community and specialty retail not exceeding approximately 301~~ acres and a floor area ratio of 0.30;
- ~~• highway oriented commercial not exceeding 30 acres; business and Industrial and~~ Corporate Park space not exceeding approximately 60.22 acres and a floor area ratio of 0.80;
- ~~• Transit Oriented Development (TOD) located within approximately 0.25 miles of the~~ CSX railroad right-of-way and not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 16 dwelling units per acre;
- ~~• and Public use sites and facilities not exceeding approximately 4.9 acres; and~~
- ~~• Recreation uses on a minimum of approximately 21.3 acres.~~

9. **Intergovernmental Coordination:** *Proposed Policy 1-5 seeks to establish coordination mechanisms between the City and the County regarding redevelopment activities, policies and programs, and changes in zoning. However, the policy does not ensure coordination because it does not indicate the measures to be undertaken to achieve coordination between the City and the County.*

Recommendation – The policy should be revised to describe the coordination mechanisms to be used to ensure the implementation of the SBPDD as well as for redevelopment activities, and other planning programs.

City Response:

Intergovernmental coordination will be achieved as required in Objective 1 of the Comprehensive Plan Intergovernmental Coordination Element. Text to ensure coordination in the South Brooksville PDD is as provided below and in the text contained in Attachment A.

Coordination of Land Use Changes and Policies. The City shall coordinate redevelopment activities, policies and programs, and changes in zoning with Hernando County and community representatives consistent with the policies contained in Objective 1 of the Intergovernmental Coordination Element.

10. **Mix of Housing Types:** *Proposed Policy 1-5 requires a variety of housing types to be included in the SBPDD. However, the policy does not specify the housing mix (i.e., the number or percentage of units that will be single family and multi-family dwelling units); in the absence of this information, it is difficult to ensure that a mixture of housing types will be developed. Additionally, the policy also states that the “mix of housing types and a range of densities shall be encouraged.” The use of the word “encouraged” makes the policy uncertain and does not provide any meaningful guidance to implement a mix of housing types.*

Furthermore, proposed Policy 1-5 states, “Affordable and workforce housing may be considered in review of new mixed use and residential projects.” Also, the narrative as provided by the City states that the SBPDD “will be comprised of a variety of dwelling unit types catering to families, workers and retirees.” As written, Policy 1-5 does not ensure the inclusion of Affordable and Workforce housing in the development because it uses the phrase “may be considered”, which makes it uncertain and unpredictable.

Recommendation – *Revise Policy 1-5 to establish the amount of each housing type to be included within the SBPDD in order to ensure that a mixture of housing types is developed. The amount may be expressed in the form of a range. Additionally, Policy 1-5 should be revised to delete the phrase “may be considered” and require the provisions of affordable units in order to ensure that affordable and workforce housing are included in the development.*

City Response:

As agreed in the conference call with the Department on September 8, 2010, the text has been modified as provided below and is contained in Attachment A.

Housing

Housing Mix. Within the South Brooksville PDD, ~~a variety of housing types, flexible lot sizes, flexible setbacks, mixed uses and a range of densities shall be encouraged allowed.~~ New mobile home development shall be discouraged.

Affordable and Workforce Housing. Affordable and workforce housing ~~may~~ shall be considered in the review of new mixed use and residential projects.

11. **Lack of Intensity Standards:** *Proposed Policy 1-5, allowed Good Neighbor Trail Corridor, Highway Commercial, Employment Center, and Mixed Use Areas, respectively within the SBPDD, however, the policies do not include intensity standards for these categories.*

Chapter 163.3177(6)(a), F.S., requires that each future land use category include standards to be followed during development.

Recommendation – Revise the policies to include appropriate intensity standards for the uses allowed in the SBPDD in order to be consistent with the requirements of the law.

City Response:

The text of Policy 1-5 of the Future Land Use Element has been revised to provide intensity standards for all area land use sub-categories. The standards are as follows and are provided in the text contained in Attachment A.

Good Neighbor Trail Corridor. Property adjacent to the Good Neighbor Trail may be redeveloped with a mix of complementary specialty retail, services and residential/lodging uses. Specialty retail should include, but not be limited to, restaurants, bicycle shops, small commodity stores, art galleries, antique shops, consignment shops, bed & breakfast houses, and other compatible uses of similar scale and intensity. Residential uses shall not exceed 7 dwelling units per acre. The maximum floor area ratio for nonresidential uses shall be 0.30.

Highway Commercial. Highway commercial uses shall be located along the State Road 50/Cortez Boulevard and State Road 50A/Jefferson Street corridors and shall not exceed a 0.30 floor area ratio.

Employment Center

Employment Center. Light Industrial and Business Park uses will be encouraged along Main Street and the existing railroad corridor. When located along the railroad corridor, these uses should be compatible with future transit oriented development. The redevelopment of existing industrial areas compatible with the community is encouraged in order to provide employment opportunities and economic growth. Maximum floor area ratio for Light Industrial and Business Park uses shall be 0.80.

Mixed Use Areas

Mixed Use Areas. Mixed use areas should be planned and designed to incorporate a mix of uses, including, but not limited to, light industrial, office space, commercial and residential. Maximum residential density shall be 7 dwelling units per acre. Maximum floor area ratios shall be 0.30 for commercial uses and 0.80 for light industrial and office uses. New Heavy Industrial uses shall be prohibited.

- 12. Transit-oriented Development (TOD):** *Proposed Policy 1-5 of the SBPDD states that “development in proximity to the Tampa Bay Area Rapid Transit Authority (TBARTA) Master Plan shall be transit oriented type of uses, such as mixed uses, higher densities, and quality pedestrian environment.” However, the policy does not define the density and intensity of uses as well as other standards for development that will be required in these areas in order to ensure the development of a land use pattern that will support transit. Thus, the policy is not meaningful and predictable and will not ensure a TOD land use pattern.*

Recommendation - Revise the policy to establish the standard that will be applied to developments in proximity to the existing railroad Right-of-Way (ROW) identified as a regional transit corridor by the TBARTA Master Plan in order to ensure that a land use pattern that will be supportive of transit is developed in the area. The policy should establish

the minimum density that will be required in this area as well as the minimum standards for other uses in order to achieve a TOD pattern.

City Response:

The text of Policy 1-5 of the Future Land Use Element has been revised to provide intensity standards for the TOD sub-category. The standards are as follows and are provided in the text contained in Attachment A.

TOD Land Use Principles and Techniques. Development in proximity to the existing railroad ROW, identified as a regional transit corridor by the Tampa Bay Area Rapid Transit Authority (TBARTA) master plan, shall be oriented to land uses that are complementary to the use of Transit Oriented Development (TOD) principles and techniques. These techniques shall include, but not be limited to mixed uses, higher density development, diversity of housing, active ground floor uses, quality pedestrian environment, structured parking, non-auto oriented commercial, pocket parks, live-work units, gathering places and on-site bicycle facilities. Nonresidential uses shall be developed at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre.

ATTACHMENT A

CHAPTER 1

FUTURE LAND USE

Goal: To ensure that the character, magnitude, and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical, and economic environment, and enhances the quality of life of all residents. [9J5.006(3)(a)]

Objective 1: The City shall maintain land development regulations that effectively guide and manage future growth.

Policy 1-1: The City shall maintain a unified Land Development Code that will regulate: all land uses shown on the Future Land Use Map, the subdivision of land, the location, size and the height of signs, areas subject to seasonal or periodic flooding, and the type of land use based on suitability for the topography, soil conditions and the availability of facilities and services. [9J-5.006(3)(b)1] [9J-5.006(3)(c)1]

Policy 1-2 As part of the unified land development code, the City shall develop and adopt regulations that provide for drainage and stormwater design standards and protect potable water well fields and aquifer recharge areas.

Policy 1-3: The adopted, unified development code shall ensure that properly designed and safe ingress/egress is available to all sites, and that on-site traffic flow and parking shall be adequate to meet annual maximum daily requirements. [9J-5.006(3)(c)3]

Policy 1-4: The adopted, unified development code shall ensure and provide that development orders shall be issued only upon certification that water, sewer, and solid waste and other required services are available to serve the proposed development at the adopted level of service, or are committed to be available concurrent with a development's completion. [9J-5.006(3)(c)3]

Policy 1-5: In conformance with Objective 1 above, the City shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the Future Land Use Map and the adopted City Zoning Map. [9J-5.006(3)(c)7]

Density and intensity standards for land uses in the City of Brooksville are listed as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of ~~999~~ 1,163 residential units (~~1.2 dwelling units per gross acre~~), ~~160,000~~ 240,000 square feet of retail or office, 45,000 square feet of clubhouse and

associated activities, and a minimum of 350 acres of open space/recreational uses within the project boundary.

Majestic Oaks Mixed Use District. This is a mixed use district consisting of up to 999 residential units, up to 100,000 square feet of commercial/retail/office, up to 31,000 square feet of clubhouse and associated activities, and a minimum of 200 acres of open space/recreation uses within the project boundary. All development must meet the concurrency requirements of Chapter 163, Florida Statutes. Thus, more than 600 residential units, but fewer than 999 of the units allowed in this district, may be allowed through the rezoning process provided that the approved development meets the concurrency requirements, including transportation, as required by Chapter 163, Florida Statutes.

McAteer Residential Development District (MRDD). The project shall be permitted a maximum of 450 dwelling units and may include conventional single family, townhome, zero lot line, condominium, duplex, patio home and apartment units shall be developed as follows: A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided. The project shall be designed such that housing units are clustered to maintain open space; neighborhood parks shall be provided within each development pod; open spaces, parks and development pods shall be connected through the use of multi purpose trails and sidewalks, and; landscaping shall be drought tolerant (Xeriscape) as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*.

- Community Features. The MRDD shall incorporate the following features:
 - Cluster housing to maintain open space;
 - Open space and a neighborhood park within each development pod;
 - The interconnection of open spaces and residential pods through the use of multi-purpose trails and sidewalks;
 - Drought tolerant (Xeriscape) landscaping as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*; and
 - The protection of the site's natural areas.
- Zoning/Master Plan. The rezoning application shall include a master plan for approval.
- Housing Mix. The project may include a variety of housing types lot sizes, setbacks and densities.
- Definable Edge. The project shall provide a definable edge a minimum of 50 feet in width along the eastern project boundary.

- The edge shall consist of existing vegetation and shall be enhanced with the planting of additional native vegetation where appropriate.
- Open Space. A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided. shall be provided.
 - Protected Plant and Animal Species. Impacts to protected wildlife and plants shall be minimized through the use of on-site mitigation and preservation techniques in accordance with all applicable regulations.
 - Natural Resources/Site Suitability
 - Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access, utilities and utilization for stormwater projects. There shall be no net loss of wetlands.
 - Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
 - Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

South Brooksville Planned Development District (SBPDD). The SBPDD shall provide for the orderly redevelopment of the South Brooksville area into a viable mixed-use community, while retaining the positive features of the existing neighborhood character. ~~Land Uses and Intensity.~~ The SBPDD designation consists of 1202 acres. Land uses permitted within the SBPDD shall include:

- The existing single-family residential uses neighborhood not exceeding approximately 80 18.8 acres and up to 16 7 dwelling units per acre;
- The existing multi-family residential community not exceeding 6.9 acres and up to 18 dwelling units per acre;
- Highway-oriented, community and specialty retail not exceeding approximately 301 acres and a floor area ratio of 0.30;
- ~~highway oriented commercial not exceeding 30 acres; business and Industrial and Corporate Park space not exceeding approximately 60 22 acres and a floor area ratio of 0.80;~~
- Transit Oriented Development (TOD) located within approximately 0.25 miles of the CSX railroad right-of-way and not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 16 dwelling units per acre;
- and Public use sites and facilities not exceeding approximately 4.9 acres; and
- Recreation uses on a minimum of approximately 21.3 acres.

Features

The South Brooksville PDD redevelopment will incorporate the following features:

- a vision designed to retain the existing sense of neighborhood and community;
- coordinated infrastructure, sufficient to maintain the health and safety of the existing community, while accommodating growth;
- preservation of existing single-family neighborhoods;
- higher density single-family and multi-family housing located along and in close proximity to major roadway corridors and the railway corridor;
- a mix of land uses;
- a diversity of housing types and densities, including workforce and affordable housing;
- employment opportunities;
- community retail along the Martin Luther King corridor;
- highway oriented commercial along the SR 50 and SR 50A corridors;
- specialty retail and services along the “Good Neighbor Trail”;
- preservation of the Good Neighbor trailhead complex;
- historic preservation;
- transit oriented design techniques along the existing rail corridor consistent with the Tampa Bay Area Regional Transit Authority (TBARTA) master plan;
- integration of public uses and facilities within the SBPDD;
- provisions for neighborhood and community recreation facilities;
- promotion of safe pedestrian and non-vehicular movement;
- provisions for the use of appropriate design guidelines and redevelopment techniques within the SBPDD

Coordination of Governmental Entities, Actions and Programs

Community Awareness. In order to maintain a coordinated effort with the South Brooksville community and Hernando County, the City shall maintain ongoing coordination with community representatives and the County regarding redevelopment programs, proposals and activities that impact the SBPDD. Coordination shall include, but not be limited to, meeting with community groups, holding public information workshops and coordinating with community representatives consistent with the policies contained in Objective 1 of the Intergovernmental Coordination Element.

Coordination of Land Use Changes and Policies. The City shall coordinate redevelopment activities, policies and programs, and changes in zoning with Hernando County and community representatives.

Redevelopment Activities. Redevelopment activities shall be coordinated with the Enterprise Zone Program and business retention/recruitment programs.

Housing

Housing Mix. Within the South Brooksville PDD, ~~a variety of housing types,~~ flexible lot sizes, flexible setbacks, mixed uses and a range of densities shall be ~~encouraged~~ allowed. New mobile home development shall be discouraged.

Affordable and Workforce Housing. Affordable and workforce housing ~~may shall~~ be considered in the review of new mixed use and residential projects.

Commercial Development

Martin Luther King Corridor. Community commercial activity in South Brooksville will be located along the Martin Luther King Blvd. corridor. Appropriate design techniques for this corridor may include, but not be limited to, the following:

- The use of on street parking where safe and appropriate
- The use of reduced setbacks
- The placement of parking behind structures
- Provisions for retaining alleyways and the use of rear loading areas
- The use of architecture complimentary to the community's historic character
- The use of architectural detail, building articulation, traditional storefront looks, and overhangs
- The orientation of buildings toward streets and pedestrian areas
- The use of pedestrian connections and wider sidewalks
- The use of street furnishings and streetscape techniques
- The use of traffic calming techniques
- Flexible parking techniques

Good Neighbor Trail Corridor. Property adjacent to the Good Neighbor Trail may be redeveloped with a mix of complementary specialty retail, services and residential/lodging uses. Specialty retail should include, but not be limited to, restaurants, bicycle shops, small commodity stores, art galleries, antique shops, consignment shops, bed & breakfast houses, and other compatible uses of similar scale and intensity. Residential uses shall not exceed 7 dwelling units per acre. The maximum floor area ratio for nonresidential uses shall be 0.30.

Highway Commercial. Highway commercial uses shall be located along the State Road 50/Cortez Boulevard and State Road 50A/Jefferson Street corridors and shall not exceed a 0.30 floor area ratio.

Employment Center

Employment Center. Light Industrial and Business Park uses will be encouraged along Main Street and the existing railroad corridor. When located along the railroad corridor, these uses should be compatible with future transit oriented development. The redevelopment of existing industrial areas compatible with the community is encouraged in order to provide employment opportunities and economic growth. Maximum floor area ratio for Light Industrial and Business Park uses shall be 0.80.

Mixed Use Areas

Mixed Use Areas. Mixed use areas should be planned and designed to incorporate a mix of uses, including, but not limited to, light industrial, office space, commercial and residential. Maximum floor area ratios shall be 0.30 for commercial uses and 0.80 for light industrial and office uses. New Heavy Industrial uses shall be prohibited.

Transit Oriented Development

TOD Land Use Principles and Techniques. Development in proximity to the existing railroad ROW, identified as a regional transit corridor by the Tampa Bay Area Rapid Transit Authority (TBARTA) master plan, shall be oriented to land uses that are complementary to the use of Transit Oriented Development (TOD) principles and techniques. These techniques shall include, but not be limited to mixed uses, higher density development, diversity of housing, active ground floor uses, quality pedestrian environment, structured parking, non-auto oriented commercial, pocket parks, live-work units, gathering places and on-site bicycle facilities. Nonresidential uses shall be developed at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre.

Consistency with TBARTA. Transit Oriented Development shall be designed to be consistent with model policies developed by the Tampa Bay Area Rapid Transit Authority (TBARTA) and goals/objectives/policies established elsewhere in this plan related to mass transit, mobility and transit oriented development.

Recreation & Open Space

Open Space. Redevelopment of the South Brooksville PDD shall include the use of open space that provides active and passive recreational opportunities, visual aesthetics and environmental preservation within the community.

Recreation. Kennedy Park shall continue to be the focal point of active community recreation facilities. Additional neighborhood parks and open

space may be placed within the South Brooksville PDD to provide passive recreation opportunities and gathering spaces for community residents.

Multi-Purpose Pathways. Recreation areas and open spaces shall be connected by paths, greenways, bikeways and sidewalks to provide for neighborhood mobility.

Infrastructure

Utilities. All new development and redevelopment within the South Brooksville PDD shall be served by central sewer and water.

Drainage & Floodplain Management. Redevelopment in the South Brooksville area shall not impede the ability of drainage patterns and floodplain areas to function properly, or present risks of flooding or impeding drainage flow.

Timing. Water, sewer and drainage infrastructure shall be provided to support existing development, new development, and redevelopment of the SBPDD.

Grant Funding. Grant funding shall be researched, applied for, and utilized, to provide for water, sewer and drainage infrastructure to support existing development, new development, and redevelopment.

Streetlights. Streetlights shall be provided using an MSBU or other appropriate funding mechanism.

Transit and Mobility Alternatives. The mobility needs of the South Brooksville Community shall be met by providing transit and mobility alternatives/infrastructure consistent with the Hernando County transit development plan, the plans of the Metropolitan Planning Organization (MPO), the City of Brooksville, the Tampa Bay Area Rapid Transit Authority (TBARTA), and the Florida Department of Transportation (FDOT).

Traffic Calming. Traffic calming features shall be used to manage the speed and safety of traffic in the South Brooksville area.

Newgate Street. The Newgate Street alignment will be planned and utilized to provide for internal connectivity and the distribution of traffic.

Land Use Approvals

Rezoning. Rezoning requests shall utilize the Planned Development Project (PDP) review process.

Existing Land Uses. All existing land uses and zoning shall be considered as conforming and may remain until such time that redevelopment occurs.

Land Uses Allowed. In the South Brooksville Planned Development District, the proposed mix of land uses includes residential, commercial, office and a transit oriented development node.

Suburban Residential. Permissible densities shall be limited to a maximum of 2.5 dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process.

Single Family Residential. Permissible densities shall be limited to a maximum of 7 dwelling units per acre.

Mobile Home/Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

A. CPA2007-L2. Development of the parcel labeled as amendment CPA 2007-L2 on the Future Land Use Map shall be limited to not exceed 10 dwelling units per acre.

Mobile Home Residential. Permissible densities shall be limited to a maximum of 8 dwelling units per acre.

Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

Commercial. Lands classified as commercial use shall be used for the sale, rental and distribution of products or performance of services. The maximum allowable commercial intensity will be 0.70 floor area ratio and 70% lot coverage. For all commercial lots that are not subject to setback requirements in the Historic/Central Business District a 1.25 floor area ratio will be preserved.

A. CPA 2004-L1. Development of the parcel labeled as amendment CPA 2004-L1 on the Future Land Use Map shall be limited to not exceed 184,000 square feet of building floor area.

B. CPA2010-S7 and CPA2010-S8. Development of the parcels labeled as amendments CPA2010-S7 and CPA2010-S8 on the Future Land Use Map shall not collectively exceed 100,000 square feet of building floor area.

Industrial. The minimum lot size for industrial land use shall be 1 acre and allowed to a maximum lot coverage of 70% with a 0.80 maximum floor area ratio.

A. CPA 2010-L6. Development of the parcel labeled as amendment CPA2010-L6 on the Future Land Use Map shall not exceed 375,705 square feet of building floor area.

Agriculture. The minimum lot size for the agricultural land use category is 1 acre.

Recreational. This land use will not be limited to a minimum tract size. This land use shall have a maximum floor area ratio of 10%.

Conservation. The adopted land development regulations will assure that a site plan review process establishes the basis for site-specific development orders that protect and conserve conservation areas, with densities varying according to the environmental constraints. Wetlands in the City shall be designated as Conservation. Conservation Element Policies 2-6 and 2-7 describe the limited densities and intensities for development in wetlands.

Public Facilities and Land. Such areas are those areas that may be used for governmental purposes such as: utility, telecommunication, and transportation right-of-way and corridors; stormwater management facilities and structures; buildings and structures for governmental services; public libraries; public schools; churches, quasi-public entities and state and federal structures and buildings. Additional uses that may be permitted by the local government in this land use district include residential, commercial, industrial and mixed use. Governmental land uses will be allowed a maximum 1.25 Floor Area Ratio (FAR). Densities and intensities of residential, commercial, industrial and mixed use developments on properties designated as Public Facilities and Land shall be guided by the densities and floor area ratios of surrounding plan categories, including those of adjacent jurisdictions, to ensure compatibility with surrounding development. In instances where mixed uses are proposed, a maximum of 25 percent of the land area may be devoted to commercial land uses. Proposals to redevelop properties with residential, commercial, industrial and/or mixed uses shall be reviewed as Special Exception Uses. All development shall be subject to applicable development regulations.

Mixed Use. Mixed use developments will be permitted only within the Planned Development Project zoning district based on the approval of a site-specific development order. Provision of open space will be consistent with the requirements of the Planned Development Project zoning district. At a minimum, a mixed use development must include both residential and non-residential land uses. For purposes of the Mixed Use land use category, the Non-Residential land use category may include office, retail, light industrial, and recreational uses in addition to other uses specified in

said category. Allowed uses within the Conservation and the Public Facilities and Lands categories may also be part of a mixed use development.

For projects equal to or less than 10 acres: A minimum of 20% and a maximum of 80% of a mixed use project will be non-residential. The maximum allowable mixed use intensity shall be 0.70 floor area ratio and 70% lot coverage. A minimum of 20% and a maximum of 80% of a mixed use project will be residential, with residential densities up to 18 units per acre.

For projects greater than 10 acres: A minimum of 20% and a maximum of 80% of a mixed use project will be non-residential. The maximum allowable mixed use intensity shall be 0.70 floor area ratio and 70% lot coverage. A minimum of 20% and a maximum of 80% of a mixed use project will be residential, with an overall dwelling unit density limited to 7 dwelling units per gross acre, and a minimum of 10% open space. For mixed use projects over 10 acres the non-residential uses are limited to a maximum trip generation rate of 500 AADT per non-residential acre. Projects requesting reservation of infrastructure capacity will be required to enter into monitoring agreements with the City to ensure that the developer incurs a proportionate share of the cost of development.

Policy 1-6: The City shall ensure that proposed modifications to land use in follow-up to large-scale annexations promote responsible urban growth, safeguard natural resources, expand the City's economic base, and serve to implement best practices throughout the development process.

Policy 1-7: Use annexation and subsequent land use petition processing as a guide to the location, timing and character of development on the City's edge.

Policy 1-8: Whenever possible and appropriate, use annexations and subsequent land use petition processing as an opportunity to enter into an Interlocal agreement with Hernando County regarding responsibility and timing of services and infrastructure within the Joint Planning Area.

Policy 1-9: Estimate the fiscal impacts of proposed land use changes on levels of service and the City's costs and revenues; then apply this information in formulation of the city's Capital Improvement Program (CIP).

Objective 2: The City shall maintain a City Zoning Map that ensures future development and redevelopment activities are located in appropriate areas of the City as illustrated on the adopted Future Land Use Map, which shall be consistent with sound planning principles and provide for control of urban sprawl in conformance with directives of the adopted Future Land Use Element. [9J-5.006(3)(b)2] [9J-5.006(3)(b)8]

- Policy 2-1:** The City shall continue to encourage the use of innovative land use development techniques such as planned development projects, zero lot line patio home subdivisions, cluster housing techniques and mixed use developments. [9J-5.006(3)(c)5]
- Policy 2-2:** Concentrate higher density and intensity growth in and around areas that are adequately served by transportation facilities, public utilities, and community services and facilities.
- Policy 2-3:** Locate future land uses at densities and intensities that will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.
- Policy 2-4:** High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.
- Policy 2-5:** Residential subdivisions shall be designed to include an efficient system of internal circulation, including the provision of external collector streets, where applicable, to feed the traffic onto external arterial roads and highways.
- Policy 2-6:** Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.
- Policy 2-7:** Protect residential areas from incompatible commercial and industrial uses. [9J-5.006(3)(c)2]
- Policy 2-8:** Provide residential areas of sufficient density to economically support adequate community facilities.
- Policy 2-9:** Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.
- Policy 2-10:** Discourage isolated residential developments that require higher service costs through the proper implementation of policies 2-2, 2-3, 2-5, 2-8, 2-11, 2-13, and other appropriate adopted policies of this plan.
- Policy 2-11:** Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.
- Policy 2-12:** Approve the location of new development on the basis of the land’s ability to support such uses without adversely affecting the natural environment

through the use of proper site plan review procedures and appropriate mitigation measures.

- Policy 2-13:** Prior to approval of locating future development, evaluate the impact of development on existing land use in relation to employment, transportation, and essential services such as sewer, water, police and fire protection, and schools.
- Policy 2-14:** Promote development of commercial areas that are convenient to the public, and well integrated into the transportation system and surrounding land uses.
- Policy 2-15:** Encourage commercial uses to locate in designated commercial nodes as directed in the Future Land Use Element.
- Policy 2-16:** Discourage commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas through the use of proper site plan procedures and adopted floodplain management policies in the Conservation Element of this plan.
- Policy 2-17:** Locate planned shopping centers and developments serving regional and community-wide markets at the intersections of existing and proposed arterial roadways in order to improve accessibility and minimize unnecessary traffic.
- Policy 2-18:** Locate neighborhood shopping facilities within defined neighborhoods, situated on collector roads.
- Policy 2-19:** Concentrate heavy commercial activities and buffer them from residential and open space areas.
- Policy 2-20:** Require adequate off-street parking and loading facilities in all commercial areas.
- Policy 2-21:** The City shall, through application of proper development review procedures, permit industrial development that is compatible with the natural environment, while planning the development of prime industrial land in accordance with anticipated development trends.
- Policy 2-22:** Specifically permit the type, intensity and location of industrial development in such a way as to foster a diversified economic base while not being detrimental to the City's aesthetics and quality of life, through appropriate zoning district designation and adherence to proper planning principles.

- Policy 2-23:** Designate the expansion of industry in those areas already having industrial amenities.
- Policy 2-24:** Disallow industry from locating in residential areas.
- Policy 2-25:** Permit the clustering of industrial activities in industrial parks located in designated Industrial Nodes, which are environmentally suitable and accessible to adequate transportation facilities.
- Policy 2-26:** Protect existing industrial areas from encroachment by residential and non-compatible commercial uses.
- Policy 2-27:** Separate industrial districts from residential and commercial districts through adequate buffering and screening.
- Policy 2-28:** Provide an adequate amount of land suitable to meet the growing industrial and employment needs of the City.
- Policy 2-29:** Disapprove industrial rezoning requests for lands that are not located in Industrial Nodes or are incompatible with adjacent land uses.
- Policy 2-30:** Disallow industrial activities from locating in wetlands and other environmentally sensitive areas.
- Policy 2-31:** The City shall formally adopt Land Use Element maps that indicate 100-year flood hazard areas, ponding and wetlands areas, and stormwater drainage system conduits as city conservation areas, until such time as a Master Stormwater Drainage Study is completed and adopted to specifically designate sites and acreages to be reserved for conservation use.
- Policy 2-32:** By January 1, 2010, the City shall adopt an ordinance to protect existing and future potable water supply sources, providing criteria for establishing protection areas for wellheads and wellfields and for identifying and restricting inappropriate activities and land uses within these areas consistent with the requirements of Rule 9J-5, F.A.C. and Rule 62-521. Until such an ordinance is adopted, all hazardous materials facilities including small quantity generators and all industrial uses shall be prohibited from wellhead protection areas as delineated by the Southwest Florida Water Management District as a part of the county's Water Resource Assessment Project (WRAP) and mapped in the City's Future Land Use Map series. [9J-5.006(3))(c)6]
- Policy 2-33:** Mixed land uses shall be permitted in the designated Central Business District (CBD) upon approval of a Special Exception Use Permit in accordance with the directives of the Future Land Use Element and zoning

district designations specified in the adopted Land Development Code, and in conformance with the zoning district classification appearing on the City Zoning Map to promote a historic, pedestrian, residential and business character for the CBD.

Policy 2-34: Schools are permitted in all land use categories except Conservation. Schools may be allowed in any zoning district subject to approval as a special exception use. The level of service standards for educational facilities are set forth in the Public School Facilities Element (Chapter 11) and the Capital Improvements Element (Chapter 8) of this Comprehensive Plan. The City of Brooksville shall encourage the location of public elementary, middle, K-8 and high schools based on the criteria established by Chapter 11 of this plan.

Policy 2-35: Allow electric distribution substations in all land use categories but, if possible, avoid locating substations where they would be incompatible with adjacent land uses.

Policy 2-36: Require the compatibility of electric distribution substations with surrounding land uses (including heightened setback, landscaping, buffering, screening, lighting, etc.) as part of a joint public/private site planning effort.

Objective 3: The City shall maintain measures to ensure that all public facilities and services necessary to meet adopted level of service standards are available concurrent with the impacts of development.

Policy 3-1: Development permits shall be issued only upon certification that a stormwater permit has been issued or exempted by the Southwest Florida Water Management District under F.A.C. 40D-4.

Policy 3-2: Development permits shall be issued only when level of service for stormwater management can be met and demonstrated to the Departments of Public Works and Community Development by site design plans. [9J-5.006(3)(c)4]

Policy 3-3: On-site traffic flow shall be controlled for safety with appropriate marking and signage while minimizing egress onto arterial roads and providing a share of frontage road as designated in the Transportation Element.

Policy 3-4: On-site parking requirements for multi-family and commercial development shall be required to provide adequate parking for conditions of maximal demand.

Policy 3-5: Require the dedication and construction of frontage roads, to minimize the number of curb cuts on major roads.

- Policy 3-6:** The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.
- Policy 3-7:** The developer/owner of any site shall retain ultimate responsibility for on-site construction, maintenance, and management of stormwater runoff, which shall be provided in such a manner that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.
- Policy 3-8:** Land development that impacts public educational facilities shall not be permitted if school concurrency cannot be achieved as provided for in the Public School Facilities Element (Chapter 11) of this Comprehensive Plan.
- Policy 3-9:** Establish a uniform procedure for determining whether development applications are in compliance with school concurrency.
- Policy 3-10:** Before issuing a building permit, require verification from the local water supplier that adequate water will be available to serve new development by the date of issuance of a Certificate of Occupancy.
- Policy 3-11:** Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit. [163.3180(2)(c)]
- Objective 4:** Not later than December 2010 the City shall amend its land development regulations to provide protection to known historic resources through financial and regulatory incentives and through land development review procedures that identify such resources as part of the development review. [9J-5.006(3)(b)4]
- Policy 4-1:** Historic Districts shall be designated on the Future Land Use Map of the Comprehensive Plan, and the purpose and procedures for preserving each historic district, its character and structure shall be adopted as part of a land development regulation not later than December 2009.
- Policy 4-2:** If City construction activities reveal a suspected historic or prehistoric archaeological site, the City shall determine the extent and nature of the site and report such findings to the State of Florida, by a Master Site File application, and mitigate any impacts upon the site if the site is determined to be relatively intensive in cultural remains, or significant to the archaeological or historical record. Such determination of site extent, nature and significance shall be made by a professional archaeologist as recognized by the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation.

- Policy 4-3:** The City shall negotiate with land owners prior to the development review process, to avoid or mitigate disturbance of known historic and prehistoric sites.
- Policy 4-4:** The City shall consider obtaining "Certified Local Government" status as recognized by the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation as a means to protect and preserve historic resources in the City.
- Objective 5:** The City shall implement Housing Element directives for renewal and revitalization of substandard housing target areas within time frames and scope of assistance as identified within the element.
- Policy 5-1:** The City shall utilize available governmental programs as appropriate for renewal and revitalization of substandard housing target areas as identified in the Housing Element.
- Objective 6:** The City shall maintain specific mechanisms that reduce or eliminate existing land uses that are inconsistent with or do not further the historical, natural and economic environment that define the overall character of the community. [9J-5.006(3)(b)3]
- Policy 6-1:** The City shall, through the adoption of the Future Land Use Element, Map Series, Unified Land Development Code and City Zoning Map, reduce or eliminate land uses that are inconsistent with the community's character. [9J-5.006(3)(c)2]
- Objective 7:** The City shall maintain regulations to ensure protection of the City's natural resources.
- Policy 7-1:** The City shall, through initiation and enforcement of the goals, objectives and policies of the adopted Comprehensive Plan and adoption and implementation of the City's Land Development Code, provide protective mechanisms for the City's natural resources.
- Policy 7-2:** The zone of protection shall be determined for each city potable water well by a hydrologist, and these identified physical boundaries shall be the basis on which the use of hazardous substances, and certain land uses which in and of themselves have a likelihood to endanger potable water supplies, shall be restricted. These substances and/or uses shall be restricted and/or specially regulated for the purpose of protecting potable water supplies. [9J-5.006(3)(c)6]
- Policy 7-3:** All environmentally sensitive land in the City including ponds, wetlands, streams, and/or sinkholes and their associated vegetative communities shall be conserved and protected from the effects of urbanization and

development activities through proper site plan review procedures and mitigation measures. [9J-5.006(3)(b)4]

Objective 8: In conformance with concurrency objectives of the adopted Comprehensive Plan, the City shall ensure that suitable land is available for utility facilities to support proposed development as applicable and necessary.

Policy 8-1: The City shall monitor, evaluate, and provide level of service (LOS) standards as applicable for utility facilities to support proposed development.

Objective 9: The City shall maintain innovative land development regulations. [9J-5.006(3)(b)10]

Policy 9-1: The adopted City Land Development Code shall provide criteria and standards to accommodate innovative land development techniques such as those identified in Policy 2-1 of this element.

Policy 9-2: Utilize existing inventories of land use information to identify and prioritize infill development sites; then coordinate with the Hernando County Office of Business Development to make this information better available to the private sector.

Policy 9-3: Direct economic development incentives to projects that adaptively reuse existing structures and features of the built environment.

Policy 9-4: Through the land development and permitting processes, cooperate with the private sector to recognize and maintain the integrity of the City's historical built environment.

Policy 9-5: Ensure that appropriate land, infrastructure and amenities are available to attract high technology and other industrial development that is compatible with the local labor force, raw materials and landform/environmental constraints.

Objective 10: The City shall consider the elimination or reduction of future land uses that are inconsistent with the Hernando County Local Hazard Mitigation Strategy and other existing and future interagency hazard mitigation reports. [9J-5.006(3)(b)6]

Policy 10-1: The City shall review interagency hazard mitigation reports as they become available to determine if actions are appropriate to eliminate or reduce future land uses that are inconsistent with the report.

BIOTIC EVALUATION

of the

456.34 ACRE MCATEER PARCELS

located in

**Sections 2, 3, 10, 11 and 14, Township 23 South, Range 19 East
Hernando County, Florida**

prepared for

**LandMar Group LLC
14055 Riveredge Drive, Suite 225
Tampa, FL 33637**

by

Coastal Engineering Associates, Inc

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1.0 EXECUTIVE SUMMARY

The gopher tortoise (*Gopherus polyphemus*) and the Florida Sandhill Crane (*Grus canadensis pratensis*) were the only two listed species detected on or in the vicinity of the subject property. The subject property consists of mostly pine flatwoods and a former tree plantation in the northern area, pastureland and hardwood-conifer mixed forest in the central area, as well as pastureland, hardwood-conifer mixed forest and citrus tree crops in the southern area. A few freshwater wetlands were also spotted throughout the property. The potential for occurrence of listed species is low due to the alteration of the property by several disturbances including grazing cattle on pastureland, citrus crop harvesting and tree plantations. The gopher tortoise and the Florida Sandhill Crane were the only listed species detected utilizing the subject property.

2.0 INTRODUCTION

Coastal Engineering Associates, Inc. (Coastal) has completed a site-specific environmental evaluation of the 456.34 acre parcel known as McAteer Parcels. The purpose of this evaluation was to determine general site characteristics, identify vegetation communities on the subject site, and the potential for occurrence of fauna and flora species listed as endangered, threatened, species of special concern, or commercially exploited by either federal or state agencies. Over 400 man-hours of fieldwork during May 2006 were spent on the project site conducting wildlife surveys and wetland delineations. Specifically, the wildlife surveys took place from May 15 through May 19. This report includes the following:

1. Identification of ecological communities within the boundaries of the subject site using the Florida Land Use, Cover and Forms Classification System (FLUCFCS);
2. Results of a pedestrian survey of fauna within the subject site to determine if protected species listed in *Florida's Endangered Species, Threatened Species and Species of Special Concern, Official List (29 January 2004)*; and
3. Results of a pedestrian survey of flora within the subject site to determine if protected species listed in *Florida's Endangered Species, Threatened Species and Species of Special Concern, Official List (29 January 2004)*.

2.1 Site Overview

The 456.34 acre parcel is located in Sections 02, 03, 10, 11 and 14, Township 23 South, Range 19 East, Hernando County, Florida, approximately five miles south of downtown Brooksville. The subject property is situated to the north of Powell Road and west of Culbreath Road, approximately three and one-half miles east of US 41 (Broad Street). The Northern Seaboard Coast Line Railroad is located along the northwestern property boundary. The site is bounded by rural-residential properties to the south and east and open land and forest to the north and west.

2.2 Topography

According to the USGS 7.5 minute quadrangle topographic map, elevation on the site is approximately 220 feet National Vertical Geodetic Datum (NGVD) in open/pasture land along the southern ridge of the property sloping north to a low of approximately 100 feet NGVD towards the central portion of the property and finally sloping back up to approximately 130 feet NGVD along the northwestern edge of the property.

2.3 Soils

According to the *USDA Soil Conservation Service soil Survey of Hernando County, Florida* the site consists of the following soil types (see section 9.2 for soil map):

Arredondo fine sand, zero to five percent slope

This is a nearly level to gently sloping, well-drained soil on the uplands. This soil has low available water capacity in the surface and subsurface layers, and medium to high available water capacity in the subsoil. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Blichton loamy fine sand, two to five percent slope

This is a gently sloping, poorly drained soil that is commonly found in small areas on uplands. The water table is at a depth of less than 10 inches for cumulative periods of 1 to 4 months during most years. During drier seasons it recedes to a depth of more than 40 inches. Permeability is rapid in the surface layer and moderate to moderately slow in the subsoil. The available water capacity is low in the surface layer and medium to very high in the subsoil.

Electra variant fine sand, zero to five percent slope

This is a nearly level to gently sloping, somewhat poorly drained soil found on upland ridges. During most years, under natural conditions, the water table is found at a depth of 20 to 40 inches for cumulative periods of four months, and recedes to a depth of more than 40 inches during drier months. This soil has very low available water capacity in the surface layer and low to medium available water capacity below. Permeability ranges from rapid to moderate.

Flemington fine sandy loam, zero to two percent slope

This is a nearly level, poorly drained soil on the uplands. During most years, under natural conditions, the water table is perched in the A horizon. The upper part of the Bt horizon is saturated for one to four months during wet seasons. This soil has medium available water capacity in the surface layer and medium to high available water capacity in the subsoil. Permeability is rapid in the surface layer and very slow in the subsoil.

Flemington fine sandy loam, two to five percent slope

This is a gently sloping, poorly drained soil found on uplands. This soil type has a perched water table above the Bt horizon, and the upper part of the Bt horizon is saturated for one to four months during the wet season. This soil has a medium available water capacity in the subsoil. Permeability is rapid in the surface layer and very slow in the subsoil.

Flemington fine sandy loam, eight to twelve percent slope

This is a strongly sloping, poorly drained soil on the uplands. Under natural conditions this soil is saturated for one to four months during most years. Seepage water comes to the surface during wet seasons. This soil has medium available water capacity in the surface layer and medium to high available water capacity in the subsoil. Permeability is rapid in the surface layer and very slow in the subsoil.

Floridana Variant loamy fine sand

This is a nearly level, very poorly drained soil in depressions and along poorly defined drainage ways. In most years, under natural conditions, the water table is above the surface for six months or more. Floridana variant soils have medium available water capacity. Permeability is rapid in the surface layer, moderate to moderately rapid in the upper part of the subsoil, and slow below.

Nobleton fine sand, zero to five percent slope

This is a nearly level to gently sloping, somewhat poorly drained soil occurring in broad areas within uplands. This soil has a perched water table at a depth of 20 to 40 inches for one to four months during the rainy season. Available water capacity is low in the surface layer and medium to high in the subsoil. This soil type has rapid permeability in the surface and subsurface layers, and moderate to moderately slow permeability in the subsoil.

Wauchula fine sand, zero to five percent slope

This is a nearly level to gently sloping, poorly drained soil found on broad, low areas occurring in flatwoods and along hillsides in uplands. During most years the water table is at a depth of less than 10 inches for one to four months. However, during drier periods the water table can drop to a depth of 40 inches or greater. This soil type has a low available water capacity in the sandy surface and subsurface layers, and a medium to high available water capacity below that depth. Permeability is rapid in the sandy surface and subsurface layers and moderate to rapid below.

3.0 METHODOLOGY

State and federal literature was reviewed to determine listed/protected flora and fauna species having the potential to occur on the subject property based on known habitat preferences and geographical distribution. *Florida's Endangered Species, Threatened Species, and Species of Special Concern, Official List* (29 January 2004) published by the Florida Fish and Wildlife Conservation Commission (FWC) was used to establish state and federal status of species. This list was cross referenced with a list from the Florida Natural Areas Inventory (FNAI) internet file (2005) of listed/protected flora and fauna species reported, confirmed, or having the potential to occur in Hernando County. The FWC database for wading bird rookeries, bald eagle nests and black bears was reviewed for occurrences of species within three miles of the project area.

All ecological communities were examined and classified following the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1985). Maps and aerial photographs used to assist in habitat characterization included:

- USGS 7.5 minute quadrangles topographic maps, 1:24000, Brooksville, FL 1954 (Photo revised 1988) and Masaryktown, FL 1954 (Photo revised 1988)
- 2005 Digital Orthophoto Quarter Quadrangle (DOQQ) False color Infrared

- Hernando County aerial photograph, Scale 1" = 200' (2004)

The subject site was surveyed by ATV and on foot for the occurrence of species protected or listed by either the Florida Fish and Wildlife Conservation Commission (FWC), the US Fish and Wildlife Service (USFWS), or the Florida Department of Agriculture (FDA) based on known habitat preferences and geographical distribution. Survey methodology was based on the FWC document entitled *Wildlife Methodology Guidelines* (January 1988) and modified to fit the scope of the project.

4.0 HABITAT CHARACTERIZATION

4.1 Uplands

210: Cropland and Pastureland

A majority of the central portion and a small part of the southern portion of the subject site are comprised of this vegetative cover type. Tree cover is sparse and consists predominately of live oak (*Quercus virginiana*) intermixed with slash pine (*Pinus elliottii*). Ground cover includes bahia grass, various pasture grasses and ruderal plant species.

220: Tree Crops

Part of the southern portion of the subject site consists of a citrus grove growing what appear to be oranges. Ground cover includes beggarticks (*Bidens alba*), bahiagrass (*Paspalum notatum*) and tropical Mexican clover (*Richardia brasiliensis*).

411: Pine Flatwoods

A majority of the northern portion of the subject site consists of this vegetative cover type. This is a densely forested cover with canopy tree species present including slash pine (*Pinus elliottii*) intermixed with longleaf pine (*Pinus palustris*). The understory is comprised primarily of saw palmetto (*Serenoa repens*), sparkleberry (*Vaccinium arboreum*), gallberry (*Ilex coriacea*), and a variety of herbs and brush.

434: Hardwood – Conifer Mixed

A majority of the southern portion of the subject site consists of this vegetative cover type. This is a densely wooded cover with a canopy comprised predominantly of slash pine (*Pinus elliottii*) intermixed with southern magnolia (*Magnolia grandiflora*), sweetgum (*Liquidambar styraciflua*),

laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*) and American holly (*Ilex opaca*). A shrubby understory is present and consists of wax myrtle (*Myrica cerifera*), myrtle oak (*Quercus myrifolia*), large sweet gallberry (*Ilex coriacea*), and sparkleberry (*Vaccinium arboreum*). Ground cover includes saw palmetto (*Serenoa repens*), groundsel tree (*Baccharis halimifolia*), resurrection fern (*Pleopeltis polypodioides*), coralbean (*Erythrina herbacea*), bluestem (*Andropogon* spp.), and various annual forbs and grasses over a thick bed of leaf litter.

According to the Florida Department of Transportation FLUCCS mapping system, the majority of the northern portion of the subject site was classified as Pine Flatwoods, however, much of the northeastern portion of the property was much more indicative of a Hardwood – Conifer Mixed community. Predominant tree cover within this area includes slash pine (*Pinus elliottii*), longleaf pine (*Pinus palustris*), sweetgum (*Liquidambar styraciflua*), laurel oak (*Quercus laurifolia*) and American elm (*Ulmus americana*). The understory consists of wax myrtle (*Myrica cerifera*), large sweet gallberry (*Ilex coriacea*), sparkleberry (*Vaccinium arboreum*), saw palmetto (*Serenoa repens*) and coralbean (*Erythrina herbacea*).

440: Tree Plantations

A portion of the subject site located towards the northwestern corner appears to have once represented this vegetative cover type. The canopy is comprised almost entirely of dense longleaf pine (*Pinus palustris*) in uniform rows. The understory is becoming overgrown with various vine species, bracken fern (*Pteridium aquilinum*), sand blackberry (*Rubus cuneifolius*) and saw palmetto (*Serenoa repens*) over a bed of pine needles. There is also a portion of the central area, just above open pastureland, that is relatively young slash pine (*Pinus elliotti*) in uniform rows with no understory.

4.2 Wetlands

510: Streams and Waterways

Several portions of the subject site contain seepage and drainage areas. Typical wetland vegetative cover consists of slash pine (*Pinus elliottii*), water oak (*Quercus nigra*), southern magnolia (*Magnolia grandiflora*), American elm (*Ulmus americana*), red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), and cabbage palm (*Sabal palmetto*). Ground cover includes soft rush (*Juncus effusus*), cattail (*Typha* spp.), pickerelweed (*Pontederia cordata*),

buttonbush (*Cephalanthus occidentalis*), primrose willow (*Ludwigia* spp.), and a variety of lichens and mosses over leaf litter.

530: Reservoirs

A reservoir is located at the bottom of the slope on the southern portion of the subject site around a freshwater marsh. The reservoir provides flood control and irrigation for the sloped area to the south, as well as the surrounding pastureland to the north.

641: Fresh Water Marshes

A few fresh water marsh systems were observed on the subject site. These are wetland communities dominated by grasses, sedges, rushes and/or other herbaceous plants in an area where soil is usually saturated or covered with surface water most of the time. Vegetation in these areas includes soft rush (*Juncus effusus*), flat sedge (*Cyperus* spp.), spike rush (*Eleocharis* spp.), cattail (*Typha* spp.), pickerelweed (*Pontederia cordata*), buttonbush (*Cephalanthus occidentalis*), Carolina willow (*Salix caroliniana*), primrose willow (*Ludwigia* spp.), big carpetgrass (*Axonopus furcatus*) and dock (*Rumex* spp.).

643: Wet Prairies

A wet prairie is located on the northwest portion of the subject site around the north edge of a lake. It is composed of dominantly grassy vegetation on wet soils. Predominate vegetation includes maidencane (*Panicum* spp.), spike rush (*Eleocharis* spp.) and swamp lily (*Crinum americanum*).

4.3 Protected Trees

The Hernando County Tree Ordinance prohibits removal of trees eighteen inches in diameter at breast height (DBH) and larger without approval and appropriate mitigation. There are a few regulatory trees dispersed throughout the property. A tree survey may be required for permitting purposes.

5.0 RESULTS

5.1 Fauna

Twenty protected wildlife species have the potential to occur in the study site based on habitat preference and known geographical distribution. Preferred habitat for the majority of these

species is marginal and/or limited, therefore the likelihood of occurrence of these species on the subject property is relatively low. See section 9.4 for a table of listed species with the likelihood of occurrence on the subject property. The wildlife surveys detected only two protected wildlife species, the gopher tortoise (*Gopherus polyphemus*) and the Florida Sandhill Crane (*Grus Canadensis pratensis*) to be present on site. The following paragraphs discuss the absence of additional listed species and their potential for occurrence.

The wildlife species that have the potential of occurring within the subject site include: the gopher tortoise (*Gopherus polyphemus*), eastern indigo snake (*Drymarchon corais couperi*), Florida burrowing owl (*Athene cunicularia floridana*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), short-tailed snake (*Stilosoma extenuatum*), gopher frog (*Rana capito*), red-cockaded woodpecker (*Picoides borealis*), southeastern American kestrel (*Falco sparverius paulus*), Florida scrub jay (*Aphelocoma coerulescens*), Florida black bear (*Ursus americanus floridanus*), Sherman's fox squirrel (*Sciurus niger shermani*), American alligator (*Alligator mississippiensis*), little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), white ibis (*Eudocimus albus*), tricolored heron (*Egretta tricolor*), wood stork (*Mycteria Americana*), bald eagle (*Haliaeetus leucocephalus*) and the Florida sandhill crane (*Grus Canadensis pratensis*).

Gopher Tortoise and Commensal Species:

The gopher tortoise is a state listed Species of Special Concern regulated by the FWC. Gopher tortoises are commonly found in areas occurring on well-drained soils associated with sandhills, scrub, xeric oak hammocks and dry pine flatwoods. Disturbed areas such as pastures, citrus groves and road shoulders may also be utilized. Although the project site is not ideal habitat for the gopher tortoise (*Gopherus polyphemus*), this species can frequently be found in less than optimum habitat in very low populations throughout much of central Florida. Their density depends on a number of factors including light intensity at ground level, diversity of grasses and forbs on which to feed, and soil conditions. The majority of the subject site contains sub-optimal gopher tortoise habitat due to the dense vegetative cover of shrubs/trees and poorly drained soils, as well as site alterations including cattle grazing, citrus growing and tree farming. Four burrows, three active and one inactive, were observed in the pine flatwoods area and around the south edge of the tree plantation area on the northern portion of the property. All burrows located were in open sandy areas along paths. Further investigation on foot in the forested

areas surrounding paths found no other burrows. It is illegal to harass, harm, or destroy gopher tortoises in the State of Florida without a permit. Therefore, to develop the subject property, a permit from the Florida Fish and Wildlife Conservation Commission will be required.

Several other protected species commensal with the gopher tortoise and known to occur in Hernando County including the Eastern indigo snake (*Drymarchon corais couperi*), Florida burrowing owl (*Athene canicularia floridana*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), short-tailed snake (*Stilosoma extenuatum*), and the gopher frog (*Rana capito*) may have the potential to occur on site. These species may utilize gopher tortoise burrows for nesting and/or shelter and could be expected to inhabit nearby areas utilized by gopher tortoises. However, due to the low number of gopher tortoise burrows found and none of the aforementioned commensal species being observed during the wildlife surveys, it is unlikely that any of these species are present.

Red-cockaded Woodpecker:

There is the potential for the red-cockaded woodpecker (*Picoides borealis*) to occur on site given known geographical distribution and habitat preference. This species prefers open stands of pines with a minimum age of 60 years to provide roosting and nesting requirements. Frequently burned stands of mature longleaf pine with a diversity of grasses, forbs, and shrub species are most commonly used, but habitats including other species of southern pine are also acceptable. Foraging habitat is pine and pine hardwood stands 30 years old or older with foraging preference for pine trees 10 inches and larger in diameter. Pine woodlands are present on site. However, lack of mature pines, lack of fire and past tree farming indicates that it is unlikely that the subject site would provide sufficient habitat to support this species. No red-cockaded woodpeckers were observed during the wildlife surveys.

Southeastern American Kestrel:

The southeastern American kestrel (*Falco sparverius paulus*) prefers open pine habitats such as woodland edges, prairies, pastures, and even suburban and residential areas. This species commonly utilizes habitats, which feature tree snags and/or utility poles that offer an unobstructed view of surroundings. Available habitat on the subject site was visually scanned, however, no territorial pairs and/or single kestrels or their nest sites were observed during the wildlife surveys.

Florida Scrub Jay:

There is the potential for the Florida scrub jay (*Aphelocoma coerulescens*) to occur on site based on geographical distribution. The scrub jay typically inhabits fire dominated, low-growing, oak scrub habitat found on well-drained sandy soils. The majority of the subject property has poorly drained soils and does not possess the low-growing oak scrub habitat preferred by the scrub jay. Thus, it is unlikely that this species would utilize the subject site, and no scrub jays were detected during the wildlife surveys.

Florida Black Bear:

There is the potential for the Florida black bear (*Ursus americanus floridanus*) to occur on site given geographical distribution and known habitat preference. Habitat for this species includes pine flatwoods, hardwood hammocks, upland sandpine, oak scrub, and forested wetlands. However, black bears typically utilize old growth forests on large tracks of land, in excess of 10,000 acres, that are highly undeveloped and in relatively close proximity to forested wetlands. Since the black bear requires large areas of undisturbed and isolated habitat for survival, it is unlikely that this species would utilize a relatively young forested area in close proximity to residential development. Review of the FWC black bear distribution map revealed that no documented black bears are in the vicinity of the subject property and on-site wildlife surveys did not locate any evidence of bear activity including: scat, dens, footprints, claw or bite marks on trees, and or vegetation disturbances attributed to bear movement.

Sherman's Fox Squirrel:

There is the potential for the Sherman's fox squirrel (*Sciurus niger shermani*) to be found on the subject site, as the fox squirrel tends to utilize sandhills, pine flatwoods, pastures and ruderal habitats scattered with pines and oak species. The dense cover of saw palmetto on much of the southern and northern parts of the property, as well as tree plantation and crops on other areas of the property, creates a sub-optimum habitat for this species. No direct sightings, feeding signs, or leaf nests were observed during the wildlife surveys.

American Alligator:

The American alligator (*Alligator mississippiensis*) has the potential to occur in and around almost any freshwater system in Florida. Ranging widely in search of food and mates, alligators

may visit the subject site, particularly the marshes and areas covered with surface water, however, no alligators or nests were observed during the wildlife surveys.

Wading Birds:

According to the geographical distribution and the known habitat preference, there is the potential for the following wading birds to be found on site: little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), white ibis (*Eudocimus albus*), tricolored heron (*Egretta tricolor*) and the wood stork (*Mycteria americana*). These wading birds are widely distributed in freshwater, brackish and coastal wetland systems throughout the state of Florida where they typically feed in shallow marshes and flooded flow ways. Review of the FWC waterbird colony locator shows no wading bird rookeries in the vicinity of the subject site and none of the aforementioned wading birds were observed during the wildlife surveys.

Bald Eagle:

There is the potential for the bald eagle (*Haliaeetus leucocephalus*) to occur on the subject site based on geographic distribution. Bald eagle habitat most commonly includes areas close to large bodies of water that provide concentrations of food sources including fish, waterfowl and wading birds. Nests are usually in tall trees (mostly live pines) that provide clear views of the surrounding area. Review of the FWC bald eagle nest locator website revealed that no documented bald eagle nests are within four miles of the subject property. No bald eagles or nests were observed during the wildlife surveys. Limited suitable habitat for nesting or feeding makes it unlikely that bald eagles frequent the subject site.

Florida Sandhill Crane:

The Florida sandhill crane (*Grus Canadensis pratensis*) is a state listed Threatened Species regulated by the FWC. State wildlife regulations prohibit the take of these birds, nests or eggs. Typical habitat for this species includes prairies, freshwater marshes, and pasturelands. This species is also known to utilize agricultural areas such as feed lots and crop fields, golf courses and other open areas particularly during the winter months for foraging purposes. Their nest is a mound of herbaceous plant material in shallow water or on the ground in marshy areas. Sandhill cranes have been shown to adapt to human invasion and even nest in golf course marshes and isolated wetlands in housing subdivisions. There were numerous observations of sandhill cranes foraging on the subject property during the wildlife surveys. All but two sightings

were along the edges of the north and south pasturelands of the property. One sighting was made on the north part of the reservoir on the south pastureland and one on the furthest freshwater wetland toward the northeast side of the subject site. In both of these cases, the sandhill cranes flew away. After detailed pedestrian transects through the marsh areas on the property, no nests were discovered. Since no nests were detected and sandhill cranes tend to forage widely, it is unlikely that sandhill cranes will be impacted by the project.

5.2 Flora

Seven listed plant species have the potential to occur on site based on known habitat preference and geographical distribution. These listed plant species include: Britton's beargrass (*Nolina brittoniana*), Brooksville bellflower (*Campanula robinsiae*), Craighead's nodding-caps (*Triphora craigheadii*), Florida pygmy pipes (*Monotropis reynoldsiae*), giant orchid (*Pteroglossaspis ecristata*), pine pinweed (*Lechea divaricata*) and sand butterfly pea (*Centrosema arenicola*).

Britton's beargrass is a perennial herb, which commonly occurs in scrub, sandhill, scrubby flatwoods, and xeric hammocks. Brooksville bellflower is an inconspicuous, sprawling annual herb endemic to Hernando County and is associated with wet, grassy slopes and drying pond edges. Craighead's nodding-caps prefer moist mixed-deciduous forests and areas comprised of mature stands of trees. Florida pygmy pipes are a perennial herb that is associated with underground fungi and roots of trees, found primarily in upland mixed hardwood forests, mesic and xeric hammock, and oak and pine scrub habitats. The giant orchid is a perennial herb that commonly occurs in sandhill, scrub, pine flatwoods and pine rockland habitats. Pine pinweed is a perennial herb that prefers scrub and scrubby flatwoods. Finally, the sand butterfly pea is a perennial vine that occurs in sandhill, scrubby flatwoods, and dry upland wooded habitats. None of the aforementioned listed plant species that have the potential to occur on the subject site were detected during the surveys.

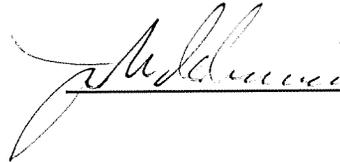
6.0 CONCLUSION

The subject property consists of mostly pine flatwoods and a former tree plantation in the northern area, pastureland and hardwood-conifer mixed forest in the central area, as well as pastureland, hardwood-conifer mixed forest and citrus tree crops in the southern area. A few freshwater wetlands were also spotted throughout the property. The potential for occurrence of listed species is low due to sub-optimal habitat created by manmade disturbances which have altered the property including grazing cattle on pastureland, citrus crop harvesting and tree plantations. The gopher tortoise (*Gopherus polyphemus*) and the Florida Sandhill Crane (*Grus Canadensis pratensis*) were the only listed species detected utilizing the subject property.

7.0 SIGNATURE OF ENVIRONMENTAL PROFESSIONAL

I affirm and certify that the statements made in this report herewith are true to the best of my knowledge and belief.

Joe Calamari
Senior Environmental Scientist



Date

8.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

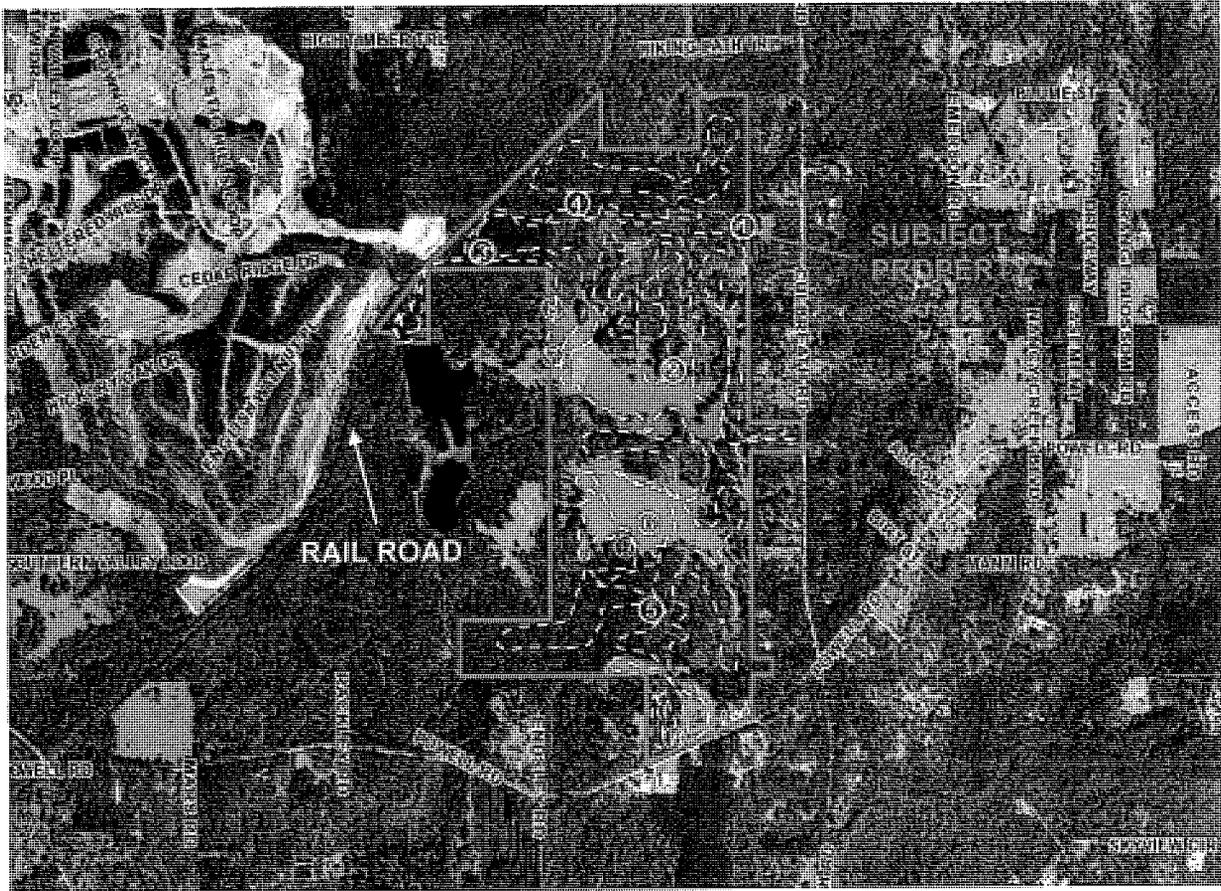
Coastal is familiar with applicable federal, state, and local environmental law and ordinances affecting the subject property. In the past 10 years, Coastal has had the privilege of evaluating wildlife and wetlands on many parcels ranging in size from less than one acre to more than 10,000 acres for private, municipal, and state government clients. The environmental professionals involved with conducting this survey and their qualifications are as follows:

Joe Calamari, Environmental Division Director

The project manager for this biotic evaluation is Mr. Joseph Calamari. Mr. Calamari holds a B.S. degree in Environmental Science from Saint Leo University. Mr. Calamari has over fifteen years of experience in environmental management, governmental regulation regarding ecological evaluations, and environmental compliance/enforcement issues.

9.0 APPENDIX

9.1 Site/Vicinity Map



McAteer Parcels Site Map

Sections 02, 03, 10, 11 and 14, Township 23 South, Range 19 East
Hernando County, Florida

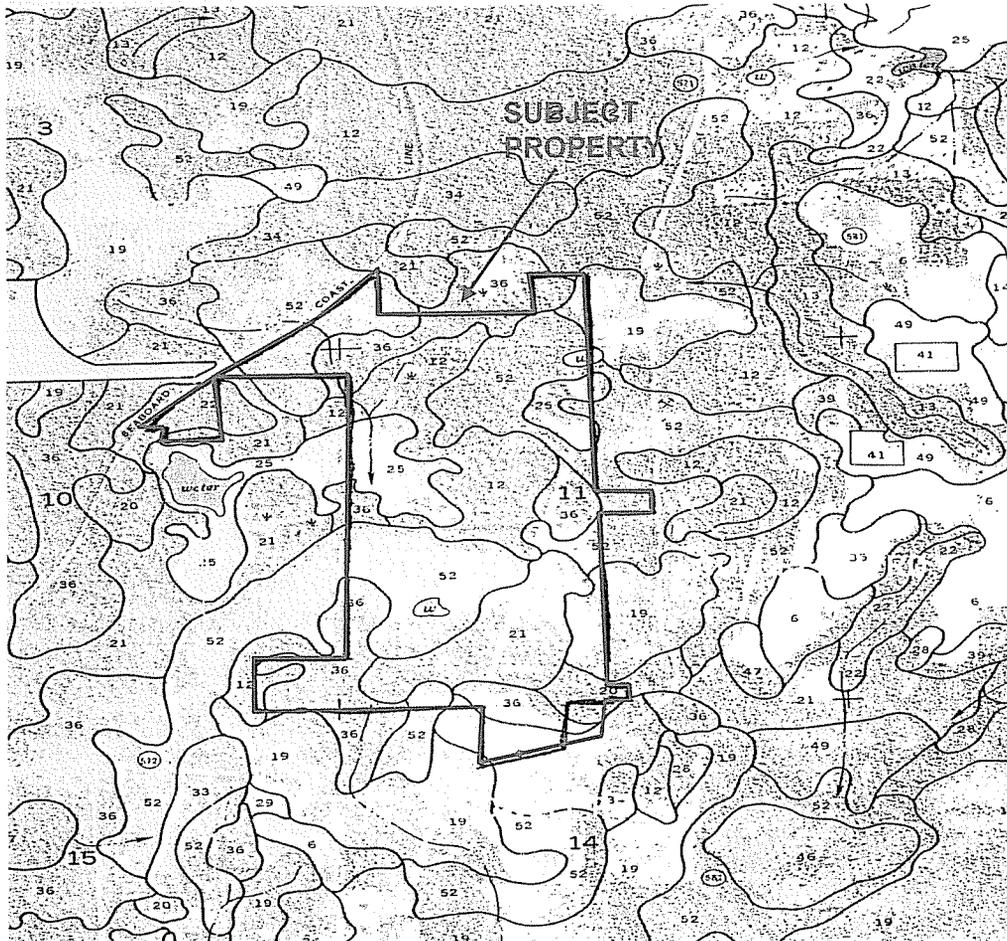
- Parcel Boundary
- Traverse Route
- ② Photo Location



Coastal Engineering
Planning
Surveying
Environmental
Construction Management
Engineering Associates, P.C.

May 2006 Survey Data

9.2 Soils Map



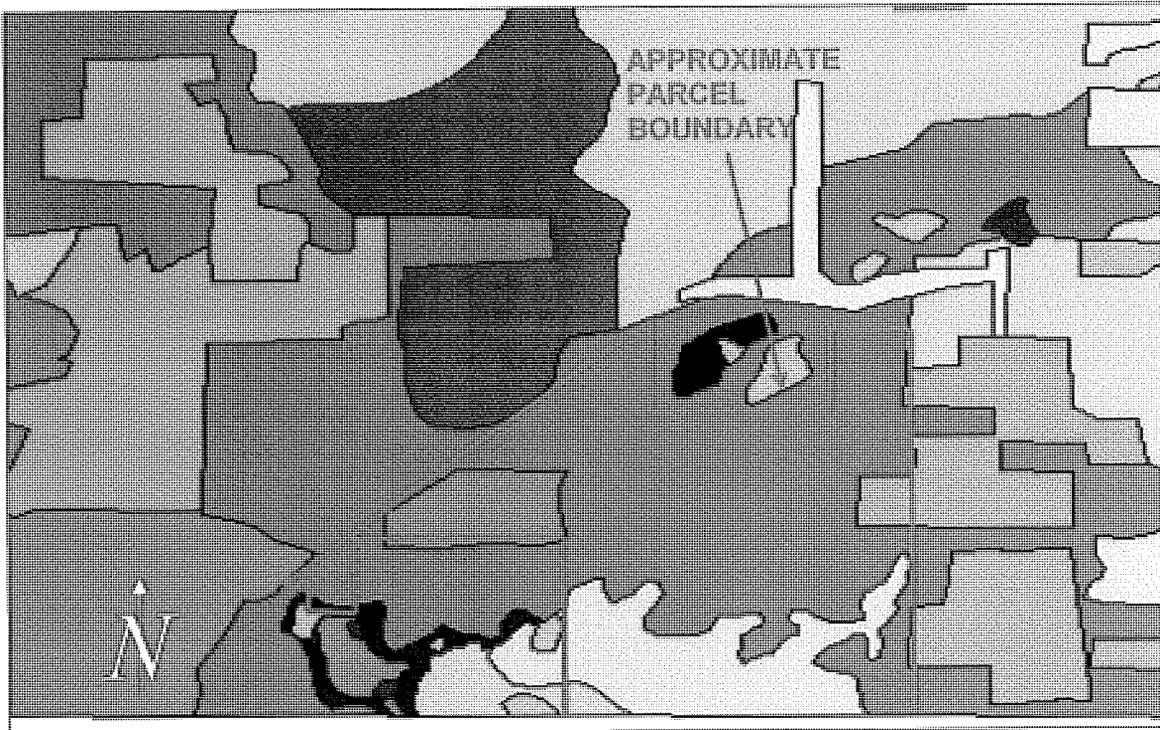
McAteer Parcels Soil Types

Sections 02, 03, 10, 11 and 14, Township 23 South, Range 19 East
Hernando County, Florida

- 6 Arredondo fine sand, 0 – 5 % slope
- 12 Blichton loamy fine sand, 2 – 5 % slope
- 19 Electra Variant fine sand, 0 – 5 % slope
- 20 Flemington fine sandy loam, 0 – 2 % slope
- 21 Flemington fine sandy loam, 2 – 5 % slope
- 22 Flemington fine sandy loam, 8 – 12 % slope
- 25 Floridana Variant loamy fine sand
- 36 Nobleton fine sand, 0 – 5 % slope
- 52 Wauchula fine sand, 0 – 5 % slope

1977 USDA SCS Soil Survey for Hernando County

9.3 Land Use / Cover Maps



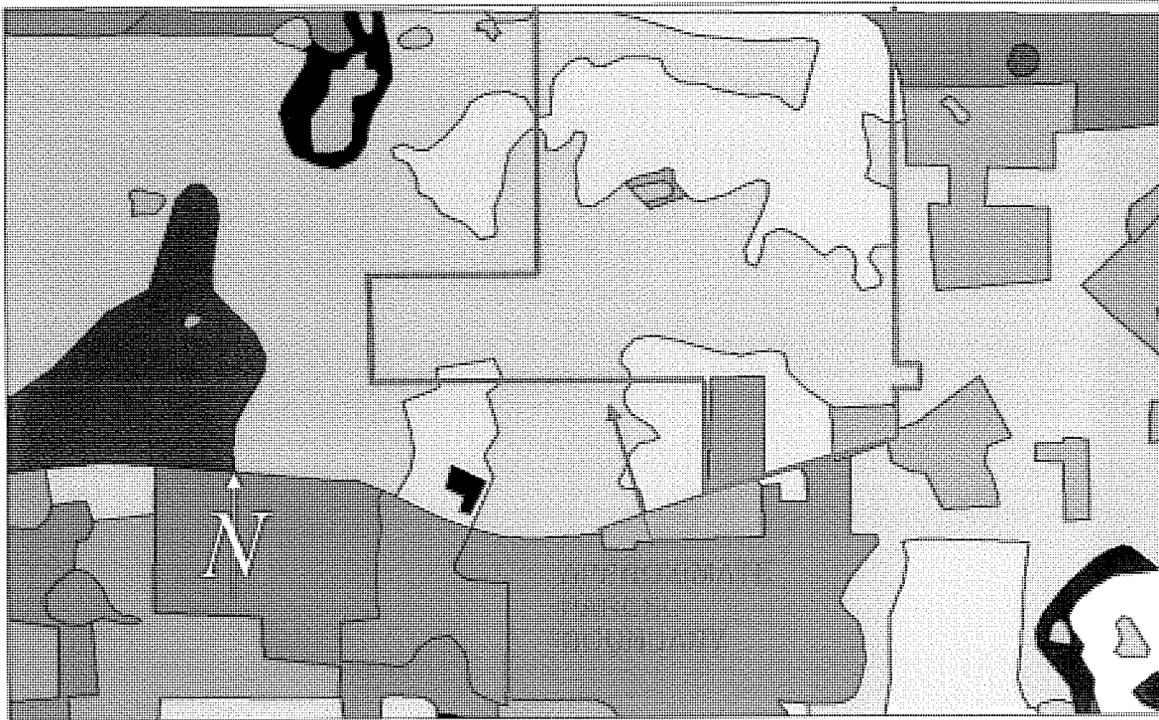
North McAteer Parcels Vegetation Community

Sections 02, 03, 10, 11 and 14, Township 23 South, Range 19 East, Hernando County, Florida

- 110 Residential – Low Density
- 190 Open Land
- 210 Cropland and Pastureland
- 260 Other Open Lands <Rural>
- 410 Upland Coniferous Forest
- 411 Pine Flatwoods
- 412 Longleaf Pine – Xeric Oak
- 434 Hardwood – Conifer Mixed
- 440 Tree Plantations
- 520 Lakes
- 615 Stream and Lake Swamps (Bottomland)
- 621 Cypress
- 641 Fresh Water Marshes
- 643 Wet Prairies
- 644 Emergent Aquatic Vegetation

Coastal Engineering
Planning
Surveying
Environmental
Geographic Information
Systems

1999 FLUCFS Data obtained from SWFWMD and field verified for subject parcel May 2006



South McAteer Parcels Vegetation Community

Sections 02, 03, 10, 11 and 14, Township 23 South, Range 19 East, Hernando County, Florida

- 110 Residential – Low Density
- 210 Cropland and Pastureland
- 220 Tree Crops
- 411 Pine Flatwoods
- 412 Longleaf Pine – Xeric Oak
- 434 Hardwood – Conifer Mixed
- 440 Tree Plantations
- 530 Reservoirs
- 610 Wetland Hardwood Forests
- 611 Bay Swamps
- 615 Stream and Lake Swamps (Bottomland)
- 621 Cypress
- 641 Fresh Water Marshes
- 643 Wet Prairies
- 644 Emergent Aquatic Vegetation
- 820 Communications

1999 FLUCFS Data obtained from SWFWMD and field verified for subject parcel May 2006

9.4 Species Table

Table 1. Listed species with potential to occur on subject property.

Species	Status FWC/FWS ¹	Estimated Likelihood of Occurrence				Comments
		Observed	Expected	Possible	Unlikely	
BIRDS / MAMMALS						
Florida Mouse (<i>Podomys floridanus</i>)	SSC/--				X	Not detected. Sub-optimal habitat present on site.
Florida Scrub Jay (<i>Aphelocoma coerulescens</i>)	T/T			X		Not detected. Minimal habitat present on site.
Sherman's Fox Squirrel (<i>Sciurus niger shermani</i>)	SSC/--			X		Not detected. Sub-optimal habitat present on site.
Southeastern American Kestrel (<i>Falco sparverius paulus</i>)	T/--			X		Not detected. Marginal habitat present on site.
Red-cockaded Woodpecker (<i>Picoides borealis</i>)	SSC/E			X		Not detected. Sub-optimal habitat present on site.
Little Blue Heron (<i>Egretta caerulea</i>)	SSC/--			X		Not detected. Minimal habitat present on site.
Snowy Egret (<i>Egretta thula</i>)	SSC/--			X		Not detected. Minimal habitat present on site.
White Ibis (<i>Eudocimus albus</i>)	SSC/--			X		Not detected. Minimal habitat present on site.
Tricolored Heron (<i>Egretta tricolor</i>)	SSC/--			X		Not detected. Minimal habitat present on site.
Wood Stork (<i>Mycteria Americana</i>)	E/E			X		Not detected. Minimal habitat present on site.
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	T/T(PDL)			X		Not detected. Minimal habitat present on site.
Florida Sandhill Crane (<i>Grus Canadensis pratensis</i>)	T/--	X				Detected. Several sandhill cranes were observed foraging throughout the property.
REPTILES						
Gopher Tortoise (<i>Gopherus polyphemus</i>)	SSC/--	X				Detected. A few burrows were found, but sub-optimal habitat present.
Eastern Indigo Snake (<i>Drymarchon corais coupen</i>)	T/T			X		Not detected. Sub-optimal habitat present on site.
Florida Pine Snake (<i>Pituophis melanoleucus mugitus</i>)	SSC/--			X		Not detected. Sub-optimal habitat present on site.
Short-tailed Snake (<i>Stilosoma extenuatum</i>)	T/--			X		Not detected. Sub-optimal habitat present on site.
American Alligator (<i>Alligator mississippiensis</i>)	SSC/T(S/A)			X		Not detected. Minimal habitat present on site.
AMPHIBIANS						
Gopher Frog (<i>Rana capito</i>)	SSC/--			X		Not detected. Sub-optimal habitat present on site.

PLANTS						
Brittons Beargrass (<i>Nolina brittoniana</i>)	E/E			X		Not detected. Minimal habitat present on site.
Brooksville Bellflower (<i>Campanula robinsiae</i>)	E/E			X		Not detected. Minimal habitat present on site.
Craighead's Nodding-caps (<i>Triphora craigheadii</i>)	E/--			X		Not detected. Minimal habitat present on site.
Florida Pygmy Pipes (<i>Monotropis reynoldsiae</i>)	E/--			X		Not detected. Marginal habitat present on site.
Giant Orchid (<i>Pteroglossaspis ecristata</i>)	T/--			X		Not detected. Marginal habitat present on site.
Pine Pinweed (<i>Lechea divaricata</i>)	E/--			X		Not detected. Minimal habitat present on site.
Sand Butterfly Pea (<i>Centrosema arenicola</i>)	E/--			X		Not detected. Minimal habitat present on site.

1. FWC = Florida Fish and Wildlife Conservation Commission; FWS = United States Fish and Wildlife Service; E = Endangered; T = Threatened; T(S/A) = Similarity of Appearance; T(PDL) = Threatened (Proposed for Delisting); SSC = Species of Special Concern.

9.6 References

- Allen, M. (1988). *Wildlife Methodology Guidelines for Section 18.D of the Application for Development Approval*. Florida Fish and Wildlife Conservation Commission, Office of Environmental Services.
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- FWC - Florida Fish and Wildlife Conservation Commission. *Florida's Endangered Species, Threatened Species and Species of Special Concern, Official List*, (1 August 1997)
- FWC - Florida Fish and Wildlife Conservation Commission Website, MyFlorida.com.
- FDOT - Florida Department of Transportation. *Florida Land Use, Cover and Form Classification System*. (Second addition), September 1985.
- FNAI - Florida Natural Areas Inventory. *County Distribution and Habitats of Rare or Endangered Species in Florida*. March 1997.
- Humphrey, S.R. (1992). *Rare and Endangered Biota of Florida – Volume 1 – Mammals*. University Presses of Florida.
- Hyde, Adam G., Lloyd Law, Jr., Robert L. Weatherspoon, Melvin D. Cheyney and Joseph J. Eckenrode. *Soil Survey of Hernando County, Florida*. National Cooperative Soil Survey. July 1977.
- Kale, H.W. and Maehr, D.S. (1990). *Florida's Birds: A handbook and Reference*. Sarasota, FL: Pineapple Press.
- Knopf, Alfred (1998) *National Audubon Society Field Guide to Florida*. Chanticleer Press Inc.
- McCoy, Earl D., and Mushinsky, Henry R. *The Demography of Gopherus polyphemus (Daudin) in Relation to Size of Available Habitat*. Nongame Wildlife Project Report – Florida Game and Fresh Water Fish Commission. December 1995.
- Moler, P.E. (1992). *Rare and Endangered Biota of Florida – Volume 3 – Amphibians and Reptiles*. University Presses of Florida.
- National Geographic Society – *Field Guide to the Birds of North America Fourth Edition, 2002*
- Stys, Beth. *Ecology of the Florida Sandhill Crane*. Nongame Wildlife Technical Report No. 15 – Florida Game and Fresh Water Fish Commission. July 1997.

9.7 Photos

Photo 1: Photo of freshwater marsh on northeast part of property.



Photo 2: Slash pine tree plantation above north pasture.



Photo 3: Longleaf pine tree plantation on northwest part of property.



Photo 4: Typical view of pine flatwoods community.



Photo 5: Typical view of hardwood – conifer mixed community.



Photo 6: Typical view of pastureland.



Photo 7: Pond in north pasture.



Photo 8: View of typical drainage ditch on property.



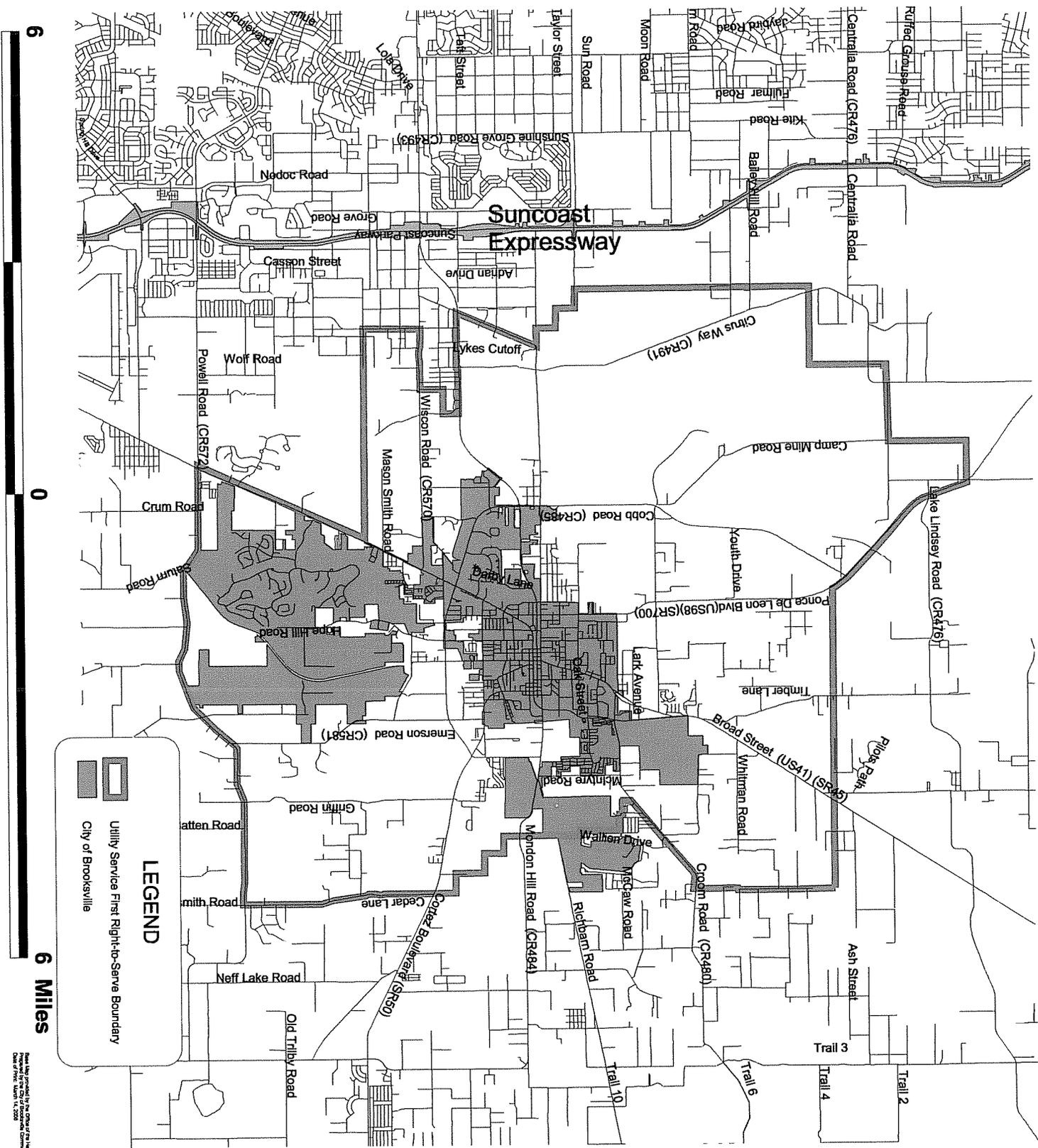
Photo 9: Reservoir and marsh on edge of south pasture.



Photo 10: Citrus grove on southern part of property.



ATTACHMENT C



Utility Service "First Right-to-Serve" District

(Reference Exhibit A to the Interlocal Agreement between the City of Brooksville and Hernando County dated August 5, 2002)

Map data provided by the City of Brooksville, County Property Appraiser
 Date of Print: March 14, 2008

ATTACHMENT D

CAPITAL PROJECTS	FUNDING SOURCE	2009-10	2010-11	2011-12	2012-13	2013-2014
11. 100-kw Generator	Special Revenue Fund		\$34,000			
12. Inspector Vehicle	General Fund			\$25,000		
POLICE DEPARTMENT						
13. Parking Lot Expansion	Impact Fees/General Fund/Multi-Capital Fund/Investigative Trust Fund		\$70,000			
14. Interview Room Construction	Investigative Trust Fund	\$2,500				
15. Interview Equipment	Investigative Trust Fund		\$5,000			
16. Investigative Equipment	Investigative Trust Fund			\$30,000		
PUBLIC FACILITIES & PARKS						
17. Cemetery Fence Expansion	General Fund		\$6,400			
18. Score Boards (2)	Private Donation		\$15,000			
19. Cemetery Clearing/Expansion	General Fund					\$7,500
20. Tranquility Drive Pavement	General Fund				\$15,000	
21. Enrichment Center/Quarry Golf Course	Federal & State Grants/Park Impact	\$1,000,000	\$340,000			

CAPITAL PROJECTS	FUNDING SOURCE	2009-10	2010-11	2011-12	2012-13	2013-2014
Construction	Fees					
22. Gazebo/Pavilion Additions	Park Impact Fees/General Fund				\$15,000	
23. Playground Accessibility Enhancement	McKethan Trust Fund/Park Impact Fees		\$25,000			
24. Park/Trail Land Acquisition	Grant/Brownfield Funds			\$100,000		
WATER SYSTEM IMPROVEMENTS						
25. New Well Field NW	Reserves, Impact Fees				\$230,000	\$565,000
26. Hope Hill Well Replacement & Tank Modification	Reserve, Grant, Impact Fees	\$135,000	\$369,000	\$249,000	\$170,000	
27. Downtown Fire Flow	Appropriation /Grants	\$40,000		\$600,000		\$600,000
28. Emergency Generator Installation (Hope Hill Wellfield and Lamar Avenue Water Plant)	Debt /Water Utility Reserves		\$80,000			
29. Southern Hills Water Improvements (Line oversizing on Governor Blvd.)	Water Impact Fees					\$200,000
30. SR 50 Water Line Loop (Hospital line extension along Wiscon Rd. to Walmart)	Debt Service/ Water Impact Fees				\$700,000	
31. Radio Read Meters	Debt Service/Water & Sewer Enterprise Fund		\$150,000	\$150,000	\$150,000	
32. Hospital/City/County Interconnect West	Reserves & Impact Fees		\$100,000			

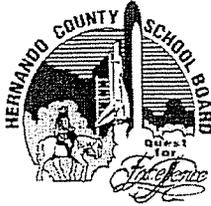
CAPITAL PROJECTS	FUNDING SOURCE	2009-10	2010-11	2011-12	2012-13	2013-2014
SEWER SYSTEM IMPROVEMENTS						
33a. Cobb Road Sewer Plant Improvements (Additional Improved [Reuse] Treatment Capacity Plant Upgrade & Line Oversizing	Reserves, Debt Service & Impact Fees					\$2,576,655
33b. Cobb Rd. Sewer Plant Improvements (Additional Improved [Reuse] Treatment Capacity Plant Upgrade)	Private funding through Development Agreement					\$6,888,345
34. Majestic Oaks Forcemain Oversizing	Sewer Impact Fees				\$150,000	
35. Sewer System Rehabilitation	Appropriation/Loan	\$2,409,827		\$2,000,000		
36. Bus Barn Lift Station Rehab	Sewer Impact Fees				\$100,000	
37. Howell Ave. Lift Station/Yontz Rd. Forcemain Upgrade	Sewer Impact Fees	\$100,000				
38. Energy Conservation Projects	Reserves/Sewer Impact Fees		\$47,500			
39. Lift Station Telemetry	Reserves/Sewer Impact Fees	\$50,000				

CAPITAL PROJECTS	FUNDING SOURCE	2009-10	2010-11	2011-12	2012-13	2013-2014
		TOTAL CAPITAL IMPROVEMENTS EXPENDITURES BY FISCAL YEAR				
		\$4,145,707	\$4,784,291	\$4,004,000	\$1,580,000	\$17,837,500
TOTAL CITY EXPENDITURES BY FISCAL YEAR						
		\$37,235,032	38,731,335	\$40,287,768	\$41,906,747	42,702,416
TOTAL BALANCE SUMMARY BY FISCAL YEAR						
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*Note: All grant funds in current year are confirmed as dedicated funding sources.

Projection of future year revenues and expenditures represent values of horizontal analysis as applied to exponential smoothing model. [9]-5.016(4)(a)(1)(2) [9]-5.016(1)(f)(1)]

ATTACHMENT E



Facilities Department
Hernando County School Board
8016 Mobley Road
Brooksville, FL 34601
Ph: 352.797.7050 Fax: 352.797.7150

May 20, 2010

City of Brooksville, Community Development Department
Attn: Steven Gouldman, Senior Planner
20 N Main Street
Brooksville, Florida 34601

Subject: Small and Large Scale Comprehensive Plan Amendments June 2010 BCC

Dear Mr. Gouldman,

The School District staff received the initial comprehensive plan amendment package from the City prior to the Planning and Zoning Commission Meeting, and the district submitted reviews to the City based on the information contained in the package. After the initial package was mailed, some petitions were altered and two additional petitions were submitted. Attached are the revised and additional reviews for the proposed comprehensive plan amendments.

The District is concerned about the affects of the individual comprehensive plan amendments and the accumulative affect of the amendments to the adopted level of service (LOS). Currently, there is very limited capacity in the District's 5 Year Work Plan for the elementary level, and no additional improvements are planned to alleviate the proposed impacts.

The School District appreciates the opportunity to provide comments for the comprehensive plan amendments, and respectfully requests that this letter be provided as part of the comprehensive plan amendment record.

Sincerely,

Amber K. Wheeler, AICP
Manager of Planning and Growth Management
Hernando County School District

Attached: Hernando County School Comprehensive Plan Amendment Adequate Capacity Analysis for 2010-S1, 2010-S2, 2010-S4, 2010-S9, 2010-S10, 2010-L2, 2010-L3, 2010-L4, 2010-L5, 2010-L7, and 2010-L8

Cc: Roland "Bo" Bavota, HCSB Facilities
Bill Geiger, City of Brooksville, Community Development Director
Tracy Suber, Department of Education

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, Florida 34601
352-797-7001

Succem 619-7001
Fax (352) 797-7101



Superintendent
Bryan Blavatt

Chairman
Charles "Pat" Fagan

Vice Chairperson
Sandra Nicholson

Members
Dianne Bonfield
John K. Sweeney
James C. Yant

May 11, 2010

City of Brooksville
Attn: Bill Geiger, Community Development Director
201 Howell Avenue
Brooksville, FL 34601-2041

Subject: South Brooksville Planned Development District - May 2010 City of Brooksville
Planning and Zoning Commission (CPA 2010-L7)

Dear Mr. Geiger,

The School District appreciates the opportunity to provide comments regarding the South Brooksville Planned Development District Large Scale Comprehensive Plan Amendment.

The Large Scale Comprehensive Plan Amendment consists of approximately 120 acres located north of Dr. Martin Luther King Boulevard, south of Russell Street, east of Main Street, and west of Union Street. The amendment proposes a mix of Residential, Industrial, Institutional, Recreation, and Commercial land uses.

The amendment is unclear concerning the proposed maximum potential residential density. Policy 1-5, South Brooksville Planned Development District, states that residential uses are not to exceed 16 dwelling units per acre. If no additional specificity is provided concerning the type and density of the residential uses, the analysis must be based on the maximum potential impact of 16 single family dwelling units per acre. Also, the amendment does not provide the associated acreage for the proposed residential land use. Therefore, there is insufficient data provided to conduct a school impact analysis, but the analysis must be completed prior to the adoption of the amendment. Due to the magnitude of this project, the potential impacts to the public education system could negatively affect the established Level of Service (LOS).

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-L2
OWNER/AGENT Q2 Brooksville 191, LLC
ITEM DESCRIPTION Amending the County's Residential Future Land Use Designation (5.4 dwelling units per one acre) to the City of Brooksville's Suburban Residential Future Land Use Designation (2.5 dwelling units per acre), which would allow a maximum of 478 dwelling units

PARCEL KEY 00356162
PROPOSED DENSITY 2.5 du per 1 Acre
LOCATION South of Mondon Hill Road, north of Woodlawn and east of Jasmine Drive
ACRES 182.4 acres +/-
CURRENT FLU Hernando County Residential (5.4 du per 1 acre)
PROPOSED FLU City of Brooksville Suburban Residential Future Land Use Designation (2.5 dwelling units per acre)

PROPOSED DWELLING UNITS

456 single family dwelling units

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	69.31
0.097	0.018	0.057	44.23
0.109	0.05	0.082	49.70
Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007			

Elementary School
 Middle School
 High School

CSA SCHOOL NAME
 Brooksville Elementary
 Parrot Middle
 Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
751	751	100.00%	820	109.19%
892	1,700	52.47%	936	55.06%
1,247	1,990	62.66%	1,297	65.18%
* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan				

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-L3
OWNER/AGENT Derrill McAteer
ITEM DESCRIPTION

Amending the County's Rural Future Land Use Designation (0.1 dwelling units per acre) to the City of Brooksville's McAteer Residential Development District Future Land Use Designation (1 dwelling units per acre), which would allow a maximum of 450 dwelling units

PARCEL KEY 01376326,01355054,01300354,01296038,00382124,00381606,00380359,00381376
PROPOSED DENSITY 1 du per 1 Acre
LOCATION North of Powell Road, east of Southern Hills Plantation, and west of Culbreath Road
ACRES 450 acres +/-
CURRENT FLU Hernando County Rural (1 du per 10 acre)
PROPOSED FLU City of Brooksville McAteer Residential Development District Future Land Use Designation (1 dwelling unit per acre)

PROPOSED DWELLING UNITS
 450 single family dwelling units

STUDENT GENERATION

Student Generation Rates				
SF	MF	MH	SF Impacts	
			450	
Elementary School	0.152	0.062	0.116	68.40
Middle School	0.097	0.018	0.057	43.65
High School	0.109	0.05	0.082	49.05
Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007				

CSA SCHOOL NAME

Moton Elementary
 Parrot Middle
 Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
1,157	1,160	99.74%	1,225	105.64%
892	1,700	52.47%	935	55.04%
1,247	1,990	62.66%	1,296	65.13%
* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan				

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY
NAME/CASE NUMBER
OWNER/AGENT
ITEM DESCRIPTION

City of Brooksville
2010-L4
Hampton Ridge Developers, LLC

Amending the existing Southern Hills Mixed Use Future Land Use Designation, which currently allows a maximum of 999 dwelling units to a maximum of 1,163 dwelling units

PARCEL KEY
PROPOSED DENSITY
LOCATION
ACRES
CURRENT FLU

00201150, 00380590, 00778661, 00778670, 00778689, and 00381465
0.94 du per 1 acre
North of Powell Road, east and west of US 41
1091.72 acres
City of Brooksville Southern Hills Mixed Use Future Land Use Designation (999 maximum units)
City of Brooksville Southern Hills Mixed Use Future Land Use Designation (1,163 maximum units)

PROPOSED DWELLING
UNITS

164 additional single family dwelling units

STUDENT GENERATION
Elementary School
Middle School
High School

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	24.93
0.097	0.018	0.057	15.91
0.109	0.05	0.082	17.88

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

CSA SCHOOL NAME
Moton Elementary
Parrot Middle
Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
1,157	1,160	99.74%	1,182	101.89%
892	1,700	52.47%	908	53.41%
1,247	1,990	62.66%	1,265	63.56%

* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-L5
OWNER/AGENT Joseph M. Mason, Jr.
ITEM DESCRIPTION

Amending the County's Rural Future Land Use Designation (5.4 dwelling units per acre) to the City of Brooksville's Suburban Residential Development District Future Land Use Designation (2.5 dwelling units per acre), which would allow a maximum of 110 dwelling units

PARCEL KEY 00365223 & 01028514
PROPOSED DENSITY 2.5 du per 1 acre

LOCATION North of Richbarn Road, south of Dogwood Estates, west of Weatherly Road, and east of Domingo Drive

ACRES 44 acres +/-

CURRENT FLU Hernando County Residential (3 du per 1 acre)

PROPOSED FLU City of Brooksville Suburban Residential Development District Future Land Use Designation (2.5 dwelling unit per acre)

PROPOSED DWELLING UNITS

110 single family dwelling units

STUDENT GENERATION

Elementary School
 Middle School
 High School

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	16.72
0.097	0.018	0.057	10.67
0.109	0.05	0.082	11.99

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

CSA SCHOOL NAME
 Brooksville Elementary
 Parrot Middle
 Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
751	751	100.00%	768	102.26%
892	1,700	52.47%	903	53.12%
1,247	1,990	62.66%	1,259	63.27%

* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-S1
OWNER/AGENT Kevin & Judith Preuss/Crosland
ITEM DESCRIPTION Amending the County's Rural Future Land Use Designation (one dwelling unit per five acre) to the City of Brooksville's Suburban Residential Future Land Use Designation (2.5 dwelling units per acre), which would allow a maximum of 3 dwelling units

PARCEL KEY 1671694
PROPOSED DENSITY 2.5 du per acre
LOCATION East of US 41 and south of Southern Hills Boulevard
ACRES 1.37 acres +/-
CURRENT FLU Hernando County Rural (1 du per 5 acres)
PROPOSED FLU City of Brooksville Suburban Residential Development District Future Land Use Designation (2.5 dwelling units per acre)

PROPOSED DWELLING UNITS

3 single family dwelling units

STUDENT GENERATION

Elementary School
Middle School
High School

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	0.46
0.097	0.018	0.057	0.29
0.109	0.05	0.082	0.33
Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007			

CSA SCHOOL NAME

Moton Elementary
Parrot Middle
Hernando High

	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
Moton Elementary	1,157	99.74%	1,157	99.78%
Parrot Middle	892	52.47%	892	52.49%
Hernando High	1,247	62.66%	1,247	62.68%
* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan				

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-52
OWNER/AGENT Sim L. & Traci L. Lowman
ITEM DESCRIPTION

Amending the County's Residential Future Land Use Designation (5.4 dwelling units per one acre) to the City of Brooksville's Suburban Residential Future Land Use Designation (2.5 dwelling units per acre), which would allow a maximum of 18 dwelling units

PARCEL KEY 1532050
PROPOSED DENSITY 2.5 du per 1 acre
LOCATION South of VFW Road, north of Future N/S Connector (Governor Boulevard), and west of Daffodil Drive
ACRES 7 acres +/-
CURRENT FLU Hernando County Residential (5.4 du per 1 acre)
PROPOSED FLU City of Brooksville Suburban Residential Future Land Use Designation (2.5 dwelling units per acre)

PROPOSED DWELLING UNITS

17 single family dwelling units

STUDENT GENERATION

Elementary School
 Middle School
 High School

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	2.58
0.097	0.018	0.057	1.65
0.109	0.05	0.082	1.85

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

CSA SCHOOL NAME

Moton Elementary
 Parrot Middle
 Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
1,157	1,160	99.74%	1,160	100.00%
892	1,700	52.47%	894	52.59%
1,247	1,990	62.66%	1,249	62.76%

* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-54
OWNER/AGENT William & Judy Humbarger
ITEM DESCRIPTION Amending the County's Rural Future Land Use Designation (one dwelling unit per five acre) to the City of Brooksville's Suburban Residential Future Land Use Designation (2.5 dwelling units per acre), which would allow a maximum of 3 dwelling units

PARCEL KEY 380395
PROPOSED DENSITY 2.5 du per acre
LOCATION East of Southern Hills Plantation, west of Hope Hill Road, and south of Access Road
ACRES 1.09 acres +/-
CURRENT FLU Hernando County Rural (1 du per 5 acres)
PROPOSED FLU City of Brooksville Suburban Residential Development District Future Land Use Designation (2.5 dwelling units per acre)

PROPOSED DWELLING UNITS 2 single family dwelling units

STUDENT GENERATION	Student Generation Rates			
	SF	MF	MH	SF Impacts
Elementary School	0.152	0.062	0.116	0.30
Middle School	0.097	0.018	0.057	0.19
High School	0.109	0.05	0.082	0.22

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

CSA SCHOOL NAME	Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
Moton Elementary	1,157	1,160	99.74%	1,157	99.77%
Parrot Middle	892	1,700	52.47%	892	52.48%
Hernando High	1,247	1,990	62.66%	1,247	62.67%

* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan

COMMENT This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by: Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-S9
OWNER/AGENT Garden Homes, LLC
ITEM DESCRIPTION Amending the County's Residential Future Land Use Designation (5.4 dwelling units per one acre) to the City of Brooksville's Multifamily Residential Future Land Use Designation (18 dwelling units per acre), which would allow a maximum of 155 dwelling units

PARCEL KEY 1251424 & 149093
PROPOSED DENSITY 18 du per 1 acre

LOCATION South of Martin Luther King Jr. Boulevard, north of Cortez Boulevard (SR 50), and west of Hale Avenue
ACRES 2.9 acres +/- (Residential Use)
CURRENT FLU County's Residential Future Land Use Designation (5.4 dwelling units per one acre)
PROPOSED FLU Hernando County Multifamily Residential (18 du per 1 acre)

PROPOSED DWELLING UNITS

52 Mobile Home units

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	7.90
0.097	0.018	0.057	5.04
0.109	0.05	0.082	5.67

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

Elementary School
Middle School
High School

CSA SCHOOL NAME

Moton Elementary
Parrot Middle
Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
1,157	1,160	99.74%	1,165	100.43%
892	1,700	52.47%	897	52.76%
1,247	1,990	62.66%	1,253	62.96%

* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

HERNANDO COUNTY SCHOOLS COMPREHENSIVE PLAN AMENDMENT ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
NAME/CASE NUMBER 2010-S10
OWNER/AGENT Continelli FKA Earle Family
ITEM DESCRIPTION Amending the County's Residential Future Land Use Designation (5.4 dwelling units per acre) to the City of Brooksville's Suburban Residential Future Land Use Designation (2.5 dwelling units per acre), which would allow a maximum of 3 dwelling units

PARCEL KEY R33 422 19 0000 0100 0000
PROPOSED DENSITY 2.5 du per acre
LOCATION South of VFW Road and west of Daffodil Drive
ACRES 2.5 acres +/-
CURRENT FLU County's Residential Future Land Use Designation (5.4 dwelling units per acre)
PROPOSED FLU City of Brooksville Suburban Residential Development District Future Land Use Designation (2.5 dwelling units per acre)

PROPOSED DWELLING UNITS

6 single family dwelling units

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	SF Impacts
0.152	0.062	0.116	0.91
0.097	0.018	0.057	0.58
0.109	0.05	0.082	0.65
Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007			

Elementary School
 Middle School
 High School

CSA SCHOOL NAME

Moton Elementary
 Parrot Middle
 Hernando High

Projected Enrollment per COFTE 2013-2014	Permanent Student Capacity*	5 Year Work Plan % Utilization per Perm Capacity	5 Year Projected Student Enrollment + Impact	% of Perm. Capacity with Impact
1,157	1,160	99.74%	1,158	99.82%
892	1,700	52.47%	893	52.50%
1,247	1,990	62.66%	1,248	62.70%
* Permanent Capacity as defined in the Interlocal Agreement and as depicted in the adopted 5 Year Work Plan				

COMMENT

This review serves only as a Comprehensive Plan Amendment Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management



Facilities Department
Hernando County School Board
8016 Mobley Road
Brooksville, FL 34601
Ph: 352.797.7050 Fax: 352.797.7150

October 6, 2010

City of Brooksville, Community Development Department
 Attn: Steven Gouldman, Senior Planner
 20 N Main Street
 Brooksville, Florida 34601

Subject: City of Brooksville – Comprehensive Plan Amendment Package 10-1 (Draft ORC Response)

Dear Mr. Gouldman,

The School District appreciates the opportunity to provide comments regarding the ORC Report issued by the Department of Community Affairs, and the City's draft ORC Response for CPA 10-1.

Per the ORC report recommendation the district has provided an overall, cumulative review of the amendment package. The residential development potential for CPA 10-1 will exceed the level of service for the elementary level.

The properties are located in the Brooksville Elementary School, Moton Elementary School, Parrot Middle School, and Hernando High School Concurrency Service Areas (CSA's). The amendment will potentially generate a total of 626 student stations, and according to the District's 5-Year Work Plan will affect the level of service. The following chart outlines the amendment's affect on the District 5 Year Work Plan:

CSA SCHOOL NAME	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Projected Enrollment + Projected Impact	Available Capacity w/Impact	LOS w/Impact	LOS Standard
Moton Elementary	732	727	5	105	832	-100	114%	100%
Brooksville Elementary	807	807	0	161	968	-161	120%	100%
Parrot Middle	1,700	820	880	169	989	711	58%	100%
Hernando High	1,990	1,223	767	191	1,414	576	71%	100%
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the School District's Five Year Plan year 2014-15								
(2) Projected Enrollment per the School District's Five Year Plan 2014-15								

For particularly the South Brooksville PDD (10-L7), the district acknowledges the positive aspects of the redevelopment efforts in South Brooksville area. In addition, the City's revised policies create measurable standards to assist the district in projecting the potential maximum impact.

However, the residential development potential within the South Brooksville PDD will exceed the level of service for the elementary level.

This specific property is mainly located in the Brooksville Elementary School, Parrot Middle School, and Hernando High School Concurrency Service Areas (CSA's). The project will potentially generate a total of 177 student stations, and according to the District's 5-Year Work Plan will affect the level of service. The following chart outlines the amendment's affect on the District 5 Year Work Plan:

CSA SCHOOL NAME	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Projected Enrollment + Projected Impact	Available Capacity w/Impact	LOS w/Impact	LOS Standard
Brooksville Elementary	807	807	0	75	882	-75	109%	100%
Parrot Middle	1,700	820	880	48	868	832	51%	100%
Hernando High	1,990	1,223	767	54	1,277	713	64%	100%
	(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the School District's Five Year Plan year 2014-15							
	(2) Projected Enrollment per the School District's Five Year Plan 2014-15							

According to the adopted 5 Year Work Plan, this project and the overall amendment may be unable to meet the level of service (LOS) for the elementary school level. In addition, there is no guarantee that adequate capacity will be available to meet the level of service (LOS) at the middle school and high school levels at the time of the concurrency test (conditional plat or the functional equivalent). The applicants must apply for a capacity finding from the School District prior to conditional plat approval, or the functional equivalent.

The School District appreciates the opportunity to provide comments on 10-1 Comprehensive Plan Amendment ORC response.

The district respectfully requests that this letter be provided as part of the Comprehensive Plan Amendment record.

Sincerely,



Amber K. Wheeler, AICP
 Manager of Planning and Growth Management
 Hernando County School Board

Attached: HCSB School 10-1 and L7 Comprehensive Plan Amendment Adequate Capacity Analysis

Cc: Roland "Bo" Bavota, HCSB Facilities
 Bill Geiger, City of Brooksville, Community Development Director
 Tracy Suber, Department of Education

PROPOSED CITY OF BROOKSVILLE CPA 10-1 SCHOOLS ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville

NAME/CASE NUMBER	Project	Name	Max Units	Elem CSA	Elementary	Middle	High
	2010-L2	Q2 Brooksville (SF)	456	BES	69.31	44.23	49.70
	2010-L3	McAteer (SF)	450	MES	68.40	43.65	49.05
	2010-L4	Southern Hills Plantation * (SF)	164	MES	24.93	15.91	17.88
	2010-L5	Mason (SF)	110	BES	16.72	10.67	11.99
	2010-L7	South Brooksville PDD (SF)	496	BES (main)	75.39	48.11	54.06
	2010-L8	Garden Homes (SF)	52	MES	6.03	2.96	4.26
	2010-S1	Crosland(So. Hills) (SF)	3	MES	0.46	0.29	0.33
	2010-S2	Lowman/Griffin(SF)	17	MES	2.58	1.65	1.85
	2010-S4	Humbarger	2	MES	0.30	0.19	0.22
	2010-S9	Cascades at So. Hills (SF)	8	MES	1.22	0.78	0.87
	2010-S10	Continelli (SF)	6	MES	0.91	0.58	0.65
	Total		1764		266.26	169.03	190.87

* Southern Hills currently has a developers agreement that vests the 999 units previously approved

STUDENT GENERATION

Student Generation Rates		
SF	MF	MH
0.152	0.062	0.116
0.097	0.018	0.057
0.109	0.05	0.082

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

Elementary School
Middle School
High School

CSA SCHOOL NAME
Moton Elementary
Brooksville Elementary
Parrot Middle
Hernando High

CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Projected Enrollment + Projected Impact	Available Capacity w/Impact	LOS w/Impact	LOS Standard
732	727	5	105	832	-100	114%	100%
807	807	0	161	968	-161	120%	100%
1,700	820	880	169	989	711	58%	100%
1,990	1,223	767	191	1,414	576	71%	100%

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the School District's Five Year Plan year 2014-15

(2) Projected Enrollment per the School District's Five Year Plan 2014-15

COMMENT

This review serves only as a Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by:

Amber K. Wheeler, Manager of Planning and Growth Management

PROPOSED CITY OF BROOKSVILLE PDD SCHOOLS ADEQUATE CAPACITY ANALYSIS

REVIEWING AUTHORITY City of Brooksville
 NAME/CASE NUMBER CPA 10-L7
 OWNER/AGENT South Brooksville PDD
 ITEM DESCRIPTION Establishing a South Brooksville Planned Development District (PDD) with 27

LOCATION North of Cortez Boulevard, south of Russell Street, east of Main Street, and west of the intersection of Jasmine Drive and Jefferson Street (State Route 50A)
 ACRES 122.00
 PROPOSED FLU PDD Mixed Use

PROPOSED	Designation	Acreage	Du/Acre	SF Max
	Existing SF	18.8	7	132
	Existing MF	6.9	18	124
	TOD- Residential	15	16	240
TOTAL		40.7		496

STUDENT GENERATION	Student Generation Rates			
	SF	MF	MH	SF Impacts
Elementary School	0.152	0.062	0.116	75
Middle School	0.097	0.018	0.057	48
High School	0.109	0.05	0.082	54
Total				177

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study 2007

CSA SCHOOL NAME	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Projected Enrollment + Projected Impact	Available Capacity w/Impact	LOS w/Impact	LOS Standard
Brooksville Elementary	807	807	0	75	882	-75	109%	100%
Parrot Middle	1,700	820	880	48	868	832	51%	100%
Hernando High	1,990	1,223	767	54	1,277	713	64%	100%

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the School District's Five Year Plan year 2014-15
 (2) Projected Enrollment per the School District's Five Year Plan 2014-15

COMMENT This review serves only as a Adequate Capacity Analysis and does not reserve capacity. The applicant must apply for a Capacity Finding at the time of Conditional Plat or the Functional Equivalent.

Prepared by: Amber K. Wheeler, Manager of Planning and Growth Management

ATTACHMENT F

2009 AMENDED AND RESTATED INTERLOCAL AGREEMENT

**BETWEEN
HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS,
CITY COUNCIL OF CITY OF BROOKSVILLE
AND
SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA**

February 2009

(FINAL)

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**2009 AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR
PUBLIC SCHOOL FACILITY PLANNING AND
SCHOOL CONCURRENCY IMPLEMENTATION**

This 2009 Amended and Restated Interlocal Agreement is entered into between the Hernando County Board of County Commissioner (the "County"), the City Council of the City of Brooksville (the "City"), and the School Board of Hernando County, Florida (the "School Board") and the parties state:

Recitals

WHEREAS, on September 2003, the County, the City and the School Board entered into an interlocal agreement regarding public school facility planning and coordination; and,

WHEREAS, this interlocal agreement was amended and restated to reflect changes in the state concurrency legislation relating to public schools pursuant to Laws 2005, c. 2005-290 (Senate Bill 360) in an agreement entitled 2006 REVISED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AND SCHOOL CONCURRENCY IMPLEMENTATION dated August 7, 2006; and,

WHEREAS, ss. 1013.33(1), 163.31777, and 163.3180(13), *Florida Statutes*, require coordination of planning between the County, the City and the School Board to ensure that new or expanded public educational facilities are coordinated in time and place with plans for residential development concurrently with other necessary services; and,

WHEREAS, these statutes further require the County, the City and the School Board to establish jointly the specific ways in which their respective plans and processes are to be coordinated and to memorialize same in an interlocal agreement; and,

WHEREAS, the County, the City and the School Board, with the assistance and input of the Florida Department of Community Affairs (the "DCA"), have determined that the Interlocal Agreement needs to be amended and restated in furtherance of, and conformance with, Chapter 163, Part II, and Chapter 1013, Part III, *Florida Statute*; and,

WHEREAS, the parties are authorized to enter into this 2009 Amended and Restated Interlocal Agreement (this "Interlocal Agreement") pursuant to Chapter 163, Parts I and II, and Chapter 1013, Part III, *Florida Statutes*.

NOW THEREFORE, be it mutually agreed between the County, the City and the School Board as follows:

The recitals above are incorporated herein by reference and made a part hereof.

SECTION 0 DEFINITIONS; RULES OF CONSTRUCTION

Section 0.1 Definitions

0.1 The following definitions shall apply throughout this Interlocal Agreement:

- 0.1.1 "Adopted educational facilities plan" shall refer to the comprehensive planning document that is adopted annually by the School Board pursuant to s. 1013.35, *Florida Statutes*, and that contains the educational plant survey.
- 0.1.2 "Appropriate level of service standard" shall refer to school facilities adequate for the purpose of providing education for the projected enrollment that can be achieved and maintained throughout each year of the five-year planning period, as referenced in Rule 9J-5.025, *Florida Administrative Code*.
- 0.1.3 "Available school capacity" shall refer to the circumstance where there is sufficient school capacity, based on adopted Level of Service (LOS) standards, to accommodate the demand created by a proposed development.
- 0.1.4 "Capacity" or "FISH Capacity" shall refer to the Florida Inventory of School Houses (FISH) report of permanent capacity of existing public school facilities. The FISH Capacity is the number of students that may be housed in a facility (school) at any given time based upon a percentage by school type (*i.e.* elementary, middle, high) of the total number of existing student stations and a designated size for each program. In Hernando County, permanent capacity does not include temporary classrooms under they meet the standards for long-term use pursuant to s. 1013.20, *Florida Statutes*.
- 0.1.5 "Capital Improvement Element" or "CIE" shall refer to one of the elements of a local government's adopted comprehensive plan required by the Growth Management Act.
- 0.1.6 "Comprehensive plan" shall refer to the document adopted by the local government (the County and the City, respectively), pursuant to the Growth Management Act, and which guides local planning and land use decisions.
- 0.1.7 "Contiguous CSA" shall refer to a public school concurrency service area (CSA) in which its boundary is directly abutting another CSA.
- 0.1.8 "District facilities work program" or "5-year work program" shall refer to the financially feasible 5-year listing of capital outlay projects adopted by the School Board pursuant to s. 1013.5., *Florida Statutes*, as part of the district educational facilities plan, which is required in order to: (1) properly maintain the educational plant and ancillary facilities of the district; and (2) provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 1013.21, *Florida Statutes*. Financial feasibility shall be determined using professionally accepted methodologies.
- 0.1.9 "Educational facilities" shall refer to the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards, as referenced in chapter 1013, *Florida Statutes*.
- 0.1.10 "Educational plant" shall refer to the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant, as referenced in chapter 1013, *Florida Statutes*.
- 0.1.11 "Educational plant survey" shall refer to a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate

educational program and services for each student based on projected capital outlay FTE's [full time equivalent student memberships] approved by the Department of Education.

- 0.1.12 "Existing school facilities" shall refer to those school facilities constructed and operational within Hernando County at the time a school concurrency application is submitted to the County or the City (within their respective jurisdictions).
- 0.1.13 "Financial feasibility" as defined in s. 163.3164, *Florida Statutes*, means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in s. 163.3180(12) and (16) is used.
- 0.1.14 "FISH Manual" shall refer to the most recent published edition of the document entitled "Florida Inventory of School Houses," published by the Florida Department of Education, Office of Educational Facilities.
- 0.1.15 "Growth Management Act" shall refer to the legislation contained in Chapter 163, Part II, *Florida Statutes*, and the administrative rules thereunder including Rule Chapter 9J-5, *Florida Administrative Code*.
- 0.1.16 "Measurable Programmatic Change" shall refer to a change to the operation of a school that has consistent and measurable capacity impacts including but not limited to: double sessions, floating teachers, year-long schools and special educational programs.
- 0.1.17 "Permanent FISH capacity" or "permanent capacity" shall refer to that capacity that is added by 'permanent buildings,' as defined in the FISH Manual.
- 0.1.18 "Planned school facilities" shall refer to school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board's adopted 5-Year work program.
- 0.1.19 "Previously approved development" shall refer to (a) single family lots of record having received final plat approval prior to the effective date of the School Concurrency Ordinance; and (b) multi-family residential development having received final site plan approval prior to the effective date of the school concurrency ordinance.
- 0.1.20 "Public school concurrency service area" or "concurrency service area" or "CSA" shall refer to the geographic unit adopted by the School Board within which school concurrency is applied and determined, as referenced in Rule 9J-5.025, *Florida Administrative Code*.
- 0.1.21 "Public Schools Facilities Element" or "PSFE" shall refer to that comprehensive plan element to be adopted by the County and the City, in cooperation with the School Board, pursuant to ss. 163.3177(12) and 163.3180, *Florida Statutes*, and Rule 9J-5.025, *Florida*

Administrative Code, and in accordance with this Interlocal Agreement. The PSFE shall be consistent with the School Board's financially feasible 5-year work program.

- 0.1.22 "Reserved capacity" shall refer to that school facility capacity set aside for a development or use other than those set aside pursuant to a school concurrency application, including development that impacts schools but that is exempt from the terms of the school concurrency ordinance [to be adopted by the County and the City, respectively].
- 0.1.23 "School concurrency application" shall refer to the application filed by any person seeking to develop new residential housing subject to the school concurrency ordinance [to be adopted by the County and the City, respectively].
- 0.1.24 "School concurrency ordinance" shall refer to those ordinances (to be) adopted by the County and the City which implements school concurrency in accordance with this Interlocal Agreement, the Growth Management Act and Chapter 1013, *Florida Statutes*.
- 0.1.25 "SMART" is the acronym for "Soundly Made, Accountable, Reasonable and Thrifty."
- 0.1.26 "Total school facilities" shall refer to the combination of existing school facilities and planned School Facilities.
- 0.1.27 "Used capacity" shall refer to School facility capacity consumed by or reserved for preexisting development.

Section 0.2 Rules of Construction

0.2 The following rules of construction shall apply throughout this Interlocal Agreement:

- 0.2.1. *Computation of time.* All references to 'day' or 'days' in this Interlocal Agreement shall refer to calendar days unless the text specifically references 'working days.' 'Working days' shall include all days of the month excluding Saturdays, Sundays, and federally recognized holidays. A day shall run from 12:01 A.M. to 12:00 P.M. (midnight). When any act is required to be done over a certain number of days, the first day shall be excluded and the last day shall be included for calendaring purposes.
- 0.2.2 *Statutory references.* All references to a state statute or statutes shall include subsequent amendments and/or renumbering thereof. This Interlocal Agreement is entered into in accordance with and in furtherance of Chapter 163, Parts I and II, and Chapter 1013, Part III, *Florida Statutes*, and the administrative rules thereunder (collectively the "general references"). All statutory references shall be construed and interpreted in harmony with the general references and recognized rules of statutory construction. Typographical errors in any specific statutory reference shall be ignored and substituted with the foregoing general references.

SECTION 1 MUTUAL COORDINATION, SHARING AND OVERSIGHT

Section 1.1 Joint Meetings

- 1.1.1 A joint committee consisting of staff from the County, the City and the School Board (the "Joint Committee") shall meet at least quarterly to set direction, formulate recommendations, discuss issues regarding coordination of land use and school

facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, ancillary infrastructure improvements needed to support schools and ensure safe student access, and any of the matters listed in Section 1.1.2 below. School Board staff or designee, in conjunction with the County Planning Director or designee, shall be responsible for making meeting arrangements and providing notification. The School Board will be responsible for publishing notice to the general public.

- 1.1.2 The Hernando County Commission, the Brooksville City Council, and the School Board shall meet at least annually in joint workshop sessions. The annual joint workshop will provide an opportunity for the representatives to hear reports, discuss policy and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, population and student growth, development trends, school needs, off-site improvements, joint use opportunities, existing and planned school facilities, school capacities, school concurrency areas, levels of service standards and school concurrency. The Superintendent of Schools or designee, in conjunction with the County Planning Director or designee, shall be responsible for making arrangements and providing notification. The School Board will be responsible for publishing notice to the general public.
- 1.1.3 The staff representatives of the County, the City and the School Board shall provide technical review and recommendations regarding any need for change to the provisions of this Interlocal Agreement.
- 1.1.4 Oversight shall be provided by the Joint Committee in accordance with the various provisions of this Interlocal Agreement and pursuant to Section 10 below.

Section 1.2 Population Projections, Growth and Development Trends

- 1.2.1 The School Board shall coordinate and share Information with the County and the City as follows:
 - (a) Beginning in 2007 and each year thereafter, the School Board shall submit to the County and City its annual update to its 5-year work program and educational plant survey no later than November 1st of said year. The plan will contain, among other things, information detailing existing and projected school enrollment, existing educational facilities and their capacity, their locations, the number of portables in use at each school, projected needs, generalized locations in which new schools will be needed, and will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide to the School Board at the School Board's discretion, or properties acquired through other means that are potential school sites (see Section 2.2 below).
 - (b) When considering a significant permanent capacity renovation or a closure of a school facility not included above, the School Board shall notify the County or the City, depending on jurisdiction, within 30 calendar days of such activity. Significant renovations encompass permanent capacity projects that increase or decrease a school's capacity, building square footage, and/or design. This notice provision shall not otherwise limit the School Board's authority to pursue the project or activity.

1.2.2 The County and City shall coordinate and share information with the School Board as follows:

- (a) Annually, the County and the City shall provide the School Board with a report on growth and development trends within their respective jurisdictions. This report will be in tabular, graphic, and textual format as appropriate and will include the following information, without limitation:
 - i. the type, number, and location of residential units which have received zoning approval or site plan approval;
 - ii. information, to the extent available, regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students;
 - iii. an inventory of potential dwelling units that have received final plat or site development plan approval but have not yet received certificate of occupancy approval and a projection of the amount of the number of these units that are anticipated to receive certificate of occupancy approval within three years;
 - iv. the identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval.
 - v. information regarding future land use map amendments which may have an impact on school facilities;
 - vii. building permits issued for the preceding year and their general geographic location; and,
 - viii. updated population projections apportioned geographically.
- (b) When considering the development of, or redevelopment of an area (e.g., neighborhood planning, enterprise zones, community redevelopment areas (CRAs)), the County and City, respectively, will notify the School Board. These entities will provide the School Board with a copy of draft plans and any plans completed prior to this Interlocal Agreement that are currently in the approval, funding and/or implementation stage of the plan.
- (c) The County and the City, respectively, will inform the School Board in advance of approval of plans for residential development and redevelopment, re-zoning or comprehensive plan amendment that changes residential densities, and major infrastructure projects that may impact student enrollment, enrollment projections, or school facilities. Such notification should be at least ten (10) days prior to the County or the City, respectively, considering or taking action on the item and, where appropriate, should include the proposed site plan that indicates the location, size, number and type(s) of units (number of bedrooms), any deed restrictions that may impact student populations, and other pertinent information as may be available.

- (d) The County and the City, respectively, shall provide the School Board their most recent population projections as such projections are revised or updated. At a minimum, the most current projections will be provided to the School Board staff prior to the annual meeting described in Section 1.1.2 of this Interlocal Agreement.

Section 1.3 Student Enrollment Projections

- 1.3.1 The County, the City and the School Board shall coordinate and base their plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment as provided for herein. In the event of any dispute between the parties over student enrollment projections or their application, such dispute shall be resolved as provided for in Section 9 of the Interlocal Agreement.
- 1.3.2 The actual students generated from new residential units will be used in the data and analysis for the annual update of the School Board's educational facilities plan. In using the information provided by the County and the City, the parties will take into consideration the actual level of commitment the different types of approvals represent.
- 1.3.3 The School Board will use the information furnished by the County and the City pursuant to Sections 1.2 and 5.5, together with any student population projections produced by the Education Estimating Conference (pursuant to s. 216.136, *Florida Statutes*) to update its student enrollment projections which shall be performed at least annually.
- 1.3.4 The School Board shall depict student enrollment projections geographically to coincide with the concurrency service areas (CSAs) described in this Interlocal Agreement.
- 1.3.5 The school enrollment projections and their allocation to concurrency service areas will be included in the educational facilities report provided to the County and the City each year as specified in Section 2.2 of this Interlocal Agreement.

Section 1.4 School Board Staff Participation in Local Planning Process

- 1.4.1 The County and City will appoint a School Board representative, designated and approved by the School Board, to serve as a nonvoting member on the County's Planning and Zoning Commission and the City's Planning and Zoning Commission, respectively. The School Board representative will be noticed, provided an agenda, and invited to attend and/or provide comments to the County and City planning agencies.
- 1.4.2 The School Board will appoint a staff representative to participate in, and provide comments, to the County's and the City's development review processes which involve new proposed residential development or which could have a significant impact on student enrollment, enrollment projections, or school facilities. The School Board representative will receive information packets in the same manner as other development review participants.
- 1.4.3 Further, to the extent not covered elsewhere, the County and the City shall give the appropriate staff persons of the School Board advance notification of hearings for comprehensive plan amendments, zoning changes, platting and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided pursuant to local notice procedures. This notice requirement includes amendments to the comprehensive plan, re-zonings,

planning, developments of regional impact, and other major residential or mixed-use development projects, without limitation.

- 1.4.4 After notification by the County or the City, as appropriate, the School Board development review representative, typically within ten (10) working days, will advise the County or the City, respectively, of the school enrollment impacts anticipated to result from the proposed Comprehensive plan amendments, re-zonings, and development proposals. There shall be a determination of whether sufficient permanent capacity exists or is planned to accommodate the impacts of the proposed development.
- 1.4.5. Upon the School Board notifying the County or the City pursuant to Section 1.4.4, the County or the City, respectively, will use such information in connection with their consideration of granting or denying comprehensive plan amendments, zoning changes, platting and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities development (see Section 1.5 below).

Section 1.5 Considerations by the County and City in Granting Development Approvals

- 1.5.1 In reviewing and approving comprehensive plan amendments, zoning changes, platting and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities, the County or the City, as appropriate, will consider the following issues, without limitation:
- (a) Providing school sites and facilities within planned neighborhoods.
 - (b) Ensuring the compatibility of land uses adjacent to existing schools and reserved school sites.
 - (c) The co-location of parks, recreation and community facilities in conjunction with school sites.
 - (d) The linkage of schools, parks, libraries, and other public facilities with bikeways, trails, and sidewalks.
 - (e) Targeting community development improvements in older and distressed neighborhoods near schools.
 - (f) Ensuring the development of traffic circulation plans to serve schools and the surrounding neighborhood, including any needed access improvements, sidewalks to schools, off-site signalization or safety-related signage.
 - (g) Consider the location of school bus stops and turnarounds in new developments.
 - (h) Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments.
 - (i) Encouraging developers or property owners to provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovation to existing facilities, and providing transportation alternatives.

- (j) School Board comments on comprehensive plan amendments and other land-use decisions.
 - (k) Available permanent school capacity or planned improvements to increase school capacity.
 - (l) All comments and findings received by the School Board including the availability of adequate school capacity.
 - (m) Whether the developer has satisfied, or can satisfy, the requirements of this Interlocal Agreement, the local government's adopted Public School Facilities Element of its comprehensive plan, and the school concurrency ordinance (following its adoption by the County and the City, respectively).
- 1.5.2 The County and the City, as appropriate, will give priority consideration to land uses, zoning, and development approvals in areas where adequate school capacity presently exists, or in areas additional school capacity has been reserved to serve potential growth (*i.e.* land has been donated or set aside for purchase by the School Board and reflected in a written agreement that has been duly approved by the School Board).
- 1.5.3 Where capacity will not be available to serve students from the property seeking a development approval, then the County or the City, respectively, may still approve the subject development if the developer can provide an adequate mitigation alternative acceptable to the School Board and the affected local government pursuant to Section 6.2 of this Interlocal Agreement. In the event where capacity is not available and the developer is unable or unwilling to provide an adequate and acceptable mitigation alternative, then the County or the City, respectively, will use the lack of school capacity as a basis for denial in accordance with Sections 5 and 6 of this Interlocal Agreement).

Section 1.6 Collocation and Shared Use of Facilities

- 1.6.1 Collocation and shared use of facilities are important to the parties herein. The County and the City, respectively, will look for opportunities to collocate and share use of their facilities with the School Board when preparing the annual update to their adopted comprehensive plan's schedule of capital improvements and when planning new, or renovating existing, community facilities. Likewise, the School Board will look for opportunities to collocate and share use of school facilities when preparing its educational facilities plan and when updating its financially feasible 5-year work program. In addition, when the School Board acquires property for a school site, the County and the City, respectively, will be given timely opportunity to consider acquiring adjacent property for an adjoining park. In designing the arrangement and layout of buildings, parking facilities and recreational areas for schools, consideration shall be given to the effective utilization of any adjacent public park.
- 1.6.2 A separate agreement may be developed for each instance of collocation or shared use which addresses operating and maintenance costs, scheduling use of the facilities, facility supervision, legal liability, or any other issues that may arise from collocation or shared use.

Section 1.7 Joint Considerations Regarding Shared Infrastructure

- 1.7.1 The School Board and the County or the City, as appropriate, shall cooperate in determining the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation or expansion of an existing school.
- 1.7.2 In conjunction with the School Board's approval of a new school site, the School Board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school. The School Board shall submit a site plan of the new school for review and recommendation of the Joint Committee (see Section 1.1). Prior to review by the Joint Committee, the affected local government may coordinate with School Board staff and perform its own technical review of the site plan. The Joint Committee shall notify the School Board in writing of its conclusions including any recommended approval conditions. Approval conditions shall be in writing and shall cover the timing and responsibility for construction, operation and maintenance of required on-site and off-site improvements.

SECTION 2 SCHOOL PLANNING

Section 2.1 Educational Plant Survey

- 2.1.1 The educational plant survey (required to be updated at least once in every 5 years) shall be consistent with the requirements of s. 1013.31 *Florida Statutes*, and include, at a minimum, an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with the adopted comprehensive plan of the County and the City, respectively.
- 2.1.2 Prior to the School Board updating its educational plant survey, the staff representatives of the County and the City shall be given an opportunity to provide input in the preparation of said survey. Additionally, the County and the City, at the request of the School Board and to the extent feasible, may provide technical or other assistance to the School Board regarding the preparation/updating of the educational plant survey.

Section 2.2 Tentative District Educational Facilities Plan

- 2.2.1 The Tentative Educational Facilities Plan is defined in s. 1013.35, *Florida Statutes*, as "the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities and SMART Schools Clearinghouse and the affected general-purpose local governments." The plan shall be consistent with the requirements of s. 1013.35, *Florida Statutes*, and shall include, without limitation: the projected student population apportioned geographically; an inventory of existing school facilities; projections of facility space needs; information on leased, loaned, and donated space; relocatables; general locations of new schools; anticipated closures of existing schools for the 5, 10, and 20 year time periods; as well as options to reduce the need for additional permanent student stations including criteria and methods as jointly determined by the parties hereto concerning the impacts of proposed development on public school capacity.
- 2.2.2 The Tentative Educational Facilities Plan shall also include a financially feasible 5-year work program (see definition in Section 0.1.8) for the subsequent 5-year period, each year adding an additional "fifth year." The work program shall include:

- (a) all planned school facility projects, which include new construction, expansions, remodeling, and renovations that will create additional capacity;
- (b) existing and projected enrollment of existing and planned school facilities;
- (c) the year in which each planned school facility will be undertaken;
- (d) the source of funding for each planned school facility and the year in which the funding becomes available;
- (e) the capacity created by each planned school facility; and,
- (f) necessary data and analysis supporting the proposed 5-year work program.

2.2.3 Annually, the School Board shall submit a draft of its Tentative District Educational Facilities Plan to the County and the City for their review and comment. The draft shall be transmitted sufficiently prior to adoption by the School Board to allow the County and the City adequate time to provide written comment pursuant to Section 2.2.4 below.

2.2.4 The County and the City, respectively, within 30 days of receiving the School Board's draft of its Tentative District Facilities Plan shall review said plan and provide written comment to the School Board which address, at a minimum:

- (a) infrastructure and service needs associated with the proposed educational facilities;
- (b) the consistency of the plan with their adopted comprehensive plan; and,
- (c) whether a comprehensive plan amendment will be necessary for any proposed educational facility.

2.2.5 The School Board (taking into consideration the written comments of the County and the City) will adopt a financially-feasible 5-year work program that includes school capacity sufficient to meet anticipated student demand based on the LOS standards set forth in this Interlocal Agreement.

2.2.6 The School Board will construct school facilities sufficient to maintain the LOS standards set forth herein, consistent with the adopted 5-year work program as funding is available.

2.2.7 In connection with this Interlocal Agreement, as amended, the County and the City, respectively, hereby adopt, by reference, the School Board's 5-year work program for FY 2008-2009 to FY 2012-2013 (as last adopted by the School Board). Thereafter, each subsequently adopted work program by the School Board will be adopted by reference by the County and the City and incorporated into their respective annual updates to the Capital Improvement Element (CIE) of their comprehensive plans in accordance with the procedures and times frames set forth in s. 163.3177(3), *Florida Statutes*, as same may be amended or renumbered from time to time. [NOTE: Any project listed as unfunded in the 5-year work program will not be considered for determining whether the adopted level of service is met in the 5-year work program.]

SECTION 3 SCHOOL SITING

Section 3.1 Items to be Considered in Evaluating New School Sites and Significant Renovations of Existing Schools

3.1.1 The following issues will be considered by the School Board when evaluating potential new school sites or significant renovations of existing schools:

- (a) Site acquisition and development cost.
- (b) Compatibility of the school site with present and projected uses of adjacent properties.
- (c) Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
- (d) Safe access to and from the school site by pedestrians and vehicles.
- (e) The proposed location is not within a velocity flood zone (V-zone), floodway, or the Coastal High Hazard Area (CHHA) as delineated in the adopted comprehensive plan of the County and the City, respectively.
- (f) The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- (g) The proposed site is well drained and soils are suitable for development, or are adaptable for development for educational purposes with identified drainage improvements.
- (h) The proposed location is not immediately adjacent to water treatment plants or wastewater treatment plants.
- (i) There are no significant environmental constraints that would preclude development of a public school on the site.
- (j) The proposed location lies outside the area regulated by s. 333.03, *Florida Statutes*, regarding the construction of public educational facilities in the vicinity or flight path of the Hernando County Airport.
- (k) There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- (l) The proposed site can accommodate the required parking, circulation, and adequate queuing of vehicles onsite.
- (m) Whenever possible and where appropriate, existing schools will be expanded, renovated, or revitalized to support community redevelopment, in-fill development, and revitalization.
- (n) The location of schools, where possible, should be proximate to and within walking distance of the residential neighborhoods served.

- (o) The location and design of a proposed school in an area designated as "Rural" on the Future Land Use Map ("FLUM") of the County or the City, respectively, should predominately accommodate the student population living within said Rural area. Furthermore, in locating any school in a Rural area, the School Board will consider the following criteria:
 - i. The School Board has demonstrated a need for a school in the proposed Rural area.
 - ii. The School Board has made good faith effort to locate a suitable site within the currently developed urban areas of the City and the County.
 - iii. The proposed site meets the other infrastructure and service needs contained in this Interlocal Agreement.
 - iv. Placement of a school within said Rural area provides the most cost effective alternative to meet the demonstrated need considering direct acquisition, infrastructure and site delivery costs(s) to local government(s) and other public infrastructure/service providers.
 - v. The proposed school site is otherwise consistent with the adopted comprehensive plan of the County or the City, respectively.

3.1.2 The School Board Staff will meet with and review potential school sites with planning staff of the County or the City (as to their respective jurisdictions). The recommendations and comments from these meetings will be submitted to the School Board as needed. The School Board will take their respective recommendations into consideration.

3.1.3 The County and the City, respectively, shall advise the School Board as to the consistency of the proposed new site with their adopted comprehensive plan, including the appropriate processes under which the School Board may request an amendment to the comprehensive plan for school siting. The consistency determination with the comprehensive plan is made through the development review process.

Section 3.2 Zoning Categories in Which Schools are Allowed

3.2.1 Within the County (unincorporated), schools are allowed as part of a "public service facility overlay district" within all zoning districts or as a special exception in certain zoning districts. The same procedures that apply to a standard re-zoning application also apply to designating an area a public service overlay district (see Appendix A to the County's Code of Ordinances).

3.2.2 Within the City, schools are allowed within the Agricultural, Residential, C-1, C-2, C-3, and PDP zoning districts subject to approval by the City as a "special exception use" in said district. The City's Code of Ordinances govern the process for obtaining a special exception use within the City.

3.2.3 The decision of the Board of County Commissioners or the Brooksville City Council, acting within their respective jurisdictions, shall be the final local government action of any comprehensive plan amendment or re-zoning decision.

Section 3.3 Additional Notice to Neighboring Property Owners for Re-zoning a Site to Accommodate a Proposed School

Where an identified school site requires re-zoning to accommodate a proposed school, the School Board shall provide written notice to all neighboring property owners of record as follows:

- (a) Proposed sites located within a "Rural" classification on the Future Land Use Map (County or City, respectively) – all property owners of record within a 500' radius of the site shall receive written notification of the proposed re-zoning request.
- (b) Proposed sites located in any other land use classification (other than "Rural") – all property owners of record within a 250' radius of the site shall receive written notification of the proposed re-zoning request.

SECTION 4 LOCAL GOVERNMENT REVIEW OF SCHOOL SITE DESIGN/DEVELOPMENT PLANS

4.1.1 The submittal, processing and review of any proposed site design or development plan shall be filed with the Planning Department of the County or the City (based upon their respective jurisdiction).

4.1.2 All drawings and plans submitted hereunder shall include, at a minimum, the following:

- (a) Location, size, height, and use of all proposed structures;
- (b) Proposed or existing location of fire hydrants and distance to structures;
- (c) Location and method of buffering from adjacent residential zoning districts;
- (d) Location and method of storm water retention;
- (e) Location, size and total amount of recreation areas;
- (f) Location and dimensions of proposed parking and service areas; and,
- (g) Proposed means of vehicular and pedestrian access from site to adjacent streets and or alleys.

4.1.3 The review and processing of any site design or development plan submitted by the School Board shall be in accordance with the adopted comprehensive plan of the County and the City, respectively, and all applicable land development regulations (noting that the School Board is exempt from certain regulations).

SECTION 5 SCHOOL CONCURRENCY IMPLEMENTATION

Section 5.1 Concurrency Service Areas

5.1.1 The concurrency service areas ("CSAs") – defined in Section 0.1.20) have been developed by the School Board, in conjunction with the County and the City, based upon

school attendance zones so that there is school capacity in each concurrency service area or contiguous concurrency service area (as per Sections 5.2 and 5.3 of this Interlocal Agreement) to meet the adopted level of service standard within the 5-year time frame contained in the work program as mandated by state law. The current version of the CSA maps, as amended from time to time pursuant to state law and this Interlocal Agreement, shall attach as Exhibit A to this Interlocal Agreement and be incorporated herein by reference.

- 5.1.2 CSAs shall be subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Interlocal Agreement, and taking into account policies to:
- (a) minimize transportation costs;
 - (b) limit maximum student travel times;
 - (c) effect desegregation plans;
 - (d) achieve socio-economic, racial and cultural diversity objectives;
 - (e) recognize capacity commitments resulting from the development approvals (by the County and/or the City) for the CSA; and,
 - (f) recognize capacity commitments resulting from development approvals (by the County and/or the City) for contiguous CSAs.
- 5.1.3 All CSAs will be described geographically and appropriately mapped (see Exhibit A).
- 5.1.4 Future amendments to the CSAs—other than periodic adjustments to school attendance zone boundaries—may be accomplished by the School Board in accordance with the criteria in Section 5.1.2 above and only after review and comment by the County and the City, respectively, as provided for in this Section.
- 5.1.5 Special Attendance Students will be assigned to schools in a CSA with capacities to handle Special Attendance Students.
- 5.1.6 Upon adoption of CSAs by the School Board, said CSAs and supporting maps will be incorporated as amendments to the adopted comprehensive plans of the County and the City, respectively, in accordance with the Growth Management Act (see 163.3180(13)(g)(5), *Florida Statutes*; Rule 9J-5.003, *Florida Administrative Code*).

Section 5.2 School Capacity Calculations

- 5.2.1 The School Board will determine whether adequate school capacity exists for a proposed development, based on the Level of Service (LOS) standards, CSAs, and other standards set forth in this Interlocal Agreement, as follows:
- (a) Calculate total school facilities by adding the capacity provided by existing school facilities except magnet/lottery schools to the capacity of any planned school facilities.

- (b) Calculate available school capacity by subtracting from the total school facilities the sum of:
 - i. used capacity;
 - ii. the portion of reserved capacity projected to be developed within three (3) years;
 - iii. the portion of previously approved development projected to be developed within three (3) years; and
 - iv. the demand on schools created by the proposed development.

5.2.2 In determining whether there is sufficient school capacity to accommodate a proposed development in a specific CSA, the School Board will:

- (a) *Subject CSA.* Available capacity will be determined based upon permanent capacity (as reported in the Florida Inventory of School Houses – FISH) of existing and planned facilities at each school type (i.e. elementary, middle and high).
- (b) *Contiguous CSA.* If the projected student growth from a residential development causes the adopted LOS to be exceeded in the subject CSA, a contiguous CSA will be reviewed for available capacity pursuant to Sections 5.2 and 5.3 of this Interlocal Agreement and shall take into account:
 - i. Travel time and distance (school bus route from the school to the site of the proposed development should not exceed 50 minutes);
 - ii. Where school capacity is reserved for a specific academic or magnet program(s) at a particular school or for establishing student diversity, then such capacity cannot be claimed in a contiguous concurrency service area for purposes of determining available capacity; and,
 - iii. Where two CSA's are separated or divided by the Withlacoochee State Forest, then they shall not be deemed contiguous for purposes of determining available capacity.

In conducting the contiguity review, the School Board shall first use the contiguous CSA with the most available capacity to evaluate projected enrollment and, if necessary, shall continue to the CSA with the next most available capacity until all contiguous CSAs have been evaluated or the available capacity has been identified to allow a determination letter approving school concurrency to be issued. If a contiguous CSA is identified having available capacity, then the actual development impacts shall be shifted to that CSA having available capacity (this shift shall be accomplished in accordance with School Board Policy and which may include, without limitation, appropriate boundary changes or shifting future student assignments).

Section 5.3 Level-of-Service Standards

5.3.1 The Level of Service standards shall account for Measurable Programmatic Changes.

- 5.3.2 Available capacity in each subject CSA and contiguous CSA will be determined in accordance with Section 5.2 above.
- 5.3.3 The LOS standard set forth herein shall be applied consistently by the parties hereto on district-wide basis to all schools of the same type (*i.e.* elementary schools, middle schools, high schools).
- 5.3.4 The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses ("FISH" – defined in Section 0.1.14) as follows:
- (a) Elementary: 100% of Permanent FISH Capacity for Permanent Student Stations, **and** 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
 - (b) Middle School: 100% of Permanent FISH Capacity for Permanent Student Stations, **and** 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
 - (c) High School: 100% of Permanent FISH Capacity for Permanent Student Stations, **and** 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).
 - (d) Magnet schools will maintain the level of service standard for the type of school for which it is constructed whether an elementary, middle, or high.
 - (e) For purposes of the this section, "Core Facilities" shall mean 'Permanent Cafeteria Capacity' based on FISH standards.
- 5.3.5 The LOS Standards set forth herein may be only amended pursuant to the procedures set forth in this Interlocal Agreement.

Section 5.4 Applicability and Exemptions

- 5.4.1 Except as provided below, school concurrency shall apply to all new residential development and uses that generate demands for public school facilities and are proposed or established after the effective date of the school concurrency ordinance (as adopted by the County and the City, respectively). School concurrency shall not apply to non-residential uses such as commercial, industrial or mining.
- 5.4.2 The following residential uses shall be considered exempt from the requirements of school concurrency.
- (a) Single family lots of record having received final plat approval (or otherwise deemed grand-fathered as a valid residential lot under the land development regulations of the County or the City, respectively) prior to the effective date of the school concurrency ordinance (which applies to the given lot or lots).
 - (b) Multi-family residential development having received final site plan approval prior to the effective date of the applicable school concurrency ordinance.

- (c) Amendments to residential development approvals issued prior to the effective date of the adopted school concurrency ordinance, which do not increase the number of residential units or change the type of residential units proposed.

Section 5.5 Demand Monitoring and Evaluation

5.5.1 The County and the City shall provide the following information to the School Board at least fifteen (15) days prior to the quarterly Joint Committee meetings required by Section 1.1.1 of this Interlocal Agreement to facilitate demand projection and student generation rate trends:

- (a) Appropriate building permit and certificate of occupancy data relating to residential uses
- (b) Summary of actions on residential re-zoning requests and conditional and final plats relating to residential uses.
- (c) Summary of site development plan approvals for all residential uses.
- (d) Such other information and data described in Section 1.2.2.

5.5.2 Additionally, the School Board will utilize the information above, along with the data described in Sections 1.2 and 2.2, in deriving its student enrollment projections and student generation rate trends.

Section 5.6 Amendments to School Concurrency Components

5.6.1 The procedures set forth herein shall apply in the event that any party to this Interlocal Agreement desires to amend any of the following:

- (a) Level of Service (LOS) standards;
- (b) concurrency service areas;
- (c) procedures for monitoring school demand and capacity;
- (d) procedures and methodology for making concurrency determinations for development approvals;
- (e) mitigation options and processes;
- (f) the 5-Year work program for facilities—other than annual amendments—that are located within the unincorporated areas of the County, or within the incorporated areas of the City; and,
- (g) those aspects of the Public Schools Facilities Element of the comprehensive plan that are common to the County or the City, respectively, and the School Board.

5.6.2 The procedure for amending any of the school concurrency components identified above shall be as follows:

- (a) The party wishing to amend one of the above-listed items, shall be the "Initiating Party." The Initiating Party may be the County, the City or the School Board subject to the requirements of this Interlocal Agreement and the Growth Management Act.
- (b) The parties reviewing and commenting on a proposed amendment shall be the "Reviewing Parties." The Reviewing Parties shall be the other two parties to this Interlocal Agreement exclusive of the Initiating Party. The Reviewing Parties shall review the proposed amendment for consistency with the Growth Management Act and this Interlocal Agreement.
- (c) Before officially considering an amendment to one of the above-listed standards, and prior to submitting such amendments to the Department of Community Affairs (DCA), if required, the Initiating Party shall transmit to the Reviewing Parties a memorandum outlining the proposed amendment, including a narrative describing the purpose of the proposed amendment and a statement regarding the impact of the proposed amendment on the adopted comprehensive plan (of the County or the City, respectively) and other elements of school concurrency addressed by this Interlocal Agreement. The memorandum also must include all data and analysis supporting the proposed amendment.
- (d) Within sixty (60) days of its receipt of a proposed amendment from the Initiating Party, the Reviewing Parties shall provide any written comments or objections to the Initiating Party. The Reviewing Parties shall each indicate whether they consent to the proposed amendment or, if not, the reasons for withholding its consent. Designees of the affected parties may meet and confer prior to the Reviewing Parties' submission of written comments in order to resolve any objections to the proposed amendment.
- (e) If the Reviewing Parties are unable to consent to the proposed amendment, the matter will be resolved pursuant to the dispute resolution process set forth in this Interlocal Agreement.
- (f) The parties agree that no proposed amendment will be implemented without the consent of the Reviewing Parties or, where the consent of all Reviewing Parties is not obtained, that no proposed amendment will be implemented unless it is determined to be appropriate through the dispute resolution process set forth in this Interlocal Agreement.
- (g) The parties agree that, once a proposed amendment has the consent of the Reviewing Parties, or is determined to be appropriate through dispute resolution, each party will undertake such comprehensive plan amendment and regulatory changes necessary to effectuate said change.

Section 5.7 Amendments to the 5-Year Work Program

The School Board shall amend and update its 5-year work program in conformity with applicable state law. All amendments and updates to the 5-year work program shall follow the process described in Section 2.2 and which includes the participation and input of the County and the City, respectively. As previously stated in Section 2.2.7 of this Interlocal Agreement, the County and the City, respectively, in connection with this Interlocal Agreement, as amended, hereby adopt, by reference, the School Board's 5-year work program for FY 2008-

2009 to FY 2012-2013 (as last adopted by the School Board). Thereafter, each subsequently adopted work program by the School Board will be adopted by reference by the County and the City and incorporated into their respective annual updates to the Capital Improvement Element (CIE) of their comprehensive plans in accordance with the procedures and times frames set forth in s. 163.3177(3), *Florida Statutes*, as same may be amended or renumbered from time to time. [NOTE: Any project listed as unfunded in the 5-year work program will not be considered for determining whether the adopted level of service is met in the 5-year work program.]

Section 5.8 Adoption of a Public School Facilities Element to the Comprehensive Plan of the County and the City, and Corresponding Amendments to Intergovernmental Coordination and Capital Improvements Elements

- 5.8.1 Beginning in October 1, 2006, the planning staff of the County and the City, respectively, in conjunction with the designated staff of the School Board shall form a working group (the "Working Group") to prepare the Public School Facilities Element (PSFE) that will be part of the comprehensive plan of the County and the City. The Working Group will be tasked with having a draft PSFE prepared by March 1, 2007.
- 5.8.2 The Planning and Zoning Commissions of the County and the City, respectively, will conduct public hearings on the proposed PSFE. Thereafter, the County and the City, respectively, sitting as the Local Planning Agency (LPA) will conduct public hearings on transmitting the proposed PSFE plan amendment.
- 5.8.3 Pursuant to Chapter 163, Part II, *Florida Statutes*, the County and the City have transmitted their proposed PSFE plan amendment to the Florida Department of Community Affairs for its review.
- 5.8.4 Following review and comment by the Florida Department of Community Affairs, the County and the City, respectively, will:
- (a) Adopt a Public Schools Facilities Element pursuant to ss. 163.3177(12), 163.31777 and 163.3180, *Florida Statutes*. The Public Schools Facilities Element shall become effective as provided in s. 163.3189(2), *Florida Statutes*.
 - (b) Amend the Intergovernmental Coordination Element ("ICE") of their respective comprehensive plans to be consistent with the adopted PSFE.
- 5.8.5 Following the adoption of the PSFE, and pursuant to s. 163.3194(1)(b), *Florida Statutes*, the County and the City, respectively, will promptly amend their respective land development regulations by adopting a school concurrency ordinance ("SCO") to assist in the implementation and furtherance of school concurrency as provided herein. All persons seeking a concurrency determination will be required to complete a school concurrency application and file same with the County or the City (based upon their respective jurisdiction). Pursuant to ss. 163.3194(1)(a) and (b), *Florida Statutes*, all applications for development submitted to the County and the City after the Public Schools Facilities Element becomes effective but prior to the adoption of land development regulations shall be consistent with the comprehensive plan and Public Schools Facilities Element as adopted.
- 5.8.6 Nothing herein shall prevent the County or the City from adopting their PSFE and SCO, respectively, sooner than the dates outlined herein, if all of the parties concur.

5.8.7 Pursuant to Sections 2.2 and 5.7 of this Interlocal Agreement, the County and the City will update/amend the Capital Improvement Element ("CIE") of their respective comprehensive plans, in accordance with the procedures and times frames set forth in s. 163.3177(3), *Florida Statutes*, as same may be amended or renumbered from time to time, to incorporate by reference the School Board's adopted 5-year work program (as such work program is updated annually by the School Board).

SECTION 6 PROCESS FOR APPLYING FOR SCHOOL CONCURRENCY DETERMINATION

Section 6.1 Concurrency Determinations Following Application

- 6.1.1 The school concurrency ordinance (to be adopted by the County and the City, respectively) as provided for in Section 5 above will include, among other things, application procedures and processes for evaluating school capacity and making concurrency determinations consistent with this Interlocal Agreement.
- 6.1.2 Following the adoption of its PSFE, and in accordance with all applicable land development regulations and this Interlocal Agreement, the County and the City (within their respective jurisdiction) will:
- (a) accept and process final plats and residential site plans, only after the applicant has complied with the terms of its adopted PSFE and all applicable land development regulations. The County or the City may consider a school concurrency application earlier in the approval process, upon request by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this Interlocal Agreement, the adopted PSFE, and the Growth Management Act.
 - (b) within ten (10) working days of receipt of a complete school concurrency application, transmit said application to the School Board for a determination of whether there is adequate school capacity, for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth in this Interlocal Agreement.
- 6.1.3 Within thirty (30) days of receipt of the initial transmittal (from the County or the City, respectively), the School Board will review the school concurrency application and, based on the standards set forth in this Interlocal Agreement, report in writing to the County or the City (depending on jurisdiction):
- (a) whether adequate school capacity exists for each level of school, based on the standards set forth in this Interlocal Agreement and its adopted PSFE; or
 - (b) if adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation, consistent with this Interlocal Agreement.
- 6.1.4 The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate students generated by the proposed development for each type of school within the affected CSA consistent with the adopted LOS standard will take into consideration that:

- i. Adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the subdivision plat or site plan (or functional equivalent); or,
- ii. Adequate school facilities are available in an adjacent CSA and the impacts of development can be shifted to that area; or,
- iii. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) pursuant to this Interlocal Agreement, the adopted PSFE, and the implementing land development regulations.

6.1.5 If the impact of the proposed development will not occur until years 2 or 3 of the School Board's financially feasible work plan, then any relevant programmed improvements in those years shall be considered available capacity for the project and factored into the level of service analysis. If the impact of the project will not be felt until years 4 or 5 of the work plan, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvements is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means.

6.1.6 If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.

6.1.7 The County or the City will issue a School Concurrency Determination only upon:

- (a) the School Board's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or,
- (b) the execution of a legally binding mitigation agreement between the applicant, the School Board and the County/City pursuant to this Interlocal Agreement.

Section 6.2 Mitigation Alternatives

6.2.1 In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Interlocal Agreement otherwise would be exceeded, the following procedure shall be used.

- (a) The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to s. 163.3180(13)(e), *Florida Statutes*, all applicable land development regulations, and this Interlocal Agreement.
- (b) Acceptable forms of mitigation may include:

- i. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.
 - ii. The creation of mitigation banking based on the developer's construction and/or financing of a public school facility in exchange for the right to sell excess capacity credits (the selling of excess credits shall be limited to that area within the subject CSA or any abutting CSA) and as may be further limited by the school concurrency ordinance (to be adopted by the County and the City, respectively)..
- (c) The following standards apply to any mitigation accepted by the School Board:
- i. Relocatable classrooms will not be accepted as mitigation.
 - ii. Mitigation shall be directed to projects on the School Board's financially feasible 5 year work plan that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the relevant local government, and the applicant. The development agreement shall be executed prior to the issuance of the applicable subdivision plat, site plan or functional equivalent in the development review process.
 - iii. The Student Generation Formula used for calculating mitigation shall be as follows:

Number of Student Stations (by school type) = Number of Dwelling units (by housing type) x Student Generation Multiplier (by housing type and school type)*

[* Student Generation Multipliers shall be based upon the best available data and professionally accepted methodology]
 - iv. Cost per Student Station estimates shall include, at a minimum, all costs of providing instructional and core capacity including land, site improvements, design, buildings, equipment, furniture, and costs of financing (if applicable). The capital costs associated with transportation of students shall not be included in the Cost per Student Station estimate used for mitigation.
 - v. The proportional mitigation share amount shall be calculated as follows:

Proportionate Share Amount = Number of Student Stations (by school type) x Cost per Student Station (by school type)**

[** The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.]
 - vi. Finally, if the School Board agrees to the mitigation, the School Board must commit to adding the improvement required for mitigation to its work

plan. Further, the development agreement shall include the landowner's commitment to continuing renewal of the development agreement upon its expiration.

- (d) In accordance with this Interlocal Agreement, s. 163.3180(13)(e), *Florida Statutes*, and Rule 9J-5.025, Florida Administrative Code, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level:
 - i. Multiply the number of new student stations required to serve the new development by the average cost per student station.
 - ii. The average cost per student station shall include school facility development costs and land costs.
 - iii. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need (see s. 163.3180(13)(e)(2), *Florida Statutes*).
- (e) If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed by the applicant and the School Board (together with the County or the City as may be appropriate) which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Interlocal Agreement. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements, if any, that the developer expects to receive in connection with its mitigation payment/donation under said agreement.
- (f) If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County or the City, as appropriate, in writing and the local government will not issue a School Concurrency Determination for the proposed development.
- (g) The School Board may grant up to two (2) ninety 90-day extensions to the mitigation negotiation period.
- (h) To the extent required under Florida law, mitigation must be proportionate to the demand for public school facilities to be created by the actual development of the property.

SECTION 7 IMPLEMENTATION

It is understood that the School Superintendent, the County Administrator and the City Manager, within their respective designated authority, shall be responsible for the implementation and administration of this Interlocal Agreement.

SECTION 8 EFFECTIVE DATE; TERMINATION

- 8.1.1 This Interlocal Agreement shall become effective on the date last signed by the duly authorized representatives of the County, the City and the School Board following authorization by their respective boards and commissions (the "Effective Date").
- 8.1.2 This Interlocal Agreement may only be terminated as provided for in chapter 163, Florida Statutes.

SECTION 9 DISPUTES

- 9.1.1 If the parties to this Interlocal Agreement are unable to resolve any issue(s) in which they may be in disagreement that are covered in this Interlocal Agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapter 164, *Florida Statutes*.
- 9.1.2 In the event of any dispute instituted through Chapter 164, or any claim, civil action or appeal arising under or related to this Interlocal Agreement, each party shall be responsible for its own attorneys' fees and costs relative to such dispute, claim, action or appeal.

SECTION 10 OVERSIGHT

- 10.1 Monitoring and evaluation of the school concurrency process is required pursuant to s. 163.3180(13)(g)(6)(c), *Florida Statutes*.
- 10.2 Members of the Joint Committee (see Section 1.1) shall be given a meaningful opportunity to participate in all meetings affecting this Interlocal Agreement.
- 10.3 By August 1st of each year, the Joint Committee shall receive the School Board's draft of its 5-Year Work Program (which the School Board must update and approve each year). The Joint Committee shall report to the School Board, the County and the City on whether or not the proposed 5-Year Work Program maintains the adopted Level of Service by adding enough projects to increase the capacity, if needed, to eliminate any permanent station shortfalls; by including required mobilization of existing facilities; and by providing permanent student stations for the proposed growth in enrollment over each of the five (5) years covered by the Plan.
- 10.4 By March 1, 2007, and by March 1st of each year thereafter, the Joint Committee shall be responsible for preparing an annual assessment report on the effectiveness of school concurrency. The report will be made available to the public and presented at the joint workshop conducted pursuant to Section 1.1.2.

SECTION 11 SEVERABILITY

It is declared to be the intent of all of the parties hereto that if any section, subsection, clause, sentence, phrase, or provision of this Interlocal Agreement is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 12 AMENDMENTS

This Interlocal Agreement may only be amended in writing signed by the County, the City and the School Board upon approval and authorization of their respective boards and commissions.

SECTION 13 EXECUTION IN COUNTERPARTS

This Interlocal Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, but all such counterparts shall together constitute but one in the same instrument.

SECTION 14 PRIOR AGREEMENT SUPERSEDED

Upon taking effect, this Interlocal Agreement shall supersede and replace the prior agreement between the parties dated August 7, 2006.

-Continued on Next Page-

BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY

ADOPTED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS, IN
REGULAR SESSION, THIS ____ OF _____, 2009.

ATTEST

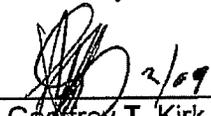
**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

KAREN NICOLAI
CLERK

BY _____
DAVID D. RUSSELL, JR.
CHAIRMAN

(SEAL)

Approved as to Form and
Legal Sufficiency

By:  2/09

Geoffrey T. Kirk
Assistant County Attorney

CITY OF BROOKSVILLE CITY COUNCIL

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, IN REGULAR SESSION, THIS ____ OF _____, 2009.

ATTEST

**CITY COUNCIL OF THE CITY OF
BROOKSVILLE**

BY _____

CLERK

**JOE BERNARDINI
MAYOR**

(SEAL)

Approved as to Form and
Legal Sufficiency

By: _____
The Hogan Law Firm
City Attorney

SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA

ADOPTED BY THE SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA, IN REGULAR SESSION, THIS ____ OF _____, 2009

ATTEST:

**SCHOOL BOARD OF HERNANDO
COUNTY, FLORIDA**

BY: _____

BOARD SECRETARY

BY: _____

DIANE BONFIELD
CHAIRPERSON

(SEAL)

Approved as to Form

By: _____

Paul Carland
General Counsel

ATTACHMENT G

until such regulation, code or amendment has been referred to the relationship of such proposal to the adopted comprehensive plan.
(Code 1988, § 2-284)

Secs. 101-75—101-80. Reserved.

ARTICLE V. ADEQUATE PUBLIC FACILITIES*

Sec. 101-81. Short title.

This article shall be known and may be cited as the "Adequate Public Facilities Ordinance."
(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-82. Findings.

The City Council of the City of Brooksville, Hernando County, Florida, finds that:

- (1) F.S. § 163.3167 requires the City of Brooksville, Hernando County, Florida, to prepare and adopt a comprehensive plan as scheduled by the department of community affairs; and
- (2) The city council conducted public hearings relating to the adoption of the city comprehensive plan in accordance with F.S. § 163.3167; and
- (3) It is the responsibility of the city council to adopt regulations that adequately plan for and guide growth and development within the city; and
- (4) F.S. § 163.3202 requires that the city adopt land development regulations to provide that public facilities and services meet or exceed the adopted level of service standards set forth in the city comprehensive plan; and,
- (5) Rule 9J-5.0055, Florida Administrative Code, establishes the minimum requirements necessary to ensure the facilities

***Editor's note**—Ord. No. 782, § 1, adopted Jan. 4, 2010, amended the former Art. V, §§ 101-81—101-94, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and derived from Ord. No. 733, § 1, adopted Dec. 18, 2006.

and services needed to support development are available concurrent with the impacts of such development; and,

- (6) The city council, in adopting this article, is establishing the sole procedure for determining the adequacy of public facilities at the time of development; and,
- (7) The proportionate fair-share program provides a method by which the impacts of development on transportation and public school facilities can be mitigated by the cooperative efforts of the public and private sectors.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-83. Intent and purpose.

It is the intent of this article to establish minimum criteria for the concurrency management system and authorize the preparation of an administrative procedure for determining that public facilities and services meet or exceed the adopted level of service standards set forth in the city comprehensive plan.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-84. Definitions.

For purposes of this article, the following words and phrases shall have the meanings specified hereinafter:

Available capacity review: A preliminary review conducted by the city to determine if an application for a rezoning or special exception is consistent with the comprehensive plan. Adequate public facilities for potable water, sewage treatment, drainage, solid waste, parks and recreation facilities, public schools and transportation must be available in order to deem the request consistent with the city comprehensive plan.

Available school capacity: Shall refer to the circumstance where there is sufficient school capacity, based on adopted level of service (LOS) standards, to accommodate the demand created by a proposed development.

Certificate of concurrency: The certificate issued by the city upon finding that an application

for a development permit meets the standards set forth in the city comprehensive plan for public facilities and services.

Concurrency management system: The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Concurrency service area or CSA is used in the context of school concurrency and, for purposes of this article, shall refer to the geographic unit adopted by the city within which school concurrency is applied and determined, as referenced in Rule 9J-5.025, Florida Administrative Code.

Contiguous CSA shall refer to a public school concurrency service area (CSA) which is directly abutting another CSA boundary line.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels.

District facilities work program or five-year work program is used in the context of school concurrency and shall refer to the financially feasible five-year listing of capital outlay projects adopted by the school board pursuant to F.S. § 1013.35 as part of the district educational facilities plan, which is required in order to: (1) properly maintain the educational plant and ancillary facilities of the district; and (2) provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in F.S. § 1013.21. Financial feasibility shall be determined using professionally accepted methodologies.

Equivalent residential unit (ERU): The numerical value associated with the average household size of single-family dwelling units.

Financial feasibility shall have the same meaning as defined in F.S. § 163.3164 as such statute may be amended or renumbered from time to time.

Finding of available school capacity shall mean a determination by the school district that public

school concurrency has been achieved, based on the projected impacts of the proposed development. A finding of available school capacity may be based on an executed proportionate share mitigation agreement.

Finding of no available school capacity shall mean a determination by the school district that public school concurrency has not been achieved, based on the projected impacts of the proposed development and the failure of the applicant to proffer an acceptable proportionate share mitigation agreement.

FISH capacity or capacity is used in the context of school concurrency and shall refer to the Florida Inventory of School Houses ("FISH") report of permanent capacity of existing public school facilities. The FISH capacity is the number of students that may be housed in a facility (public school) at any given time based upon a percentage by school type (i.e. elementary, middle, and high) of the total number of existing student stations and a designated size for each program. In the City of Brooksville and Hernando County, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to F.S. §. 1013.20.

Parks and recreation facilities shall mean public land which has been designated for recreational activities including but not limited to nature trails, boating, picnicking, beaches, playgrounds, ball fields, basketball or tennis courts, pedestrian/bicycle paths, open space and wilderness areas.

Proportionate share mitigation shall refer to an applicant's voluntary provision of public school facilities proportionate to a development proposal's impact on school capacity. Proportionate share mitigation options may include contribution of or payment for land acquisition; construction or expansion of, or payment for construction of public school facilities; or the creation of mitigation banking based on the construction of public school facilities, in exchange for the right to sell capacity credits to other residential development affecting those facilities. Proportionate share mitigation must be identified in a work program, unless the school district has committed itself in a propor-

tionate share mitigation agreement to include the mitigation in the work program during the next annual update to the work program.

Proportionate share mitigation agreement shall refer to a voluntary, legally-binding commitment to provide proportionate share mitigation to ensure public school concurrency can be achieved, where school capacity would not otherwise be adequate to support the demand resulting from approval of a development proposal at the time the development proposal is being considered. The applicant, school district and the city shall be parties to a proportionate share mitigation agreement pursuant to F.S. § 163.3180(13)(e)1.

Public facilities and services: The following facilities and services for which level of service standards have been established in the city comprehensive plan:

- (1) Potable water.
- (2) Sewage treatment.
- (3) Drainage.
- (4) Solid waste disposal.
- (5) Parks and recreation facilities.
- (6) Transportation.
- (7) Public schools.

School interlocal agreement shall refer to that certain agreement between Hernando County, the City of Brooksville and the Hernando County School District titled "2009 Amended and Restated Interlocal Agreement", together with any subsequent amendments, which sets forth the processes and procedures necessary to coordinate their respective plans and to ensure that new or expanded public educational facilities are coordinated in time and place with plans for residential development concurrently.
(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-85. Available capacity review.

(a) In order to determine if an application for a rezoning or special exception is consistent with the provisions of the comprehensive plan, an available capacity review may be conducted by the city. This procedure is a review and does not constitute a binding determination by the city.

(b) The following public facilities will be reviewed for adequacy to serve the subject site: potable water, sewage treatment, drainage, solid waste, parks and recreation facilities, public schools and transportation:

- (1) For potable water, sewage treatment, drainage, solid waste, parks and recreation facilities, and transportation - where capacity will not be available to serve the property seeking a development permit and alternative mitigation is not available or agreeable, then the city may use the lack of such infrastructure capacity as a basis for denial of the development permit.
- (2) For public schools - where capacity will not be available to serve students from the residential property seeking a development permit and alternative mitigation is not available or agreeable, then the city may use the lack of school capacity as a basis for denial of the development permit.

(c) Available capacity review is not a concurrency determination and does not relieve the applicant from applying for a concurrency determination.

(d) Any person may request an available capacity review at any time for the public facilities identified in this article.

(e) A nonrefundable available capacity review fee will be established by resolution of the city council.
(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-86. Certificate of concurrency.

(a) A valid certificate of concurrency must be issued to a property owner or his designated representative prior to the issuance of the following development orders or approvals, as applicable:

- (1) Zoning permit.
- (2) Building permit.
- (3) Conditional/preliminary subdivision plat approval.

- (4) Final subdivision plat approval.
- (5) Development orders for developments of regional impact (DRIs), with the exception of school concurrency pursuant to F.S. § 163.3180(13)(e).
- (6) Construction drawing approval.
- (7) Development agreements, with the exception of school concurrency pursuant to F.S. § 163.3180(13)(e).

(b) The property owner or his designated representative shall apply for a certificate of concurrency by filing a technically complete sworn application and application fee with the community development department upon a form to be provided by the department.

(c) The city council shall establish an appropriate fee structure by resolution and such fees shall be filed with the application for a certificate of concurrency.

(d) If the proposed development is to be developed in different parts, stages or phases, then the certificate of concurrency shall only apply to that specific part, stage or phase for which a concurrency determination is sought.

(e) If the application is deemed concurrent, a certificate of concurrency will be issued by the city.

(f) If the application is deemed not to be concurrent, the applicant will be notified in writing by the city.

(g) The burden of meeting the concurrency test shall be upon the applicant. The city will direct the applicant to the appropriate staff to assist in the preparation of the necessary documentation and information for inclusion into their application.

(h) It is the responsibility of the applicant to ensure that the application for a certificate of concurrency is complete and sufficient and all required information has been provided to the city and, for public school facilities, the Hernando County School Board.

(i) *Application process.*

(1) Within ten working days of receipt of a complete school concurrency application, the city will transmit said application to the school district for a determination of whether there is adequate school capacity, for each level of school, to accommodate the proposed development, based on the LOS standards, concurrency service areas, and other standards set forth in this article.

(2) Within 30 days of receipt of the initial transmittal from the city, the school district will review the school concurrency application and, based on the standards set forth in this article, report in writing to the city:

- a. Whether adequate school capacity exists for each level of school, based on the standards set forth in this article and its adopted comprehensive plan; or
- b. If adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation, consistent with this article.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-87. Concurrency certificate validity.

(a) An application for a certificate of concurrency shall be applied for at the time an application is made for any development order or approval referenced in the preceding section.

(b) A certificate of concurrency shall expire simultaneously with the development order or approval it accompanied including any extensions or renewals thereof unless a different expiration period is provided in a valid development agreement between the property owner and the city or in a DRI development order issued by the city pursuant to F.S. § 380.06(15). Furthermore and notwithstanding anything in this article to the contrary, no person may claim any vested or grandfather rights to concurrency absent either: i.) a valid and current written certificate of concur-

rency; ii.) a valid and current development agreement between the property owner and the city as approved by the city council and signed by the mayor; or iii.) a valid DRI development order issued by the city pursuant to F.S. § 380.06(15).

(c) The certificate of concurrency shall apply to the land and is therefore transferable from owner to owner of the subject parcel(s) for the specific project upon which the certificate of concurrency was issued; however, in no event may the certificate of concurrency be transferred off-site or to any other project or parcel(s).

(d) Any alteration in scope, density, magnitude, location, project traffic circulation and/or distribution for the subject property must be reported to and approved by the city for certificate re-evaluation. If such alterations are not reported, the certificate of concurrency will be subject to revocation.

(e) Public facilities must serve land development in accordance with the adopted level of service standards contained within the city comprehensive plan. This certificate of concurrency when issued by the city verifies adequate capacity until its stated expiration date as provided in subsection (b) above. Notwithstanding anything to the contrary, a certificate of concurrency offers no other assurance, does not approve any development order, and does not grant any development rights.
(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-88. Exemption from adequate public facilities review and concurrency review.

(a) The purpose of the concurrency review is to determine a project's impact on the provision of public facilities/services. The following will be exempt from the concurrency review for potable water, sewage treatment, drainage, solid waste, parks and recreation facilities and transportation:

- (1) Single-family home or duplex and
- (2) Nonresidential projects consisting of less than 1,500 square feet of floor space,

generating less than 20 average daily trips (ADT), and using less than 500 gallons of water per day.

(b) The following shall be exempt from the requirements of public school concurrency:

- (1) Single-family lots of record established prior to the effective date of this article.
- (2) Duplex lots of record established prior to the effective date of this article.
- (3) Amendments to any residential development approval which do not increase the number of residential units or change the type of residential units proposed.
- (4) Any residential development that has a current and valid certificate of concurrency issued prior to the effective date of this article.
- (5) A project or any portion of a project that is age restricted and subject to deed restrictions prohibiting the permanent occupancy of a resident under the age of 55, or is restricted to affordable housing as defined in F.S. § 420.5095 as such statutes may be amended or renumbered from time to time. The city shall require a separate development agreement with the applicant and/or evidence of recordable deed restrictions ensuring such commitment to provide senior or age restricted housing, affordable housing, and/or workforce housing.
- (6) Any residential development which has been determined exempt by the Hernando County School District.
- (7) All nonresidential uses.
- (8) Residential development that generates less than one student (The applicable student multipliers in effect at the time of submittal shall be utilized).

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-89. Minimum requirements for concurrency.

A development order will be issued only if the proposed development does not lower the existing level of service of a facility/service below the

adopted level of service in the city comprehensive plan, provides mitigation in accordance with the terms of the concurrency management requirements or which results in only de minimus impacts as defined in F.S. § 163.3180(6) as such section may be amended or renumbered. The minimum criteria to satisfy concurrency requirements have been established in Rule 9J-5.0055 et seq, Florida Administrative Code, subject to this article and the following additional requirements:

- (1) For potable water, sewer, solid waste and drainage the following standards must be met, at a minimum, to satisfy the concurrency requirement:
 - a. The necessary facilities and services are in place at the time a development permit is issued; or
 - b. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - c. The necessary facilities are under construction at the time a permit is issued; or
 - d. The necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (2) For parks and recreation facilities, the criteria under subsection (1) above may be applied or the following minimum standards may be applied:
 - a. At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or,
 - b. The necessary facilities and services are guaranteed in an enforceable de-

velopment agreement which requires commencement of actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220 or an agreement or development order issued pursuant to F.S. ch. 380.

- (3) Transportation.
 - a. Transportation supply (capacity). Transportation supply shall be determined in accordance with the requirements of the city's comprehensive plan and the terms of this article. Capacity will be based either on FDOT's generalized capacity tables or individual capacity studies utilizing professionally accepted standards and methodologies approved by the city community development and public works departments' directors.
 - b. Transportation supply is as follows:
 - 1. The segment's existing peak hour, peak season, peak direction capacity; or
 - 2. The segment's new roadway capacity if facility expansion for the segment is proposed and if:
 - i. At the time the development order or permit is issued, the facility expansion is under construction; or
 - ii. A development order or permit is issued subject to a condition that the facility expansion needed to serve the new development is included in the city's or county's adopted five-year schedule of capital improvements and is scheduled to be in place or under actual construction

not more than three years after issuance of the project's first building permit or its functional equivalent. For purposes of this section, the city may recognize and include transportation projects included in the first three years of the adopted Florida Department of Transportation five-year work program. In order to apply this provision to a facility expansion project, the capital improvements element (CIE) must include the following policies:

- A. The estimated date of commencement of actual project construction and the estimated date of project completion, and
 - B. A provision that a plan amendment is required to eliminate, defer, or delay construction of any road which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of capital improvements of the city's or county's adopted comprehensive plans; or
- iii. At the time a development order or permit is issued, the facility is the subject of a binding executed agreement which requires the facility to be in place or under actual construction no more than three years after the issuance

of the project's first building permit or its functional equivalent; the agreement may assign all or a portion of the created capacity; or

- iv. At the time a development order or permit is issued, the facility is guaranteed in an enforceable development agreement, pursuant to F.S. § 163.3220 or an agreement or development order issued pursuant to F.S. Ch. 380 to be in place or under actual construction not more than three years after issuance of a building permit or its functional equivalent. [F.S. § 163.3180(2)(c)]; the agreement may assign all or a portion of the created capacity; or
 - v. The segment is the subject of a proportionate fair-share agreement. In such case, the segment capacity increase reflected in the proportionate fair share agreement shall be available only to the parties to a proportionate fair share agreement.
- (4) For public school facilities the following standards must be met, at a minimum, to satisfy the concurrency requirement:
- a. Applicability: All new residential development shall be subject to public school facilities concurrency unless exempted under this article.
 - b. Concurrency service areas (CSAs):
 - 1. CSAs will be developed based upon school attendance zones so that there is school capacity in each concurrency service area or contiguous concurrency service area to meet the adopted

- level of service standard within the five-year time frame contained in the school board's adopted five-year work program (as such work program is updated annually by the school board) and incorporated by reference into the city's capital improvement element.
2. CSAs shall be subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the adopted LOS standards, and taking into account policies which:
 - i. Minimize transportation costs;
 - ii. Limit maximum student travel times;
 - iii. Affect desegregation plans;
 - iv. Achieve socio-economic, racial and cultural diversity objectives;
 - v. Recognize capacity commitments resulting from the development approvals by the city for the CSA; and,
 - vi. Recognize capacity commitments resulting from development approvals by the city for contiguous CSAs.
 3. All CSAs will be described geographically and appropriately mapped.
- c. Calculation of capacity: The school district will determine whether adequate school capacity exists for a proposed residential development based on the adopted LOS as follows:
1. Calculate total public school facilities by adding the capacity provided by existing public school facilities, except magnet/lottery schools, to the capacity of any planned school facilities.
 2. Calculate available public school capacity by subtracting from the total public school facilities the sum of:
 - i. Used capacity;
 - ii. The portion of reserved capacity projected to be developed within three years;
 - iii. The portion of previously approved development projected to be developed within three years; and
 - iv. The demand on public schools created by the proposed development.
- d. Determination of sufficient school capacity for residential development:
1. In determining whether there is sufficient school capacity to accommodate a proposed residential development, the school district will consider:
 - i. Subject CSA. Available capacity will be determined based upon permanent FISH capacity of existing and planned facilities at each public school type (i.e. elementary, middle and high); and,
 - ii. Contiguous CSA. If the projected student growth from a residential development causes the adopted LOS to be exceeded in the subject CSA, then each contiguous CSA will be reviewed for available capacity pursuant to this article and shall take into account:
 - A. Travel time and distance (school bus route from the school to the site of the pro-

- posed development should not exceed 50 minutes);
- B. Where school capacity is reserved for a specific academic or magnet program(s) at a particular school or for establishing student diversity, then such capacity cannot be claimed in a contiguous concurrency service area for purposes of determining available capacity; and,
 - C. Where two CSAs are separated or divided by the Withlacoochee State Forest, then they shall not be deemed contiguous for purposes of determining available capacity.
2. In conducting the contiguity review, the school district shall first use the contiguous CSA with the most available capacity to evaluate projected enrollment and, if necessary, shall continue to the CSA with the next most available capacity until all contiguous CSAs have been evaluated or the available capacity has been identified to allow a determination letter approving school concurrency to be issued. If a contiguous CSA is identified having available capacity, then the actual development impacts shall be shifted to that CSA having available capacity (this shift shall be accomplished in accordance with school board policy and which may include, without limita-
 - tion, appropriate boundary changes or shifting future student assignments).
- e. Issuance of residential development orders predicated on sufficient public school facility capacity:
 1. The issuance of development orders for new residential units shall be predicated on the availability of public school capacity.
 2. Whether there is adequate public school capacity to accommodate students generated by the proposed development for each type of public school within the affected CSA consistent with the adopted LOS standard will take into consideration that:
 - i. Adequate public school facilities will be in place or under actual construction within three years after the issuance of the subdivision approval or site plan (or functional equivalent); or,
 - ii. Adequate public school facilities are available in an adjacent CSA and the impacts of development can be shifted to that area; or,
 - iii. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the subdivision approval or site plan (or functional equivalent) pursuant to this article.
 3. If the impact of the proposed development will not occur until years two or three of the school board's financially feasible work plan, then any rele-

vant programmed improvements in those years shall be considered available capacity for the project and factored into the level of service analysis. If the impact of the project will not occur until years four or five of the work plan, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvements is assured through school board funding to accelerate the project, through proportionate share mitigation, or some other means.

- 4. If the school district determines that adequate capacity does not exist but that the developer's proffered proportionate share mitigation agreement is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period.
- 5. The city will issue a certificate of concurrency for public schools only upon:
 - i. The school district's written determination that adequate school capacity will be in place or under actual construction within three years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation; or,
 - ii. The execution of a legally binding mitigation agreement between the applicant, the school board and the city.

(5) In determining the availability of services or facilities, a developer may propose and

the city may approve developments in stages or phases so that the facilities and services needed for each phase will be available concurrent with the impacts of the proposed development.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-90. Facilities/services subject to concurrency determination.

A concurrency determination shall be made for the following public facilities/services:

- (1) Potable water.
- (2) Sewage treatment.
- (3) Drainage.
- (4) Solid waste disposal.
- (5) Parks and recreation facilities.
- (6) Transportation.
- (7) Public schools.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-91. Facility/service demand calculations.

The following calculations shall be used to determine the projected demand of the proposed project described in an application for a development permit on the public facilities and services. The information necessary to enable the city to perform the facility/service demand calculations in the following shall be provided by the applicant to the city.

- (1) *Potable water:* Adopted LOS = 242 gal./day/equivalent residential unit (ERU) 242 gal x _____ ERU's = demand
- (2) *Sewage treatment:* Adopted LOS = 220 gal./day/ERU 220 gal x _____ ERU's = demand
- (3) *Drainage:* Adopted LOS is equivalent to and no less than the regulations of the Southwest Florida Water Management District for closed basins, as provided for in the Florida Administrative Codes 40D-4 and 40D-40.

- (4) *Solid waste:* Adopted LOS = 6.2 lbs./day/person (nonresidential uses are included in the city's comprehensive plan adopted LOS). Solid waste will be calculated on a city-wide basis at regular intervals. Current estimate is 6.2 lbs. per capita.

Population x 6.2 lbs. per day = Demand

- (5) *Parks and recreation facilities:*

Recreation and Open Space	Minimum Standards
Picnic table	20 per 6,000 persons
Swimming pool	1 per 10,000 persons
Baseball field (regulation)	1 per 6,000 persons
Tennis court	1 per 2,000 persons
Basketball court	1 per 5,000 persons
Volleyball court	1 per 5,000 persons
Recreational building	1 per 15,000 persons
Outdoor theater	1 per 20,000 persons
Shooting range	1 per 50,000 persons
Golf course	1 per 25,000 persons
Equipped play area	1 per 3,000 persons
Multi-use court	1 per 10,000 persons
Shuffleboard	1 per 6,000 persons
Handball court	1 per 10,000 persons
Horseshoe court	1 per 5,000 persons
Multi sport play field	1 per 5,000 persons

- (6) *Transportation:*

- a. Level of service standards. The LOS requirement shall be as provided for in the city comprehensive plan.
- b. Traffic study requirements.
 - 1. *Purpose.* The purpose of the traffic study or assessment is to identify the potential impacts of new development on the city and county roadway network. Such a study or assessment shall provide information for making a concurrency determination on each impacted segment of the road network. The study or assessment shall identify traffic volumes on each impacted roadway, identify where the adopted level of service is exceeded, and recommend potential solutions

or improvements, The study or assessment will include segment and intersection analysis where appropriate or otherwise required.

- 2. Land development traffic assessment ("LDTA") shall refer to a traffic study which has been prepared in accordance with the standards and methodology set forth in "Hernando County Traffic Study Procedures," by Tindale-Oliver & Associates (January 2008), as may be updated from time to time. The LDTA may be classified as "Minor" or "Major."
- 3. Determine the number of average daily trips generated by the proposed project using the most recent edition of the institute of transportation engineers (ITE) Trip generation manual (most current edition). No traffic study will be required for developments generating less than 100 average daily trips according to the ITE trip generation manual (most current edition). Trips will be assigned by the county to determine if adequate capacity is available on the road network in the impacted area. If the adopted level of service on the impacted roadway is exceeded, the applicant, at its expense, will be required to submit a minor LDTA in accordance with the adopted study criteria.
- 4. If the project is calculated to generate more than 100, but less than 1,000 average daily trips according to the ITE trip generation manual (most current edition), a minor LDTA shall be submitted by the applicant.
- 5. If the project is calculated to generate more than 1,000, av-

erage daily trips, according to the ITE trip generation manual, current edition, a major LDTA shall be submitted by the applicant.

6. *Comprehensive plan amendment.* For applications that involve large scale plan amendments (i.e. ten acres or more of land), and for small scale plan amendments that generate over 1,000 average daily trips according to the ITE trip generation manual (most current edition), a comprehensive plan amendment traffic study meeting LDTA standards and requirements shall be submitted by the applicant. Further, to the extent applicable, the study will include the data and analysis required by Rule Chapter 9J-5, Florida Administrative Code. Notwithstanding the foregoing, if the plan amendment encompasses ten acres or more of land but generates less than 1,000 average daily trips, then the applicant may perform a five-year concurrency analysis in lieu of the foregoing if approved in advance by the city.
7. *Development of regional impact.* For all applications which involve a development of regional impact (DRI), the applicant's traffic study shall include data and analysis relative to the application for development approval (for the DRI) prepared in accordance with the methodology prescribed by Rule 9J-2.2045, Fla. Admin. Code, and F.S. Ch. 380.06 as may be amended or renumbered from time to time.
8. *Signed and sealed by engineer.* All traffic studies and assessments required under this sec-

tion shall be prepared, signed, and sealed by a professional engineer registered and practicing in the State of Florida, qualified to perform traffic studies and assessments, and in accordance with professionally recognized industry standards.

9. If a land development traffic assessment (LDTA), a comprehensive plan amendment traffic study, or a development of regional impact traffic study pursuant to this section is required, it shall be prepared and submitted by the applicant at the applicant's expense.

(7) *Public schools:*

- a. Level of service (LOS) standards contained herein shall be used to determine whether sufficient public school capacity exists to accommodate future development projects, and evaluate the sufficiency of the five-year schedule of capital improvements. The five-year schedule of capital improvements shall be reviewed, updated, and adopted annually thus ensuring those projects necessary to address existing deficiencies, and to meet future needs based upon the adopted level of service standards. The annual update to the five-year schedule of capital improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.
- b. The level of service standards shall be applied consistently on a district-wide basis to all schools of the same type (i.e. elementary schools, middle schools, high schools).
- c. The LOS standards to for schools shall be calculated as a percentage of FISH capacity as follows:
 1. Elementary: 100 percent of permanent FISH capacity for per-

manent student stations, and 100 percent of permanent FISH capacity for core facilities (whichever is the greater number will be used for calculating student capacities for LOS).

2. Middle school: 100 percent of permanent FISH capacity for permanent student stations, and 100 percent of permanent FISH capacity for core facilities (whichever is the greater number will be used for calculating student capacities for LOS).
3. High school: 100 percent of permanent FISH capacity for permanent student stations, and 100 percent of permanent FISH capacity for core facilities (whichever is the greater number will be used for calculating student capacities for LOS).
4. Magnet schools will maintain the level of service standard for the type of school for which it is constructed whether an elementary, middle, or high.
5. For purposes of this subsection, "Core Facilities" shall mean "Permanent Cafeteria Capacity" based on FISH standards.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-92. Alternative demand calculations.

If the applicant claims the standards provided in the demand calculations are not applicable to the proposed project, the applicant shall submit appropriate documentation based on professionally accepted methodology and practices supporting the proposed alternative demand calculation to the city. Any alternative calculation standard shall be subject to approval of the city and, if related to the determination of demands on public school facilities, the Hernando County School Board.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-93. Appellate procedures.

Any appeal of a denial of a certificate of concurrency for potable water, sewage treatment, drainage, solid waste, parks and recreation facilities and transportation shall be to the city council within 30 days of receipt of written notification of denial. The notification of denial shall be provided via certified mail. Pursuant to Hernando County School District Policy 8.54., any appeal of a finding of no available school capacity by the school district for public schools shall be to the school district within 30 days of the issuance of the determination.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-94. Transportation facilities proportionate fair-share mitigation.

(a) *Purpose and intent.* The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share program, as required by and in a manner consistent with F.S. § 163.3180(16).

(b) *Findings.* The city council finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the city proportionate fair-share program:

- (1) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative and creative efforts of the public and private sectors;
- (2) Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair share of the cost of expanding or improving a transportation facility;
- (3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion; and

- (4) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the city to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the capital improvements element.

(c) *Applicability.* The proportionate fair-share program shall apply to any development project in the city where the project's traffic impact study or the city's community development or public works directors determine that there is insufficient capacity on one or more segments to satisfy the development project's transportation concurrency requirements. The proportionate fair-share program does not apply to developments of regional impact (DRIs) using proportionate fair share under F.S. § 163.3180(12) or to developments exempted from concurrency as provided in this article.

(d) *General requirements.*

- (1) An applicant whose project meets the criteria of this section may choose to satisfy transportation concurrency requirements by making a proportionate fair share contribution, pursuant to the following requirements:
 - a. The proposed development is consistent with the comprehensive plan and applicable land development regulations, and
 - b. The five-year schedule of capital improvements in the city or county capital improvements element (CIE) includes one or more transportation improvements that, upon completion, will provide sufficient capacity for the deficient segments to accommodate the traffic generated by the proposed development.
- (2) The city may choose to allow an applicant to satisfy transportation concurrency for a deficient segment, through the proportionate fair-share program, by the developer contributing to an improvement that, upon completion, will create additional

capacity on the deficient segment sufficient to accommodate the additional traffic generated by the applicant's proposed development even if the improvement project for the deficient segment is not contained in the five-year schedule of capital improvements in the CIE where:

- a. The city council holds an advertised public hearing to consider the proportionate share agreement and corresponding future changes to the five-year CIE, and
- b. The city adopts, by ordinance or resolution, a commitment to add the improvement to the five-year CIE. To qualify for consideration under this section, the proposed schedule of capital improvements in the CIE must be reviewed by the city council, and determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1 consistent with the comprehensive plan, and in compliance with the provisions of this article. Financial feasibility for this section means that additional contributions, payments or revenue sources to fund the improvement project are reasonably anticipated during a period not to exceed ten years.

- (3) If the funds allocated for the five-year schedule of capital improvements are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the city may enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the government entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.

- (4) Improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule at the next annual capital improvements update.
 - (5) Any improvement project proposed to meet a developer's fair-share obligation must meet design standards of the city or county for locally maintained roadways in their jurisdiction and those of the Florida Department of Transportation (FDOT) for the state highway system.
- (e) *Application process.*
- (1) Upon identification of a lack of capacity to satisfy transportation concurrency, an applicant may choose to satisfy transportation concurrency through the proportionate fair-share program pursuant to the requirements of this section.
 - (2) Prior to submitting an application for a proportionate fair-share agreement, the applicant shall attend a pre-application meeting with appropriate staff to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the strategic intermodal system (SIS), then the Florida Department of Transportation (FDOT) will be notified and invited to participate in the preapplication meeting.
 - (3) Eligible applicants shall submit an application to the city that includes nonrefundable application fee as established by resolution, and the following:
 - a. Name, address, and phone number of owner(s), developer and agent;
 - 1. Property location, including parcel identification numbers;
 - b. Legal description and survey of property;
 - c. Project description, including type, intensity, and amount of development;
 - d. Phasing schedule, if applicable;
 - e. Description of requested proportionate fair-share mitigation method(s);
 - f. Copy of concurrency application;
 - g. Copy of the project's traffic impact statement (TIS) or traffic impact analysis (TIA); and
 - h. Location map depicting the site and affected road network.
- (4) Within ten business days, the city manager shall review the application and certify that the application is sufficient and complete. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair-share program as indicated in this section, then the applicant shall be notified in writing of the reasons for such deficiencies within ten business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application shall be deemed abandoned. The city council may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- (5) Pursuant to F.S. § 163.3180(16)(e) proposed proportionate fair-share mitigation for development impacts to facilities on the strategic intermodal system requires the concurrence of the Florida Department of Transportation (FDOT). If an SIS facility is proposed for proportionate share mitigation, the applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (6) When an application is deemed sufficient, complete, and eligible, a proposed proportionate fair-share obligation and binding agreement will be prepared by the city or the applicant with direction from the city and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share

mitigation on a strategic intermodal system (SIS) facility, no later than 60 days from the date at which the application was determined to be sufficient and no fewer than 14 days prior to the city council meeting when the agreement will be considered.

- (7) The city shall notify the applicant regarding the date of the city council meeting at which the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the city council.

(f) *Determining proportionate fair-share obligation.*

- (1) Proportionate fair-share mitigation for concurrency impacts may include, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in F.S. § 163.3180(16)(c).
- (2) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation as provided in F.S. § 163.3180(16)(c).
- (3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

The cumulative number of peak hour, peak direction trips from the complete build out of the proposed development, or build out of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour directional maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated construction cost of the proportionate share project in the year that construction will occur.

This methodology is expressed by the following formula:

$$\text{Proportionate fair share} = \sum[(\text{Development Trips}_i) \div (\text{SV Increase}_i)] \times \text{Cost}_i$$

(Note: In the context of the formula, the term "cumulative" does not include a previously approved stage or phase of a development.)

Where:

Σ = Sum of all deficient links proposed for proportionate fair-share mitigation for a project.

Development trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system.

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i".

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall consist of all improvements and associated costs, including design, right-of-way acquisition, planning, engineering, inspection, and physical development costs, directly associated with construction at the anticipated cost in the year that construction will occur.

- (4) For purposes of determining proportionate fair-share obligations, the city shall determine improvement costs based upon the actual and/or anticipated costs of the improvement in the year that construction will occur. These costs will be determined by the city's public works department. Accepted sources for determining improvement costs may include, but not be limited to, the most recent issue of FDOT transportation costs, as adjusted, based upon the type of cross-section, and locally available data from recent projects.
- (5) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the city's public works director or other method approved by the city's public works director.

- (6) If the city has accepted right-of-way dedication for the proportionate fair share payment, credit for the dedication of the nonsite related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the county property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the city and will be at no expense to the city. Said appraisal shall assume no approved development plan for the site. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant (based on a city-approved appraisal) is less than the city estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. If the estimated value of the right-of-way dedication proposed by the applicant (based on a city-approved appraisal) is more than the city estimated total proportionate fair-share obligation for the development, then the city will give the applicant roads impact fee credit for the difference.

(g) *Impact fee credit for proportionate fair-share mitigation.*

- (1) Proportionate fair-share mitigation payments for a development project shall be applied as a credit toward the roads impact fees assessed to that development project to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the applicable impact fee ordinance.
- (2) Impact fee credits for a proportionate fair-share contribution will be determined when the roads impact fee obligation is calculated for the proposed development. If the applicant's proportionate fair-share obligation is less than the development's anticipated roads impact fee for the specific

stage or phase of development under review, then the applicant must pay the remaining impact fee amount.

- (3) A proportionate fair-share contribution is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any roads impact fee credit based upon proportionate fair-share contributions for a proposed development may not be transferred to any other location.
- (4) The amount of roads impact fee (RIF) credit for a proportionate fair-share contribution may be up to but shall not exceed the project's proportionate fair share amount.
- (5) A proportionate fair share impact fee credit shall be applied consistent with the following formula:

$$\text{Applicant payment} = [(\text{Total project roads impact fees assessed}) + (\text{Proportionate Share Payment})] - (\text{RIF CREDIT})$$

(h) *Proportionate fair-share agreements.*

- (1) Upon executing a proportionate fair-share agreement (agreement) and satisfying other concurrency requirements, an applicant shall receive a city certificate of concurrency approval. Should the applicant fail to apply for building permits within the time frame provided for in the city concurrency certificate, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.
- (2) Payment of the proportionate fair-share contribution for a project and payment of other impact fees assessed to that project shall be due and must be paid prior to the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the city council.

- (3) All developer improvements accepted as proportionate fair share contributions must be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. The security instrument shall conform to the subdivision construction security requirements utilized by the city community development department. It is the intent of this article that any required improvements be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.
- (4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must occur prior to the effective date of the proportionate fair share agreement.
- (5) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would increase project costs or generate additional traffic that would require mitigation.
- (6) Applicants may withdraw from a proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the city are nonrefundable.
- (7) The city may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.
 - (i) *Appropriation of fair-share revenues.*
 - (1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improve-

ments in the city capital improvements element, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

- (2) In the event a scheduled facility improvement is removed from the capital improvements element (CIE), then the proportionate fair share revenues collected for its construction may be applied toward the construction of alternative improvements within that same corridor or sector where the alternative improvement will mitigate the impacts of the development project on the congested roadway(s) for which the original proportionate fair share contribution was made.

(Ord. No. 782, § 1, 1-4-2010)

Sec. 101-95. Public school facilities proportionate fair-share mitigation.

(a) *Purpose and intent.* The purpose of this section is to establish a method whereby the impacts of proposed residential development on public school facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share program, as required by and in a manner consistent with F.S. § 163.3180(13).

(b) *Findings.* The Brooksville City Council finds and determines that public school facilities capacity is a commodity that has a value to both the public and private sectors and that the city proportionate fair-share program:

- (1) Provides a method by which the impacts of development on public school facilities can be mitigated by the cooperative and creative efforts of the public and private sectors;
- (2) Allows developers to proceed under certain conditions, notwithstanding the failure of public school facilities concurrency, by contributing their proportionate fair share of the cost of expanding or improving a public school facility;

- (3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of overcrowding at public school facilities; and
- (4) Maximizes the use of public funds for adequate public school facilities to serve future growth, and may, in certain circumstances, allow the school board to expedite public school facilities improvements by supplementing funds currently allocated for public school facilities improvements in the capital improvements element.

(c) *Applicability.* The proportionate fair-share program shall apply to any residential development project in the City of Brooksville where the project's impact indicates that there is insufficient capacity to satisfy the development project's public school facilities concurrency requirements. The proportionate fair-share program does not apply to developments exempted from concurrency as provided in this article.

(d) *General requirements.* An applicant whose project meets the criteria of this section may choose to satisfy public schools facilities concurrency requirements by making a proportionate fair share contribution, pursuant to the following requirements:

- (1) The proposed development is consistent with the comprehensive plan and applicable land development regulations, and
- (2) The school district determines that adequate capacity does not exist but that mitigation is an acceptable alternative, and the developer executes a legally binding commitment to provide mitigation acceptable to the school district proportionate to the demand for public school facilities created by the actual development project.

(e) *Mitigation alternatives.*

- (1) In the event the proposed project meets the requirements for proportionate fair share contribution, the following procedure shall be used.
 - a. The applicant shall initiate in writing a mitigation negotiation period

with the school board in order to establish an acceptable form of mitigation, pursuant to F.S. § 163.3180(13)(e) the city's comprehensive plan, and this article.

- b. Acceptable forms of mitigation may include:
 - i. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.
 - ii. Construction of a charter school that complies with the requirements of F.S. § 1002.33(18).
 - iii. The creation of mitigation banking based on the developer's construction and/or financing of a public school facility in exchange for the right to sell excess capacity credits (the selling of excess credits shall be limited to that area within the subject CSA or any abutting CSA) and as may be further limited by this article.

(2) The following standards apply to any proportionate share mitigation agreement:

- a. Relocatable classrooms will not be accepted as mitigation.
- b. Mitigation shall be directed to projects on the school board's financially feasible five-year work plan that the school district agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the school board, the city and the applicant. The development agreement shall be executed prior to the issuance of the applicable subdivision plat, site plan or functional equivalent in the development review process.

- c. The student generation formula used for calculating mitigation shall be as follows:

Number of Student Stations (by school type) = Number of Dwelling units (by housing type) x Student Generation Multiplier (by housing type and school type)*

[* Student Generation Multipliers shall be based upon the best available data and professionally accepted methodology as presented in the supporting data and analysis of the Comprehensive Plan Public School Facilities Element]

- d. Cost per student station. For purposes of this article, cost per student station estimates shall include, at a minimum, all costs of providing instructional and core capacity including land, site improvements, design, buildings, equipment, furniture, and costs of financing (if applicable). The capital costs associated with transportation of students shall not be included in the cost per student station estimate used for mitigation.

- e. The proportionate mitigation share amount shall be calculated as follows:
 Proportionate Share Amount = Number of Student Stations (by school type) x Cost per Student Station (by school type)**

[** The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.]

- f. If the school district agrees to the mitigation, the school district must commit to adding the improvement required for mitigation to its work plan and the city shall amend its capital improvements element/capital improvements schedule to adopt the school board's revised work program.
- (3) The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each public school type (elementary, middle, high, magnet):
- a. Multiply the number of new student stations required to serve the new development by the cost per student station (as estimated pursuant to subsection (2) above).
 - b. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need.

Summary of Concurrency Evaluation and Proportionate Share Mitigation

Step 1	Determine number of students generated by development	Number of DUs (by unit type)
		MULTIPLIED BY Student Generation Rate (by DU type and School type) EQUALS Number of Student Stations needed to serve proposed development.
Step 2	Assess need for mitigation	Available Capacity (see § 101-89(4)c of this article) MINUS

		Number of new Student Stations needed to accommodate proposed development
		EQUALS
		Shortfall (negative number) or surplus (positive number) of capacity to serve proposed development.
Step 3	Evaluate available capacity in contiguous CSAs	If Step 2 results in a negative number, repeat Step 2 for one or more contiguous CSA. If this remains a negative number, proceed to Step 4.
Step 4	Calculate proportionate share mitigation	Additional Student Stations needed (negative number from Step 3)
		MULTIPLIED BY
		Cost per Student Station
		EQUALS
		Proportionate Share Mitigation obligation.

(4) *Mitigation negotiation period.*

- a. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the school district are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed by the applicant and the School district (together with the city) which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with the city's comprehensive plan and this article. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements, if any, that the developer expects to receive in connection with its mitigation payment/donation under said agreement.
- b. If, after 90 days, the applicant and the school district are unable to agree to an acceptable form of mitigation, the school district will report an im-

passe to the city, in writing and the city will not issue a finding of adequate school capacity and associated certificate of school concurrency for the proposed development.

- c. The school district may grant up to two ninety-day extensions to the mitigation negotiation period.

- (5) To the extent required under Florida law, mitigation must be proportionate to the demand for public school facilities to be created by the actual development of the property.

(Ord. No. 782, § 1, 1-4-2010)

CHAPTER 1**FUTURE LAND USE**

Goal: To ensure that the character, magnitude, and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical, and economic environment, and enhances the quality of life of all residents. [9J5.006(3)(a)]

Objective 1: The City shall maintain land development regulations that effectively guide and manage future growth.

- Policy 1-1:** The City shall maintain a unified Land Development Code that will regulate: all land uses shown on the Future Land Use Map, the subdivision of land, the location, size and the height of signs, areas subject to seasonal or periodic flooding, and the type of land use based on suitability for the topography, soil conditions and the availability of facilities and services. [9J-5.006(3)(b)1] [9J-5.006(3)(c)1]
- Policy 1-2** As part of the unified land development code, the City shall develop and adopt regulations that provide for drainage and stormwater design standards and protect potable water well fields and aquifer recharge areas.
- Policy 1-3:** The adopted, unified development code shall ensure that properly designed and safe ingress/egress is available to all sites, and that on-site traffic flow and parking shall be adequate to meet annual maximum daily requirements. [9J-5.006(3)(c)3]
- Policy 1-4:** The adopted, unified development code shall ensure and provide that development orders shall be issued only upon certification that water, sewer, and solid waste and other required services are available to serve the proposed development at the adopted level of service, or are committed to be available concurrent with a development's completion. [9J-5.006(3)(c)3]
- Policy 1-5:** In conformance with Objective 1 above, the City shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the Future Land Use Map and the adopted City Zoning Map. [9J-5.006(3)(c)7]

Density and intensity standards for land uses in the City of Brooksville are listed as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of 1,163 residential units 240,000 square feet of retail or office, 45,000 square feet of

clubhouse and associated activities, and a minimum of 350 acres of open space/recreational uses within the project boundary.

Majestic Oaks Mixed Use District. This is a mixed use district consisting of up to 999 residential units, up to 100,000 square feet of commercial/retail/office, up to 31,000 square feet of clubhouse and associated activities, and a minimum of 200 acres of open space/recreation uses within the project boundary. All development must meet the concurrency requirements of Chapter 163, Florida Statutes. Thus, more than 600 residential units, but fewer than 999 of the units allowed in this district, may be allowed through the rezoning process provided that the approved development meets the concurrency requirements, including transportation, as required by Chapter 163, Florida Statutes.

McAteer Residential Development District (MRDD). The project shall be permitted a maximum of 450 dwelling units and shall be developed as follows:

- Community Features. The MRDD shall incorporate the following features:
 - Cluster housing to maintain open space;
 - Open space and a neighborhood park within each development pod;
 - The interconnection of open spaces and residential pods through the use of multi-purpose trails and sidewalks;
 - Drought tolerant (Xeriscape) landscaping as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*; and
 - The protection of the site's natural areas.
- Zoning/Master Plan. The rezoning application shall include a master plan for approval.
- Housing Mix. The project may include a variety of housing types lot sizes, setbacks and densities.
- Definable Edge. The project shall provide a definable edge a minimum of 50 feet in width along the eastern project boundary. The edge shall consist of existing vegetation and shall be enhanced with the planting of additional native vegetation where appropriate.
- Open Space. A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided.
- Protected Plant and Animal Species. Impacts to protected wildlife and plants shall be minimized through the use of on-site mitigation and preservation techniques in accordance with all applicable regulations.
- Natural Resources/Site Suitability
 - Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access,

utilities and utilization for stormwater projects. There shall be no net loss of wetlands.

- Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
- Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

South Brooksville Planned Development District (SBPDD). The SBPDD shall provide for the orderly redevelopment of the South Brooksville area into a viable mixed-use community, while retaining the positive features of the existing neighborhood character. The SBPDD designation consists of 122 acres. Land uses permitted within the SBPDD shall include:

- The existing single-family residential neighborhood not exceeding approximately 18.8 acres and up to 7 dwelling units per acre;
- The existing multi-family residential community not exceeding 6.9 acres and up to 18 dwelling units per acre;
- Highway-oriented, community and specialty retail not exceeding approximately 31 acres and a floor area ratio of 0.30;
- Industrial and Corporate Park space not exceeding approximately 22 acres and a floor area ratio of 0.80;
- Transit Oriented Development (TOD) located within approximately 0.25 miles of the CSX railroad right-of-way and not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 16 dwelling units per acre;
- Public use sites and facilities not exceeding approximately 4.9 acres; and
- Recreation uses on a minimum of approximately 21.3 acres.

Features

The South Brooksville PDD redevelopment will incorporate the following features:

- a vision designed to retain the existing sense of neighborhood and community;
- coordinated infrastructure, sufficient to maintain the health and safety of the existing community, while accommodating growth;
- preservation of existing single-family neighborhoods;
- higher density single-family and multi-family housing located along and in close proximity to major roadway corridors and the railway corridor;
- a mix of land uses;
- a diversity of housing types and densities, including workforce and affordable housing;

- employment opportunities;
- community retail along the Martin Luther King corridor;
- highway oriented commercial along the SR 50 and SR 50A corridors;
- specialty retail and services along the “Good Neighbor Trail”;
- preservation of the Good Neighbor trailhead complex;
- historic preservation;
- transit oriented design techniques along the existing rail corridor consistent with the Tampa Bay Area Regional Transit Authority (TBARTA) master plan;
- integration of public uses and facilities within the SBPDD;
- provisions for neighborhood and community recreation facilities;
- promotion of safe pedestrian and non-vehicular movement;
- provisions for the use of appropriate design guidelines and redevelopment techniques within the SBPDD

Coordination of Governmental Entities, Actions and Programs

Community Awareness. In order to maintain a coordinated effort with the South Brooksville community and Hernando County, the City shall maintain ongoing coordination with community representatives and the County regarding redevelopment programs, proposals and activities that impact the SBPDD. Coordination shall include, but not be limited to, meeting with community groups, holding public information workshops and coordinating with community representatives consistent with the policies contained in Objective 1 of the Intergovernmental Coordination Element,

Coordination of Land Use Changes and Policies. The City shall coordinate redevelopment activities, policies and programs, and changes in zoning with Hernando County and community representatives.

Redevelopment Activities. Redevelopment activities shall be coordinated with the Enterprise Zone Program and business retention/recruitment programs.

Housing

Housing Mix. Within the South Brooksville PDD, a variety of flexible lot sizes, flexible setbacks, mixed uses and a range of densities shall be allowed. New mobile home development shall be discouraged.

Affordable and Workforce Housing. Affordable and workforce housing shall be considered in the review of new mixed use and residential projects.

Commercial Development

Martin Luther King Corridor. Community commercial activity in South Brooksville will be located along the Martin Luther King Blvd. corridor. Appropriate design techniques for this corridor may include, but not be limited to, the following:

- The use of on street parking where safe and appropriate
- The use of reduced setbacks
- The placement of parking behind structures
- Provisions for retaining alleyways and the use of rear loading areas
- The use of architecture complimentary to the community's historic character
- The use of architectural detail, building articulation, traditional storefront looks, and overhangs
- The orientation of buildings toward streets and pedestrian areas
- The use of pedestrian connections and wider sidewalks
- The use of street furnishings and streetscape techniques
- The use of traffic calming techniques
- Flexible parking techniques

Good Neighbor Trail Corridor. Property adjacent to the Good Neighbor Trail may be redeveloped with a mix of complementary specialty retail, services and residential/lodging uses. Specialty retail should include, but not be limited to, restaurants, bicycle shops, small commodity stores, art galleries, antique shops, consignment shops, bed & breakfast houses, and other compatible uses of similar scale and intensity. Residential uses shall not exceed 7 dwelling units per acre. The maximum floor area ratio for nonresidential uses shall be 0.30.

Highway Commercial. Highway commercial uses shall be located along the State Road 50/Cortez Boulevard and State Road 50A/Jefferson Street corridors and shall not exceed a 0.30 floor area ratio.

Employment Center

Employment Center. Light Industrial and Business Park uses will be encouraged along Main Street and the existing railroad corridor. When located along the railroad corridor, these uses should be compatible with future transit oriented development. The redevelopment of existing industrial areas compatible with the community is encouraged in order to provide employment opportunities and economic growth. Maximum floor area ratio for Light Industrial and Business Park uses shall be 0.80.

Mixed Use Areas

Mixed Use Areas. Mixed use areas should be planned and designed to incorporate a mix of uses, including, but not limited to, light industrial, office space, commercial and residential. Maximum floor area ratios shall be 0.30 for commercial uses and 0.80 for light industrial and office uses. New Heavy Industrial uses shall be prohibited.

Transit Oriented Development

TOD Land Use Principles and Techniques. Development in proximity to the existing railroad ROW, identified as a regional transit corridor by the Tampa Bay Area Rapid Transit Authority (TBARTA) master plan, shall be oriented to land uses that are complementary to the use of Transit Oriented Development (TOD) principles and techniques. These techniques shall include, but not be limited to mixed uses, higher density development, diversity of housing, active ground floor uses, quality pedestrian environment, structured parking, non-auto oriented commercial, pocket parks, live-work units, gathering places and on-site bicycle facilities. Nonresidential uses shall be developed at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre.

Consistency with TBARTA. Transit Oriented Development shall be designed to be consistent with model policies developed by the Tampa Bay Area Rapid Transit Authority (TBARTA) and goals/objectives/policies established elsewhere in this plan related to mass transit, mobility and transit oriented development.

Recreation & Open Space

Open Space. Redevelopment of the South Brooksville PDD shall include the use of open space that provides active and passive recreational opportunities, visual aesthetics and environmental preservation within the community.

Recreation. Kennedy Park shall continue to be the focal point of active community recreation facilities. Additional neighborhood parks and open space may be placed within the South Brooksville PDD to provide passive recreation opportunities and gathering spaces for community residents.

Multi-Purpose Pathways. Recreation areas and open spaces shall be connected by paths, greenways, bikeways and sidewalks to provide for neighborhood mobility.

Infrastructure

Utilities. All new development and redevelopment within the South Brooksville PDD shall be served by central sewer and water.

Drainage & Floodplain Management. Redevelopment in the South Brooksville area shall not impede the ability of drainage patterns and floodplain areas to function properly, or present risks of flooding or impeding drainage flow.

Timing. Water, sewer and drainage infrastructure shall be provided to support existing development, new development, and redevelopment of the SBPDD.

Grant Funding. Grant funding shall be researched, applied for, and utilized, to provide for water, sewer and drainage infrastructure to support existing development, new development, and redevelopment.

Streetlights. Streetlights shall be provided using an MSBU or other appropriate funding mechanism.

Transit and Mobility Alternatives. The mobility needs of the South Brooksville Community shall be met by providing transit and mobility alternatives/infrastructure consistent with the Hernando County transit development plan, the plans of the Metropolitan Planning Organization (MPO), the City of Brooksville, the Tampa Bay Area Rapid Transit Authority (TBARTA), and the Florida Department of Transportation (FDOT).

Traffic Calming. Traffic calming features shall be used to manage the speed and safety of traffic in the South Brooksville area.

Newgate Street. The Newgate Street alignment will be planned and utilized to provide for internal connectivity and the distribution of traffic.

Land Use Approvals

Rezoning. Rezoning requests shall utilize the Planned Development Project (PDP) review process.

Existing Land Uses. All existing land uses and zoning shall be considered as conforming and may remain until such time that redevelopment occurs.

Land Uses Allowed. In the South Brooksville Planned Development District, the proposed mix of land uses includes residential, commercial, office and a transit oriented development node.

Suburban Residential. Permissible densities shall be limited to a maximum of 2.5 dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process.

Single Family Residential. Permissible densities shall be limited to a maximum of 7 dwelling units per acre.

Mobile Home/Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

A. CPA2007-L2. Development of the parcel labeled as amendment CPA 2007-L2 on the Future Land Use Map shall be limited to not exceed 10 dwelling units per acre.

Mobile Home Residential. Permissible densities shall be limited to a maximum of 8 dwelling units per acre.

Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

Commercial. Lands classified as commercial use shall be used for the sale, rental and distribution of products or performance of services. The maximum allowable commercial intensity will be 0.70 floor area ratio and 70% lot coverage. For all commercial lots that are not subject to setback requirements in the Historic/Central Business District a 1.25 floor area ratio will be preserved.

A. CPA 2004-L1. Development of the parcel labeled as amendment CPA 2004-L1 on the Future Land Use Map shall be limited to not exceed 184,000 square feet of building floor area.

B. CPA2010-S7 and CPA2010-S8. Development of the parcels labeled as amendments CPA2010-S7 and CPA2010-S8 on the Future Land Use Map shall not collectively exceed 100,000 square feet of building floor area.

Industrial. The minimum lot size for industrial land use shall be 1 acre and allowed to a maximum lot coverage of 70% with a 0.80 maximum floor area ratio.

A. CPA 2010-L6. Development of the parcel labeled as amendment CPA2010-L6 on the Future Land Use Map shall not exceed 375,705 square feet of building floor area.

Agriculture. The minimum lot size for the agricultural land use category is 1 acre.

Recreational. This land use will not be limited to a minimum tract size. This land use shall have a maximum floor area ratio of 10%.

Conservation. The adopted land development regulations will assure that a site plan review process establishes the basis for site-specific development orders that protect and conserve conservation areas, with densities varying according to the environmental constraints. Wetlands in the City shall be designated as Conservation. Conservation Element Policies 2-6 and 2-7 describe the limited densities and intensities for development in wetlands.

Public Facilities and Land. Such areas are those areas that may be used for governmental purposes such as: utility, telecommunication, and transportation right-of-way and corridors; stormwater management facilities and structures; buildings and structures for governmental services; public libraries; public schools; churches, quasi-public entities and state and federal structures and buildings. Additional uses that may be permitted by the local government in this land use district include residential, commercial, industrial and mixed use. Governmental land uses will be allowed a maximum 1.25 Floor Area Ratio (FAR). Densities and intensities of residential, commercial, industrial and mixed use developments on properties designated as Public Facilities and Land shall be guided by the densities and floor area ratios of surrounding plan categories, including those of adjacent jurisdictions, to ensure compatibility with surrounding development. In instances where mixed uses are proposed, a maximum of 25 percent of the land area may be devoted to commercial land uses. Proposals to redevelop properties with residential, commercial, industrial and/or mixed uses shall be reviewed as Special Exception Uses. All development shall be subject to applicable development regulations.

Mixed Use. Mixed use developments will be permitted only within the Planned Development Project zoning district based on the approval of a site-specific development order. Provision of open space will be consistent with the requirements of the Planned Development Project zoning district. At a minimum, a mixed use development must include both residential and non-residential land uses. For purposes of the Mixed Use land use category, the Non-Residential land use category may include office, retail, light industrial, and recreational uses in addition to other uses specified in said category. Allowed uses within the Conservation and the Public Facilities and Lands categories may also be part of a mixed use development.

For projects equal to or less than 10 acres: A minimum of 20% and a maximum of 80% of a mixed use project will be non-residential. The maximum allowable mixed use intensity shall be 0.70 floor area ratio and 70% lot coverage. A minimum of 20% and a maximum of 80% of a mixed use project will be residential, with residential densities up to 18 units per acre.

For projects greater than 10 acres: A minimum of 20% and a maximum of 80% of a mixed use project will be non-residential. The maximum allowable mixed use intensity shall be 0.70 floor area ratio and 70% lot coverage. A minimum of 20% and a maximum of 80% of a mixed use project will be residential, with an overall dwelling unit density limited to 7 dwelling units per gross acre, and a minimum of 10% open space. For

mixed use projects over 10 acres the non-residential uses are limited to a maximum trip generation rate of 500 AADT per non-residential acre. Projects requesting reservation of infrastructure capacity will be required to enter into monitoring agreements with the City to ensure that the developer incurs a proportionate share of the cost of development.

- Policy 1-6:** The City shall ensure that proposed modifications to land use in follow-up to large-scale annexations promote responsible urban growth, safeguard natural resources, expand the City's economic base, and serve to implement best practices throughout the development process.
- Policy 1-7:** Use annexation and subsequent land use petition processing as a guide to the location, timing and character of development on the City's edge.
- Policy 1-8:** Whenever possible and appropriate, use annexations and subsequent land use petition processing as an opportunity to enter into an Interlocal agreement with Hernando County regarding responsibility and timing of services and infrastructure within the Joint Planning Area.
- Policy 1-9:** Estimate the fiscal impacts of proposed land use changes on levels of service and the City's costs and revenues; then apply this information in formulation of the city's Capital Improvement Program (CIP).
- Objective 2:** The City shall maintain a City Zoning Map that ensures future development and redevelopment activities are located in appropriate areas of the City as illustrated on the adopted Future Land Use Map, which shall be consistent with sound planning principles and provide for control of urban sprawl in conformance with directives of the adopted Future Land Use Element. [9J-5.006(3)(b)2] [9J-5.006(3)(b)8]
- Policy 2-1:** The City shall continue to encourage the use of innovative land use development techniques such as planned development projects, zero lot line patio home subdivisions, cluster housing techniques and mixed use developments. [9J-5.006(3)(c)5]
- Policy 2-2:** Concentrate higher density and intensity growth in and around areas that are adequately served by transportation facilities, public utilities, and community services and facilities.
- Policy 2-3:** Locate future land uses at densities and intensities that will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.
- Policy 2-4:** High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

- Policy 2-5:** Residential subdivisions shall be designed to include an efficient system of internal circulation, including the provision of external collector streets, where applicable, to feed the traffic onto external arterial roads and highways.
- Policy 2-6:** Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.
- Policy 2-7:** Protect residential areas from incompatible commercial and industrial uses. [9J-5.006(3)(c)2]
- Policy 2-8:** Provide residential areas of sufficient density to economically support adequate community facilities.
- Policy 2-9:** Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.
- Policy 2-10:** Discourage isolated residential developments that require higher service costs through the proper implementation of policies 2-2, 2-3, 2-5, 2-8, 2-11, 2-13, and other appropriate adopted policies of this plan.
- Policy 2-11:** Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.
- Policy 2-12:** Approve the location of new development on the basis of the land's ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.
- Policy 2-13:** Prior to approval of locating future development, evaluate the impact of development on existing land use in relation to employment, transportation, and essential services such as sewer, water, police and fire protection, and schools.
- Policy 2-14:** Promote development of commercial areas that are convenient to the public, and well integrated into the transportation system and surrounding land uses.
- Policy 2-15:** Encourage commercial uses to locate in designated commercial nodes as directed in the Future Land Use Element.
- Policy 2-16:** Discourage commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas through the use of proper

site plan procedures and adopted floodplain management policies in the Conservation Element of this plan.

- Policy 2-17:** Locate planned shopping centers and developments serving regional and community-wide markets at the intersections of existing and proposed arterial roadways in order to improve accessibility and minimize unnecessary traffic.
- Policy 2-18:** Locate neighborhood shopping facilities within defined neighborhoods, situated on collector roads.
- Policy 2-19:** Concentrate heavy commercial activities and buffer them from residential and open space areas.
- Policy 2-20:** Require adequate off-street parking and loading facilities in all commercial areas.
- Policy 2-21:** The City shall, through application of proper development review procedures, permit industrial development that is compatible with the natural environment, while planning the development of prime industrial land in accordance with anticipated development trends.
- Policy 2-22:** Specifically permit the type, intensity and location of industrial development in such a way as to foster a diversified economic base while not being detrimental to the City's aesthetics and quality of life, through appropriate zoning district designation and adherence to proper planning principles.
- Policy 2-23:** Designate the expansion of industry in those areas already having industrial amenities.
- Policy 2-24:** Disallow industry from locating in residential areas.
- Policy 2-25:** Permit the clustering of industrial activities in industrial parks located in designated Industrial Nodes, which are environmentally suitable and accessible to adequate transportation facilities.
- Policy 2-26:** Protect existing industrial areas from encroachment by residential and non-compatible commercial uses.
- Policy 2-27:** Separate industrial districts from residential and commercial districts through adequate buffering and screening.
- Policy 2-28:** Provide an adequate amount of land suitable to meet the growing industrial and employment needs of the City.

- Policy 2-29:** Disapprove industrial rezoning requests for lands that are not located in Industrial Nodes or are incompatible with adjacent land uses.
- Policy 2-30:** Disallow industrial activities from locating in wetlands and other environmentally sensitive areas.
- Policy 2-31:** The City shall formally adopt Land Use Element maps that indicate 100-year flood hazard areas, ponding and wetlands areas, and stormwater drainage system conduits as city conservation areas, until such time as a Master Stormwater Drainage Study is completed and adopted to specifically designate sites and acreages to be reserved for conservation use.
- Policy 2-32:** By January 1, 2010, the City shall adopt an ordinance to protect existing and future potable water supply sources, providing criteria for establishing protection areas for wellheads and wellfields and for identifying and restricting inappropriate activities and land uses within these areas consistent with the requirements of Rule 9J-5, F.A.C. and Rule 62-521. Until such an ordinance is adopted, all hazardous materials facilities including small quantity generators and all industrial uses shall be prohibited from wellhead protection areas as delineated by the Southwest Florida Water Management District as a part of the county's Water Resource Assessment Project (WRAP) and mapped in the City's Future Land Use Map series. [9J-5.006(3))(c)6]
- Policy 2-33:** Mixed land uses shall be permitted in the designated Central Business District (CBD) upon approval of a Special Exception Use Permit in accordance with the directives of the Future Land Use Element and zoning district designations specified in the adopted Land Development Code, and in conformance with the zoning district classification appearing on the City Zoning Map to promote a historic, pedestrian, residential and business character for the CBD.
- Policy 2-34:** Schools are permitted in all land use categories except Conservation. Schools may be allowed in any zoning district subject to approval as a special exception use. The level of service standards for educational facilities are set forth in the Public School Facilities Element (Chapter 11) and the Capital Improvements Element (Chapter 8) of this Comprehensive Plan. The City of Brooksville shall encourage the location of public elementary, middle, K-8 and high schools based on the criteria established by Chapter 11 of this plan.
- Policy 2-35:** Allow electric distribution substations in all land use categories but, if possible, avoid locating substations where they would be incompatible with adjacent land uses.

Policy 2-36: Require the compatibility of electric distribution substations with surrounding land uses (including heightened setback, landscaping, buffering, screening, lighting, etc.) as part of a joint public/private site planning effort.

Objective 3: The City shall maintain measures to ensure that all public facilities and services necessary to meet adopted level of service standards are available concurrent with the impacts of development.

Policy 3-1: Development permits shall be issued only upon certification that a stormwater permit has been issued or exempted by the Southwest Florida Water Management District under F.A.C. 40D-4.

Policy 3-2: Development permits shall be issued only when level of service for stormwater management can be met and demonstrated to the Departments of Public Works and Community Development by site design plans. [9J-5.006(3)(c)4]

Policy 3-3: On-site traffic flow shall be controlled for safety with appropriate marking and signage while minimizing egress onto arterial roads and providing a share of frontage road as designated in the Transportation Element.

Policy 3-4: On-site parking requirements for multi-family and commercial development shall be required to provide adequate parking for conditions of maximal demand.

Policy 3-5: Require the dedication and construction of frontage roads, to minimize the number of curb cuts on major roads.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-7: The developer/owner of any site shall retain ultimate responsibility for on-site construction, maintenance, and management of stormwater runoff, which shall be provided in such a manner that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

Policy 3-8: Land development that impacts public educational facilities shall not be permitted if school concurrency cannot be achieved as provided for in the Public School Facilities Element (Chapter 11) of this Comprehensive Plan.

Policy 3-9: Establish a uniform procedure for determining whether development applications are in compliance with school concurrency.

- Policy 3-10:** Before issuing a building permit, require verification from the local water supplier that adequate water will be available to serve new development by the date of issuance of a Certificate of Occupancy.
- Policy 3-11:** Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit. [163.3180(2)(c)]
- Objective 4:** Not later than December 2010 the City shall amend its land development regulations to provide protection to known historic resources through financial and regulatory incentives and through land development review procedures that identify such resources as part of the development review. [9J-5.006(3)(b)4]
- Policy 4-1:** Historic Districts shall be designated on the Future Land Use Map of the Comprehensive Plan, and the purpose and procedures for preserving each historic district, its character and structure shall be adopted as part of a land development regulation not later than December 2009.
- Policy 4-2:** If City construction activities reveal a suspected historic or prehistoric archaeological site, the City shall determine the extent and nature of the site and report such findings to the State of Florida, by a Master Site File application, and mitigate any impacts upon the site if the site is determined to be relatively intensive in cultural remains, or significant to the archaeological or historical record. Such determination of site extent, nature and significance shall be made by a professional archaeologist as recognized by the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation.
- Policy 4-3:** The City shall negotiate with land owners prior to the development review process, to avoid or mitigate disturbance of known historic and prehistoric sites.
- Policy 4-4:** The City shall consider obtaining "Certified Local Government" status as recognized by the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation as a means to protect and preserve historic resources in the City.
- Objective 5:** The City shall implement Housing Element directives for renewal and revitalization of substandard housing target areas within time frames and scope of assistance as identified within the element.
- Policy 5-1:** The City shall utilize available governmental programs as appropriate for renewal and revitalization of substandard housing target areas as identified in the Housing Element.

Objective 6: The City shall maintain specific mechanisms that reduce or eliminate existing land uses that are inconsistent with or do not further the historical, natural and economic environment that define the overall character of the community. [9J-5.006(3)(b)3]

Policy 6-1: The City shall, through the adoption of the Future Land Use Element, Map Series, Unified Land Development Code and City Zoning Map, reduce or eliminate land uses that are inconsistent with the community's character. [9J-5.006(3)(c)2]

Objective 7: The City shall maintain regulations to ensure protection of the City's natural resources.

Policy 7-1: The City shall, through initiation and enforcement of the goals, objectives and policies of the adopted Comprehensive Plan and adoption and implementation of the City's Land Development Code, provide protective mechanisms for the City's natural resources.

Policy 7-2: The zone of protection shall be determined for each city potable water well by a hydrologist, and these identified physical boundaries shall be the basis on which the use of hazardous substances, and certain land uses which in and of themselves have a likelihood to endanger potable water supplies, shall be restricted. These substances and/or uses shall be restricted and/or specially regulated for the purpose of protecting potable water supplies. [9J-5.006(3)(c)6]

Policy 7-3: All environmentally sensitive land in the City including ponds, wetlands, streams, and/or sinkholes and their associated vegetative communities shall be conserved and protected from the effects of urbanization and development activities through proper site plan review procedures and mitigation measures. [9J-5.006(3)(b)4]

Objective 8: In conformance with concurrency objectives of the adopted Comprehensive Plan, the City shall ensure that suitable land is available for utility facilities to support proposed development as applicable and necessary.

Policy 8-1: The City shall monitor, evaluate, and provide level of service (LOS) standards as applicable for utility facilities to support proposed development.

Objective 9: The City shall maintain innovative land development regulations. [9J-5.006(3)(b)10]

Policy 9-1: The adopted City Land Development Code shall provide criteria and standards to accommodate innovative land development techniques such as those identified in Policy 2-1 of this element.

Policy 9-2: Utilize existing inventories of land use information to identify and prioritize infill development sites; then coordinate with the Hernando County Office of Business Development to make this information better available to the private sector.

Policy 9-3: Direct economic development incentives to projects that adaptively reuse existing structures and features of the built environment.

Policy 9-4: Through the land development and permitting processes, cooperate with the private sector to recognize and maintain the integrity of the City's historical built environment.

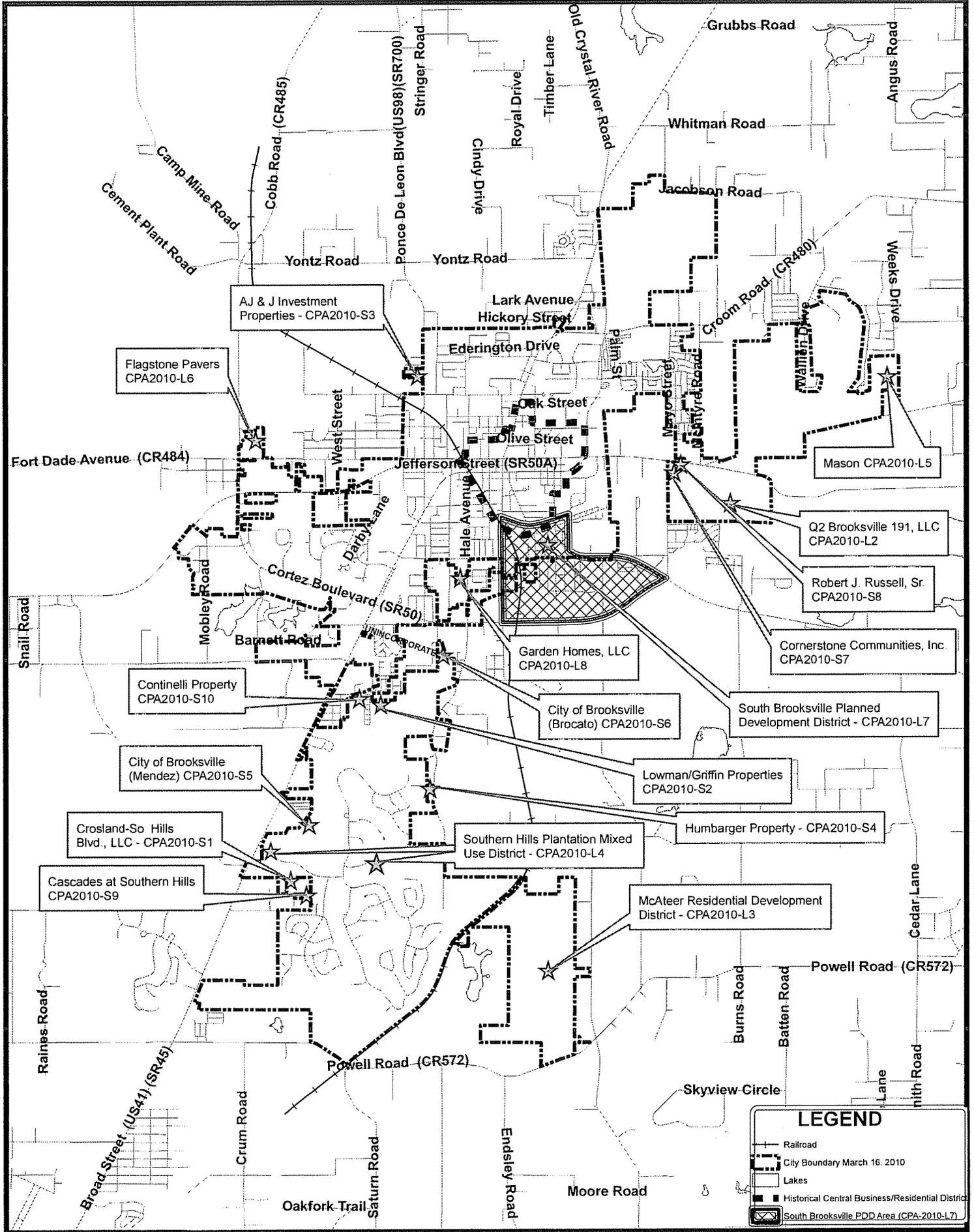
Policy 9-5: Ensure that appropriate land, infrastructure and amenities are available to attract high technology and other industrial development that is compatible with the local labor force, raw materials and landform/environmental constraints.

Objective 10: The City shall consider the elimination or reduction of future land uses that are inconsistent with the Hernando County Local Hazard Mitigation Strategy and other existing and future interagency hazard mitigation reports. [9J-5.006(3)(b)6]

Policy 10-1: The City shall review interagency hazard mitigation reports as they become available to determine if actions are appropriate to eliminate or reduce future land uses that are inconsistent with the report.

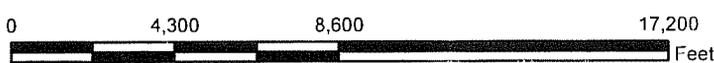
CITY OF BROOKSVILLE, FLORIDA

2010 (1st Cycle) Comprehensive Plan Amendment Location Map



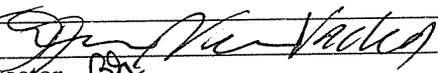
LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- South Brooksville PDD Area (CPA-2010-L7)



DISCLAIMER: This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2010-L3, City of Brooksville Comprehensive Plan Amendment, providing a land use classification for property annexed into the City (Ref. Ord. No. 710)
Petitioner:	Derrill S. McAteer, represented by Coastal Engineering Associates, Inc.
Location:	East of U.S. Highway 41, south of Hope Hill Road and east of the CSX Railroad Line
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-L3 is an approximately 450-acre tract located north of Powell Road immediately east of the CSX Railroad line and west of Culbreath Road. The subject site was annexed into the City on April 17, 2006 (Ordinance No. 710), is presently designated Rural on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning designation of Agricultural/Residential.

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the property as McAteer Residential Development District (MRDD), which would allow for the consideration of up 450 dwelling units at a density of 1.0 units per acre. Hernando County's Rural Future Land Use designation would allow for the development of a maximum of 45 dwelling units at a density of 1 unit per 10 acres.

The subject site contains eight parcels, identified by Hernando County Property Appraiser Key numbers 01376326, 01355054, 01300354, 01296038, 00382124, 00381606, 00380359 and 00381376.

Natural Resources and Features:

The property is presently undeveloped and consists of timberland and pasture. Specifically, the site has a mixture of upland woodlands, pastures, intermittent streams, wetlands, wetland marshes and ponds. Hardwoods, primarily live oak, water oak, laurel oak and post oak dominate the woodland areas. Sweet gum, magnolia, bays, hickory, longleaf pine and slash pine are also present on the property. The understory vegetation on the subject property consists primarily of Florida elm, flowering dogwood, box elder, saw palmetto, American beautyberry, wax myrtle, yaupon holly, winged sumac, huckleberry and highbush blueberry. Various ferns, grasses and annual forbs are present as well.

The majority of the soil on the subject site is identified as Nobleton (0 to 5% slopes), Kendrick (0 to 5% slopes), Blichton (2 to 5% slopes), Arredondo (0 to 5% slopes), Flemington (0 to 12% slopes) and Wachula (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Historical and Archeological Resources:

According to the petitioner, an archeological study of the site was performed in 2006 due to the fact that the Florida Master Site File identified the former town of Garrison as located within the property. Research to determine the location of two structures known to constitute the town found no evidence of their existence. The overall results of the study found that no further investigation was warranted and that no historical or archeological resources of significance exist on the property.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located north of Powell Road immediately east of the CSX Railroad line and west of Culbreath Road. The general area is primarily semi-rural in character and is developed with large-lot residential uses and contains a number of undeveloped agricultural tracts. Residential lots to the north, south and east of the site are predominately one and two and one-half acres in size. The Southern Hills Plantation development is located along the northwest boundary of the site and may be developed with multifamily housing at a density of up to 16-units per acre (condominiums, apartments, etc.), single-family attached housing (townhomes, duplex, quadplex, etc.) up to 12 units per acre, single-family detached housing up to 7 units per acre (standard lot, Z-lot, zero-lot line, cluster homes, patio homes, etc.), resort residential housing up to 16-units per acre, general highway commercial, neighborhood commercial, outside storage, recreational vehicle and boat storage, a golf course, a golf clubhouse, offices, schools, churches and community centers. The project is presently allowed to develop up to 999 dwelling units, 160,000 square feet of floor space for retail uses and 45,000 square feet of office space.

While compatibility with the Southern Hills Plantation development is not of concern, the large-lot, semi-rural character along Powell Road, Culbreath Road and north of the site poses design issues relative to the integration of the proposed development into the area. As a result of concerns raised by Hernando County and City staff, the petitioner submitted the attached concept plan intended to address the impacts of the development of a density greater than that which surrounds the site. The concept plan identifies seven pods, with each pod containing either low, medium or high density development. Pods 6 and 7, located adjacent to Southern Hills Plantation, and Pod 1, located in the southwestern portion of the property, are appropriately designated for medium density development. Pod 3 is identified as high density, is situated in the south central portion of the site and is surrounded by other development pods. Pods 2, 4 and 5 are designated for low density development and are located on the eastern half of the site. A vegetated buffer of significant width is also proposed along the property's eastern boundary, while wetlands and open space are identified at the project's northern boundary. The concept plan, while not a regulatory document, can be used as a guide for design of a site plan to be considered at the time of zoning review.

Also submitted by the petitioner are a number of proposed Comprehensive Plan policies. Staff has reviewed the proposed policies and inserted the text, with appropriate modifications, in the Future Land Use Element's Policy 1-5. Staff recommends the following language:

McAteer Residential Development District. The project shall be permitted a maximum of 450 dwelling units and shall be developed as follows:

- Community Features. The MRDD shall incorporate the following features:
 - Cluster housing to maintain open space;
 - Open space and a neighborhood park within each development pod;
 - The interconnection of open spaces and residential pods through the use of multi-purpose trails and sidewalks;
 - Drought tolerant (Xeriscape) landscaping as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*; and
 - The protection of the site's natural areas.
- Zoning/Master Plan. The rezoning application shall include a master plan for approval.
- Housing Mix. The project may include a variety of housing types lot sizes, setbacks and densities.

- **Definable Edge.** The project shall provide a definable edge a minimum of 50 feet in width along the eastern project boundary. The edge shall consist of existing vegetation and shall be enhanced with the planting of additional native vegetation where appropriate.
- **Open Space.** A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided.
- **Protected Plant and Animal Species.** Impacts to protected wildlife and plants shall be minimized through the use of on-site mitigation and preservation techniques in accordance with all applicable regulations.
- **Natural Resources/Site Suitability**
 - Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access, utilities and utilization for stormwater projects. There shall be no net loss of wetlands.
 - Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
 - Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

Based on the concept plan submitted and the language presented above, staff finds the proposed future land use designation is compatible with the surrounding development pattern. A subsequent rezoning will dictate lot sizes, buffer characteristics and final dwelling unit density.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site will be from Powell Road, with a potential emergency gated access located along Culbreath Road. Police, fire and sanitation collection services will also be provided by the City. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the proposed level of development:

Trip Generation:

Of the proposed housing types, according to the ITE Trip Generation Manual, 7th Edition, single-family conventional units generate the greatest number of vehicle trips. Using single-family conventional data, the Manual indicates this project would generate approximately 4,307 total daily vehicle trips, with 415 P.M. Peak Hour trips. Approximately 261 P.M. Peak Hour vehicle trips will be inbound and 154 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in 112,500 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day. Service to the property will be contingent on the developer successfully negotiating a utility service agreement with the City.

Sewer:

The potential development scenario presented above would result in 90,000 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling

generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the proposed development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity. The developer will be required to enter into a utility service agreement with the City.

Drainage:

The subject site is located within the Bystre Lake watershed and contains areas within Flood Zone A and Flood Zone C. Flood Zone C is defined as an area exhibiting minimal flood potential. Flood Zone A indicates the area is subject to flooding during a 100-year storm event. Development of the site will be subject to SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. Given that the developer will be required to provide recreation areas internal to the site and due to the limited number of residential development proposed or that could be constructed, it is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will generate up to 68 elementary, 44 middle and 49 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-L3 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L3 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L3 for approval. City Council approved the first reading of Ordinance No. 793 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-L3, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 793.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

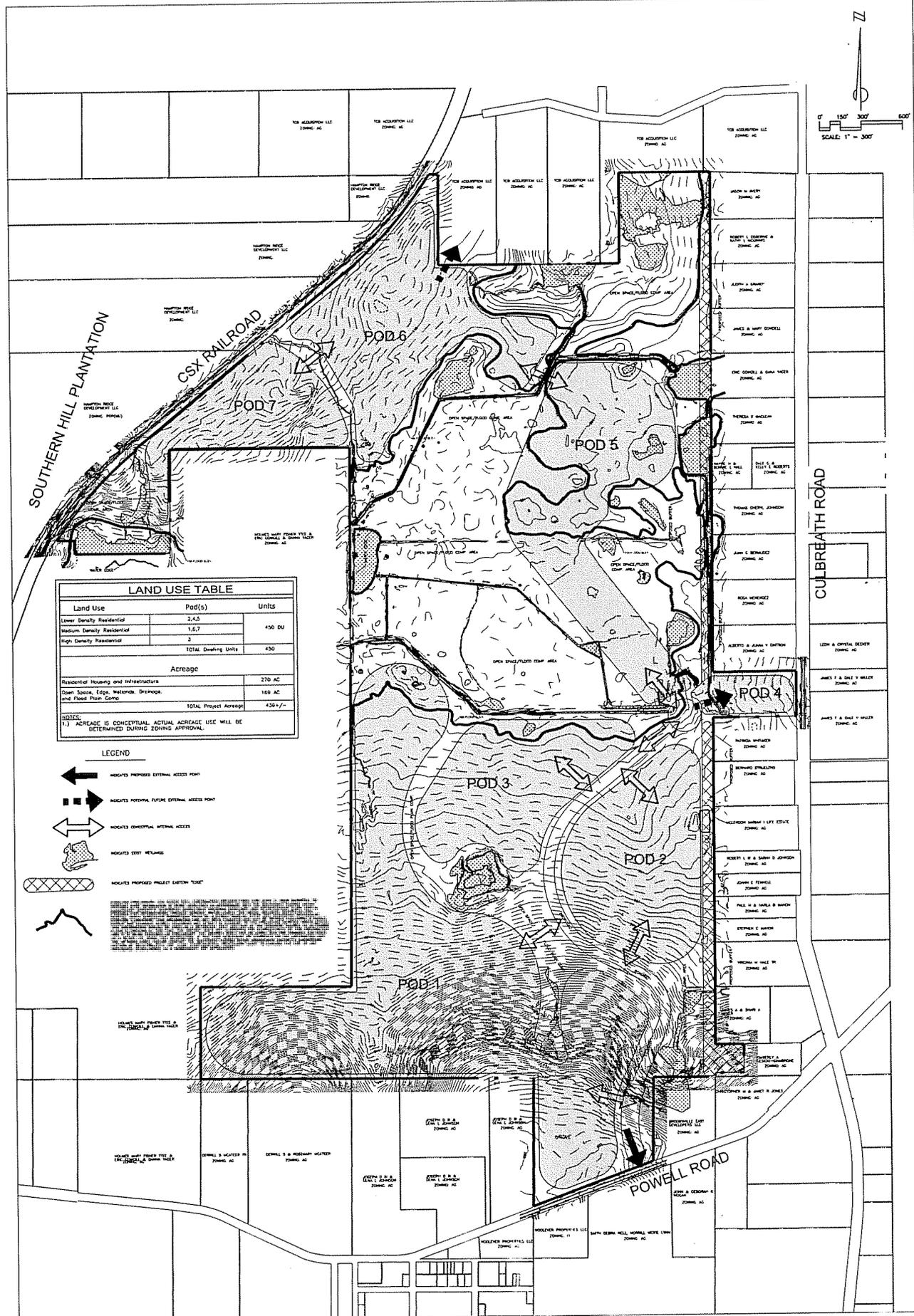
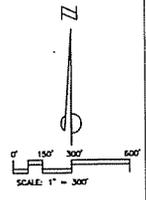
Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 791 contains modifications rendering it consistent with the ORC report. After opening up the meeting to public comment, it is recommended that

City Council approve/adopt Ordinance No. 791 as modified and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Attachments:

- (1) Ordinance 791
- (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-L3
- (3) Draft DCA Transmittal Letter
- (4) ORC Report
- (5) ORC Response

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LAND USE TABLE		
Land Use	Pod(s)	Units
Lower Density Residential	2,4,5	450 DU
Medium Density Residential	1,6,7	
High Density Residential	3	
TOTAL Dwellling Units		450
Acreage		
Residential Housing and Infrastructure		270 AC
Open Space, Edge, Wetlands, Drainage, and Flood Plain Comp.		169 AC
TOTAL Project Acreage		439 +/-

NOTES:
 1.) ACREAGE IS CONCEPTUAL. ACTUAL ACREAGE USE WILL BE DETERMINED DURING ZONING APPROVAL.

- LEGEND**
- INDICATES PROPOSED EXTERNAL ACCESS POINT
 - INDICATES PROPOSED FUTURE EXTERNAL ACCESS POINT
 - INDICATES CONCEPTUAL INTERNAL ACCESS
 - INDICATES EXIST WETLANDS
 - INDICATES PROPOSED PROJECT EXIST "TIE" OUT

DATE: _____
 REV. BY: _____
 REV. NO: _____
 REVISION: _____

NAME OF OCCUPANT: _____
 THE OCCUPANT, EMPLOYEE OF THE PROFESSIONAL ENGINEER, ARCHITECT, SURVEYOR, OR LANDSCAPE ARCHITECT, IS AN INDIVIDUAL OR PROFESSIONAL SERVICE, IS THE PROPERTY OF SUCH ENGINEERING, ARCHITECTURAL, SURVEYING, OR LANDSCAPE ARCHITECTURE FIRM, AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN APPROVAL OF SUCH ENGINEERING, ARCHITECTURAL, SURVEYING, OR LANDSCAPE ARCHITECTURE FIRM.

Coastal Engineers, Planners, Surveyors, and Construction Consultants
 1000 Cambridge Blvd., Suite 1000 - Brookville, FL 33111
 (352) 790-9423 • Fax (352) 799-8359
 E: info@coastal.com

CONCEPTUAL PLAN
 McAttee Property
 City of Brooksville Comp. Plan Submittal

MAP A-2
 05/20/2011

ORDINANCE NO. 791

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE FUTURE LAND USE MAP AND ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L3, to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendments, as described below, to the Future Land Use Map and text of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendments Report concerning said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan to be consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described below, to the Future Land Use Map and Element of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2010-L3	Rural (County)	McAteer Residential Development District(MRDD) (City)	North of Powell Road, east of the CSX Railroad Line and west of Culbreath Road	450+/-	Derrill J. McAteer

CPA 2010-L3

Pursuant to an application, CPA 2010-L3, by Derrill J. McAteer, to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RURAL (County) to MCATEER RESIDENTIAL DEVELOPMENT DISTRICT MRDD(City):

THE NW 1/4 OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

AND

THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 19 EAST, SITUATED IN THE COUNTY OF HERNANDO, STATE OF FLORIDA.

AND

THE SOUTH 1/2 OF THE SW 1/4 OF SW 14 OF NE 1/4 OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 19 EAST, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

AND

THE NORTH 208.71 FEET OF THE SOUTH 238.71 FEET OF THE WEST 208.71 FEET OF THE SE 1/4 OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 19 EAST, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

AND

THE PART OF THE N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 10, LYING EASTERLY OF THE RAILROAD RIGHT OF WAY; LYING AND BEING IN TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

AND

THE SOUTH 285.00 FEET OF THE EAST 764.78 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

THAT PART OF THE S 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 19 EAST, LYING EAST OF THE SEABOARD AIRLINE RAILROAD, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

AND

THE NORTH 100 FEET OF THE EAST 695 FEET OF THE SW 1/4 OF THE NE 1/4 OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 19 EAST, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

AND

THAT PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, LYING SOUTH AND EAST OF THE SEABOARD AIRLINE RAILROAD (A.K.A. TAMPA NORTHERN RAILROAD COMPANY).

THE SOUTH 285.00 FEET OF THE WEST 350.00 FEET OF THE EAST 1114.76 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

AND

THE NORTH 391.00 FEET OF THE SOUTH 676.00 FEET OF THE EAST 1114.76 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

PARCEL A

COMMENCE AT THE NW CORNER OF NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 19 EAST, RUN THENCE SOUTH 89°44'11" EAST 291.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°44'11" EAST 291.98 FEET; THENCE SOUTH 00°35'40" WEST 724.58 FEET TO THE NORTHERLY RIGHT OF WAY OF STATE ROAD 572; THENCE SOUTH 69°47' WEST 310.98 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 0°30'20" EAST 833.38 FEET TO THE POINT OF BEGINNING.

AND

PARCEL B

COMMENCE AT THE NW CORNER OF TH NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 19 EAST; RUN THENCE SOUTH 89°44'11" EAST 583.96 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°35'40" WEST 724.58 FEET TO THE NORTHERLY RIGHT OF WAY OF STATE ROAD 572; THENCE NORTH 69°47' EAST 310.98 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 0°41' EAST 615.78 FEET; THENCE NORTH 89°44'11" WEST 291.98 FEET TO THE POINT OF BEGINNING.

AND

PARCEL C

COMMENCE AT THE NE CORNER OF THE NW 1/4 OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 19 EAST; RUN THENCE NORTH 89°44'11" WEST 1043.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°44'11" WEST 291.98 FEET; THENCE SOUTH 0°25' WEST 942.18 FEET TO THE NORTHERLY RIGHT OF WAY OF STATE ROAD 572; THENCE NORTH 69°47' EAST 310.98 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 0°30'20" EAST 833.38 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN HERNANDO COUNTY, FLORIDA.

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; ALL THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, LYING SOUTH AND EAST OF SAL RR RIGHT OF WAY; AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4, ALL IN SECTION 2, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

AND

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, LYING SOUTHEASTERLY OF PRESENT RAILROAD RIGHT OF WAY.

Section 2. POLICY 1-5 OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN IS HEREBY AMENDED TO INCLUDE THE FOLLOWING FUTURE LAND USE ELEMENT:

MCATEER RESIDENTIAL DEVELOPMENT DISTRICT (M.R.D.D.)

The project shall be permitted a maximum of 450 dwelling units and shall be developed as follows:

- Community Features. The MRDD shall incorporate the following features:
 - Cluster housing to maintain open space;
 - Open space and a neighborhood park within each development pod;
 - The interconnection of open spaces and residential pods through the use of multi-purpose trails and sidewalks;
 - Drought tolerant (Xeriscape) landscaping as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*, and
 - The protection of the site's natural areas.
- Zoning/Master Plan. The rezoning application shall include a master plan for approval.
- Housing Mix. The project may include a variety of housing types lot sizes, setbacks and densities.
- Definable Edge. The project shall provide a definable edge a minimum of 50 feet in width along the eastern project boundary. The edge shall consist of existing vegetation and shall be enhanced with the planting of additional native vegetation where appropriate.
- Open Space. A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided. shall be provided.
- Protected Plant and Animal Species. Impacts to protected wildlife and plants shall be minimized through the use of on-site mitigation and preservation techniques in accordance with all applicable regulations.

- Natural Resources/Site Suitability
 - Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access, utilities and utilization for stormwater projects. There shall be no net loss of wetlands.
 - Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
 - Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

Section 3. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 4. Adoption of Amendments to Comprehensive Plan. Proposed amendments to select portions of the City of Brooksville's Comprehensive Plan's Future Land Use Element, as referenced in the respective attached Exhibit, are hereby adopted by the City of Brooksville.

Section 5. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

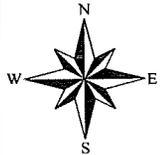
PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

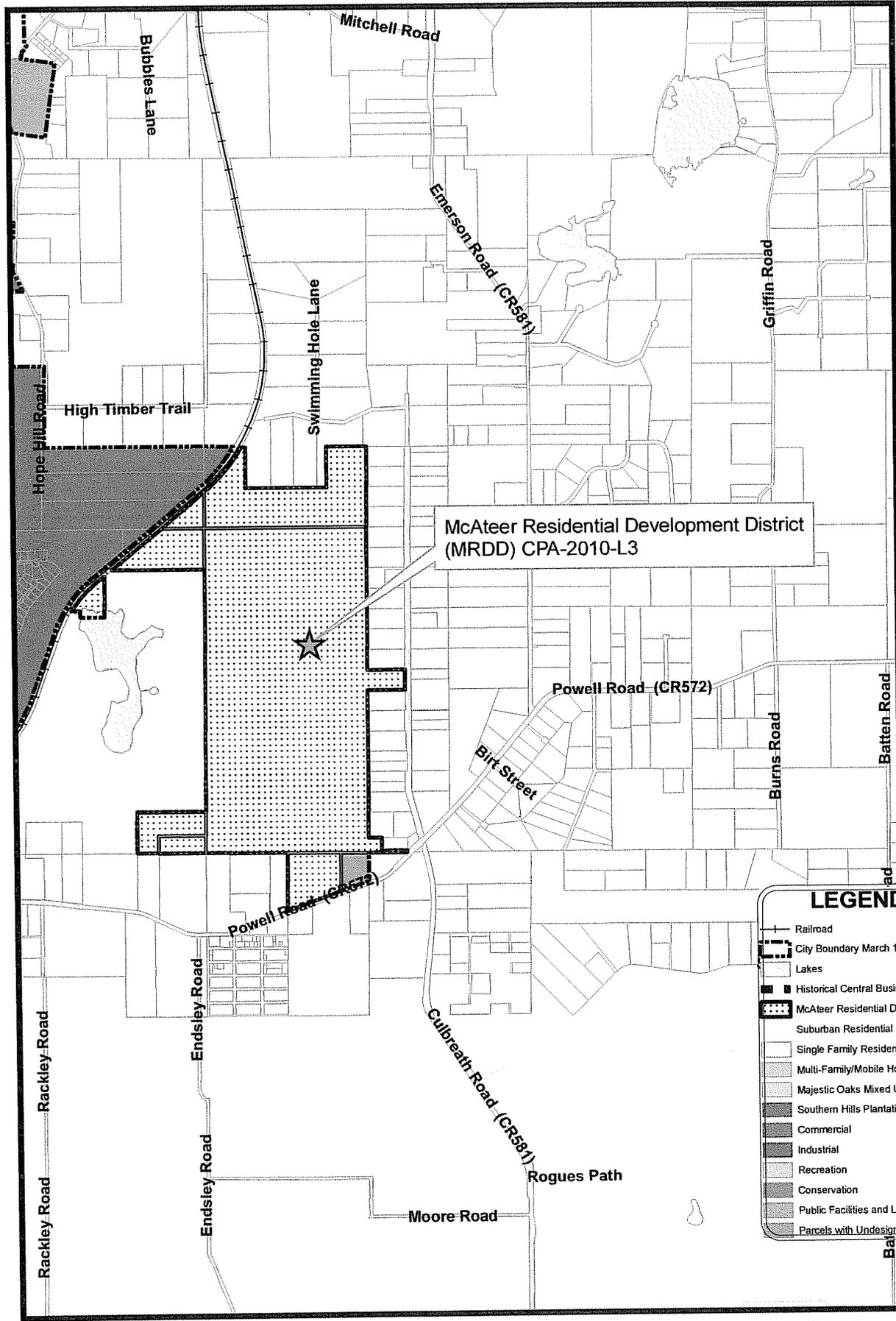


**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 791

CITY OF
BROOKVILLE
FLORIDA

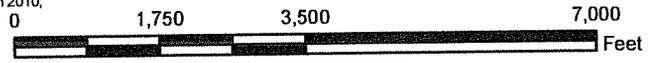


LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- McAtter Residential Development District (MRDD - CPA-2010-L3)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.



DISCLAIMER: March 2010 Hernando County Property Appraiser's "parcel data" was used for the base map image on this map. "This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, easements, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish." This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

Policy 1-5: In conformance with Objective 1 above, the City shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the Future Land Use Map and the adopted City Zoning Map. [9J-5.006(3)(c)7]

Density and intensity standards for land uses in the City of Brooksville are listed as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of 999 residential units (1.2 dwelling units per gross acre), 160,000 square feet of retail or office, 45,000 square feet of clubhouse and associated activities, and a minimum of 350 acres of open space/recreational uses within the project boundary.

Majestic Oaks Mixed Use District. This is a mixed use district consisting of up to 999 residential units, up to 100,000 square feet of commercial/retail/office, up to 31,000 square feet of clubhouse and associated activities, and a minimum of 200 acres of open space/recreation uses within the project boundary. All development must meet the concurrency requirements of Chapter 163, Florida Statutes. Thus, more than 600 residential units, but fewer than 999 of the units allowed in this district, may be allowed through the rezoning process provided that the approved development meets the concurrency requirements, including transportation, as required by Chapter 163, Florida Statutes.

McAteer Residential Development District (MRDD). ~~The project shall be permitted a maximum of 450 dwelling units and may include conventional single family, townhome, zero lot line, condominium, duplex, patio home and apartment units shall be developed as follows: A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided. The project shall be designed such that housing units are clustered to maintain open space; neighborhood parks shall be provided within each development pod; open spaces, parks and development pods shall be connected through the use of multi-purpose trails and sidewalks, and; landscaping shall be drought tolerant (Xeriscape) as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*.~~

- Community Features. The MRDD shall incorporate the following features:
 - Cluster housing to maintain open space;
 - Open space and a neighborhood park within each development pod;
 - The interconnection of open spaces and residential pods through the use of multi-purpose trails and sidewalks;
 - Drought tolerant (Xeriscape) landscaping as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*; and
 - The protection of the site's natural areas.
- Zoning/Master Plan. The rezoning application shall include a master plan for approval.
- Housing Mix. The project may include a variety of housing types lot sizes, setbacks and densities.
- Definable Edge. The project shall provide a definable edge a minimum of 50 feet in width along the eastern project boundary. The edge shall consist of existing vegetation and shall be enhanced with the planting of additional native vegetation

where appropriate.

- Open Space. A minimum of 150 acres of open space containing both active and passive recreation activities as well as drainage and floodplain management facilities shall be provided. shall be provided.
- Protected Plant and Animal Species. Impacts to protected wildlife and plants shall be minimized through the use of on-site mitigation and preservation techniques in accordance with all applicable regulations.
- Natural Resources/Site Suitability
 - Wetland areas within MRDD shall not be impacted by development with the limited exception of necessary access, utilities and utilization for stormwater projects. There shall be no net loss of wetlands.
 - Development plans, prepared prior to platting, shall identify and protect wetlands and flood plain areas through conservation easements and dedicated open spaces.
 - Development within MRDD shall limit stormwater impacts by the use of clustering of residential density and open space.

Suburban Residential. Permissible densities shall be limited to a maximum of 2.5 dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process.

Single Family Residential. Permissible densities shall be limited to a maximum of 7 dwelling units per acre.

Mobile Home/Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

A. CPA 2007-L2. Development of the parcel labeled as amendment CPA 2007-L2 on the Future Land Use Map shall be limited to not exceed 10 dwelling units per acre.

Mobile Home Residential. Permissible densities shall be limited to a maximum of 8 dwelling units per acre.

Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 d **Commercial.** Lands classified as commercial use shall be used for the sale, rental and distribution of products or performance of services. The maximum allowable commercial intensity will be 0.70 floor area ratio and 70% lot coverage. For all commercial lots that are not subject to setback requirements in the Historic/Central Business District a 1.25 floor area ratio will be preserved.

A. CPA 2004-L1. Development of the parcel labeled as amendment CPA 2004-L1 on the Future Land Use Map shall be limited to not exceed 184,000 square feet of building floor area.

10/18/10

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager <i>T. Jennene Norman-Vacha</i>
Via:	Bill Geiger, Community Development Director <i>Bill Geiger</i>
From:	Steven E. Gouldman, AICP, Planner <i>SG</i>
Subject:	CPA 2010-L7, City of Brooksville Comprehensive Plan Amendment, providing for the creation of the South Brooksville Planned Development District land use classification and changing classifications on properties located in City
Petitioner:	City of Brooksville
Location:	South of Russell Street, east of Main Street, west of Union Street and north of Dr. M.L. King Boulevard
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a large-scale Comprehensive Plan Amendment initiated by the City to establish the South Brooksville Planned Development District (SBPDD), which would represent a new land use category on the City of Brooksville Future Land Use Map. The proposed 122-acre SBPDD is generally located south of Russell Street, east of Main Street, west of Union Street and north of Dr. M.L. King Boulevard. The attached Map A, Map B and Map C depict the location of the proposed South Brooksville PDD area. As can be viewed on these maps, another 289.5 acres of the overall South Brooksville PDD is located to the immediate south in unincorporated Hernando County, which is simultaneously processing a Comprehensive Plan Amendment designed to be complementary to this submittal. The properties that are the subject of this application are located in a portion of the City of Brooksville that contains a mixture of residential, commercial, institutional, industrial, and recreational uses. Current City of Brooksville Comprehensive Plan Future Land Use designations in the subject area include Single Family Residential, Mobile Home-Multi-Family Residential, Commercial, Industrial, Recreation and Public Facilities and Land. Existing land uses in the proposed SBPDD are shown in Map D. Current Future Land Use designations in the area are shown on Map E.

The South Brooksville PDD proposes the development of a mixed-use community situated in a unique multi-jurisdictional setting. The PDD will be comprised of a variety of dwelling unit types catering to families, workers and retirees. The PDD also contains a mix of retail, industrial, transit-oriented, institutional, service, recreational and open space land uses. These uses are proposed at levels intended to provide opportunities to area residents, as well as provide an appropriate level of retail, service, recreational, cultural and social amenities to meet most anticipated resident demands.

The following uses are specifically requested as part of the South Brooksville PDD designation:

- The existing single-family residential neighborhood not exceeding approximately 18.8 acres and up to 7 dwelling units per acre;
- The existing multi-family residential community not exceeding 6.9 acres and up to 18 dwelling units per acre;
- Highway-oriented, community and specialty retail not exceeding approximately 31 acres and a floor area ratio of 0.30;
- Industrial and Corporate Park space not exceeding approximately 22 acres and a floor area ratio of 0.80;
- Transit Oriented Development (TOD) not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 16 dwelling units per acre;

- Public use sites and facilities not exceeding approximately 4.9 acres; and
- Recreation uses on a minimum of approximately 21.3 acres.

As part of this amendment, a comprehensive set of policies is proposed to provide standards and direction for establishment of the South Brooksville PDD and to couple the development with infrastructure, services and facilities that will support a conceptual development plan. These objectives and policies, designed to guide balanced growth and development within the historic community of South Brooksville, are provided within this document.

The South Brooksville PDD establishes a realistic long-term framework for development that will allow the community to more effectively direct and shape future growth in the area. The development associated with the project will utilize progressive planning techniques and development controls in order to maintain and enhance the character of the area.

SBPDD Features:

Provided below is a discussion of the various components of the text changes proposed for inclusion in the City of Brooksville Comprehensive Plan as part of this application.

Master Conceptual Plan

- The Master Conceptual Plan, to be completed during the appropriate land use approval process, will be consistent with the following design factors:
- Retention of the residential core of the community, with appropriate improvements to housing and infrastructure;
- An improved pedestrian-friendly Martin Luther King corridor that will continue as the focal point of the community;
- A Transit Oriented Development node surrounding the existing rail ROW;
- Addressing inadequacies in drainage, sewer and potable water serving South Brooksville.

Martin Luther King (MLK) Corridor

The focal point of South Brooksville, this retail corridor is expected to continue in that role. Renovation of the corridor is a prime objective of the community, utilizing appropriate design techniques, improved infrastructure and pedestrian friendly features. With an emphasis on community-oriented retail and services, the MLK corridor will provide a sense of place and provide for the every-day needs of South Brooksville.

Transit Oriented Development Node

The Tampa Bay Area Regional Transit Authority (TBARTA) has identified the existing rail ROW from Tampa to Brooksville as a regional transit corridor in their 2035 master plan. With the area along the western boundary of South Brooksville having several large parcels adjacent to the tracks in close proximity to downtown Brooksville and Cortez Boulevard (SR 50), it would be a viable location for a transit oriented development node. A transit-oriented mix of uses, with appropriate density and design techniques has been established in the proposed Comprehensive Plan text.

Infrastructure

The following infrastructure and community services are addressed as part of the establishment of the SBPDD. Project-related demands and facility or service capacity assessments are provided as part of this application.

- *Utilities* – The community is currently working with Hernando County Utilities Department and the City of Brooksville Utilities Department to address the provision of adequate potable water and wastewater utilities services for South Brooksville. Improvement plans are being developed to provide service in unserved areas and upgrade service in areas where present infrastructure is inadequate.
- *Drainage/Floodplain* – Two major drainage ditches bisect South Brooksville from north to south, carrying a significant amount of the drainage from the City of Brooksville. In many cases the ditches flow through the back yards of numerous residents. Due to some restrictions in the drainage system, flow in these ditches tends to back up and flood some on the residential lots and streets. The community is working with the Hernando County Engineering Department to re-design the drainage system to handle flood situations.
- *Connectivity* – Martin Luther King is the only outlet for several streets serving the residential portions of South Brooksville. A second outlet (Newgate Street) located in the unincorporated portion of the SBPDD is being planned to improve connectivity and provide a more direct access to Cortez Boulevard.
- *Grant Funding* – Given the significant inadequacies of infrastructure in South Brooksville, it is necessary to seek grant funding to accomplish the planned improvements. The City of Brooksville and Hernando County have entered into a Joint Agreement in order to pursue such funding and coordinate in making the improvements.

Proposed Comprehensive Plan Text:

Below is the text proposed for inclusion in Policy 1-5 of the City of Brooksville Comprehensive Plan Future Land Use Element. The language provides for development within the South Brooksville properties in accordance with the listed provisions.

South Brooksville Planned Development District (SBPDD). The SBPDD shall provide for the orderly redevelopment of the South Brooksville area into a viable mixed-use community, while retaining the positive features of the existing neighborhood character. The SBPDD designation consists of 122 acres. Land uses permitted within the SBPDD shall include:

- The existing single-family residential neighborhood not exceeding approximately 18.8 acres and up to 7 dwelling units per acre;
- The existing multi-family residential community not exceeding 6.9 acres and up to 18 dwelling units per acre;
- Highway-oriented, community and specialty retail not exceeding approximately 31 acres and a floor area ratio of 0.30;
- Industrial and Corporate Park space not exceeding approximately 22 acres and a floor area ratio of 0.80;
- Transit Oriented Development (TOD) located within approximately 0.25 miles of the CSX railroad right-of-way and not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre;
- Public use sites and facilities not exceeding approximately 4.9 acres; and
- Recreation uses on a minimum of approximately 21.3 acres.

Features

The South Brooksville PDD redevelopment will incorporate the following features:

- a vision designed to retain the existing sense of neighborhood and community;

- coordinated infrastructure, sufficient to maintain the health and safety of the existing community, while accommodating growth;
- preservation of existing single-family neighborhoods;
- higher density single-family and multi-family housing located along and in close proximity to major roadway corridors and the railway corridor;
- a mix of land uses;
- a diversity of housing types and densities, including workforce and affordable housing;
- employment opportunities;
- community retail along the Martin Luther King corridor;
- highway oriented commercial along the SR 50 and SR 50A corridors;
- specialty retail and services along the “Good Neighbor Trail”;
- preservation of the Good Neighbor trailhead complex;
- historic preservation;
- transit oriented design techniques along the existing rail corridor consistent with the Tampa Bay Area Regional Transit Authority (TBARTA) master plan;
- integration of public uses and facilities within the SBPDD;
- provisions for neighborhood and community recreation facilities;
- promotion of safe pedestrian and non-vehicular movement;
- provisions for the use of appropriate design guidelines and redevelopment techniques within the SBPDD

Coordination of Governmental Entities, Actions and Programs

Community Awareness. In order to maintain a coordinated effort with the South Brooksville community and Hernando County, the City shall maintain ongoing coordination with community representatives and the County regarding redevelopment programs, proposals and activities that impact the SBPDD. Coordination shall include, but not be limited to, meeting with community groups, holding public information workshops and coordinating with community representatives consistent with the policies contained in Objective 1 of the Intergovernmental Coordination Element.

Coordination of Land Use Changes and Policies. The City shall coordinate redevelopment activities, policies and programs, and changes in zoning with Hernando County and community representatives.

Redevelopment Activities. Redevelopment activities shall be coordinated with the Enterprise Zone Program and business retention/recruitment programs.

Housing

Housing Mix. Within the South Brooksville PDD, a variety of flexible lot sizes, flexible setbacks, mixed uses and a range of densities shall be allowed. New mobile home development shall be discouraged.

Affordable and Workforce Housing. Affordable and workforce housing shall be considered in the review of new mixed use and residential projects.

Commercial Development

Martin Luther King Corridor. Community commercial activity in South Brooksville will be located along the Martin Luther King Blvd. corridor. Appropriate design techniques for this corridor may include, but not be limited to, the following:

- The use of on street parking where safe and appropriate
- The use of reduced setbacks
- The placement of parking behind structures

- Provisions for retaining alleyways and the use of rear loading areas
- The use of architecture complimentary to the community's historic character
- The use of architectural detail, building articulation, traditional storefront looks, and overhangs
- The orientation of buildings toward streets and pedestrian areas
- The use of pedestrian connections and wider sidewalks
- The use of street furnishings and streetscape techniques
- The use of traffic calming techniques
- Flexible parking techniques

Good Neighbor Trail Corridor. Property adjacent to the Good Neighbor Trail may be redeveloped with a mix of complementary specialty retail, services and residential/lodging uses. Specialty retail should include, but not be limited to, restaurants, bicycle shops, small commodity stores, art galleries, antique shops, consignment shops, bed & breakfast houses, and other compatible uses of similar scale and intensity. Residential uses shall not exceed 7 dwelling units per acre. The maximum floor area ratio for nonresidential uses shall be 0.30.

Highway Commercial. Highway commercial uses shall be located along the State Road 50/Cortez Boulevard and State Road 50A/Jefferson Street corridors and shall not exceed a 0.30 floor area ratio.

Employment Center

Employment Center. Light Industrial and Business Park uses will be encouraged along Main Street and the existing railroad corridor. When located along the railroad corridor, these uses should be compatible with future transit oriented development. The redevelopment of existing industrial areas compatible with the community is encouraged in order to provide employment opportunities and economic growth. Maximum floor area ratio for Light Industrial and Business Park uses shall be 0.80.

Mixed Use Areas

Mixed Use Areas. Mixed use areas should be planned and designed to incorporate a mix of uses, including, but not limited to, light industrial, office space, commercial and residential. Maximum floor area ratios shall be 0.30 for commercial uses and 0.80 for light industrial and office uses. New Heavy Industrial uses shall be prohibited.

Transit Oriented Development

TOD Land Use Principles and Techniques. Development in proximity to the existing railroad ROW, identified as a regional transit corridor by the Tampa Bay Area Rapid Transit Authority (TBARTA) master plan, shall be oriented to land uses that are complementary to the use of Transit Oriented Development (TOD) principles and techniques. These techniques shall include, but not be limited to mixed uses, higher density development, diversity of housing, active ground floor uses, quality pedestrian environment, structured parking, non-auto oriented commercial, pocket parks, live-work units, gathering places and on-site bicycle facilities. Nonresidential uses shall be developed at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre.

Consistency with TBARTA. Transit Oriented Development shall be designed to be consistent with model policies developed by the Tampa Bay Area Rapid Transit Authority (TBARTA) and goals/objectives/policies established elsewhere in this plan related to mass transit, mobility and transit oriented development.

Recreation & Open Space

Open Space. Redevelopment of the South Brooksville PDD shall include the use of open space that provides active and passive recreational opportunities, visual aesthetics and environmental preservation within the community.

Recreation. Kennedy Park shall continue to be the focal point of active community recreation facilities. Additional neighborhood parks and open space may be placed within the South Brooksville PDD to provide passive recreation opportunities and gathering spaces for community residents.

Multi-Purpose Pathways. Recreation areas and open spaces shall be connected by paths, greenways, bikeways and sidewalks to provide for neighborhood mobility.

Infrastructure

Utilities. All new development and redevelopment within the South Brooksville PDD shall be served by central sewer and water.

Drainage & Floodplain Management. Redevelopment in the South Brooksville area shall not impede the ability of drainage patterns and floodplain areas to function properly, or present risks of flooding or impeding drainage flow.

Timing. Water, sewer and drainage infrastructure shall be provided to support existing development, new development, and redevelopment of the SBPDD.

Grant Funding. Grant funding shall be researched, applied for, and utilized, to provide for water, sewer and drainage infrastructure to support existing development, new development, and redevelopment.

Streetlights. Streetlights shall be provided using an MSBU or other appropriate funding mechanism.

Transit and Mobility Alternatives. The mobility needs of the South Brooksville Community shall be met by providing transit and mobility alternatives/infrastructure consistent with the Hernando County transit development plan, the plans of the Metropolitan Planning Organization (MPO), the City of Brooksville, the Tampa Bay Area Rapid Transit Authority (TBARTA), and the Florida Department of Transportation (FDOT).

Traffic Calming. Traffic calming features shall be used to manage the speed and safety of traffic in the South Brooksville area.

Newgate Street. The Newgate Street alignment will be planned and utilized to provide for internal connectivity and the distribution of traffic.

Land Use Approvals

Rezoning. Rezoning requests shall utilize the Planned Development Project (PDP) review process.

Existing Land Uses. All existing land uses and zoning shall be considered as conforming and may remain until such time that redevelopment occurs.

Land Uses Allowed. In the South Brooksville Planned Development District, the proposed mix of land uses includes residential, commercial, office and a transit oriented development node.

Supporting Data and Analysis:

Natural Resources and Features:

While the great majority of South Brooksville has been disturbed in the development process in past years, assessments of wetlands and other environmental aspects of the site will be undertaken as part of the conceptual planning process. Wetlands protection and/or mitigation will be addressed in accordance with the Environmental Resources Permit requirements of the SWFWMD as part of any proposed development within the SBPDD that may impact those features. Virtually all wetlands will be preserved within South Brooksville. Areas of 100-year floodplain exist on the subject property. Flood Zone information is provided on Map F.

Based on data from the Soil Survey of Hernando County published by the Natural Resources Conservation Service, there are as shown on Map G six major soil types in the subject area, ranging from

loamy fine sands to fine sands. The SBPDD contains a mix of soil types, including Blichton loamy fine sand, Flemington fine sandy loam, Floridana Variant loamy fine sand, Micanopy loamy fine sand, Nobleton fine sand and Sparr fine sand.

Two major drainage ditches bisect South Brooksville from north to south, carrying a significant amount of the drainage from the City of Brooksville through the unincorporated portion of the area. In many cases the ditches flow through the back yards of numerous residents. Due to some restrictions in the drainage system, flow in these ditches tends to back up and flood some on the residential lots and streets. The community is working with the Hernando County Engineering Department to re-design the drainage system to handle flood situations. All development-related drainage improvements will be designed, permitted and constructed in accordance with the Environmental Resources Permit requirements of the Southwest Florida Water Management District.

Infrastructure and Community Service Impact Analysis:

The proposed amendment property is internal to and consistent with the City of Brooksville's 5-10 Year Service and Infrastructure Planning Boundary and the First Right to Serve Utility Boundary. The site is also located within a designated Joint Planning Area for the City and Hernando County. This area was established to reflect the direction of the City's growth and facilitate coordinated review between the City and County on any development proposals that fall within the defined boundary.

Potable Water:

At present, the City of Brooksville provides potable water to South Brooksville via six (6) inch water lines within the Martin Luther King Blvd. and SR 50A rights-of-way. The individual streets within the unincorporated County are served by various sized water lines [$\frac{3}{4}$ " (St. Francis St., Easy St.); 1" (Gladys St., Seminole St.); 2" (Twigg St., Kennedy Blvd.) 4" (Josephine St., Leonard St.) and 6-8" (portions of School St. and Leonard St.)]. Capacity is available; however, deficiencies in the system must be addressed to provide adequate service for existing and new development in the area.

The City and County have jointly assessed area needs and are reviewing options to address the identified needs. Additional service to the area may be brought into South Brooksville from an existing 12" line at SR 50, via construction of a 12" water main connection along Newgate St. and Emerson Rd. Eight (8) inch water lines may also be constructed on the remaining portion of Martin Luther King Blvd. and all residential streets. With 8" lines and service from the north (Martin Luther King Blvd.) and south (SR 50), those residential streets will have adequate capacity, flow and fire pressure.

Currently scheduled improvements to the City's potable water treatment system include the addition of two 12" wells at the Hope Hill well field and expansion of the regional distribution system. These improvements are projected to provide service capacity 50% above the projected average daily demand for the City in 2015, a significant safety factor in case growth in the area is greater than projected.

Sanitary Sewer:

The City of Brooksville provides wastewater treatment service to most areas of South Brooksville via eight (8) inch gravity lines flowing to a lift station at the south end of School Street. The lift station connects to the Cobb Road Wastewater Treatment Plant via a regional transmission line system along SR 50. Adequate treatment capacity is available at the Cobb Road Wastewater Treatment Plant, however several streets in unincorporated South Brooksville (St. Francis, Easy, Kennedy, Gladys, Sardis) are presently served by individual septic tanks. Given the small lot sizes and poorly draining soils of the area, central sewer service is a desirable method of wastewater treatment.

The City and County have jointly assessed area needs and are reviewing options to address the identified needs. These plans include the construction of 8" gravity lines along the unserved streets (St. Francis, Easy, Kennedy, Gladys and Sardis). An additional pump station will also be needed to serve Kennedy, Gladys and Sardis streets.

The Cobb Road WWTP is presently permitted for 1.9 million gallons per day (mgd). The City has planned major improvements to the wastewater treatment system, highlighted by an expansion of the Cobb Road Wastewater Treatment Plant to 3.0 million gallons per day (MGD) of treatment capacity. This expansion would accommodate development-related effluent disposal demands for the subject amendment area through 2025, as well as provide additional capacity to serve other anticipated growth within the City.

Drainage/Floodplain:

The general drainage pattern for the City of Brooksville consists of a series of ditches leading to surrounding sinkholes or surface water bodies. Two of these ditches run through the South Brooksville community, cross SR 50 to the south and terminate in Bystre Lake. Due to constrictions in the system (including SR 50 culverts), a portion of South Brooksville is considered flood prone.

The City and County have jointly assessed area needs and are reviewing options to address the identified needs. The options may include improvements to the existing ditches and construction of additional drainage retention areas, consistent with best management practices (BMPs) and SWFWMD requirements.

Any drainage improvements for the subject amendment site will be completed in accordance with the Environmental Resources Permit (ERP) rules of the Southwest Florida Water Management District (SWFWMD). District ERP rules also address the protection of wetlands and groundwater resources to ensure they are not negatively affected by proposed development.

Solid Waste:

Solid waste collection services are currently provided by the City of Brooksville, with disposal accommodated by the Hernando County solid waste facility. This facility is currently completing an expansion to provide for additional 2,300,000 tons of Class I waste disposal capacity. Another 3,000,000 tons of capacity are planned in future phases. The proposed solid waste generation related to subject amendment site is expected to have minimal impact on the facility's current level of service.

Traffic:

With the exception of the south end of Easy Street and most of Newgate Street, all streets in the incorporated South Brooksville area are paved. While the ROW's and paved cross-sections may not meet existing County standards, there are significant restrictions to widening.

The City and County have jointly assessed area needs and are reviewing options to address the identified needs. These options may include repaving of St. Francis St., Kennedy Blvd. and Gladys St. and the repaving/extension of Easy St. The options also include extensive construction improvements to Newgate St., which presently consists of short sections of 10 foot wide pavement. In addition to providing a southern connection to six streets (Josephine through Easy), Newgate will also be connected to Emerson Road. This will provide the community with a second point of ingress/egress.

A transportation analysis for the subject amendment properties conducted by Hernando County concludes that the proposed project will not require capacity improvements to the surrounding roadway system.

Parks and Recreation:

The subject amendment site is located within proximity to several existing park facilities maintained and operated by the City of Brooksville or Hernando County. One of these facilities, Kennedy Park, is located within the South Brooksville community. Containing several athletic fields and a multi-use building, Kennedy Park serves many of the needs within the community. Any additional recreational demands generated by the proposed land use are not expected to reduce levels of service currently provided by the City and County facilities.

Public Schools:

Based on Hernando County School District student generation rates, it is anticipated that the proposed amendment could potentially generate additional students, the total number of which will depend on the new residential mix in the area. Sufficient capacity exists for the middle school and high school students (Hernando High School, Parrott Middle School); however, capacity at the elementary school level (Moton Elementary) is very limited. The City and County will work with the Hernando County School Board to address school capacity.

Proposed Map Change:

The properties that are the subject of this application are located in a portion of the City of Brooksville that contains a mixture of residential, commercial, institutional, industrial, and recreational uses. Current City of Brooksville Comprehensive Future Land Use designations in the subject area include Single Family Residential, Mobile Home-Multi-Family Residential, Commercial, Industrial, Recreation and Public Facilities and Land. This request seeks to define and establish a Future Land Use designation of South Brooksville Planned Development District within the Future Land Use Element of the Brooksville Comprehensive Plan. This amendment also seeks a change from the above-referenced existing FLUM designations to a designation of South Brooksville Planned Development District.

Consistency with the Comprehensive Plan:

This plan amendment represents a large-scale amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-1: The City shall continue to encourage the use of innovative land use development techniques such as planned development projects, zero lot line patio home subdivisions, cluster housing techniques and mixed use developments.

Policy 2-2: Concentrate higher density and intensity growth in and around areas that are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities that will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-5: Residential subdivisions shall be designed to include an efficient system of internal circulation, including the provision of external collector streets, where applicable, to feed the traffic onto external arterial roads and highways.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-10: Discourage isolated residential developments that require higher service costs through the proper implementation of policies 2-2, 2-3, 2-5, 2-8, 2-11, 2-13, and other appropriate adopted policies of this plan.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 2-14: Promote development of commercial areas that are convenient to the public, and well integrated into the transportation system and surrounding land uses.

Policy 2-28: Provide an adequate amount of land suitable to meet the growing industrial and employment needs of the City.

Consistency with the State Comprehensive Plan:

The proposed Comprehensive Plan Amendment is consistent with a number of policies contained in the State Comprehensive Plan, Chapter 187, F.S., including those related to the protection of wetlands, natural resources, endangered and threatened species and historical and archaeological resources. More specifically, the proposed text and FLUM amendments are consistent with the following State Comprehensive Plan Policies:

(8) WATER RESOURCES. – Policies.—

10. Protect surface and groundwater quality and quantity in the state.

(10) NATURAL SYSTEMS AND RECREATIONAL LANDS.—

(a) Goal. – Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies.—

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.

Consistency with the Strategic Regional Policy Plan:

This amendment is generally consistent with the Withlacoochee Regional Planning Council's Strategic Regional Policy Plan, including its natural resource (stormwater management, groundwater protection, wetlands, endangered & threatened species), economic and transportation policies. The policies relating most directly to these amendments are as follows:

Policy 1.6.5 - Allow mixed use buildings including housing for employees or others in specified areas designated for commercial, office or mixed use development.

Policy 5.5.6 – Control development permit issuance to ensure that regionally significant roadways operate at acceptable levels of service concurrent with the impacts of proposed development.

Consistency with the Hernando County Comprehensive Plan:

This amendment is generally consistent with a number of the Goals, Objectives and Policies of the Hernando County Comprehensive Plan. Those Elements of the Hernando County Comprehensive Plan and their related Goals, Objectives and/or Policies most directly relevant to the proposed amendment are as follows:

Future Land Use Element

POLICY 1.01A(10): Provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing and natural system preserving living, shopping, and working environments on properties of adequate size, shape and location.

POLICY 1.01F(1): Establish a Residential Land Use Category where the land uses allowed are: Single family residential densities up to 5.4 units/acre, resort residential, and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multi-family housing up to 16 units/acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities.

POLICY 1.01F(7): Land Development Regulations, which allow residential development in suitable areas, shall provide criteria and standards for determining residential densities for land included in the Residential land use category. The criteria and standards used in the determination of appropriate locations of higher residential densities greater than 4.0 dwelling units per acre shall consider:

- Proximity to existing or designated commercial areas or corridors or major employment centers;
- Direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways;
- Provision of appropriate police, fire and EMS services;
- Service by existing or planned expansion of County water supply facilities;
- Service by existing or planned expansion of County sewer facilities;
- Suitability of the land for septic tank sewage disposal;

The character and density of existing or approved residential developments of close proximity;

Availability of appropriate public primary and secondary school facilities;

Provision of open space beyond minimum County standards;

Preservation, conservation or enhancement of high quality, ecologically viable environmentally sensitive areas;

Preservation, conservation or restoration of historic or archaeologically significant features;

Aesthetic or architectural quality;

POLICY 1.01G(11): Multi-family developments shall be designed to accommodate public transit systems access.

POLICY 1.01G(12): Multi-family developments shall be designed to provide safe and functional pedestrian access to transportation facilities and adjacent land uses and functional bicycle access to transportation facilities and adjacent land uses where adjacent to proposed bike routes on the adopted Long Range Bicycle Facilities Plan.

POLICY 1.01H(1): Accommodate a diverse choice of housing types, densities and prices within the County.

POLICY 1.01O(3): The County shall not permit the creation of any new strip commercial areas during the planning period.

POLICY 1.01R(6): Any land use approval application process should require sufficient information from the applicant to allow the County to address the issues required under this Comprehensive Plan.

POLICY 1.01T(1): Limit the potential for urban sprawl by establishing services in areas adjacent to concentrated growth.

POLICY 1.01T(2): Provide infrastructure for future development within areas of facility availability and investment in accordance with long range plans by the County for providing potable water, sanitary sewer, transportation and other facilities at planned levels of service and timing. Infrastructure for future development will be provided within the Residential, Commercial, Industrial, and Planned Development District Category areas indicated on the Future Land Use Map. The County may manage the timing of infrastructure availability within these areas to influence the timing and location of development.

POLICY 1.03C(4): Where development impacts flood prone areas, surface water management systems shall not cause adverse water quantity impacts to receiving waters and adjacent lands nor cause adverse flooding to offsite property. Storm water conveyances shall not be impacted so that the flow of flood water is restricted, obstructed, diverted, or increased in volume or velocity, so that increased flooding occurs on private or public property, except as part of storm water master plan, an authorized flood protection project, or water quality treatment project.

POLICY 4.01B(3): All new subdivisions with net upland densities greater than two units per acre shall be on central sewer.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L7 and accepted public comment. The Commission recommended that language be added to the amendment prohibiting heavy industrial uses in the Future Land Use category. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment, as modified, be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L7 for approval. City Council approved the first reading of Ordinance No. 792 to amend the City of Brooksville Comprehensive Plan to establish a future land use designation for the property associated with CPA 2010-L7, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 792.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

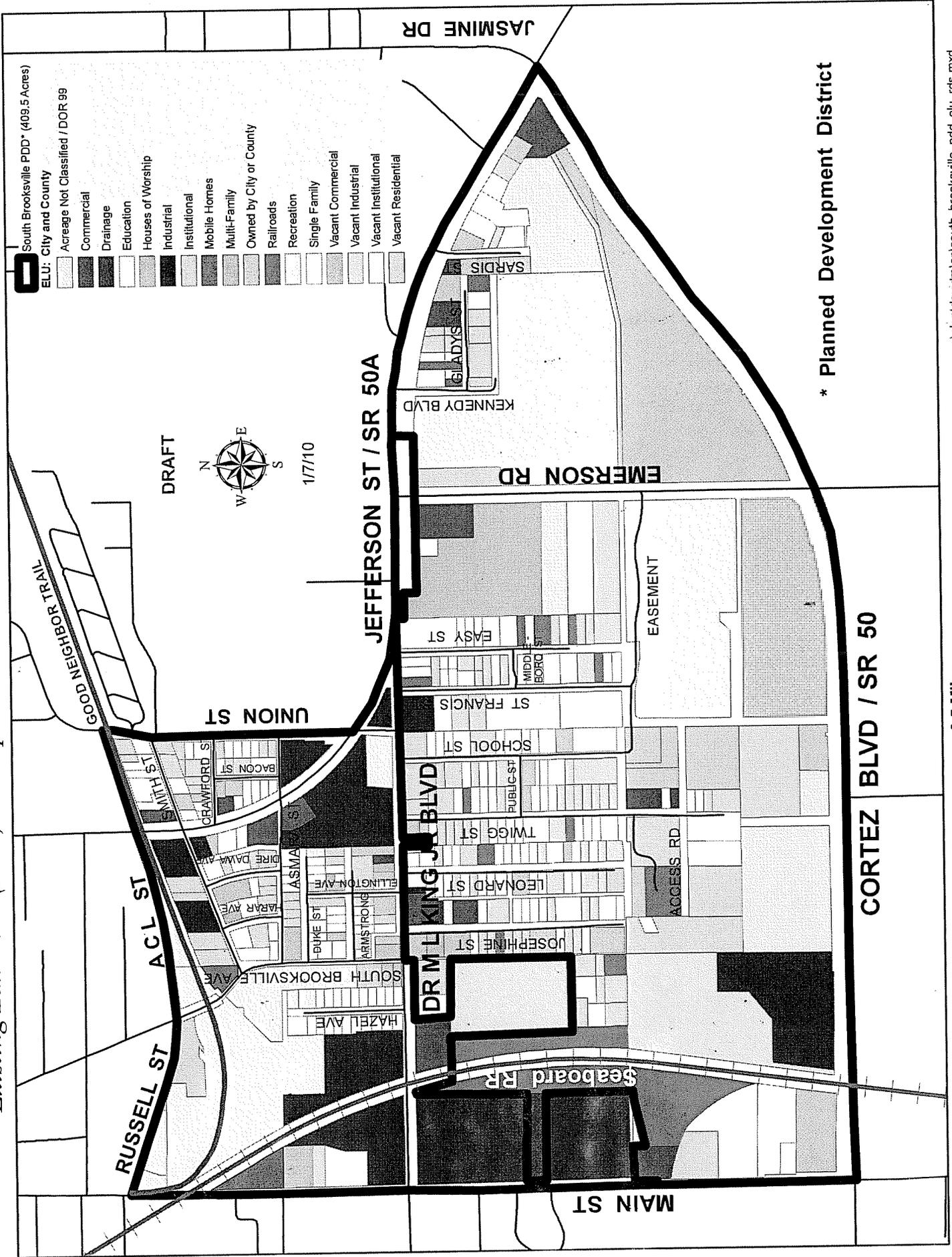
Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 792 contains modifications rendering it consistent with the ORC report. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 792 as modified and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Attachments:

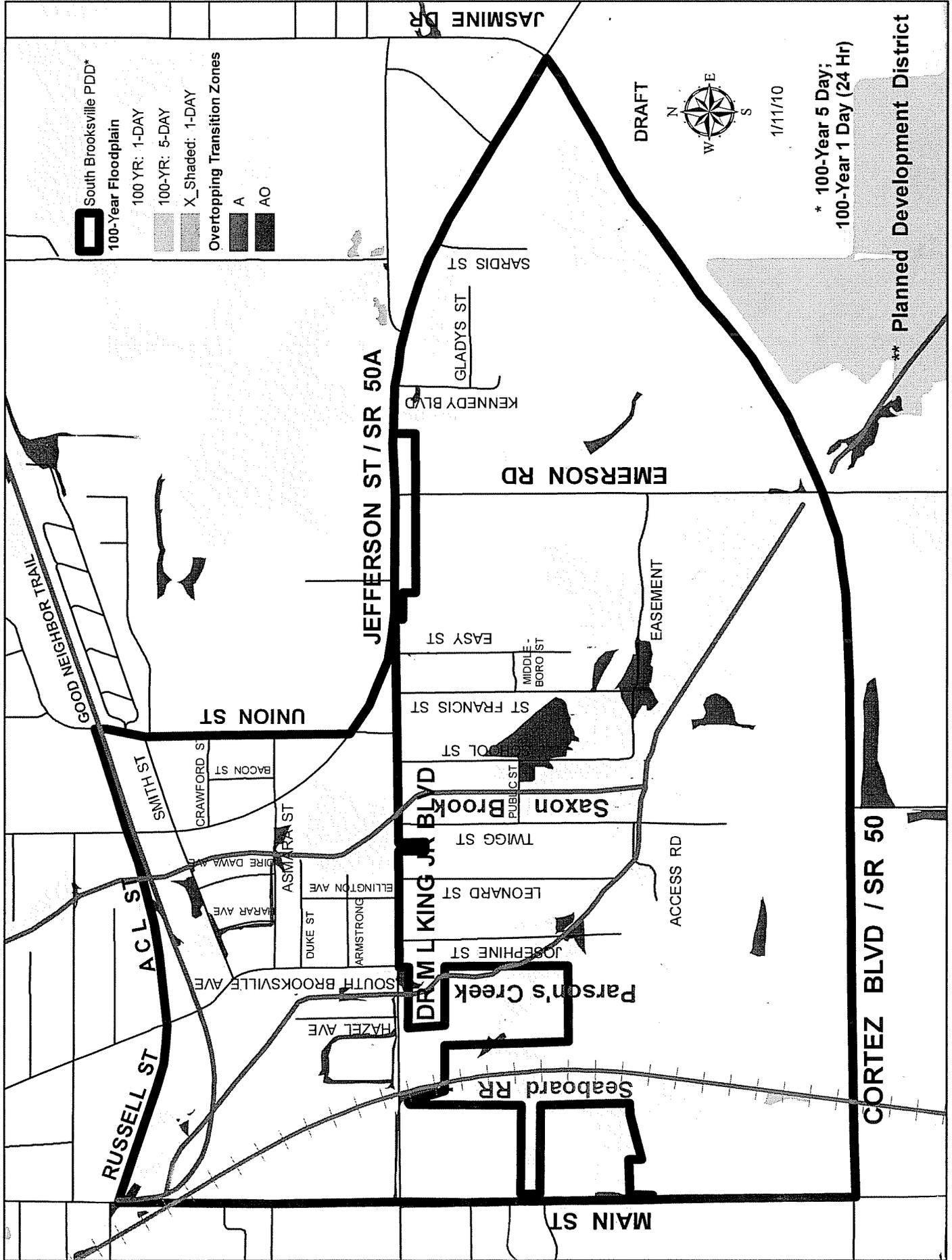
- (1) Ordinance 792
- (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-L7
- (3) SBPDD Maps
- (4) Draft DCA Transmittal Letter
- (5) ORC Report
- (6) ORC Response

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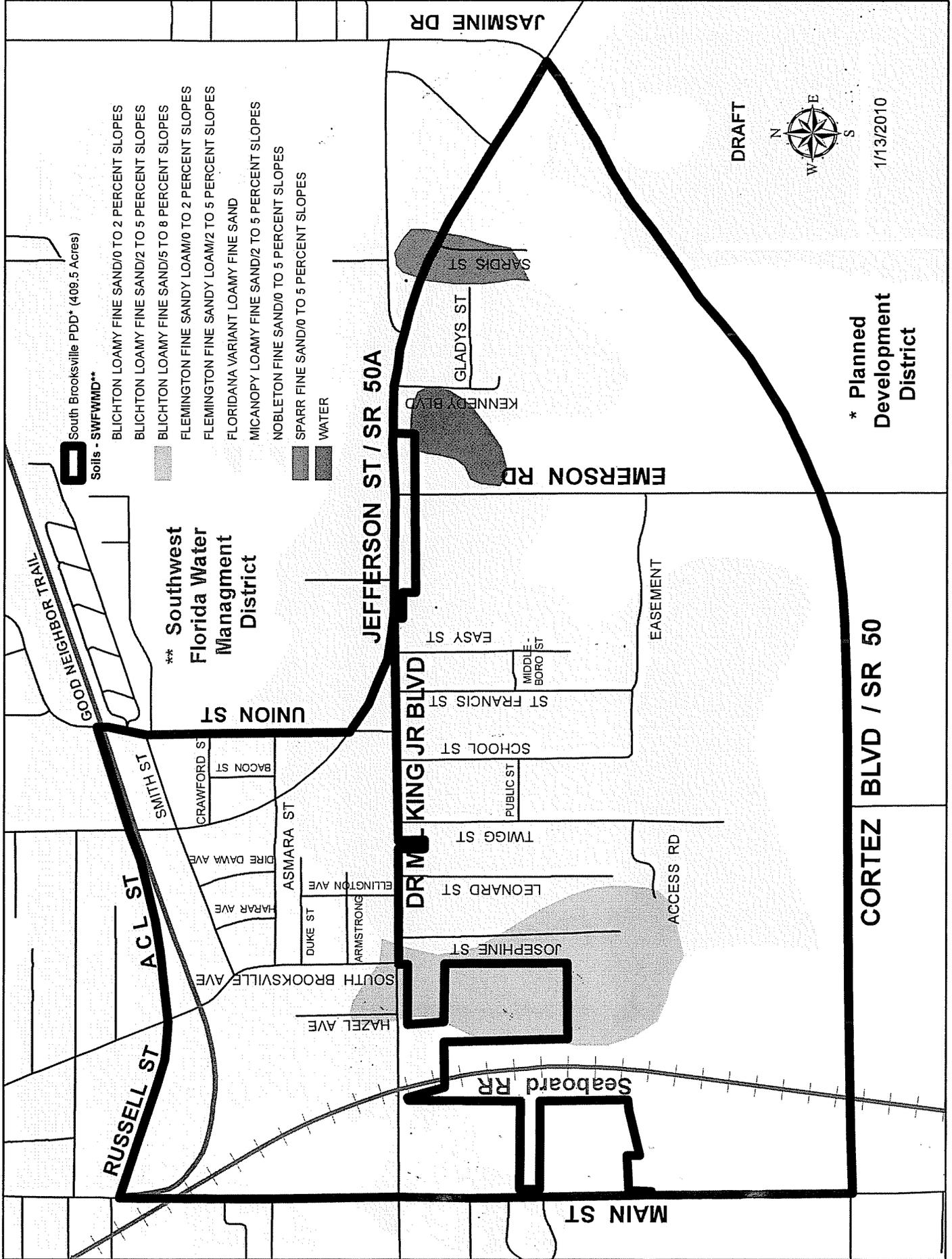
Existing Land Use (FLU) in Proposed South Brooksville PDD* (409.5 Acres)



100-Year* Flood Zones in Proposed South Brooksville PDD**



*Soils in Proposed South Brooksville PDD**



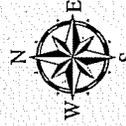
South Brooksville PDD* (409.5 Acres)

Soils - SWFWMD**

- BLICHTON LOAMY FINE SAND/0 TO 2 PERCENT SLOPES
- BLICHTON LOAMY FINE SAND/2 TO 5 PERCENT SLOPES
- BLICHTON LOAMY FINE SAND/5 TO 8 PERCENT SLOPES
- FLEMINGTON FINE SANDY LOAM/0 TO 2 PERCENT SLOPES
- FLEMINGTON FINE SANDY LOAM/2 TO 5 PERCENT SLOPES
- FLORIDANA VARIANT LOAMY FINE SAND
- MICANOPY LOAMY FINE SAND/2 TO 5 PERCENT SLOPES
- NOBLETON FINE SAND/0 TO 5 PERCENT SLOPES
- SPARR FINE SAND/0 TO 5 PERCENT SLOPES
- WATER

** Southwest Florida Water Management District

DRAFT



1/13/2010

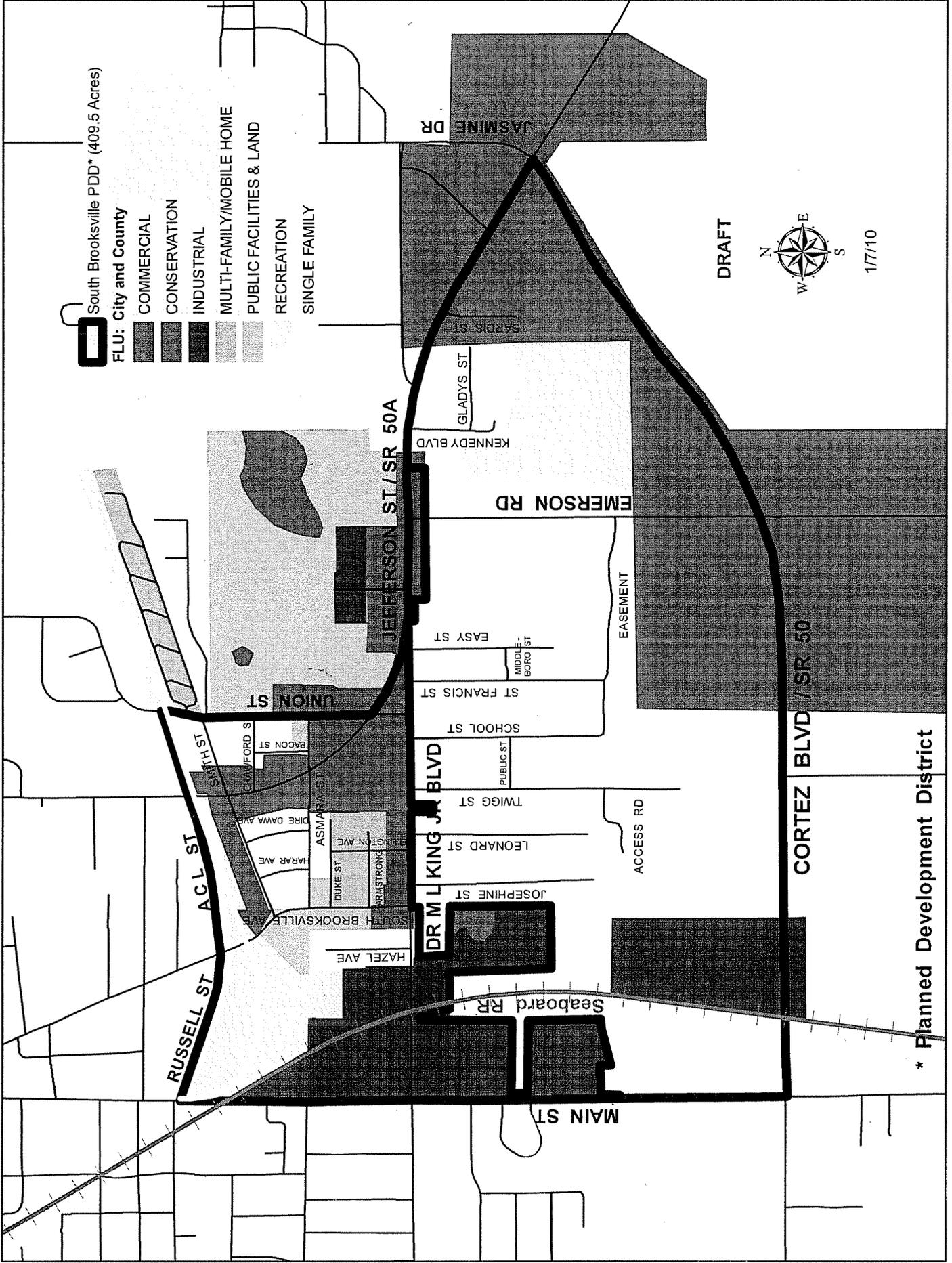
* Planned Development District

0.5 Miles

0.25

0

Future Land Use (FLU) in Proposed South Brooksville PDD (409.5 Acres)*



- South Brooksville PDD* (409.5 Acres)
- FLU: City and County
- COMMERCIAL
 - CONSERVATION
 - INDUSTRIAL
 - MULTI-FAMILY/MOBILE HOME
 - PUBLIC FACILITIES & LAND
 - RECREATION
 - SINGLE FAMILY

DRAFT

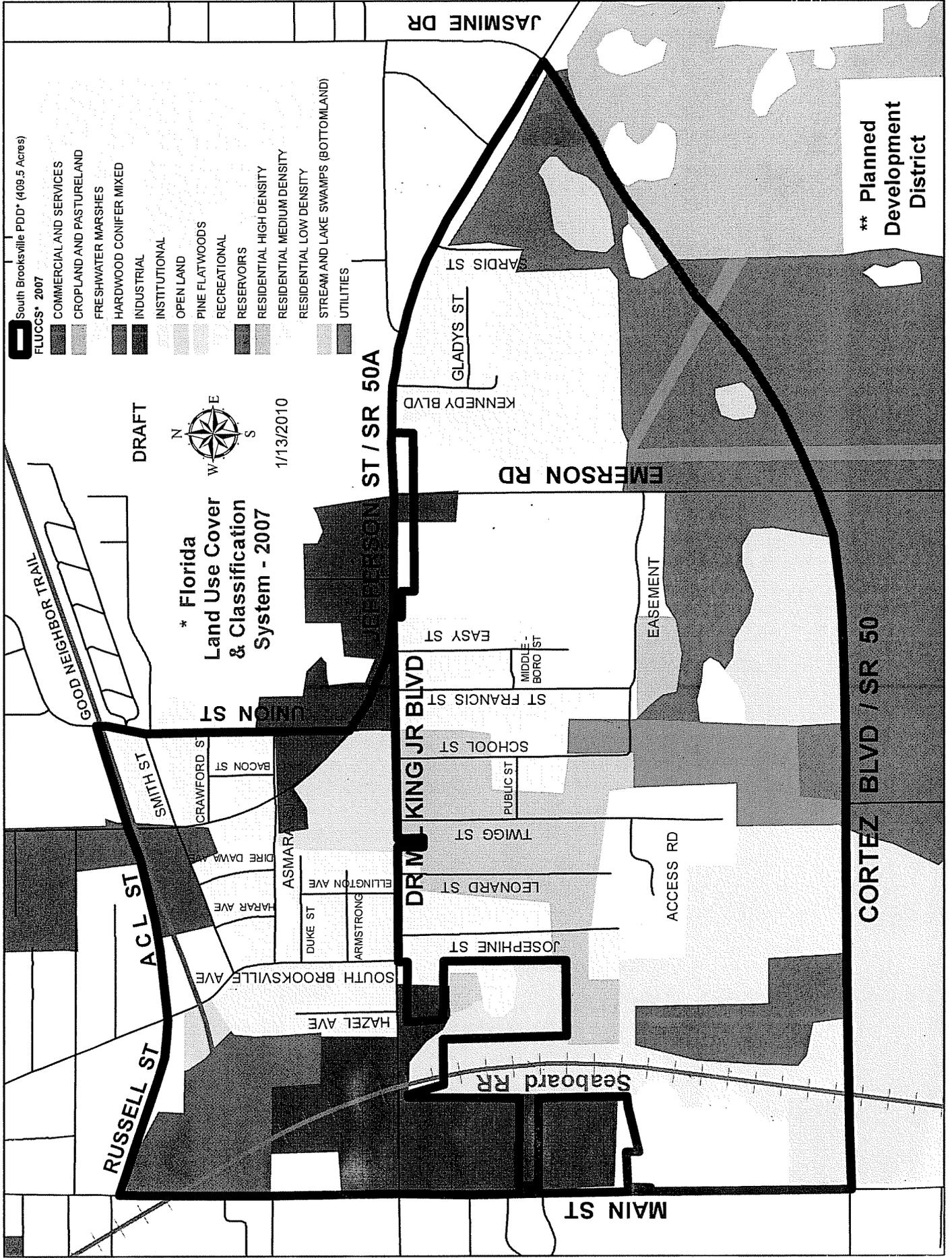


1/7/10

* Planned Development District



FLUCCS Land Use in Proposed South Brooksville PDD** (409.5 Acres)*

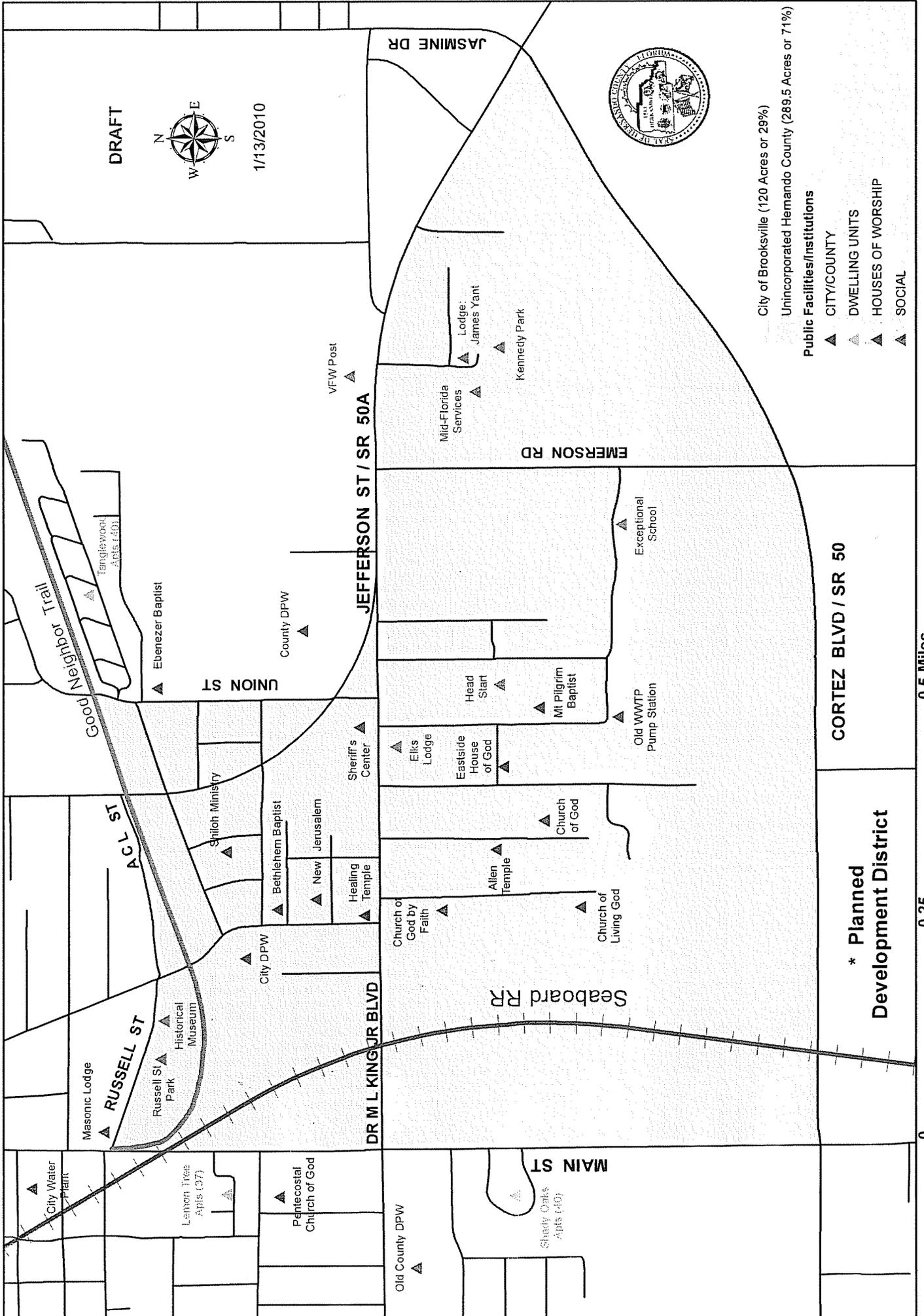


0.5 Miles

0.25

0

Proposed South Brooksville PDD* - Public Facilities/Institutions



DRAFT



1/13/2010



City of Brooksville (120 Acres or 29%)
 Unincorporated Hernando County (289.5 Acres or 71%)

Public Facilities/Institutions

- ▲ CITY/COUNTY
- ▲ DWELLING UNITS
- ▲ HOUSES OF WORSHIP
- ▲ SOCIAL

*** Planned Development District**

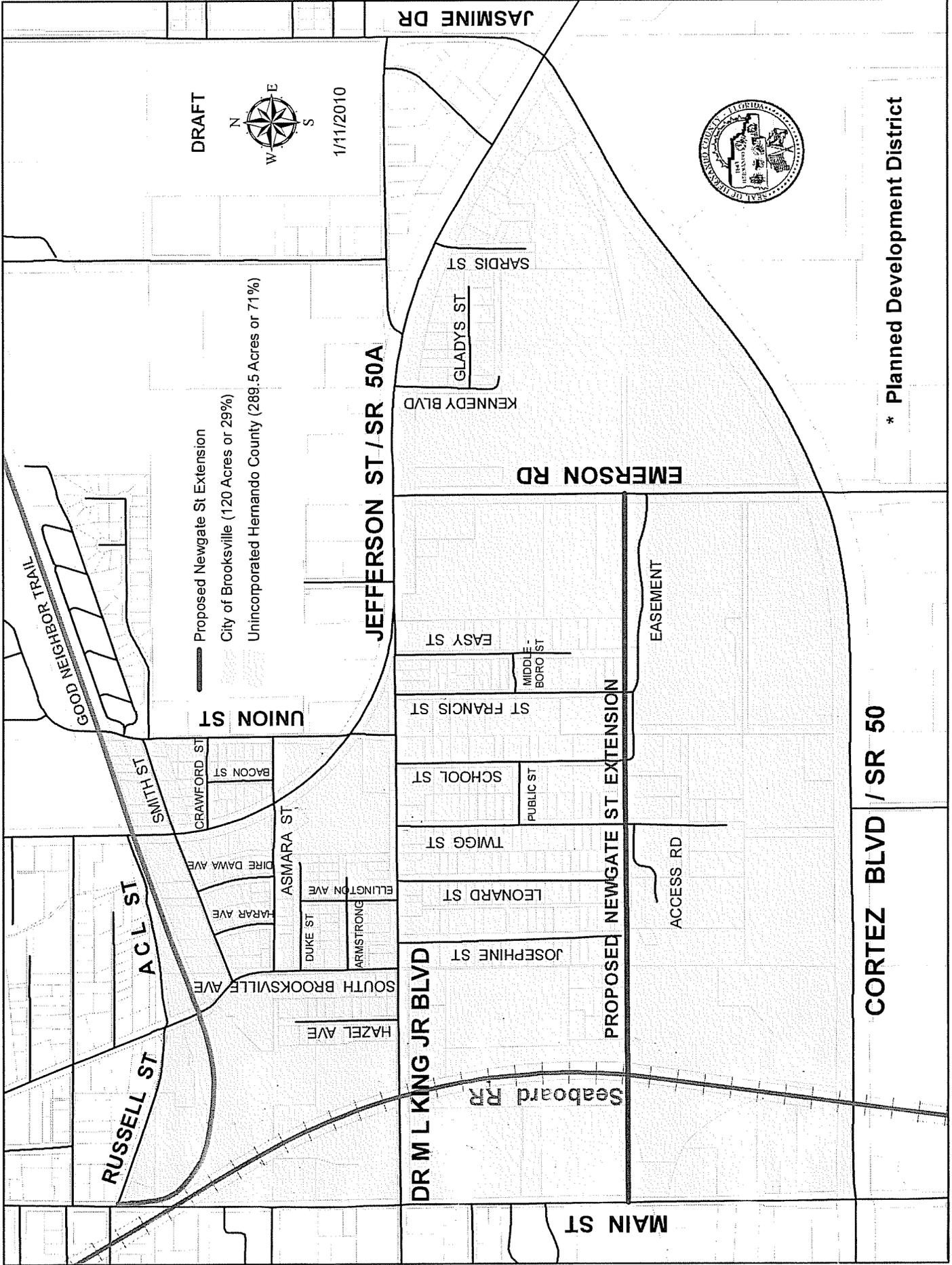
CORTEZ BLVD / SR 50

0.5 Miles

0.25

0

Proposed South Brooksville PDD (409.5 Acres)*



Policy 1-5: In conformance with Objective 1 above, the City shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the Future Land Use Map and the adopted City Zoning Map. [9J-5.006(3)(c)7]

Density and intensity standards for land uses in the City of Brooksville are listed as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of 999 residential units (1.2 dwelling units per gross acre), 160,000 square feet of retail or office, 45,000 square feet of clubhouse and associated activities, and a minimum of 350 acres of open space/recreational uses within the project boundary.

Majestic Oaks Mixed Use District. This is a mixed use district consisting of up to 999 residential units, up to 100,000 square feet of commercial/retail/office, up to 31,000 square feet of clubhouse and associated activities, and a minimum of 200 acres of open space/recreation uses within the project boundary. All development must meet the concurrency requirements of Chapter 163, Florida Statutes. Thus, more than 600 residential units, but fewer than 999 of the units allowed in this district, may be allowed through the rezoning process provided that the approved development meets the concurrency requirements, including transportation, as required by Chapter 163, Florida Statutes.

South Brooksville Planned Development District (SBPDD). The SBPDD shall provide for the orderly redevelopment of the South Brooksville area into a viable mixed-use community, while retaining the positive features of the existing neighborhood character. Land Uses and Intensity.—The SBPDD designation consists of 1202 acres. Land uses permitted within the SBPDD shall include:

- The existing single-family residential uses neighborhood not exceeding approximately 80 18.8 acres and up to 16 7 dwelling units per acre;
- The existing multi-family residential community not exceeding 6.9 acres and up to 18 dwelling units per acre;
- Highway-oriented, community and specialty retail not exceeding approximately 301 acres and a floor area ratio of 0.30;
- highway-oriented commercial not exceeding 30 acres; business and Industrial and Corporate Park space not exceeding approximately 60 22 acres and a floor area ratio of 0.80;
- Transit Oriented Development (TOD) located within approximately 0.25 miles of the CSX railroad right-of-way and not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 16 dwelling units per acre;
- and Public use sites and facilities not exceeding approximately 4.9 acres;
- and
- Recreation uses on a minimum of approximately 21.3 acres.

Features

The South Brooksville PDD redevelopment will incorporate the following

- a vision designed to retain the existing sense of neighborhood and community;
- coordinated infrastructure, sufficient to maintain the health and safety of the existing community, while accommodating growth;
- preservation of existing single-family neighborhoods;
- higher density single-family and multi-family housing located along and in close proximity to major roadway corridors and the railway corridor;
- a mix of land uses;
- a diversity of housing types and densities, including workforce and affordable housing;
- employment opportunities;
- community retail along the Martin Luther King corridor;
- highway oriented commercial along the SR 50 and SR 50A corridors;
- specialty retail and services along the “Good Neighbor Trail”;
- preservation of the Good Neighbor trailhead complex;
- historic preservation;
- transit oriented design techniques along the existing rail corridor consistent with the Tampa Bay Area Regional Transit Authority (TBARTA) master plan;
- integration of public uses and facilities within the SBPDD;
- provisions for neighborhood and community recreation facilities;
- promotion of safe pedestrian and non-vehicular movement;
- provisions for the use of appropriate design guidelines and redevelopment techniques within the SBPDD

Coordination of Governmental Entities, Actions and Programs

Community Awareness. In order to maintain a coordinated effort with the South Brooksville community and Hernando County, the City shall maintain ongoing coordination with community representatives and the County regarding redevelopment programs, proposals and activities that impact the SBPDD. Coordination shall include, but not be limited to, meeting with community groups, holding public information workshops and coordinating with community representatives consistent with the policies contained in Objective 1 of the Intergovernmental Coordination Element.

Coordination of Land Use Changes and Policies. The City shall coordinate redevelopment activities, policies and programs, and changes in zoning with Hernando County and community representatives.

Redevelopment Activities. Redevelopment activities shall be coordinated with the Enterprise Zone Program and business retention/recruitment programs.

Housing

Housing Mix. Within the South Brooksville PDD, a variety of housing types, flexible lot sizes, flexible setbacks, mixed uses and a range of densities shall be encouraged allowed. New mobile home development shall be discouraged.

Affordable and Workforce Housing. Affordable and workforce housing may shall be considered in the review of new mixed use and residential projects.

Commercial Development

Martin Luther King Corridor. Community commercial activity in South Brooksville will be located along the Martin Luther King Blvd. corridor. Appropriate design techniques for this corridor may include, but not be limited to, the following:

- The use of on street parking where safe and appropriate
- The use of reduced setbacks
- The placement of parking behind structures
- Provisions for retaining alleyways and the use of rear loading areas
- The use of architecture complimentary to the community's historic character
- The use of architectural detail, building articulation, traditional storefront looks, and overhangs
- The orientation of buildings toward streets and pedestrian areas
- The use of pedestrian connections and wider sidewalks
- The use of street furnishings and streetscape techniques
- The use of traffic calming techniques
- Flexible parking techniques

Good Neighbor Trail Corridor. Property adjacent to the Good Neighbor Trail may be redeveloped with a mix of complementary specialty retail, services and residential/lodging uses. Specialty retail should include, but not be limited to, restaurants, bicycle shops, small commodity stores, art galleries, antique shops, consignment shops, bed & breakfast houses, and other compatible uses of similar scale and intensity. Residential uses shall not exceed 7 dwelling units per acre. The maximum floor area ratio for nonresidential uses shall be 0.30.

Highway Commercial. Highway commercial uses shall be located along the State Road 50/Cortez Boulevard and State Road 50A/Jefferson Street corridors and shall not exceed a 0.30 floor area ratio.

Employment Center

Employment Center. Light Industrial and Business Park uses will be encouraged along Main Street and the existing railroad corridor. When located along the railroad corridor, these uses should be compatible with future transit oriented development. The redevelopment of existing industrial areas compatible with the community is encouraged in order to provide employment opportunities and economic growth. Maximum floor area ratio for Light Industrial and Business Park uses shall be 0.80.

Mixed Use Areas

Mixed Use Areas. Mixed use areas should be planned and designed to incorporate a mix of uses, including, but not limited to, light industrial, office space, commercial and residential. Maximum floor area ratios shall be 0.30 for commercial uses and 0.80 for light industrial and office uses. New Heavy Industrial uses shall be prohibited.

Transit Oriented Development

TOD Land Use Principles and Techniques. Development in proximity to the existing railroad ROW, identified as a regional transit corridor by the Tampa Bay Area Rapid Transit Authority (TBARTA) master plan, shall be oriented to land uses that are complementary to the use of Transit Oriented Development (TOD) principles and techniques. These techniques shall include, but not be limited to mixed uses, higher density development, diversity of housing, active ground floor uses, quality pedestrian environment, structured parking, non-auto oriented commercial, pocket parks, live-work units, gathering places and on-site bicycle facilities. Nonresidential uses shall be developed at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre.

Consistency with TBARTA. Transit Oriented Development shall be designed to be consistent with model policies developed by the Tampa Bay Area Rapid Transit Authority (TBARTA) and goals/objectives/policies established elsewhere in this plan related to mass transit, mobility and transit oriented development.

Recreation & Open Space

Open Space. Redevelopment of the South Brooksville PDD shall include the use of open space that provides active and passive recreational opportunities, visual aesthetics and environmental preservation within the community.

Recreation. Kennedy Park shall continue to be the focal point of active community recreation facilities. Additional neighborhood parks and open space may be placed within the South Brooksville PDD to provide passive recreation opportunities and gathering spaces for community residents.

Multi-Purpose Pathways. Recreation areas and open spaces shall be connected by paths, greenways, bikeways and sidewalks to provide for neighborhood mobility.

Infrastructure

Utilities. All new development and redevelopment within the South Brooksville PDD shall be served by central sewer and water.

Drainage & Floodplain Management. Redevelopment in the South Brooksville area shall not impede the ability of drainage patterns and floodplain areas to function properly, or present risks of flooding or impeding drainage flow.

Timing. Water, sewer and drainage infrastructure shall be provided to support existing development, new development, and redevelopment of the SBPDD.

Grant Funding. Grant funding shall be researched, applied for, and utilized, to provide for water, sewer and drainage infrastructure to support existing development, new development, and redevelopment.

Streetlights. Streetlights shall be provided using an MSBU or other appropriate funding mechanism.

Transit and Mobility Alternatives. The mobility needs of the South Brooksville Community shall be met by providing transit and mobility alternatives/infrastructure consistent with the Hernando County transit development plan, the plans of the Metropolitan Planning Organization (MPO), the City of Brooksville, the Tampa Bay Area Rapid Transit Authority (TBARTA), and the Florida Department of Transportation (FDOT).

Traffic Calming. Traffic calming features shall be used to manage the speed and safety of traffic in the South Brooksville area.

Newgate Street. The Newgate Street alignment will be planned and utilized to provide for internal connectivity and the distribution of traffic.

Land Use Approvals

Rezoning. Rezoning requests shall utilize the Planned Development Project (PDP) review process.

Existing Land Uses. All existing land uses and zoning shall be considered as conforming and may remain until such time that redevelopment occurs.

Land Uses Allowed. In the South Brooksville Planned Development District, the proposed mix of land uses includes residential, commercial, office and a transit oriented development node.

Suburban Residential. Permissible densities shall be limited to a maximum of 2.5 dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process.

Single Family Residential. Permissible densities shall be limited to a maximum of 7 dwelling units per acre.

Mobile Home/Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

A. CPA2007-L2. Development of the parcel labeled as amendment CPA 2007-L2 on the Future Land Use Map shall be limited to not exceed 10 dwelling units per acre.

Mobile Home Residential. Permissible densities shall be limited to a maximum of 8 dwelling units per acre.

ORDINANCE NO. 792

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE FUTURE LAND USE MAP AND ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L7, to amend the Future Land Use Map and Element of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendments, as described below, to the Future Land Use Map and text of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendments Report concerning said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan to be consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described below, to the Future Land Use Map and Element of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2010-L7	Mixture of Single Family Residential, Mobile Home/Multi-Family Residential, Commercial, Industrial, Recreation and Public Facilities and Land. (City)	South Brooksville Planned Development Project (SBPDD) (City)	South of Russell Street, east of Main Street, west of Union Street and north of Dr. M. L. King Jr. Boulevard	122+/-	City of Brooksville

CPA 2010-L7

Pursuant to an application, CPA 2010-L7, by City of Brooksville, to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on map "A" attached hereto, from a MIXTURE OF SINGLE FAMILY RESIDENTIAL, MOBILE HOME/MULTI-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, CONSERVATION, RECREATION AND PUBLIC FACILITIES AND LAND (City) to SOUTH BROOKSVILLE PLANNED DEVELOPMENT PROJECT(SBPDD)(City):

South of Russell Street, east of Main Street, west of Union Street and north of Dr. M. L. King Jr. Boulevard.

Section 2. POLICY 1-5 OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT IS HEREBY AMENDED TO INCLUDE THE FOLLOWING LAND USE CATEGORY AND DESCRIPTION:

SOUTH BROOKSVILLE PLANNED DEVELOPMENT PROJECT (SBPDD)

South Brooksville Planned Development District (SBPDD). The SBPDD shall provide for the orderly redevelopment of the South Brooksville area into a viable mixed-use community, while retaining the positive features of the existing neighborhood character. The SBPDD designation consists of 122 acres. Land uses permitted within the SBPDD shall include:

- The existing single-family residential neighborhood not exceeding approximately 18.8 acres and up to 7 dwelling units per acre;
- The existing multi-family residential community not exceeding 6.9 acres and up to 18 dwelling units per acre;
- Highway-oriented, community and specialty retail not exceeding approximately 31 acres and a floor area ratio of 0.30;
- Industrial and Corporate Park space not exceeding approximately 22 acres and a floor area ratio of 0.80;
- Transit Oriented Development (TOD) not exceeding approximately 15 acres, developed with nonresidential uses at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 16 dwelling units per acre;
- Public use sites and facilities not exceeding approximately 4.9 acres; and
- Recreation uses on a minimum of approximately 21.3 acres.

Features

The South Brooksville PDD redevelopment will incorporate the following features:

- a vision designed to retain the existing sense of neighborhood and community;
- coordinated infrastructure, sufficient to maintain the health and safety of the existing community, while accommodating growth;
- a mix of land uses;
- a diversity of housing types and densities, including workforce and affordable housing;
- employment opportunities;
- community retail along the Martin Luther King corridor;
- highway oriented commercial along the SR 50 and SR 50A corridors;
- specialty retail and services along the “Good Neighbor Trail”;
- historic preservation;
- transit oriented design techniques along the existing rail corridor consistent with the Tampa Bay Area Regional Transit Authority (TBARTA) master plan;
- integration of public uses and facilities within the SBPDD;
- provisions for neighborhood and community recreation facilities;
- promotion of safe pedestrian and non-vehicular movement;
- provisions for the use of appropriate design guidelines and redevelopment techniques within the SBPDD

Coordination of Governmental Entities, Actions and Programs

Community Awareness. In order to maintain a coordinated effort with the South Brooksville community and Hernando County, the City shall maintain ongoing coordination with community representatives and the County regarding redevelopment programs, proposals and activities that

impact the SBPDD. Coordination shall include, but not be limited to, meeting with community groups, holding public information workshops and coordinating with community representatives consistent with the policies contained in Objective 1 of the Intergovernmental Coordination Element.

Coordination of Land Use Changes and Policies. The City shall coordinate redevelopment activities, policies and programs, and changes in zoning with Hernando County and community representatives.

Redevelopment Activities. Redevelopment activities shall be coordinated with the Enterprise Zone Program and business retention/recruitment programs.

Housing

Housing Mix. Within the South Brooksville PDD, a variety of flexible lot sizes, flexible setbacks, mixed uses and a range of densities shall be allowed.

Affordable and Workforce Housing. Affordable and workforce housing shall be considered in the review of new mixed use and residential projects.

Commercial Development

Martin Luther King Corridor. Community commercial activity in South Brooksville will be located along the Martin Luther King Blvd. corridor. Appropriate design techniques for this corridor may include, but not be limited to, the following:

- The use of on street parking where safe and appropriate
- The use of reduced setbacks
- The placement of parking behind structures
- Provisions for retaining alleyways and the use of rear loading areas
- The use of architecture complimentary to the community's historic character
- The use of architectural detail, building articulation, traditional storefront looks, and overhangs
- The orientation of buildings toward streets and pedestrian areas
- The use of pedestrian connections and wider sidewalks
- The use of street furnishings and streetscape techniques
- The use of traffic calming techniques
- Flexible parking techniques

Good Neighbor Trail Corridor. Property adjacent to the Good Neighbor Trail may be redeveloped with a mix of complementary specialty retail, services and residential/lodging uses. Specialty retail should include, but not be limited to, restaurants, bicycle shops, small commodity stores, art galleries, antique shops, consignment shops, bed & breakfast houses, and other compatible uses of similar scale and intensity. Residential uses shall not exceed 7 dwelling units per acre. The maximum floor area ratio for nonresidential uses shall be 0.30.

Highway Commercial. Highway commercial uses shall be located along the State Road 50/Cortez Boulevard and State Road 50A/Jefferson Street corridors and shall not exceed a 0.30 floor area ratio.

Employment Center

Light Industrial and Business Park uses will be encouraged along Main Street and the existing railroad corridor. When located along the railroad corridor, these uses should be compatible with future transit oriented development. The redevelopment of existing industrial areas compatible with the community is encouraged in order to provide employment opportunities and economic growth. Maximum floor area ratio for Light Industrial and Business Park uses shall be 0.80.

Mixed Use Areas

Mixed use areas should be planned and designed to incorporate a mix of uses, including, but not limited to, light industrial, office space, commercial and residential. Maximum floor area ratios shall be 0.30 for commercial uses and 0.80 for light industrial and office uses. New Heavy Industrial uses shall be prohibited.

Transit Oriented Development

TOD Land Use Principles and Techniques. Development in proximity to the existing railroad ROW, identified as a regional transit corridor by the Tampa Bay Area Rapid Transit Authority (TBARTA) master plan, shall be oriented to land uses that are complementary to the use of Transit Oriented Development (TOD) principles and techniques. These techniques shall include, but not be limited to mixed uses, higher density development, diversity of housing, active ground floor uses, quality pedestrian environment, structured parking, non-auto oriented commercial, pocket parks, live-work units, gathering places and on-site bicycle facilities. Nonresidential uses shall be developed at a minimum floor area ratio of 0.30 and a maximum of 0.70, and residential uses with a minimum density of 6 and a maximum density of 18 dwelling units per acre.

Consistency with TBARTA. Transit Oriented Development shall be designed to be consistent with model policies developed by the Tampa Bay Area Rapid Transit Authority (TBARTA) and goals/objectives/policies established elsewhere in this plan related to mass transit, mobility and transit oriented development.

Recreation & Open Space

Open Space. Redevelopment of the South Brooksville PDD shall include the use of open space that provides active and passive recreational opportunities, visual aesthetics and environmental preservation within the community.

Recreation. Kennedy Park shall continue to be the focal point of active community recreation facilities. Additional neighborhood parks and open space may be placed within the South Brooksville PDD to provide passive recreation opportunities and gathering spaces for community residents.

Multi-Purpose Pathways. Recreation areas and open spaces shall be connected by paths, greenways, bikeways and sidewalks to provide for neighborhood mobility.

Infrastructure

Utilities. All new development and redevelopment within the South Brooksville PDD shall be served by central sewer and water.

Drainage & Floodplain Management. Redevelopment in the South Brooksville area shall not impede the ability of drainage patterns and floodplain areas to function properly, or present risks of flooding or impeding drainage flow.

Timing. Water, sewer and drainage infrastructure shall be provided to support existing development, new development, and redevelopment of the SBPDD.

Grant Funding. Grant funding shall be researched, applied for, and utilized, to provide for water, sewer and drainage infrastructure to support existing development, new development, and redevelopment.

Streetlights. Streetlights shall be provided using an MSBU or other appropriate funding mechanism.

Transit and Mobility Alternatives. The mobility needs of the South Brooksville Community shall be met by providing transit and mobility alternatives/infrastructure consistent with the Hernando County transit development plan, the plans of the Metropolitan Planning Organization (MPO), the City of Brooksville, the Tampa Bay Area Rapid Transit Authority (TBARTA), and the Florida Department of Transportation (FDOT).

Traffic Calming. Traffic calming features shall be used to manage the speed and safety of traffic in the South Brooksville area.

Newgate Street. The Newgate Street alignment will be planned and utilized to provide for internal connectivity and the distribution of traffic.

Land Use Approvals

Rezoning. Rezoning requests shall utilize the Planned Development Project (PDP) review process.

Existing Land Uses. All existing land uses and zoning shall be considered as conforming and may remain until such time that redevelopment occurs.

Land Uses Allowed. In the South Brooksville Planned Development District, the proposed mix of land uses includes residential, commercial, office and a transit oriented development node.

Section 3. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 4. Adoption of Amendments to Comprehensive Plan. Proposed amendments to select portions of the City of Brooksville's Comprehensive Plan's Future Land Use Element, as referenced in the respective attached Exhibits, are hereby adopted by the City of Brooksville.

Section 5. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

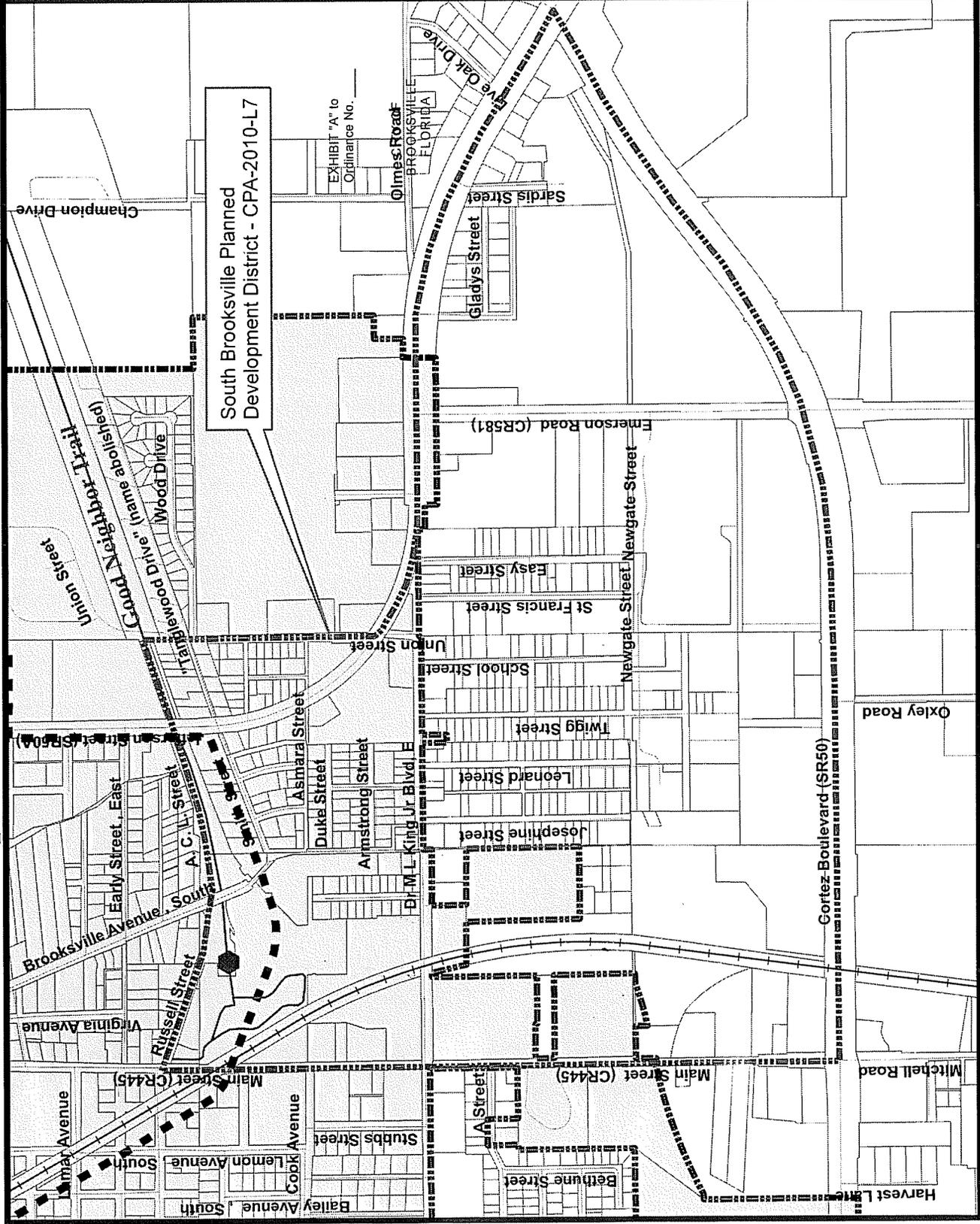
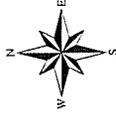
PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

MAP "A" - Proposed South Brooksville PDD* (409.5 Acres)



LEGEND

- Railroad
- Historical Central Business/Residential District
- South Brooksville Planned Development District
- City Boundary March, 16, 2010

DISCLAIMER: March 2010 Herndon County Property Appraiser's Office (HCPAO) data was used for the base map and the map. The map was prepared by the City of Brooksville Planning Department. All information and data shown on this map are subject to field survey and other appropriate verification. This map and/or digital data is for planning purposes only. The City of Brooksville reserves the right to the accuracy or availability of the data.

SUBJECT: Herndon County Property Appraiser - dated data, March 2010.
City of Brooksville Community Development Dept. - future land use data, July 2008 to current.

File: I:\E:\Map\Map Projects\CPA2010L7_SouthBrooksvillePDD.mxd

*Planned Development District
 -City of Brooksville (120 Acres or 29%)
 -Unincorporated Hernando County (289.5 Acres or 71%)



MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager <i>[Signature]</i>
Via:	Bill Geiger, Community Development Director <i>[Signature]</i>
From:	Steven E. Gouldman, AICP, Planner <i>[Signature]</i>
Subject:	CPA 2010-L2, City of Brooksville Comprehensive Plan Amendment, providing land use classification for property annexed into the City (Ref. Ord. No. 689)
Petitioner:	Q2 Brooksville 191, LLC (Griggs Property), represented by Coastal Engineering Associates, Inc.
Location:	South of Mondon Hill Road and east of Jasmine Drive
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-L2 is an approximately 182.4-acre tract located on the south side of Mondon Hill Road immediately east of Jasmine Drive. The subject parcel was annexed into the City on June 6, 2005 (Ordinance No. 689) and was at the time of annexation 191 acres in size. Subsequent to the annexation, Hernando County purchased approximately 8.6 acres in the northwest portion of the site to be utilized as right-of-way for the realignment of the Jasmine Drive/Mondon Hill Road/McIntyre Road intersection. The subject 182.4-acre site is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural/Residential.

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 456 dwelling units at a density of 2.5 units per acre. Hernando County's Residential Future Land Use designation would allow for a maximum of 984 dwelling units at a density of 5.4 units per acre. The subject parcel is identified by Hernando County Property Appraiser Key #00356162.

Natural Resources and Features:

The property is presently undeveloped and is primarily wooded, containing native hardwoods as well as a number of small, isolated wetland areas. Former railroad right-of-way and power line easements are located at the northwest property boundary from Jasmine Road to Mondon Hill Road. Vegetation on the subject property consists primarily of Slash Pine, Sweet Gum and Laurel Oak trees with some Southern Magnolia, Pignut Hickory, Live Oak, Eastern Red Cedar, Cabbage Palm and Red Mulberry specimens variously located. A medium cover underbrush is present as well. The majority of the soil on the subject site is identified as Nobleton (0 to 5% slopes), Kendrick (0 to 5% slopes), Sparr (0 to 5% slopes) and Wauchula (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located south of Mondon Hill Road, immediately east of Jasmine Drive. The general area is primarily developed with residential uses and contains a number of undeveloped agricultural tracts. Specifically, the property to the northeast of the subject site is the Majestic Oaks Planned Development Project, which is allowed a maximum of 999 dwelling units, 100,000 square feet of floor space for commercial and office uses and 31,000 square feet of floor space for a clubhouse and associated activities. East and west of the subject property are primarily large undeveloped tracts and large lot residential uses. Immediately south of the site is the densely-developed Wesleyan Village property. Given the above, staff finds the proposed future land use designation is

compatible with the surrounding development pattern. A subsequent rezoning will dictate lot size and final dwelling unit density.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site will be from Mondon Hill Road, with a potential emergency gated access located along Jasmine Road. Police, fire and sanitation collection services will also be provided by the City. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the proposed level of development as well as discussion relative to the maximum development potential and associated impacts.

Trip Generation:

According to the ITE Trip Generation Manual, 7th Edition, the proposed land use (LUC 210, Single-family Detached), this project would generate approximately 4,363 total daily vehicle trips, with 461 P.M. Peak Hour trips. Approximately 295 P.M. Peak Hour vehicle trips will be inbound and 166 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in 114,000 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day. Transmission line extensions will be required to be extended to the site, and the developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.

Sewer:

The potential development scenario presented above would result in 91,200 of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the proposed development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity. Transmission line extensions will be required to be extended to the site, and the developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.

Drainage:

According to the current adopted FEMA Flood Insurance Rate Map community panels, the majority of the subject site is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. A small portion of the site located near the western property boundary falls within Flood Zone A. Flood Zone A indicates the area is subject to flooding during a 100-year storm event. Approximately 18.53 acres of the property has been identified as wetlands. Development of the site will be subject to SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance. Additional engineering analysis will be required prior to development to determine the actual extent of the 100-year on the property.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. Due to the limited number of residential development proposed or that could be constructed, it is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will generate up to 76 elementary, 72 middle and 53 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-L2 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L2 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L2 for approval. City Council approved the first reading of Ordinance No. 793 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-L2, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 793.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 793 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 793 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments: (1) Ordinance 793
(2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-L2
(3) Draft DCA Transmittal Letter
(4) ORC Report
(5) ORC Response

ORDINANCE NO. 793

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L2, to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment Report concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendment, as described below, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2010-L2	Residential (County)	Suburban Residential (City)	Near southeast corner of Mondon Hill Road and Jasmine Drive	191+/-	Q2 Brooksville 191, LLC (Griggs Property)

CPA 2010-L2

Pursuant to an application, CPA 2010-L2, by Q2 Brooksville 191, LLC, (Griggs Property) to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RESIDENTIAL (County) to SUBURBAN RESIDENTIAL (City):

That part of the West ¾ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, lying South of Mondon Hill Road and South of the ACL Railroad right of way.

SUBJECT TO an Easement to Florida Power Corporation as recorded in deed book 107, page 213, as modified by instrument recorded in O.R Book 23, page 165, public records of Hernando County, Florida. SUBJECT TO existing right of way for Mondon Hill Road, and as recorded in O.R. Book 272, page 716 and O.R. Book 856, page 445, public records of Hernando County, Florida.

SUBJECT TO existing right of way for Jasmine Drive.

LESS

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the South boundary of the Southwest ¼ of said Section 24, S.89°53’12”E, a

distance of 20.94 feet to the Easterly maintained right-of-way of Jasmine Drive per Right-of-way Book 2, Pages 29 through 36 of the Public Records of Hernando County, Florida, for a POINT OF BEGINNING; thence along the Easterly maintained right-of-way of Jasmine Drive per Right-of-way Book 2, Pages 29 through 36 of the Public Records of Hernando County, Florida, the following eight courses: 1) N.01°28'06"E, a distance of 165.62 feet; 2) N.01°46'14"W, a distance of 216.03 feet; 3) N.00°34'43"E, a distance of 314.11 feet; 4) N.00°15'28"E, a distance of 121.56 feet; 5) N.01°37'34"W, a distance of 154.81 feet; 6) N.00°14'43"E, a distance of 261.25 feet; 7) N.00°45'03"E, a distance of 281.36 feet; 8) N.00°16'35"W, a distance of 100.02 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 558.02 feet; thence S.19°02'48"E, a distance of 18.00 feet; thence S.70°57'12"W, a distance of 152.54 feet to a point of curvature; thence southwesterly 341.00 feet along the arc of a curve to the left, said curve having a radius of 502.96 feet, a central angle of 38°50'45", and a chord bearing and distance of S.51°31'50"W, 334.51 feet; thence N.57°53'33"W, a distance of 10.00 feet to a non-tangent point of curvature; thence southerly 286.44 feet along the arc of a curve to the left, said curve having a radius of 512.96 feet, a central angle of 31°59'40", and a chord bearing and distance of S.16°06'37"W, 282.73 feet; thence N.89°53'12"W, a distance of 8.58 feet; thence S.00°16'43"E, a distance of 680.07 feet; thence N.89°53'12"W, a distance of 10.00 feet; thence S.00°16'43"E, a distance of 575.37 feet to the South boundary of the Southwest ¼ of said Section 24; thence along the South boundary of the Southwest ¼ of said Section 24, N.89°59'31"W, a distance of 29.07 feet to the POINT OF BEGINNING.

AND

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W, a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 508.71 feet; thence S.19°02'48"E, a distance of 18.00 feet for a POINT OF BEGINNING; thence continue S.19°02'48"E, a distance of 124.00 feet; thence N.70°57'12"E, a distance of 290.00 feet; thence S.19°02'48"E, a distance of 146.96 feet; thence S.71°05'42"W, a distance of 264.14 feet; thence S.48°42'49"W, a distance of 108.73 feet; thence S.22°26'51"W, a distance of 118.08 feet; thence S.01°42'00"E, a distance of 59.96 feet; thence S.25°44'50"W, a distance of 148.58 feet; thence S.20°53'12"E, a distance of 184.63 feet; thence S.12°18'29"W, a distance of 33.78 feet; thence S.89°19'28"W, a distance of 167.34 feet; thence N.18°56'49"W, a distance of 177.73 feet; thence N.07°24'58"W, a distance of 112.54 feet; thence N.38°33'26"E, a distance of 118.68 feet; thence N.06°49'07"W, a distance of 76.74 feet; thence N.50°30'38"W, a distance of 81.67 feet; thence N.43°02'49"W, a distance of 117.63 feet to a non-tangent point of curvature; thence Northeasterly 354.03 feet along the arc of a curve to the right, said curve having a radius of 502.96 feet, a central angle of 40°19'48", and a chord bearing and distance of N.50°47'18"E, 346.76 feet; thence N.70°57'12"E, a distance of 71.54 feet to the POINT OF BEGINNING.

AND

A portion of the Southwest $\frac{1}{4}$ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest $\frac{1}{4}$ of said Section 24, N.00°16'43"W, a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 589.70 feet for a POINT OF BEGINNING; thence continue along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 571.58 feet; thence S.19°02'48"E, a distance of 80.00 feet; thence S.70°57'12"W, a distance of 571.58 feet; thence N.19°02'48"W, a distance of 80.00 feet to the POINT OF BEGINNING.

AND

A portion of the Southwest $\frac{1}{4}$ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest $\frac{1}{4}$ of said Section 24, N.00°16'43"W, a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 1,715.88 feet for a POINT OF BEGINNING; thence continue along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 54.51 feet to the Southerly maintained right-of-way of Mondon Hill Road per Right-of-way Book 2, Pages 29 through 36 of the Public Records of Hernando County, Florida, and a non-tangent point of curvature; thence along the Southerly maintained right-of-way of said Mondon Hill Road the following two (2) courses: 1) Easterly 292.17 feet along the arc of a curve to the right, said curve having a radius of 22,888.32 feet, a central angle of 00°43'53", and a chord bearing and distance of S.79°52'38"E, 292.17 feet; 2) S.79°30'41"E, a distance of 48.73 feet; thence S.10°29'19"W, a distance of 14.42 feet; thence N.81°37'18"W, a distance of 388.63 feet to the POINT OF BEGINNING.

AND

A portion of the Southwest $\frac{1}{4}$ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest $\frac{1}{4}$ of said Section 24, N.00°16'43"W, a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E, a distance of 508.71 feet; thence S.19°02'48"E, a distance of 18.00 feet for a POINT OF BEGINNING; thence N.70°57'12"E, a distance of 81.00 feet; thence S.19°02'48"E, a distance of 62.00 feet; thence N.70°57'12"E, a distance of 209.00 feet; thence S.19°02'48"E, a distance of 62.00 feet;

thence S.70°57'12"W, a distance of 290.00 feet; thence N.19°02'48"W, a distance of 124.00 feet to the POINT OF BEGINNING.

AND

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W, a distance of 920.47 feet; thence N.89°19'28"E, a distance of 60.00 feet for a POINT OF BEGINNING; thence N.00°16'43"W, a distance of 334.23 feet; thence S.89°53'12"E, a distance of 8.58 feet to a non-tangent point of curvature; thence Northerly 286.44 feet along the arc of a curve to the right, said curve having a radius of 512.96 feet, a central angle of 31°59'40", and a chord bearing and distance of N.16°06'37"E, 282.73 feet; thence S.57°53'33"E, a distance of 10.00 feet; thence S.31°21'56"W, a distance of 13.03 feet; thence S.43°02'49"E, a distance of 117.63 feet; thence S.50°30'38"E, a distance of 81.67 feet; thence S.06°49'07"E, a distance of 76.74 feet; thence S.38°33'26"W, a distance of 118.68 feet; thence S.07°24'58"E, a distance of 112.54 feet; thence S.18°56'49"E, a distance of 177.73 feet; thence S.89°19'28"W, a distance of 237.82 feet to the POINT OF BEGINNING.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. Proposed amendment to the City of Brooksville's Comprehensive Plan's Future Land Use Map as described hereto, are hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence

before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

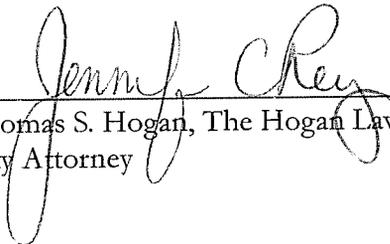
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

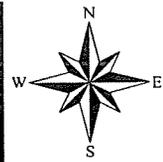
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

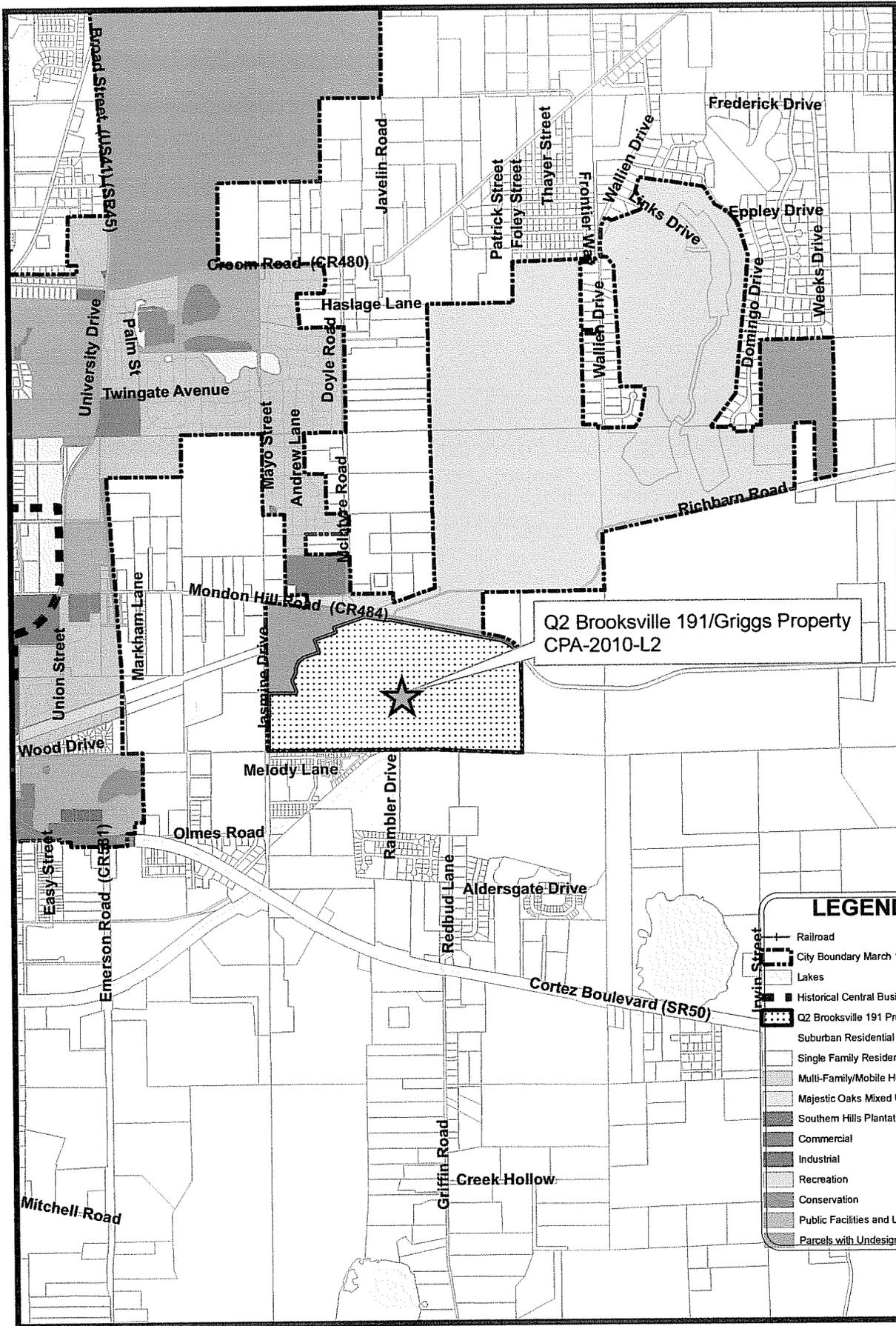


**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 793

CITY OF
BROOKSVILLE
FLORIDA

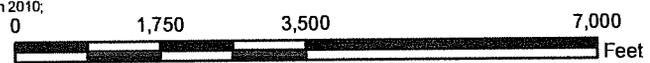


LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Q2 Brooksville 191 Property (AKA Griggs Property/CPA-2010-L2)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Sources: Hemando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future land use data, July 2008 to current.



DISCLAIMER: March 2010 Hemando County Property Appraiser's parcel data was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager <i>T. Jennene Norman-Vacha</i>
Via:	Bill Geiger, Community Development Director <i>B. Geiger</i>
From:	Steven E. Gouldman, AICP, Planner <i>S. Gouldman</i>
Subject:	CPA 2010-S7, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 785)
Petitioner:	Cornerstone Communities, Inc. represented by Coastal Engineering Associates, Inc.
Location:	South side of Mondon Hill Road and East of Jasmine Drive
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-S7 is an approximately 8.39-acre tract located south of Mondon Hill Road and east of Jasmine Drive in the northeast portion of the City. The subject site was annexed into the City in 2010 (Ordinance No. 785), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural.

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the property as Commercial, which allows for the consideration of up to 255,828 square feet of commercial floor space. The petitioner has indicated, however, the property will be developed as part of a larger commercial facility that utilizes the property immediately north and surrounded by the subject site. A commercial development containing 120,000 square feet of floor space occupying the subject site and the adjacent property is envisioned by the petitioner. Hernando County's Residential Future Land Use designation would allow for the consideration of multi-family housing up to 16 units per acre, rural residential, 109,640 square feet of floor space for neighborhood commercial and/or offices and professional uses, schools, hospitals and minor public facilities.

Natural Resources and Features:

Presently, the property is occupied by one single-family conventional dwelling and an associated accessory structure, with the majority of the property being utilized as a grazing pasture. The vegetation on the property consists of a mixture of tree, shrub and herbaceous ground cover species that includes live oak, laurel oak, sweet gum, slash pine and pignut hickory trees. Also located on the property are cabbage palms, American elm, southern magnolia and sugarberry species. Understory vegetation includes American beautyberry, caesarweed, yaupon, bahia grass, Virginia creeper, air potato, muscadine, saw greenbrier and skunk vine. The soil types identified within the site include Blichton (0 to 8% slopes), Flemington (0 to 12% slopes), Nobleton (0 to 5% slopes), Sparr Fine Sand (0 to 5% slopes) and Wauchula (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the subject site is located south of Mondon Hill Road and east of Jasmine Drive in the northeast portion of the City. The intersection of Mondon Hill Road and Jasmine Drive/McIntyre Road is anticipated to form a commercial node with the realignment/improvement of the intersection and the future extension of McIntyre Road to the north and west. The extension will complete a perimeter roadway that includes State Road 50 (Cortez Boulevard) to the south and Yontz Road to the northwest. An approved mixed use development containing residential, commercial, office and recreation uses is located north of the subject site, with the non-residential portion of the development located diagonal to

the subject property. Residential uses occupying lots of various sizes are predominate throughout the remainder of the area. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is presently from Mondon Hill Road. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum 255,828 square feet of commercial floor space. According to the ITE Trip Generation Manual, 7th Edition, a shopping center (LUC 820) containing 255,828 square feet of retail floor space would generate approximately 10,980 total daily vehicle trips, with 957 P.M. Peak Hour trips. Approximately 459 P.M. Peak Hour vehicle trips will be inbound and 498 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in the consumption of an estimated 47,968 gallons of water per day. The estimated is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 38,374 gallons of effluent generated per day. The estimate is based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities as well as those of the Majestic Oaks development are located in close proximity to the subject site. The facilities include several parks, trails, the City's golf course and the Brooksville Country Club. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

The proposed project will not generate any students.

Consistency with the Comprehensive Plan:

CPA 2010-S7 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 2-14: Promote development of commercial areas that are convenient to the public, and well integrated into the transportation system and surrounding land uses.

Policy 2-15: Encourage commercial uses to locate in designated commercial nodes as directed in the Future Land Use Element.

Policy 2-16: Discourage commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas through the use of proper site plan procedures and adopted floodplain management policies in the Conservation Element of this plan.

Policy 2-18: Locate neighborhood shopping facilities within defined neighborhoods, situated on collector roads.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S7 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S7 be modified and approved to allow a maximum of 100,000 square feet of commercial floor

space on the parcels associated with CPA 2010-S7 and CPA 2010-S8. City Council approved the first reading of Ordinance No. 794, as recommended by the Local Planning Agency, to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S7, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 794.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 794 has been modified to reflect City Council action on June 7, 2010. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 794 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 794
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-S7
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 794

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S7 to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan to be consistent

with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S7	Residential (County)	Commercial (City)	South side of Mondon Hill Road and east of Jasmine Drive	8.39 +/-	Cornerstone Communities, Inc.

CPA 2010-S7

Pursuant to an application, CPA 2010-S7, by Cornerstone Communities, Inc., to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RESIDENTIAL (County) to COMMERCIAL (City). Said property and the property immediately north and surrounded by the subject site on the the east, west and south (Ord. #795) will collectively be allowed a maximum of 100,000 square feet of non-residential floor space.

Legal Description: (per warranty deed, O. R. B. 1412, page 1089) the east 1/2 of lot 7, Block C, east Brooksville, that lies south of Mondon Hill Road as it presently exists, as recorded in plat book 3, page 9, public records of Hernando County, Florida.

Legal Description: (metes and bounds)

Commence at a 2 inch iron pipe marking the northwest corner of the southeast 1/4 of Section 24, Township 22 South, Range 19 East, Hernando County, Florida; thence along the west boundary of the southeast 1/4 of said Section 24, S 00°17'27" E a distance of 88.59 feet; thence leaving said west boundary line, n 89°42'35" E a distance of 27.50 feet to the intersection of the southerly right of way line of Mondon Hill Road and the easterly right of way line of Jasmine Drive, said point also being the POINT OF BEGINNING; thence along the easterly right of way line of Jasmine Drive, S 00°24'35" W a distance of 317.79 feet; thence S 00°18'32" E a distance of 247.46 feet; thence S 27°04'55" E a distance of 106.44 feet; thence leaving said easterly right of way line of Jasmine Drive, N 70°56'22" E a distance of 969.58 feet; thence N 09°42'38" E a distance of 186.71 feet to the present southerly right of way line of Mondon Hill Road; thence along said right of way line, N 80°17'22" W a distance of 332.01 feet; thence leaving said right of way line, S 00°17'27" E a distance of 138.09 feet; thence S 89°22'18" W a distance of 340.08 feet; thence N 00°17'27" W a distance of 206.96 feet to the present southerly right of way line of Mondon Hill Road;

thence along said right of way line, N 81°40'41" W a distance of 8.05 feet; thence N 83° 23'46" W a distance of 321.94 feet to the POINT OF BEGINNING. Containing 8.39 Acres, More or Less.

Section 2. POLICY 1-5 OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN IS HEREBY AMENDED TO INCLUDE THE FOLLOWING FUTURE LAND USE ELEMENT:

B. CPA2010-S7 and CPA2010-S8. Development of the parcels labeled as amendments CPA2010-S7 and CPA2010-S8 on the Future Land Use Map shall not collectively exceed 100,000 square feet of building floor area.

Section 3. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 4. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 5. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

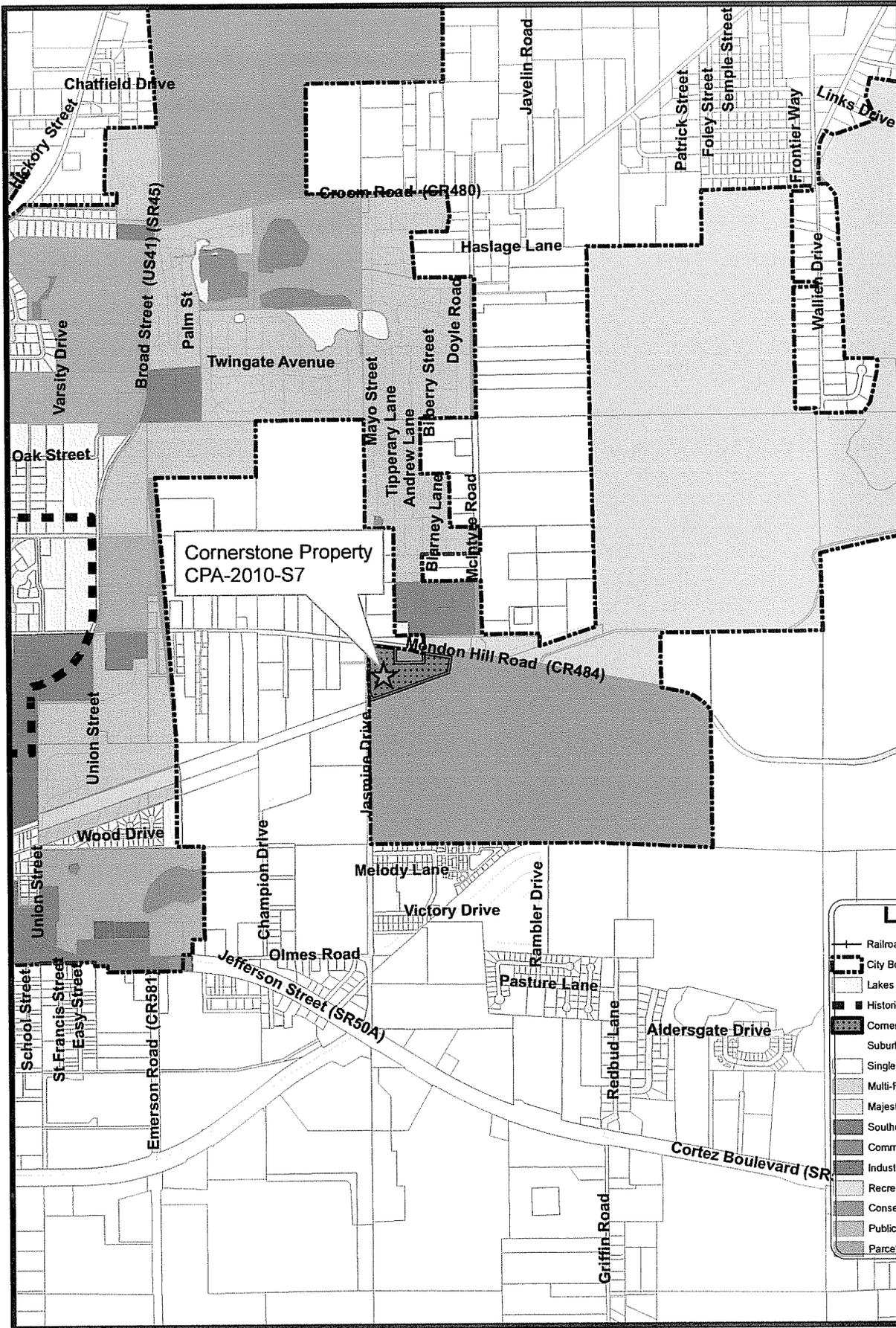
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 794

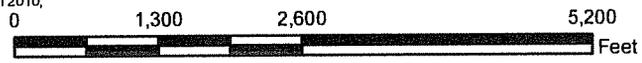
CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Cornerstone Property (CPA-2010-S7)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
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- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.



DISCLAIMER: March 2010 Hernando County Property Appraiser's parcel data was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

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A. CPA2004-L1. Development of the parcel labeled as amendment CPA 2004-L1 on the Future Land Use Map shall be limited to not exceed 184,000 square feet of building floor area.

B. CPA2010-S7 and CPA2010-S8. Development of the parcels labeled as amendments CPA2010-S7 and CPA2010-S8 on the Future Land Use Map shall not collectively exceed 100,000 square feet of building floor area.

Industrial. The minimum lot size for industrial land use shall be 1 acre and allowed to a maximum lot coverage of 70% with a 0.80 maximum floor area ratio.

Agriculture. The minimum lot size for the agricultural land use category is 1acre.

Recreational. This land use will not be limited to a minimum tract size. This land use shall have a maximum floor area ratio of 10%.

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Public Facilities and Land. Such areas are those areas that may be used for governmental purposes such as: utility, telecommunication, and transportation right-of-way and corridors; stormwater management facilities and structures; buildings and structures for governmental services; public libraries; public schools; churches, quasi-public entities and state and federal structures and buildings. Additional uses that may be permitted by the local government in this land use district include residential, commercial, industrial and mixed use. Governmental land uses will be allowed a maximum 1.25 Floor Area Ratio (FAR). Densities and intensities of residential, commercial, industrial and mixed use developments on properties designated as Public Facilities and Land shall

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager <i>T. Jennene Norman-Vacha</i>
Via:	Bill Geiger, Community Development Director <i>Bill Geiger</i>
From:	Steven E. Gouldman, AICP, Planner <i>SE</i>
Subject:	CPA 2010-S8, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 787)
Petitioner:	Robert J. Russell, Sr., represented by Cornerstone Communities, Inc. and Coastal Engineering Associates, Inc.
Location:	South side of Mondon Hill Road and East of Jasmine Drive
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-S8 is an approximately 1.38-acre tract located south of Mondon Hill Road and east of Jasmine Drive in the northeast portion of the City. The subject site was annexed into the City in 2010 (Ordinance No. 787), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural.

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the property as Commercial, which allows for the consideration of up to 42,079 square feet of commercial floor space. The petitioner has indicated, however, the property will be developed as part of a larger commercial facility that utilizes the property abutting the subject site to the east, west and south. A commercial development containing 120,000 square feet of floor space occupying the subject site and the adjacent property is envisioned by the petitioner. Hernando County's Residential Future Land Use designation would allow for the consideration of multi-family housing up to 16 units per acre, rural residential, neighborhood commercial, offices and professional, schools, hospitals and minor public facilities.

Natural Resources and Features:

Presently, the property is occupied by one single-family mobile home, with the majority of the property being utilized as a grazing pasture. The vegetation on the property consists of a mixture of tree, shrub and herbaceous ground cover species that includes live oak, laurel oak, sweet gum, slash pine and pignut hickory trees. Also located on the property are cabbage palms, American elm, southern magnolia and sugarberry species. Understory vegetation includes American beautyberry, caesarweed, yaupon, bahia grass, Virginia creeper, air potato, muscadine, saw greenbrier and skunk vine. The soil types identified within the site include Blichton (0 to 8% slopes), Flemington (0 to 12% slopes), Nobleton (0 to 5% slopes), Sparr Fine Sand (0 to 5% slopes) and Wauchula (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the subject site is located south of Mondon Hill Road and east of Jasmine Drive in the northeast portion of the City. The intersection of Mondon Hill Road and Jasmine Drive/McIntyre Road is anticipated to form a commercial node with the realignment/improvement of the intersection and the future extension of McIntyre Road to the north and west. The extension will complete a perimeter roadway that includes State Road 50 (Cortez Boulevard) to the south and Yontz Road to the northwest. An approved mixed use development containing residential, commercial, office and recreation uses is located north of the subject site, with the non-residential portion of the development located diagonal to

the subject property. Residential uses occupying lots of various sizes are predominate throughout the remainder of the area. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is presently from Mondon Hill Road. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum 42,079 square feet of commercial floor space. According to the ITE Trip Generation Manual, 7th Edition, a shopping center (LUC 820) containing 42,079 square feet of retail floor space would generate approximately 1,806 total daily vehicle trips, with 157 P.M. Peak Hour trips. Approximately 75 P.M. Peak Hour vehicle trips will be inbound and 82 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in the consumption of an estimated 7,890 gallons of water per day. The estimated is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 6,312 gallons of effluent generated per day. The estimate is based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities as well as those of the Majestic Oaks development are located in close proximity to the subject site. The facilities include several parks, trails, the City's golf course and the Brooksville Country Club. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

The proposed project will not generate any students.

Consistency with the Comprehensive Plan:

CPA 2010-S8 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 2-14: Promote development of commercial areas that are convenient to the public, and well integrated into the transportation system and surrounding land uses.

Policy 2-15: Encourage commercial uses to locate in designated commercial nodes as directed in the Future Land Use Element.

Policy 2-16: Discourage commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas through the use of proper site plan procedures and adopted floodplain management policies in the Conservation Element of this plan.

Policy 2-18: Locate neighborhood shopping facilities within defined neighborhoods, situated on collector roads.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S8 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S8 be modified and approved to allow a maximum of 100,000 square feet of commercial floor

space on the parcels associated with CPA 2010-S7 and CPA 2010-S8. City Council approved the first reading of Ordinance No. 795, as recommended by the Local Planning Agency, to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S8, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 795.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 795 has been modified to reflect City Council action on June 7, 2010. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 795 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 795
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-S8
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 795

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S8 to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S8	Residential (County)	Commercial (City)	South side of Mondon Hill Road and east of Jasmine Drive	1.38 +/-	Robert J. Russell, Sr.

CPA 2010-S8

Pursuant to an application, CPA 2010-S8, by Robert J. Russell, Sr., to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RESIDENTIAL County) to COMMERCIAL(City). Said property and the property abutting the subject site to the east, west and south (Ord. #794) will collectively be allowed a maximum of 100,000 square feet of non-residential floor space.

Legal Description (per warranty deed, O. R. B. 2194, page 259)

The west ½ of lot 7, Block C, map and subdivision of east Brooksville, Florida, according to the plat thereof, as recorded in plat book 3, page 9, less that portion lying northerly of the present right-of-way of Mondon Hill Road, of the public records of Hernando County, Florida.

Legal Description (per survey)

Commence at a 2 inch iron pipe marking the northwest corner of the southeast ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida; thence along the west boundary of the southeast ¼ of said Section 24, S°00'17'27" E a distance of 88.59 feet; thence leaving said west boundary line, N 89°42'35" E a distance of 27.50 feet to the intersection of the southerly right of way line of Mondon Hill Road and the easterly right of way lien of Jasmine Drive; thence along the southerly right of way line of Mondon Hill Road, S 83°23'46" e a distance of 321.94 feet; thence S 81°40'41" E a distance of 8.05 feet to the POINT OF BEGINNING; thence continue S 81°40'41" E a distance of 272.79 feet; thence S 09°42'38" W a distance of 13.40 feet; thence S 80°17'22" E a distance of 73.81 feet; thence leaving the southerly right of way of Mondon Hill Road, S 00°17'27" E a distance of 138.09 feet; thence S 89°22'18" W a distance of 340.08 feet; thence N 00°17'27" W a distance of 206.96 feet to the southerly right of way line of Mondon Hill Road and the POINT OF BEGINNING.

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CITY OF BROOKSVILLE

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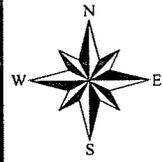
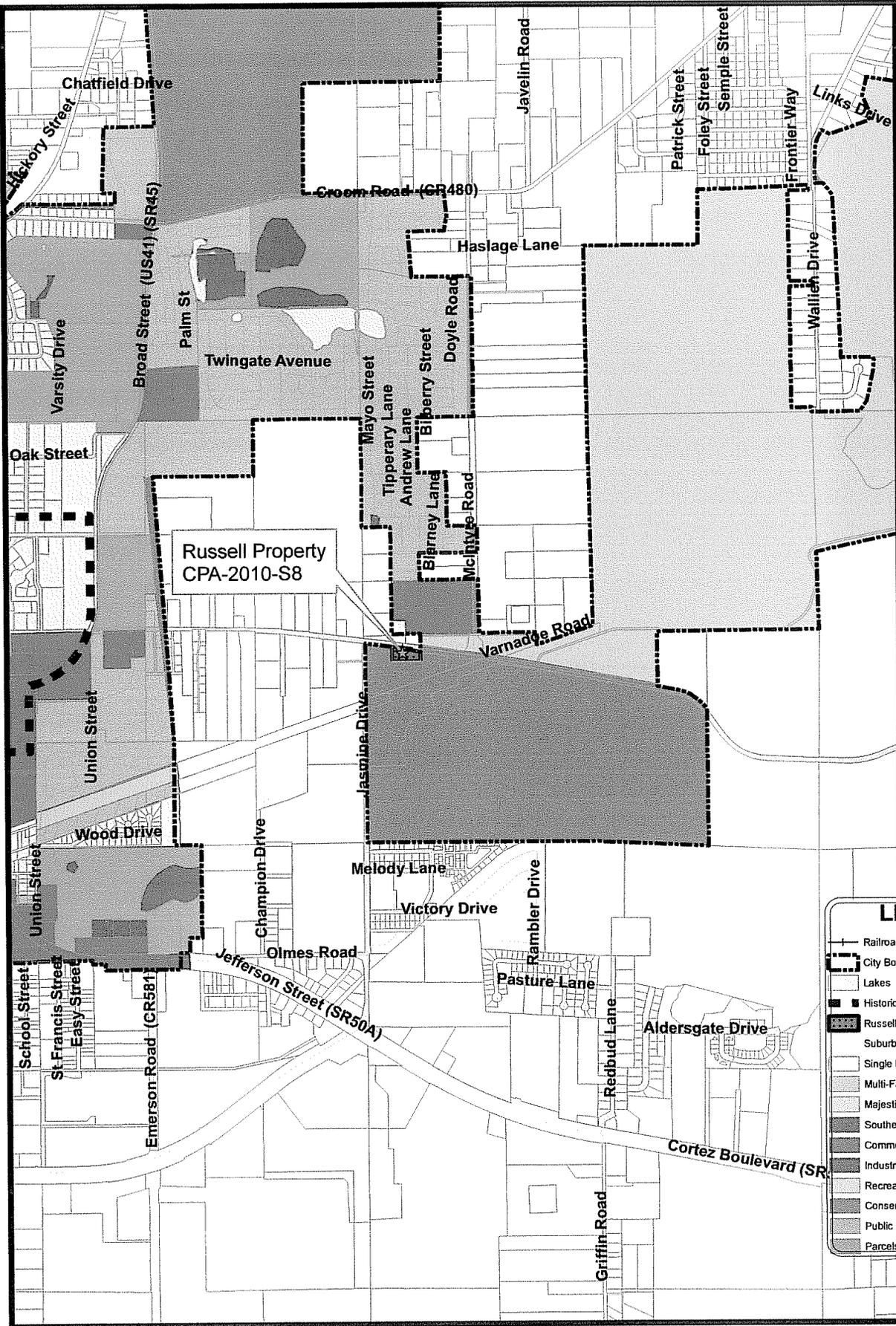
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PASSED on First Reading June 7, 2010
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**Map I-2
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EXHIBIT "A" to
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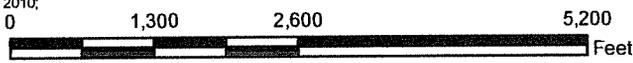
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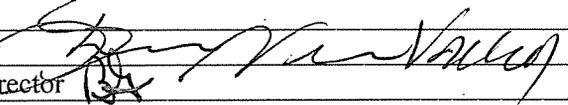
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MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2010-L4, City of Brooksville Comprehensive Plan Amendment, providing amended text for an existing land use classification (Ref. Ord. No. 741)
Petitioner:	Hampton Ridge Developers, LLC, represented by Coastal Engineering Associates, Inc.
Location:	East of U.S. Highway 41, southwest of Hope Hill Road and west of the CSX Railroad Line
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-L4 is an approximately 1092-acre tract located east of U.S. Highway 41, west of the CSX Railroad line and southwest of Hope Hill Road. The subject site was annexed into the City in 2003 and 2004 (Ordinance No. 633, 661 and 684). A Comprehensive Plan amendment creating the Southern Hills Plantation Mixed Use District (Ordinance No. 741) and a zoning petition for the planned development district (Ordinance No. 739) was approved in 2007. The property's Comprehensive Plan designation presently allows for a maximum of 999 residential units (1.2 du/ac), 160,000 square feet of retail floor space, 45,000 square feet of office space and a minimum of 350 acres of open space/recreational uses.

The petitioner requests that the City amend the text of the Comprehensive Plan Future Land Use designation to allow for the development of an additional 164 dwelling units and 80,000 square feet of retail floor space. As requested, the project would be allowed a maximum of 1,163 residential units (0.94 du/ac), 240,000 square feet of retail floor space, 45,000 square feet of office space and a minimum of 350 acres of open space/recreational uses. The proposed Comprehensive Plan text amending Policy 1.5 of the Future Land Use Element is as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of 1,163 residential units, 240,000 square feet of retail or office, 45,000 square feet of office and a minimum of 350 acres of open space/recreational uses within the project boundary.

Section 380.06(2)(d), F.S., provides that a development project that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be presumed to be required to undergo development of regional impact review. Rule 28-24.023, F.A.C., Residential Developments, provides in part that the DRI threshold for Residential Development in counties with a population between 100,001 and 250,000 is 1,000 dwelling units. In the subject case, the applicable residential threshold is that of Hernando County with 1,000 dwelling units. The proposed residential development of 1,163 dwelling units is 116.3 percent of the dwelling unit threshold. Thus, the project is presumed to be required to undergo DRI review based solely on the residential threshold. Section 380.0651(3)(e), F.S., Retail and Service Development, provides in part that the DRI threshold for retail development is 400,000 square feet of gross floor area or 2,500 parking spaces. The proposed 240,000 square feet of retail development is 60.0 percent of the retail and service development threshold based on square footage and the proposed 1,200 parking spaces is 48.0 percent of the retail and service development threshold based on parking spaces. Thus, the project is not required to undergo DRI review based solely on the retail and service development threshold. Given the fact that the retail and service development square footage is significantly less than the DRI threshold for such uses, the Department of Community Affairs issued a Binding Letter of Interpretation for

Development of Regional Impact Status determining that the Southern Hills Plantation development as described above is not required to comply with the DRI review requirements of Section 380.06, F.S.

The majority of the residential portion of the project is developed or is under development. Existing development includes three platted and constructed residential phases, a golf course, clubhouse and recreation facility. With the exception of a project sales center, the properties slated for commercial and office floor space is currently undeveloped. The subject site to which the increased entitlements would be applied contains six parcels, identified by Hernando County Property Appraiser Key numbers 00201150, 00380590, 00778661, 00778670, 00778689 and 00381465.

Natural Resources and Features:

As previously noted, the majority of the residential portion of the project has been developed or is under development. The vegetation on the property consists of a mixture of pine flatwoods and upland mixed hardwood forest. Several soils have been identified within the site, including Nobleton (0 to 5% slopes), Blichton (2 to 5% slopes), Arredondo (0 to 5% slopes), Flemington (0 to 12% slopes) and Wachula (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Historical and Archeological Resources:

According to the petitioner, an archeological study of the site was performed prior to the initiation of development. The study found that no historical or archeological resources of significance exist on the property.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located east of U.S. Highway 41, west of the CSX Railroad line and southwest of Hope Hill Road. The general area contains platted small-lot residential uses, as well as agricultural lands to the east, commercial uses along U.S. Highway 41 and the Hernando County Fairgrounds complex to the north. The Cascades development containing suburban-level residential development is located south west of the site. Based on the above, staff finds the proposed text amendment is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property is served by City water and sewer services. Primary access to the site is from U.S. Highway 41. Police, fire and sanitation collection services are also be provided by the City. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the proposed level of development:

Trip Generation:

As noted above, access to the subject parcels will be provided from US 41 via a four lane City collector road being constructed by the applicant. Consistent with the approved development agreement, this roadway will be extended northward to SR 50, providing a major collector roadway serving the area. A bicycle path/pedestrian path to be constructed within the roadway corridor will also provide alternative mobility options for community residents. Based on the previously developed traffic study, the resulting distribution of project trips onto the surrounding road network continues to operate at acceptable levels of service with project traffic.

Water:

The potential development scenario presented above would result in 290,750 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. The non-residential portion of the project requires an estimated 53,438

gallons of water per day. The estimated is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and with planned improvements to the system would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 232,600 gallons of effluent generated per day by the residential units and 42,750 generated by the commercial and office uses. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day and non-residential uses generate 0.150 gallons per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's planned 3.0 million gallons per day sewer treatment system capacity.

Drainage:

The subject site is located within the Peck Sink, Bystre Lake and Powell watersheds. All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the sites. Development on each of the sites will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. Additionally, on-site recreation facilities are present, including a golf course, swimming pools, fitness center and tennis courts. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the additional residential units will generate up to 25 elementary, 16 middle and 18 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed prior to issuance of development permits. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-L4 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L4 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L4 for approval. City Council approved the first reading of Ordinance No. 793 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property text of the Future Land Use Element as proposed with CPA 2010-L4, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 796.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 796 requires no modifications. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 796 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Attachments:

- (1) Ordinance 796
- (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-L4
- (3) Draft DCA Transmittal Letter
- (4) ORC Report
- (5) ORC Response

ORDINANCE NO. 796

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AN AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L4, to amend the Future Land Use Element of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Element of the City's Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendments, as described below, to the Future Land Use Element of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Element of the City's Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendments Report concerning said application for amendment, as described herein, to the Future Land Use Element of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Element of the City's Comprehensive Plan to be consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described below, to the Future Land Use Element of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1. CPA 2010-L4 is an amendment to a portion of Policy 1-5 of the Future Land Use Element of the City of Brooksville Comprehensive Plan, modifying the Southern Hills Plantation Mixed-Use Development to read as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of 999 1,163 residential units (~~1.2 dwelling units per gross acre~~), ~~160,000~~ 240,000 square feet of retail or office, 45,000 square feet of clubhouse and associated activities, and a minimum of 350 acres of open space/recreational uses within the project boundary.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendments to Comprehensive Plan. Proposed amendments to select portions of the City of Brooksville's Comprehensive Plan's Future Land Use Element, as referenced in the respective attached Exhibits, are hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter

163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010

NOTICE Published on May 28 & October 8, 2010

PASSED on Second & Final Reading _____

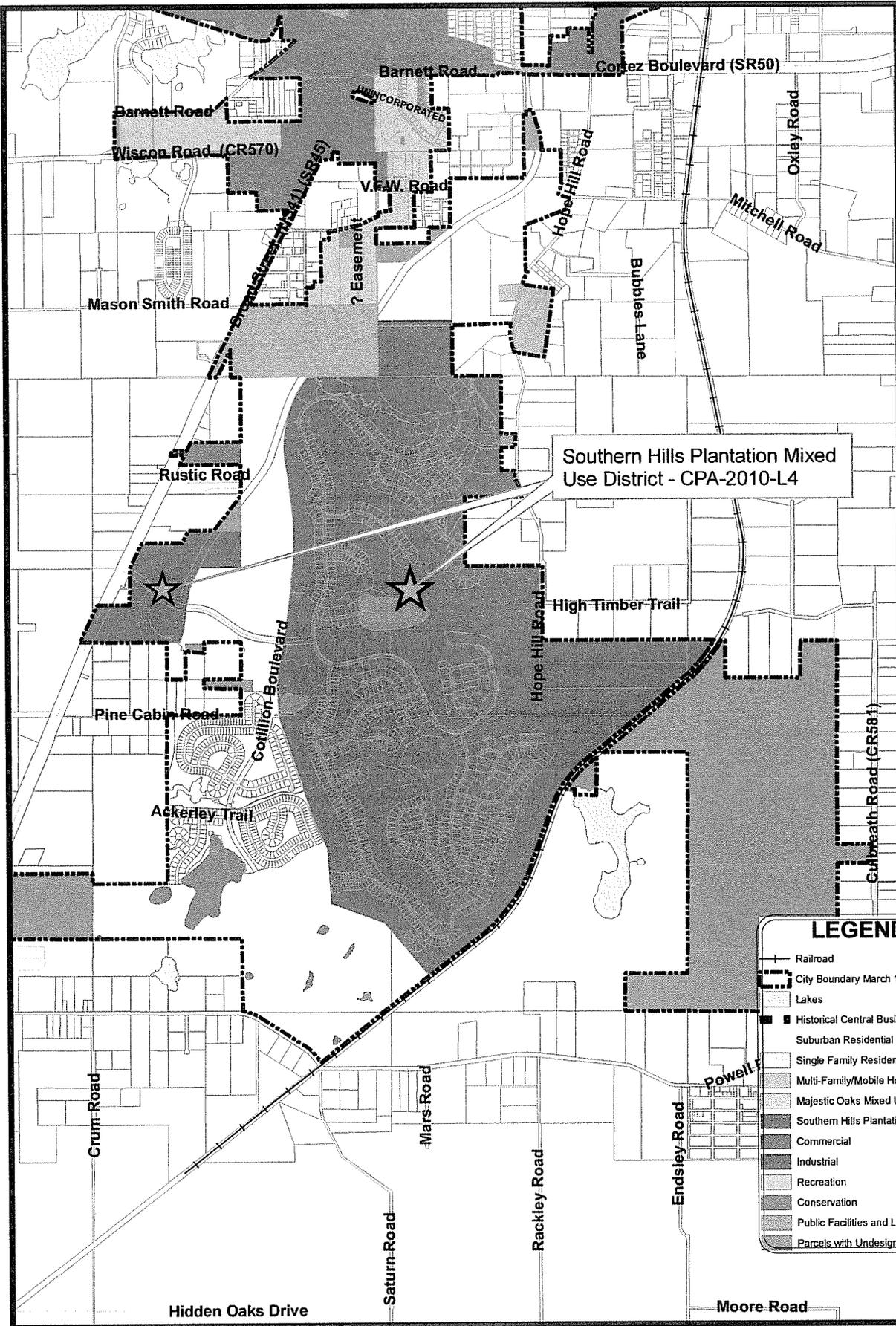
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



Map I-2
 Future Land
 Use Map
 (zoomed for
 CPA processing)



EXHIBIT "A" to
 Ordinance No. 796

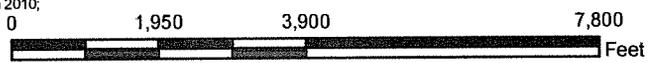
CITY OF
 BROOKSVILLE
 FLORIDA

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use District (CPA-2010-L4)
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
 City of Brooksville Community Development Dept. - future land use data, July 2008 to current



DISCLAIMER: March 2010 Hernando County Property Appraiser's parcel data was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

Policy 1-5: In conformance with Objective 1 above, the City shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the Future Land Use Map and the adopted City Zoning Map. [9J-5.006(3)(c)7]

Density and intensity standards for land uses in the City of Brooksville are listed as follows:

Southern Hills Plantation Mixed Use District. Permissible densities/intensities shall be limited to a maximum of ~~999~~ 1,163 residential units (~~1.2 dwelling units per gross acre~~), ~~160,000~~ 240,000 square feet of retail or office, 45,000 square feet of clubhouse and associated activities, and a minimum of 350 acres of open space/recreational uses within the project boundary.

Majestic Oaks Mixed Use District. This is a mixed use district consisting of up to 999 residential units, up to 100,000 square feet of commercial/retail/office, up to 31,000 square feet of clubhouse and associated activities, and a minimum of 200 acres of open space/recreation uses within the project boundary. All development must meet the concurrency requirements of Chapter 163, Florida Statutes. Thus, more than 600 residential units, but fewer than 999 of the units allowed in this district, may be allowed through the rezoning process provided that the approved development meets the concurrency requirements, including transportation, as required by Chapter 163, Florida Statutes.

Suburban Residential. Permissible densities shall be limited to a maximum of 2.5 dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process.

Single Family Residential. Permissible densities shall be limited to a maximum of 7 dwelling units per acre.

Mobile Home/Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

A. **CPA 2007-L2.** Development of the parcel labeled as amendment CPA 2007-L2 on the Future Land Use Map shall be limited to not exceed 10 dwelling units per acre.

Mobile Home Residential. Permissible densities shall be limited to a maximum of 8 dwelling units per acre.

Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acre.

Commercial. Lands classified as commercial use shall be used for the sale, rental and distribution of products or performance of services. The maximum allowable commercial intensity will be 0.70 floor area ratio and 70% lot coverage. For all commercial lots that are not subject to setback requirements in the Historic/Central Business District a 1.25 floor area ratio will be preserved.

A. **CPA 2004-L1.** Development of the parcel labeled as amendment CPA 2004-L1 on the Future Land Use Map shall be limited to not exceed 184,000 square feet of building floor area.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager
Via:	Bill Geiger, Community Development Director
From:	Steven E. Gouldman, AICP, Planner
Subject:	CPA 2010-L5, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 701)
Petitioner:	Joseph M. Mason, Jr. represented by Coastal Engineering Associates, Inc.
Location:	North of Richbarn Road, south of Martin Drive and east of Domingo Drive
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-L5 is an approximately 44-acre tract located north of Richbarn Road, south of Martin Drive and east of Domingo Drive in the northeast portion of the City. The subject site was annexed into the City in 2005 (Ordinance No. 701), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of CPDP (Combined Planned Development Project).

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 110 dwelling units at a density of 2.5 units per acre. Hernando County's Residential Future Land Use designation would allow for the consideration of 237 dwelling units at a density of 5.4 units per acre. The current CPDP zoning classification allows for the development of 132 single-family dwelling units at a density of 3.0 units per acre.

Natural Resources and Features:

Presently, the property is undeveloped and heavily wooded. Tree species identified on the site include longleaf pine, slash pine, sweet gum, laurel oak, live oak, water oak, hickory and magnolia. Leaf litter constitutes the majority of the groundcover in existence on the property. The soil types identified within the site include Arredondo (0 to 5% slopes), Blichton (2 to 5% slopes), Kanapaha, Kendrick (0 to 5% slopes) and Sparr (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the subject site is located north of Richbarn Road, south of Martin Drive and east of Domingo Drive in the northeast portion of the City. An approved mixed use development containing residential, commercial, office and recreation uses is located west and north of the subject site and is developed with single-family homes and a golf course and related facilities. The City of Brooksville's Future Land Use designation for the development allows for up to 999 residential units, a maximum of 100,000 square feet of commercial/retail/office floor space, a 31,000 square-foot clubhouse and a minimum of 200 acres of open space/recreation uses. Properties to the east and south of the subject site are designated Residential on the Hernando County Future Land Use Map. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services, and access to the site is and will be from Richbarn Road. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development.

Trip Generation:

As noted above, the property could potentially be developed with a maximum 110 single-family dwelling units. According to the ITE Trip Generation Manual, 7th Edition, a development containing 110 single-family units (LUC 210) would generate approximately 674 total daily vehicle trips, with 957 P.M. Peak Hour trips. Approximately 70 P.M. Peak Hour vehicle trips will be inbound and 40 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in 27,500 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day. Transmission line extensions will be required to be extended to the site, and the developer will be required to enter into a utility service agreement with the City.

Sewer:

The potential development scenario presented above would result in 22,000 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the proposed development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity. Transmission line extensions will be required to be extended to the site, and the developer will be required to enter into a utility service agreement with the City.

Drainage:

According to the FEMA Flood Insurance Rate Map community panels, the subject site is located in Flood Zone AE, Flood Zone AO and Flood Zone C. Areas designated as flood zone AE have a 1 percent chance of experiencing a flood each year, and a 26 percent chance of flooding at some point over a 30-year period. Properties in Zone AO also stand the same chance of flooding, up to a depth of one to three feet, with a 26 percent chance of such flooding over 30 years. Flood Zone C is defined as an area exhibiting minimal flood potential. Development of the site will be subject to SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities as well as those of the Majestic Oaks development are located in close proximity to the subject site. The facilities include several parks, trails, the City's golf course and the Brooksville Country Club. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will generate up to 17 elementary, 11 middle and 12 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-L5 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L5 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L5 for approval. City Council approved the first reading of Ordinance No. 797 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-L5, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 797.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 797 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 797 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 797
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-L5
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 797

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE FUTURE LAND USE MAP AND ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L5, to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City’s Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendments, as described below, to the Future Land Use Map and text of the City’s Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City’s Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City’s Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City’s Planning and Zoning Commission, and the Comprehensive Plan Amendments Report concerning said application for amendment, as described herein, to the Future Land Use Map and Element of the City’s Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map and Element of the City’s Comprehensive Plan to be consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described below, to the Future Land Use Map and Element of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2010-L5	Residential (County)	Suburban Residential (City)	North side of Richbarn Road and adjacent to Dogwood Estates	44+/-	Joseph M. Mason, Trustee

CPA 2010-L5

Pursuant to an application, CPA 2010-L5, by Joseph M. Mason, Jr., Trustee, to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RESIDENTIAL (County) to SUBURBAN RESIDENTIAL (City):

The Southwest quarter of the Southeast quarter of Section 18; and that portion of the East quarter of the Northwest quarter of the Northeast quarter of Section 19 lying Northerly of and contiguous to the abandoned railroad right-of-way known as Cooper Terrace Road; all in Township 22 South, Range 20 East, Hernando County, Florida;

LESS THE FOLLOWING DESCRIBED TRACT

Beginning at the Southwest corner of the Southeast quarter of Section 18, Township 22 South, Range 20 East, Hernando County, Florida, and thence go North 00°26'46" East, along North-South 1/4 Section line a distance of 1373.88 feet; thence go South 89°27'57" East a distance of 147.17 feet; thence go South 01°37'25" West a distance of 1375.93 feet; thence go North 88°32'03" West a distance of 125.00 feet to the POINT OF BEGINNING. Containing 44.09 Acres ± SUBJECT TO THE FOLLOWING:

1. Reservations contained in Deed No. 514 from the Trustees of the Internal Improvement Funds of the State of Florida, dated May 19, 1948, and recorded May 28, 1948, in Deed Book 104, at Page 38, of the Public Records of Hernando County, Florida; provided, however, that the right of entry and exploration associated with the oil and mineral reservation has been released pursuant to Chapter 86-205, Laws of Florida;
2. Easement to Florida Power Corporation recorded March 4, 1956, in Official Record Book 17, at Page 365, of the Public Records of Hernando County, Florida; and
3. Covenants, Restrictions, Easements and other limitations in instrument recorded November 7, 1984, in Official Record Book 563, at Page 1413, of the Public Record of Hernando County, Florida.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendments to Comprehensive Plan. Proposed amendment to the Future Land Use Map of the City of Brooksville's Comprehensive Plan's Future Land Use Element as described hereto, are hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010

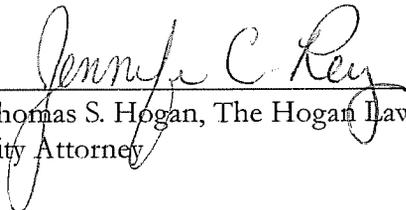
NOTICE Published on May 28 & October 8, 2010

PASSED on Second & Final Reading _____

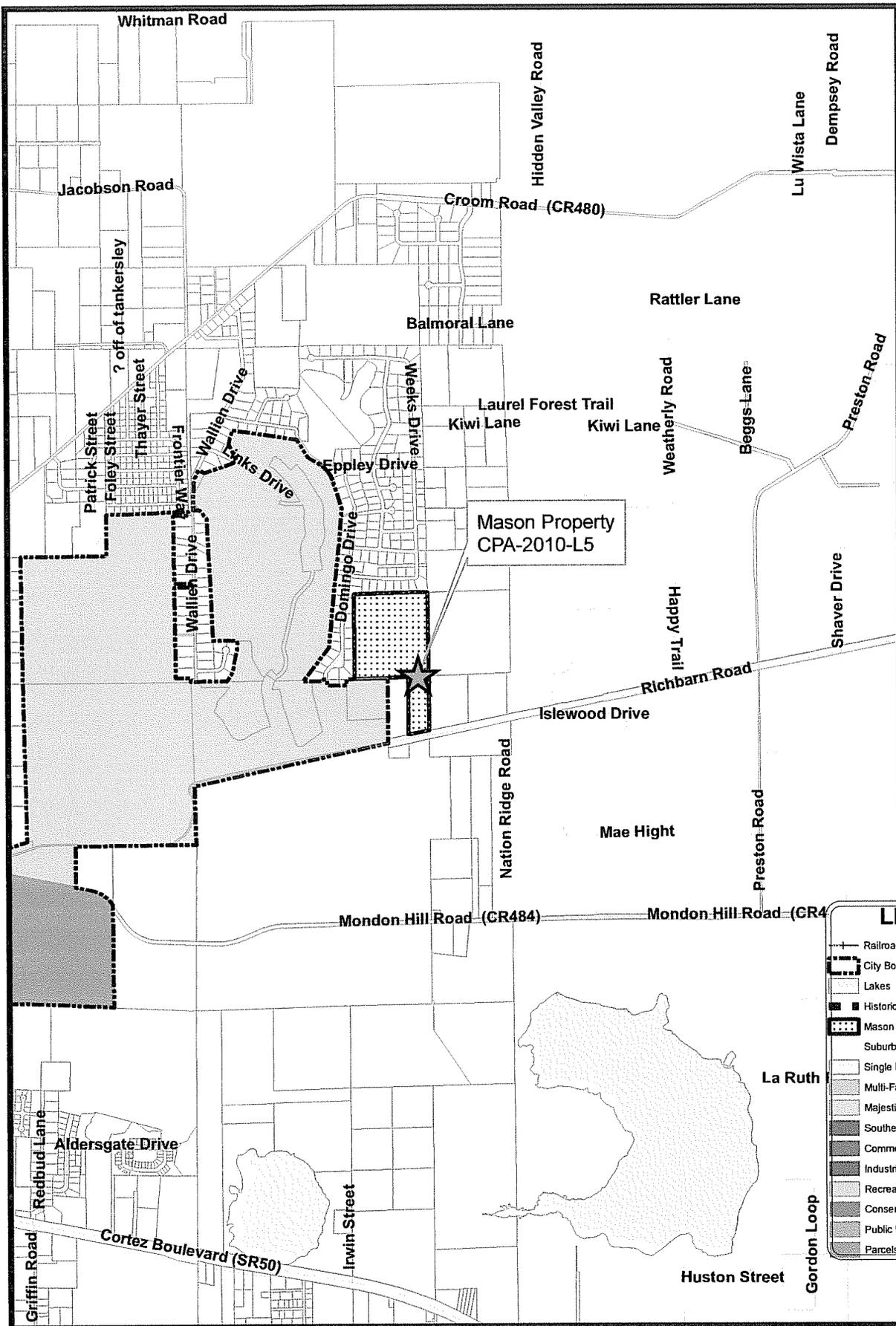
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 797

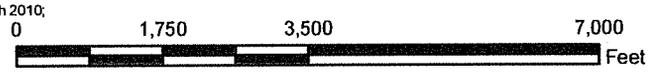
CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- Railroad
- City Boundary March 2010
- Lakes
- Historical Central Business/Residential District
- Mason Property (CPA-2010-L5)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

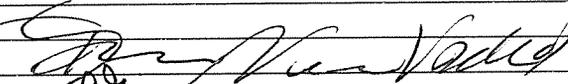
NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current



DISCLAIMER: March 2010 Hernando County Property Appraiser's 'parcel data' was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2010-L6, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 713)
Petitioner:	City of Brooksville on behalf of Flagstone Pavers, Inc.
Location:	East of Cobb Road and north of Fort Dade Avenue
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan amendment initiated by the City on behalf of the property owner. CPA 2010-L6 is an approximately 17.25-acre tract located on the east side of Cobb Road and north of Fort Dade in the west portion of the City. Annexed into the City in 2006 (Ordinance No. 713), the property is presently designated Industrial on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of PDP-Light Industrial. The property is developed with a finished-concrete facility and no new development is anticipated to occur on the site.

As noted above, the property is presently developed with a finished-concrete operation and includes 38,588 square feet of floor space. The City initially proposed to amend the Comprehensive Plan Future Land Use Map to designate the property as Industrial, which would allow for the consideration of up to 601,128 square feet of non-residential floor space. However, the Department of Community Affairs, in their Objections, Recommendations and Comments (ORC) report indicated the additional traffic generated by the potential maximum floor space would require a transportation analysis. Therefore, staff proposes the floor space be limited to 375,705 square feet of floor space. Hernando County's Industrial Future Land Use designation would allow for the consideration of up to 375,705 square feet of floor space.

Natural Resources and Features:

The property is developed with an industrial use. The soil types identified within the site include Micanopy (0 to 5% slopes) and Flemington (0 to 12% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the subject site is located on the east side of Cobb Road and north of Fort Dade Avenue. Existing Future Land Use designations immediately adjacent to the site as well as north and south along the Cobb Road corridor includes Industrial and Commercial, with a small enclave of Residential-designated properties located west of the site. Given the industrial nature of the corridor and the general area, as well as the fact that Cobb Road is a Hernando County-designated truck route, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property is served by City sewer services and may be served by City water services in the future. Primary access to the site is presently and will remain from Cobb Road. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development.

Trip Generation:

All transportation issues relative to the existing development have been addressed prior to establishment of the use. However, as noted above, the property could potentially be developed with a maximum 601,128 square feet of industrial floor space. According to the ITE Trip Generation Manual, 7th Edition, manufacturing operation (LUC 140) containing 601,128 square feet would generate approximately 2,296 total daily vehicle trips, with 445 P.M. Peak Hour trips. Approximately 160 P.M. Peak Hour vehicle trips will be inbound and 285 trips will be outbound. As required by ordinance, the developer would be required to submit a detailed traffic analysis to address the impact of any new development on the level of service of the impacted road network.

Water:

The existing use on the site results in the consumption of an estimated 7,235 gallons of water per day. The potential development scenario presented above would result in the consumption of an estimated 112,712 gallons of water per day. The estimates are based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the existing as well as potential project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The existing use on the site results in an estimated 5,788 gallons of effluent produced. The potential development scenario presented above would result in 90,169 gallons of effluent generated per day. The estimates are based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the existing or potential development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site. The facilities include several parks, trails and the City's golf course. It is anticipated that no impact on the existing facilities will occur.

Public School Facilities:

The proposed project will not generate any students.

Consistency with the Comprehensive Plan:

CPA 2010-L6 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-13: Prior to approval of locating future development, evaluate the impact of development on existing land use in relation to employment, transportation, and essential services such as sewer, water, police and fire protection, and schools.

Policy 2-19: Concentrate heavy commercial activities and buffer them from residential and open space areas.

Policy 2-22: Specifically permit the type, intensity and location of industrial development in such a way as to foster a diversified economic base while not being detrimental to the City's aesthetics and quality of life, through appropriate zoning district designation and adherence to proper planning principles.

Policy 2-23: Designate the expansion of industry in those areas already having industrial amenities.

Policy 2-24: Disallow industry from locating in residential areas.

Policy 2-28: Provide an adequate amount of land suitable to meet the growing industrial and employment needs of the City.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L6 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L6 for approval. City Council approved the first reading of Ordinance No. 798 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-L6, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 798.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 798 contains modifications rendering it consistent with the ORC report. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 798 as modified and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Attachments:

- (1) Ordinance 798
- (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-L6
- (3) Draft DCA Transmittal Letter
- (4) ORC Report
- (5) ORC Response

ORDINANCE NO. 798

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L6, to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City on behalf of the property owner; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendments Report concerning said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said application for amendment, as described herein, to the Future Land Use Map and Element of the City's Comprehensive Plan to be

consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said application for amendment, as described below, to the Future Land Use Map and Element of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2010-L6	Industrial (County)	Industrial (City)	Old Cobb Road	17.25+/-	City of Brooksville on behalf of Flagstone Pavers, Inc.

CPA 2010-L6

Pursuant to an application, CPA 2010-L6, by the City of Brooksville on behalf of Flagstone Pavers, Inc., to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from INDUSTRIAL (County) to INDUSTRIAL (City):

PARCEL 1

A PARCEL OF LAND LYING IN AND BEING PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID WEST 1/2; THENCE S 00° 00' 02" E, ALONG THE EAST BOUNDARY OF SAID WEST 1/2, 250.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00° 00' 02" E, ALONG SAID EAST BOUNDARY, 605.37 FEET; THENCE N 81° 30' 37" W 576.63 FEET TO THE EAST RIGHT OF WAY LINE OF COBB ROAD (STATE ROAD NO. 485); THENCE N 00° 28' 43" W, ALONG SAID RIGHT OF WAY LINE, 178.97 FEET TO THE EASTERLY RIGHT OF WAY LINE OF OLD COBB ROAD; THENCE N 46° 29' 29" E, ALONG SAID RIGHT OF WAY LINE 187.82 FEET TO THE POINT OF CURVATURE OF SAID RIGHT OF WAY LINE, SAID CURVE BEING CONCAVE WESTERLY HAVING A RADIUS OF 218.00 FEET, A DELTA OF 88° 26' 55", A CHORD OF N 02° 16' 02" E AND A CHORD OF 304.10 FEET; THENCE, ALONG THE ARC OF SAID CURVED RIGHT OF WAY LINE, 336.53 FEET TO THE POINT OF TANGENCY; THENCE N 41° 57'

25" W, ALONG SAID RIGHT OF WAY LINE, 14.21 FEET TO THE SOUTH BOUNDARY OF THE NORTH 150 FEET OF SAID WEST 1/2 ; THENCE S 89° 40' 28" E ALONG SAID SOUTH BOUNDARY, 283.06 FEET TO THE WEST BOUNDARY OF THE EAST 150.00 FEET OF THE SOUTH 100.00 FEET OF THE NORTH 250.00 FEET OF SAID WEST 1/2 ; THENCE S 00° 00' 02" E, ALONG SAID WEST BOUNDARY, 100.00 FEET TO THE SOUTH BOUNDARY OF THE EAST 150.00 FEET OF THE SOUTH 100.00 FEET OF THE NORTH 250.00 FEET OF SAID WEST 1/2; THENCE S 89° 40' 28" E, ALONG SAID SOUTH BOUNDARY, 150.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2

LEGAL DESCRIPTION: (PER O.R.B. 2045, PAGE 1273)

COMMENCING NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, AND THENCE GO SOUTH 00°00'02" EAST, ALONG THE EAST BOUNDARY OF SAID WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22 A DISTANCE OF 855.37 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 00°0'02" EAST, A DISTANCE OF 359.68 FEET, THENCE GO SOUTH 89°03'11" WEST, A DISTANCE OF 333.15 FEET; THENCE GO NORTH 00°31'55" WEST, A DISTANCE OF 415.49 FEET; THENCE GO SOUTH 81°30'37" EAST, A DISTANCE OF 340.65 FEET TO THE POINT OF BEGINNING.

Section 2. POLICY 1-5 OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN IS HEREBY AMENDED TO INCLUDE THE FOLLOWING FUTURE LAND USE ELEMENT:

- A. **CPA 2010-L6.** Development of the parcel labeled as amendment CPA2010-L6 on the Future Land Use Map shall not exceed 375,705 square feet of building floor area.

Section 3. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 4. Adoption of Amendment to Comprehensive Plan. Proposed amendment to the City of Brooksville's Comprehensive Plan's Future Land Use Map as described hereto, are hereby adopted by the City of Brooksville.

Section 5. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

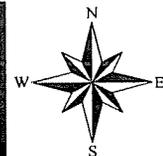
PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

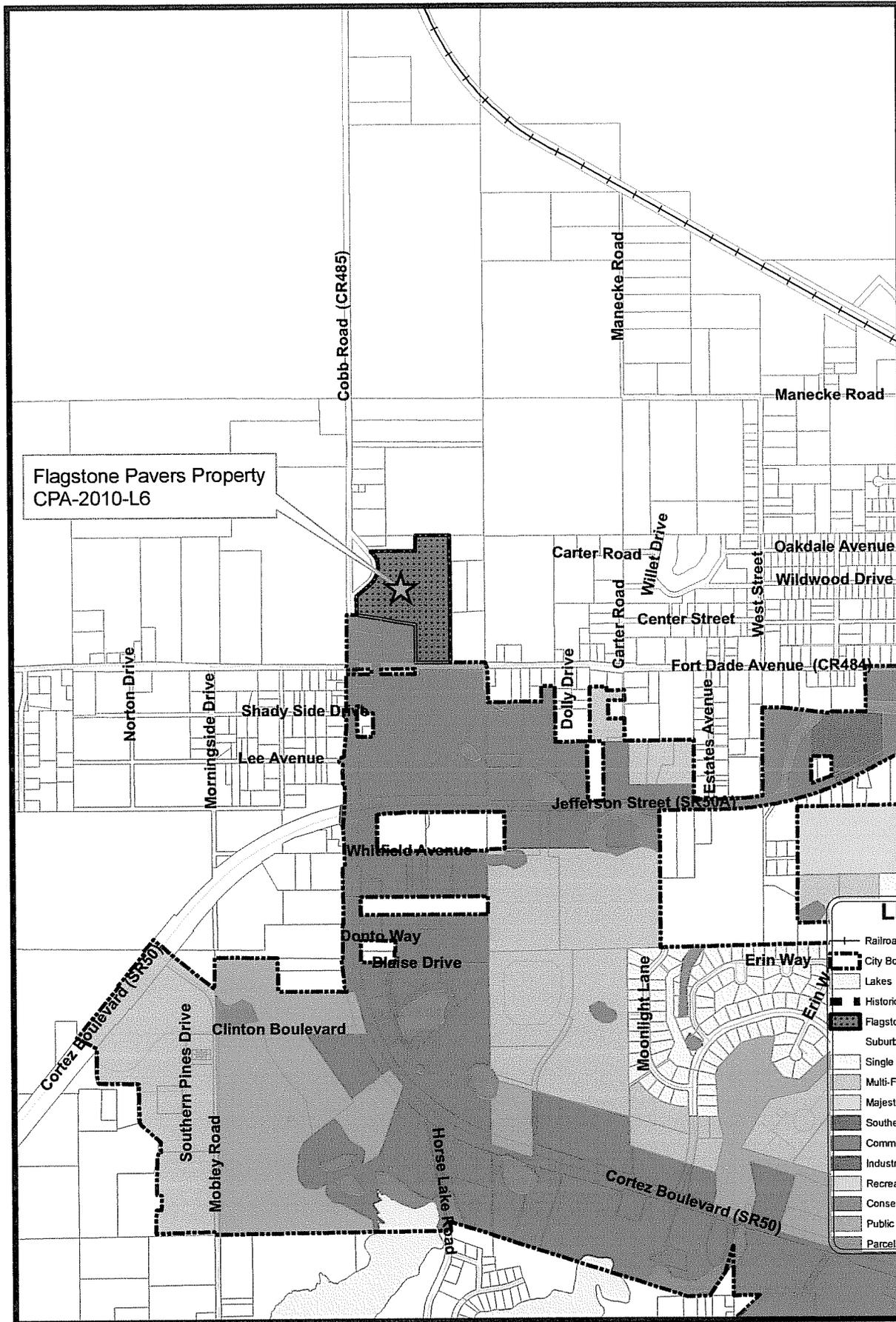


**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 798

CITY OF
BROOKSVILLE
FLORIDA

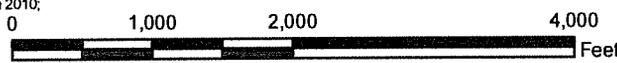


LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Flagstone Pavers Property (CPA-2010-L6)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
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- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept - future
land use data, July 2008 to current



DISCLAIMER: March 2010 Hernando County Property Appraiser's parcel data was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

Industrial. The minimum lot size for industrial land use shall be 1 acre and allowed to a maximum lot coverage of 70% with a 0.80 maximum floor area ratio.

A. CPA 2010-L6. Development of the parcel labeled as amendment CPA2010-L6 on the Future Land Use Map shall not exceed 375,705 square feet of building floor area.

Agriculture. The minimum lot size for the agricultural land use category is 1 acre.

Recreational. This land use will not be limited to a minimum tract size. This land use shall have a maximum floor area ratio of 10%.

Conservation. The adopted land development regulations will assure that a site plan review process establishes the basis for site-specific development orders that protect and conserve conservation areas, with densities varying according to the environmental constraints. Wetlands in the City shall be designated as Conservation. Conservation Element Policies 2-6 and 2-7 describe the limited densities and intensities for development in wetlands.

Public Facilities and Land. Such areas are those areas that may be used for governmental purposes such as: utility, telecommunication, and transportation right-of-way and corridors; stormwater management facilities and structures; buildings and structures for governmental services; public libraries; public schools; churches, quasi-public entities and state and federal structures and buildings. Additional uses that may be permitted by the local government in this land use district include residential, commercial, industrial and mixed use. Governmental land uses will be allowed a maximum 1.25 Floor Area Ratio (FAR). Densities and intensities of residential, commercial, industrial and mixed use developments on properties designated as Public Facilities and Land shall be guided by the densities and floor area ratios of surrounding plan categories, including those of adjacent jurisdictions, to ensure compatibility with surrounding development. In instances where mixed uses are proposed, a maximum of 25 percent of the land area may be devoted to commercial land uses. Proposals to redevelop properties with residential, commercial, industrial and/or mixed uses shall be reviewed as Special Exception Uses. All development shall be subject to applicable development regulations.

Mixed Use. Mixed use developments will be permitted only within the Planned Development Project zoning district based on the approval of a site-specific development order. Provision of open space will be consistent with the requirements of the Planned Development Project zoning district. At a minimum, a mixed use development must include both residential and non-residential land uses. For purposes of the Mixed Use land use category, the Non-Residential land

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager
Via:	Bill Geiger, Community Development Director
From:	Steven E. Gouldman, AICP, Planner
Subject:	CPA 2010-L8, City of Brooksville Comprehensive Plan Amendment, providing for land use classifications on property annexed by the City (Ref. Ord. No. 732)
Petitioner:	Jorge Lopez for Garden Homes, LLC, represented by Nicholson Engineering Associates, Inc.
Location:	West of Hale Avenue and south of Dr. Martin Luther King Jr. Boulevard West.
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the petitioner. CPA 2010-L8 is an approximately 3.7-acre tract located on the west side of Hale Avenue, approximately 460 feet south of Dr. Martin Luther King, Jr. Boulevard. Annexed into the City in 2006 (Ordinance No. 732), the property is designated as Residential on the Hernando County Comprehensive Plan Future Land Use Map. The western 2.9-acre portion of the site is presently zoned for the development of a religious establishment and the remaining 0.77 is zoned for commercial use.

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the eastern 0.77 acres along Hale Avenue as Commercial and the remaining 2.9 acres as Mobile Home/Multi-Family Residential. A commercial designation on the 0.77-acre portion of the site would allow for the consideration of up to 23,425 of non-residential floor space. The Mobile Home/Multi-Family Residential designation on the western 2.9 acres would allow for the consideration of up to 52 multi-family dwelling units at a density of 18 dwelling units per acre. Hernando County's Residential Future Land Use designation would allow for the consideration of 15 dwelling units at a density of 5.4 units per acre and 10,062 square feet of floor space for neighborhood-scale commercial uses.

Natural Resources and Features:

Presently, the property is undeveloped and partially wooded. The soil type identified within the site is Blichton Loamy Fine Sand (2 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the subject site is located on the west side of Hale Avenue, approximately 460 feet south of Dr. Martin Luther King, Jr. Boulevard. Future Land Use designations for properties surrounding the site include City of Brooksville Commercial to the north and Hernando County Residential to the east, west and south. A mixture of uses are developed or approved in the general area, including commercial, office, institutional, multi-family and single-family. Based on the above, staff finds the request is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services, and access to the site is and will be from Hale Avenue. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development.

Trip Generation:

As noted above, the property could potentially be developed with a maximum 23,425 square feet of commercial floor space and 52 multi-family dwellings. According to the ITE Trip Generation Manual, 7th Edition, a development containing a 23,425 square-foot retail center (LUC 820) would generate approximately 1,005 daily vehicle trips, with approximately 88 P.M. Peak Hour trips. Approximately 42 P.M. Peak Hour trips would be inbound and 46 would be outbound. The ITE Manual also indicates that 52 mid-rise multi-family units (LUC 223) would generate approximately 343 total daily vehicle trips, with 23 P.M. Peak Hour trips. Approximately 14 P.M. Peak Hour vehicle trips will be inbound and 9 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in 13,000 gallons of water consumed per day by the residential uses and 4,392 gallons by the non-residential uses. The residential estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. The non-residential portion of the project requires an estimated 53,438 gallons of water per day. The non-residential estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 10,400 gallons of effluent generated per day by the residential units and 3,514 generated by the commercial and office uses. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day and non-residential uses generate 0.150 gallons per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

According to the FEMA Flood Insurance Rate Map community panels, the subject site is located in Flood Zone C. Flood Zone C is defined as an area exhibiting minimal flood potential. Development of the site will be subject to SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site. The facilities include several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will generate up to 4 elementary, 1 middle and 3 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore,

meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-L8 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designations provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-L8 and accepted public comment. As is noted above, the request is to designate the western 2.9 acres as Mobile Home/Multi-Family Residential on the Future Land Use Map. Staff recommended, however, that the property be designated Multi-Family Residential rather than Mobile Home/Multi-Family Residential. The Multi-Family Residential category

also allows for a maximum of 18 dwelling units per acre, but does not permit mobile homes to be considered as dwelling type in the rezoning process. The Multi-Family Residential category was added to the Comprehensive Plan Future Land Use Element in the Evaluation and Analysis Report (EAR) process after the petition was filed. The Planning and Zoning Commission concurred with the staff recommendation to modify the amendment and recommended to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-L8 for approval. City Council approved the first reading of Ordinance No. 799 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-L8, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 799.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 799 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 799 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 799
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-L8
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 799

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application number CPA 2010-L8, to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment Report concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan to be consistent with the Future Land Use Element goals, objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said application for amendment, as described below, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2010-L8	Residential (County)	Residential Mobile Home/Multi-Family (City)	West side of Hale Avenue approximately 460 feet south of Dr. M. L. King, Jr Blvd, W.	2.9+/-	Garden Homes, LLC
		AND Commercial (City)	Southeasterly along Hale Avenue, North of B Street	.77+/-	

CPA 2010-L8

Pursuant to an application, CPA 2010-L8, by Garden Homes, LLC, to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RESIDENTIAL (County) to RESIDENTIAL MOBILE HOME/MULTI-FAMILY (City):

Lots 13 and 14, together with vacated contiguous streets described as south ½ of “C” Street, all of “B” Street, N ½ of “A Street, E ½ of John’s Avenue, West ⅓ of Abby Avenue, all in Parsons Addition to Brooksville, as per plat thereof, as recorded in P Plat Book 3, Page 17, Public Records of Hernando County, Florida.

AND

by amending the future land use classification of the following described property from RESIDENTIAL (County) TO RESIDENTIAL MOBILE HOME/MULTI-FAMILY (City):

Lot 4 less the South 42 feet thereof, together with the vacated contiguous streets, S ½ of “C” Street, and the West ½ of Abbey Avenue, all in Parsons Addition to Brooksville, as per plat thereof, as recorded in Plat Book 3, Page 17, Public Records of Hernando County, Florida.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. Proposed amendment to the Future Land Use Map of the City of Brooksville's Comprehensive Plan's Future Land Use Element as described hereto, are hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

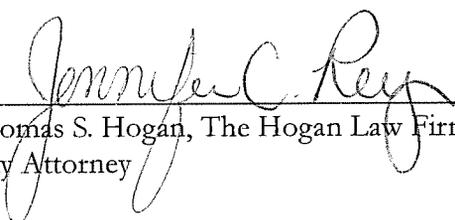
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

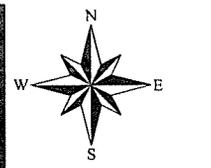
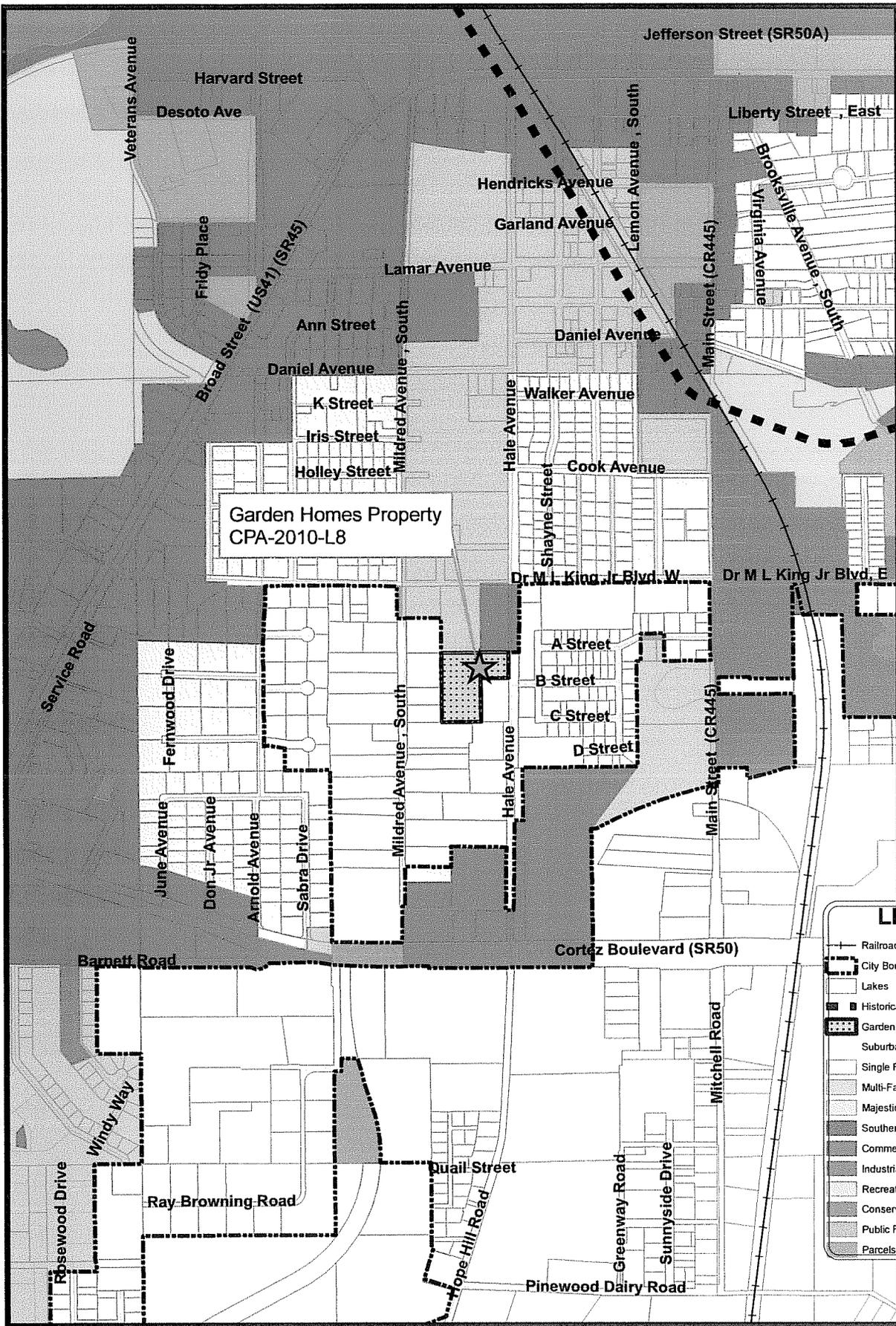
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 799

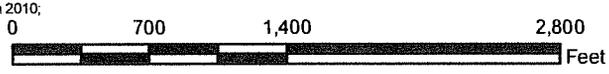
CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Garden Homes (CPA-2010-L8)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.



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MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager <i>[Signature]</i>
Via:	Bill Geiger, Community Development Director <i>[Signature]</i>
From:	Steven E. Gouldman, AICP, Planner <i>SS</i>
Subject:	CPA 2010-S1, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 727)
Petitioner:	City Of Brooksville on behalf of Crosland Southern Hills Blvd., LLC.
Location:	East of U.S. Highway 41 and south of Southern Hills Boulevard
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City of Brooksville on behalf of Crosland Southern Hills Blvd., LLC. CPA 2010-S1 is an approximately 1.37-acre tract located east of U.S. Highway 41 and south of Southern Hills Boulevard. The subject site was annexed into the City in 2006 (Ordinance No. 727), is presently designated Rural on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 3 single-family dwelling units at a density of 2.5 units per acre. Hernando County's Agricultural Future Land Use designation would allow for a maximum of one dwelling unit.

Natural Resources and Features:

The property is presently undeveloped and is wooded. The vegetation on the property consists of a mixture of tree, shrub and herbaceous ground cover species that includes various oak species, red cedar, sweet gum, hickory, loblolly bay, magnolia, slash and longleaf pine and palmetto. The soil type identified within the site is Nobleton (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located east of U.S. Highway 41 and south of Southern Hills Boulevard. The subject property is immediately adjacent to land designated with a residential sub-category to the north, the Cascades residential planned development to the west and properties with a Hernando County Comprehensive Plan designation of Agricultural to the east and south. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is presently from Pine Cabin Road. Future access will be from Southern Hills Boulevard. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of three single-family dwelling units. According to the ITE Trip Generation Manual, 7th Edition, the development would generate approximately 29 total daily vehicle trips, with 3 P.M. Peak Hour trips. Approximately 2 P.M. Peak Hour vehicle trips will be inbound and 1 trip will be outbound.

Water:

The potential development scenario presented above would result in 750 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 600 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities as well as those of the Southern Hills Plantation development are located in close proximity to the subject site. The facilities include several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will generate one school student. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-S1 is a proposed Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S1 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S1 for approval. City Council approved the first reading of Ordinance No. 800 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S1, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 800.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 800 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 800 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Page 4
CPA 2010-S1
October 18, 2010

Attachments: (1) Ordinance 800
(2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-S1
(3) Draft DCA Transmittal Letter
(4) ORC Report
(5) ORC Response

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ORDINANCE NO. 800

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S1 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S1	Rural (County)	Suburban Residential (City)	East of US Hwy 41 and south of Southern Hills Boulevard	1.37+/-	City of Brooksville on behalf of Crosland-Southern Hills Boulevard, LLC

CPA 2010-S1

Pursuant to an application, CPA 2010-S1, filed by the City of Brooksville on behalf of Crosland-Southern Hills Boulevard, LLC, to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RURAL (County) to SUBURBAN RESIDENTIAL (City):

A PARCEL OF LAND LYING IN THE E 1/2 OF NW1/4 OF SE 1/4 OF SW 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE N 00°17'00" E A DISTANCE OF 1323.04 FEET; THENCE N 89°51'15" W A DISTANCE OF 664.44 FEET TO THE POINT OF BEGINNING; THENCE S 00°16'25" W A DISTANCE OF 196.57 FEET; THENCE FOLLOWING THE NEXT FOUR COURSES ALONG THE CENTERLINE OF A DITCH, N 83°22'50" W A DISTANCE OF 86.21 FEET, N 87°56'31" W A DISTANCE OF 96.54 FEET, N 86°22'59" W A DISTANCE

OF 67.04 FEET, AND N 65°17'31" W A DISTANCE OF 91.28 FEET;
THENCE N 00°16'10" E A DISTANCE OF 141.62 FEET; THENCE S
89°51'15" E A DISTANCE OF 332.22 FEET TO THE POINT OF
BEGINNING.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010

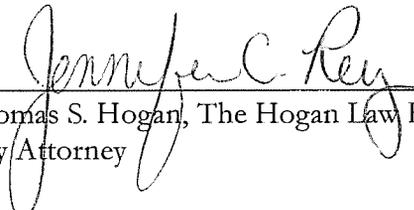
NOTICE Published on May 28 & October 8, 2010

PASSED on Second & Final Reading _____

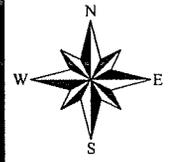
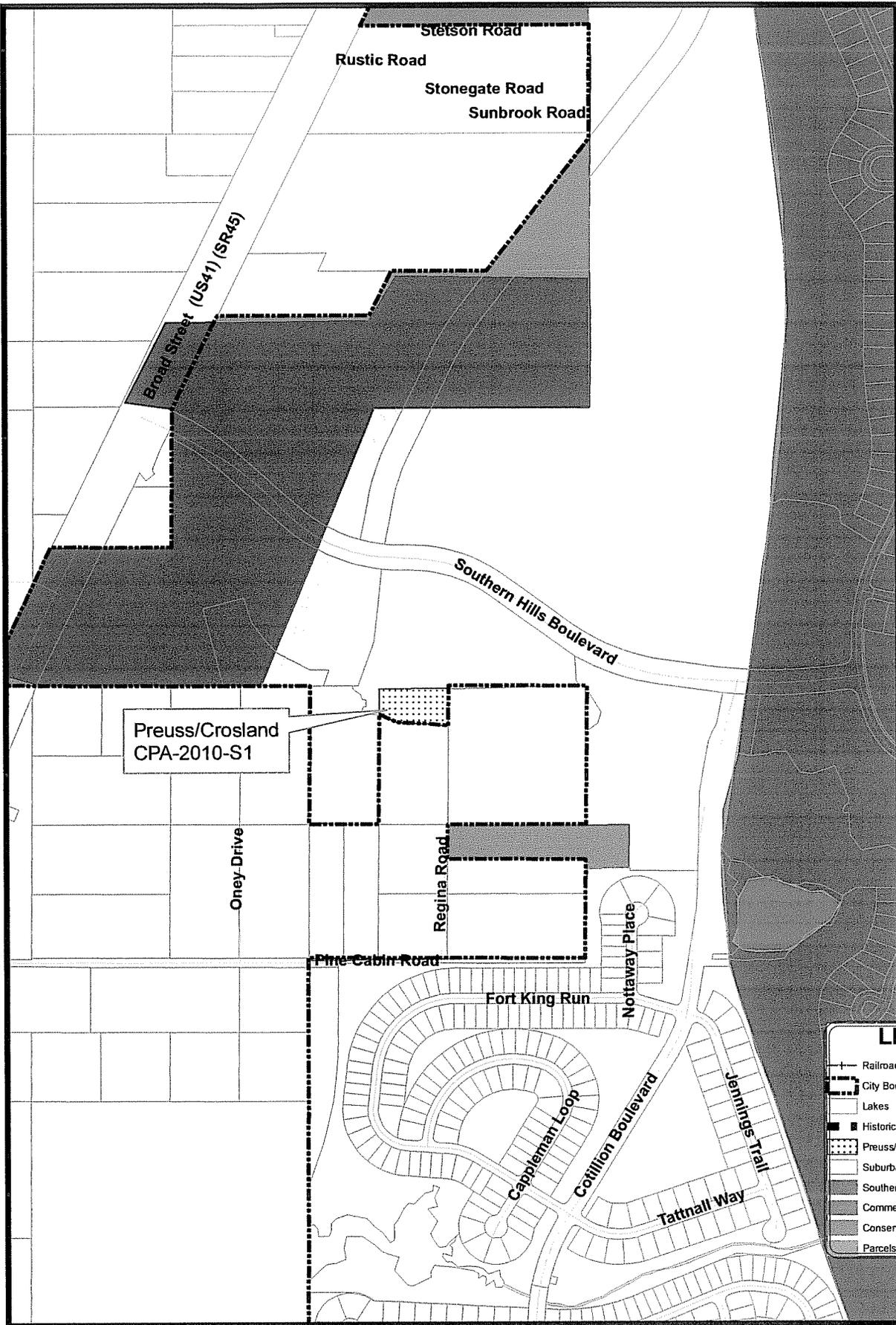
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 800

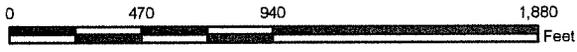
CITY OF
BROOKSVILLE
FLORIDA

Preuss/Crosland
CPA-2010-S1

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Preuss/Crosland Parcel (CPA-2010-S1)
- Suburban Residential
- Southern Hills Plantation Mixed Use
- Commercial
- Conservation
- Parcels with Undesignated FLU in City

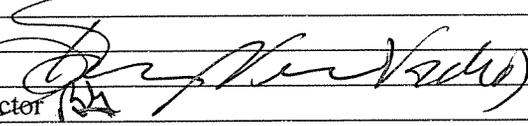
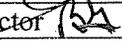
NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation



Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.

DISCLAIMER: March 2010 Hernando County Property Appraiser's
"parcel data" was used for the base map image on this map. "This map was
prepared by the Community Development Department to be used as an aid in
land parcel location and identification only. All land locations, right-of-way widths,
acresages, and utility locations are subject to field survey or other appropriate verification.
This map reflects parcels and boundaries as they existed the date of publish."
This map and/or digital data is for planning purposes only
and should not be used to determine the precise location of any feature.
The City of Brooksville provides no warranty for the accuracy or availability
of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2010-S2, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 744)
Petitioner:	City of Brooksville on behalf of the Lowman and Griffin families
Location:	East of proposed North/South Connector Road (Governor Boulevard) and south of Imogene Lane
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City on behalf of the property owners. CPA 2010-S2 is an approximately 7-acre tract located east of the proposed North/South Connector Road (Governor Boulevard) and south of Imogene Lane in the southern portion of the City. The subject site was annexed into the City in 2007 (Ordinance No. 744), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Residential.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 17 single-family dwelling units at a density of 2.5 units per acre. Hernando County's Residential Future Land Use designation would allow for the development of 91 units.

Natural Resources and Features:

The property is presently developed with one single-family conventional home and is wooded. The vegetation on the property consists of a mixture of tree, shrub and herbaceous ground cover species. The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the site is located east of the proposed North/South Connector Road (Governor Boulevard) and south of Imogene Lane. The subject property is immediately adjacent to the Hampton Ridge Developers, LLC. property to the south, mobile home parks to the north and west, small-lot single family development to the northeast and a 30-acre undeveloped tract to the east. Given the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is presently from Sims Road and Imogene Lane. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of 17 single-family dwelling units. According to the ITE Trip Generation Manual, 7th Edition, the development could generate approximately 163 total daily vehicle trips, with 17 P.M. Peak Hour trips.

Water:

The potential development scenario presented above would result in 4,250 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 3,400 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities as well as those of the Southern Hills Plantation development are located in close proximity to the subject site. The facilities include several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will potentially generate three elementary students, two middle school students and two high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-S2 is a proposed Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S2 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S2 for approval. City Council approved the first reading of Ordinance No. 801 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S2, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 801.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 801 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 801 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Page 4
CPA 2010-S2
October 18, 2010

Attachments: (1) Ordinance 801
(2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-S2
(3) Draft DCA Transmittal Letter
(4) ORC Report
(5) ORC Response

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ORDINANCE NO. 801

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S2 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S2	Residential (County)	Suburban Residential (City)	East side of the proposed North/south Connector Road (Governors Blvd) and south of Imogene Lane	7.00 +/-	City of Brooksville on behalf of the Lowman/Griffin Families

CPA 2010-S2

Pursuant to an application, CPA 2010-S2, filed by the City of Brooksville on behalf of the Lowman/Griffin Families, to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RESIDENTIAL(County) to SUBURBAN RESIDENTIAL (City):

North 610.50 feet of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 22 South, Range 19 East, Hernando County, Florida Less the North 280.50 feet of the West 932.00 feet and less the South 330.00 feet of the West 330.00 feet thereof.

And

The South 330.0 feet of the West 330.0 feet of the North 610.5 feet of the SE 1/4 of the NE 1/4 (Fractional), Section 33, Township 22 South, Range 19 East, Hernando County, Florida. Together with an easement for ingress and egress and utilities over and across the north 15 feet of the SE 1/4 of the NE 1/4, West of the East right of way line of Young Street and the West 15 feet of the North 280.5 feet of the SE 1/4 of the NE 1/4 of said Section 33, Township 22 South, Range 19 east, Hernando County, Florida.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

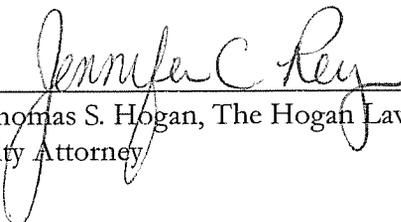
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

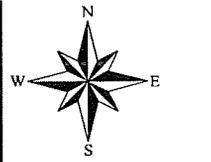
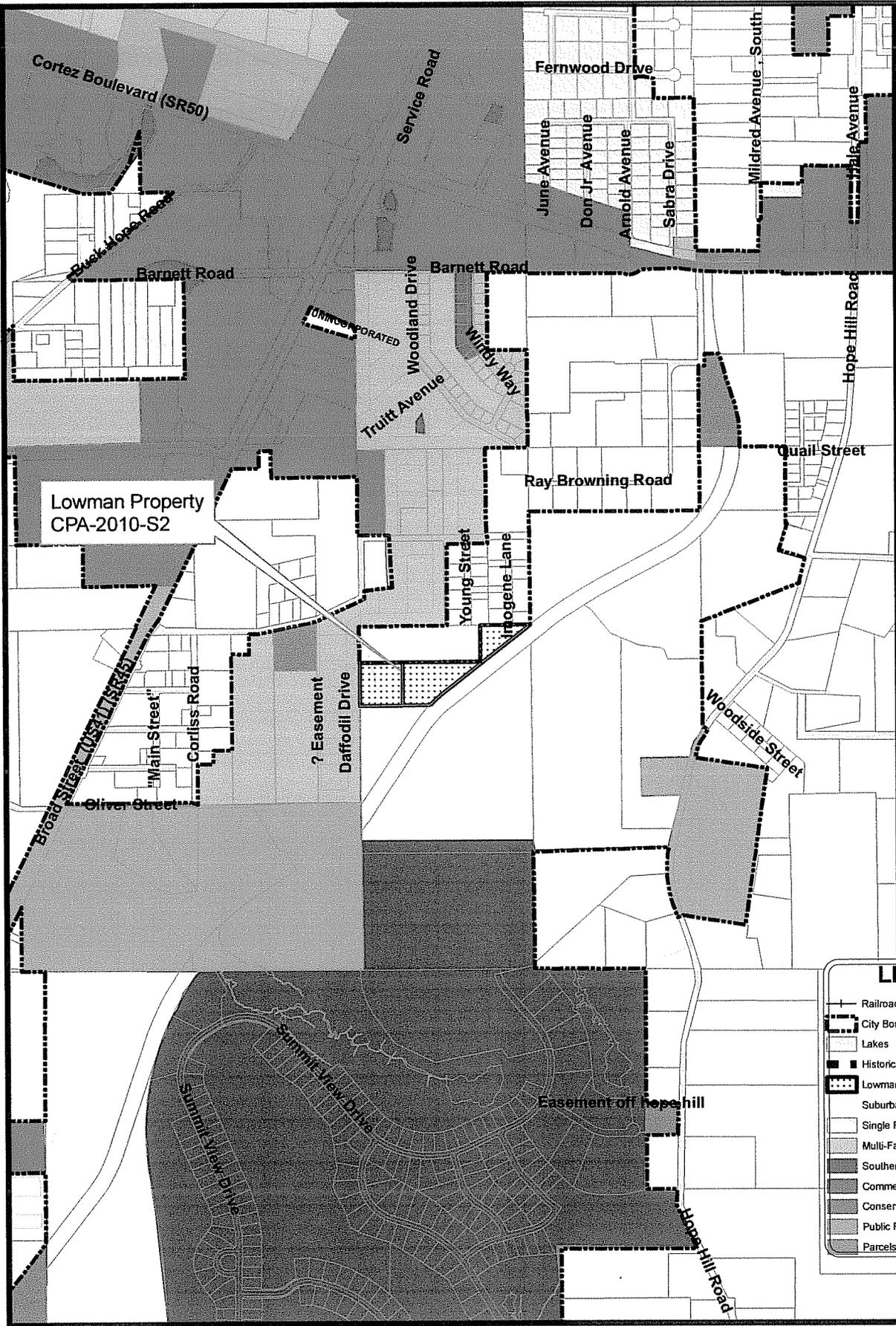
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 801

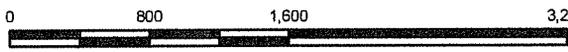
CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- +— Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Lowman Property
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Southern Hills Plantation Mixed Use
- Commercial
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

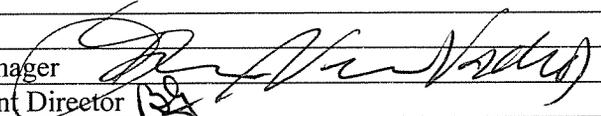
NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation

Source(s): Hernando County Property Appraiser - parcel data, March 2010; City of Brooksville Community Development Dept - future land use data, July 2008 to current.



DISCLAIMER: March 2010 Hernando County Property Appraiser's "parcel data" was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2010-S3, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 740)
Petitioner:	City of Brooksville on behalf of AJ & J Property Investment
Location:	West of U.S. Highway 98 (Ponce De Leon Boulevard) and south of Gantz Drive
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City on behalf of the property owner. CPA 2010-S3 is an approximately 1.88-acre tract located west of U.S. Highway 98 (Ponce De Leon Boulevard) and south of Gantz Drive in the northwest portion of the City. The subject site was annexed into the City in 2007 (Ordinance No. 740), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Commercial.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Commercial, which would allow for the consideration of up to 57,325 square feet of floor space for commercial uses. Hernando County's Residential Future Land Use designation and Commercial zoning would allow for the development of a maximum of 23,522 square feet of commercial floor space.

Natural Resources and Features:

The property presently contains a small office building and is wooded. The vegetation on the property consists of a mixture of tree, shrub and herbaceous ground cover species. The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the site is located west of U.S. Highway 98 (Ponce De Leon Boulevard) and south of Gantz Drive. The subject property is immediately adjacent to a mobile home park and commercial uses to the north, undeveloped commercially-designated property to the southeast and residentially-designated properties to the southwest and west. Commercially-designated and developed properties are located further north and south along Ponce De Leon Boulevard. Given the commercial characteristics that dominate the Ponce De Leon corridor in general and adjacent to the site in particular, staff finds the proposed land use designation is appropriate at this location and is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is presently from Ponce De Leon Boulevard. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of 57,325 square feet of commercial floor space. According to the ITE Trip Generation Manual, 7th Edition, a shopping center

(LUC 820) of the above stated size would generate approximately 2,460 total daily vehicle trips, with 214 P.M. Peak Hour trips. Approximately 103 P.M. Peak Hour vehicle trips will be inbound and 111 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in the consumption of an estimated 10,748 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 8,599 gallons of effluent generated per day. The estimate is based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance. The property is bisected by a drainage ditch that conveys stormwater from the City in a westerly direction towards the CSX Rail Line.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the site. The facilities include several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

No school students will be generated by the non-residential development of the site.

Consistency with the Comprehensive Plan:

CPA 2010-S3 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 2-14: Promote development of commercial areas that are convenient to the public, and well integrated into the transportation system and surrounding land uses.

Policy 2-16: Discourage commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas through the use of proper site plan procedures and adopted floodplain management policies in the Conservation Element of this plan.

Policy 2-18: Locate neighborhood shopping facilities within defined neighborhoods, situated on collector roads.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S3 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S3 for approval. City Council approved the first reading of Ordinance No. 802 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S3, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 802.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos.

779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 802 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 802 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 802
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-S3
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 802

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S3 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S3	Residential (County)	Commercial (City)	West side of Ponce De Leon Boulevard and south of Gantz Drive	1.88 +/-	City of Brooksville ,on behalf of AJ & J Investment Properties

CPA 2010-S3

Pursuant to an application, CPA 2010-S3, filed by the City of Brooksville on behalf of AJ & J Investment Properties, to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RESIDENTIAL(County) to COMMERCIAL (City):

Begin 495 Feet South of the intersection of the North line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 22 South, Range 19 East, Hernando County, Florida, and U.S. Highway No. 98, and run thence South along the West right-of-way boundary of U.S. Highway No. 98, 165 feet, thence West 660 feet, thence North 165 feet thence East 660 feet to the Point of Beginning, lying in and being a part of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 22 South, Range 19 East, Hernando County, Florida.

Less the following described parcel:

Commencing at the Southwest corner of Section 15, Township 22 South, Range 19 East, Hernando County, Florida, and thence go East along the South line of said Section 15 a distance of 778.70 feet, thence go North 01 degrees 56'04" West, a distance of 660.10 feet to the Northeast corner of the Wein property as recorded in O.R. Book 158, Page 419, Public Records of Hernando County, Florida, Thence go West along the North line of said Wein property, a distance of 289.99 feet to the Point of Beginning.

Thence go North 81 Degrees 39'42" West, a distance of 374.02 feet,
Thence go North 00 Degrees 03'55" West, a distance of 60.69 feet,
Thence go South 81 Degrees 39'42" East, a distance of 391.40 feet,
Thence go South 65 Degrees 14'10" East, a distance of 138.88 feet,
Thence go West, a distance of 143.23 feet to the Point of Beginning

and

The West 200 feet of the South 124.3 feet of the North 419.3 feet of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 22 South, Range 19 East, Hernando County, Florida lying West of Old Hammock Road and East of State Road 700, A/K/A U. S. Highway 98.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

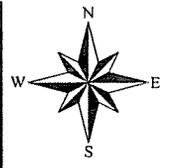
PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

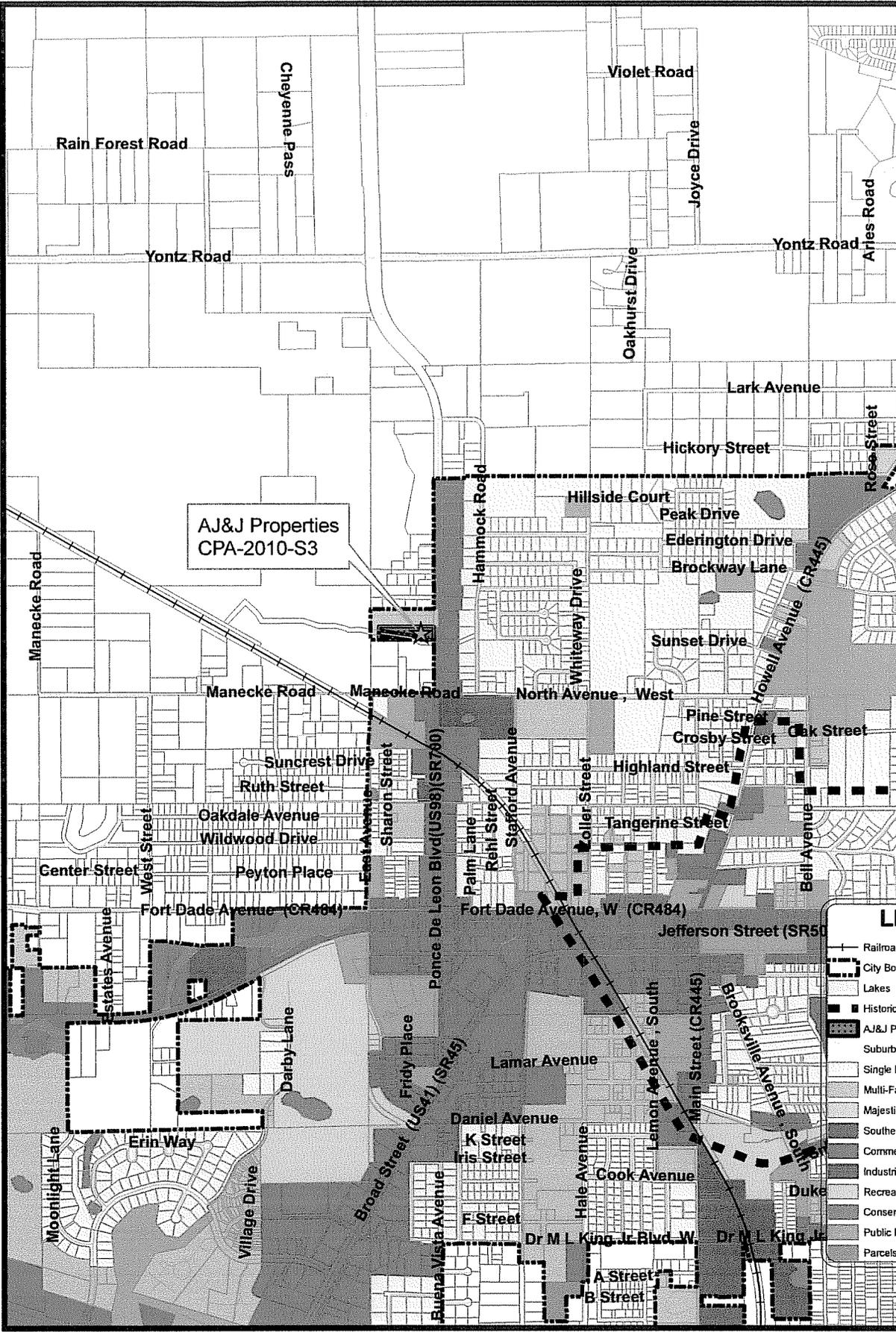


**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 802

CITY OF
BROOKSVILLE
FLORIDA

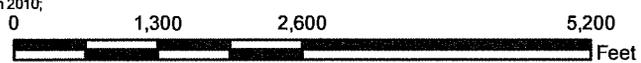


LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- AJ&J Properties (CPA-2010-S3)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

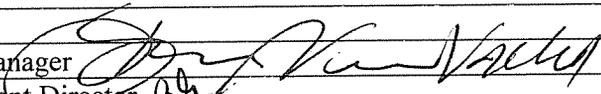
NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.



DISCLAIMER: March 2010 Hernando County Property Appraiser's 'parcel data' was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, rights-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steven E. Gouldman, AICP, Planner 
Subject:	CPA 2010-S4, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 717)
Petitioner:	City of Brooksville on behalf of the Humbarger family
Location:	West of Hope Hill Road and north of Powell Road
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City on behalf of the property owners. CPA 2010-S4 is an approximately 1.09-acre tract located west of Hope Hill Road and north of Powell Road in the southern portion of the City. The subject site was annexed into the City in 2006 (Ordinance No. 717), is presently designated Rural on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 2 single-family dwelling units at a density of 2.5 units per acre. Due to the fact that the property was subdivided without proper authorization, Hernando County's Agricultural Future Land Use designation would not allow development of the property.

Natural Resources and Features:

The property is presently undeveloped and is wooded. The vegetation on the property consists of a mixture of tree, shrub and herbaceous ground cover species. The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the site is located west of and adjacent to Hope Hill Road, north of Powell Road. The subject property is immediately adjacent to the Southern Hills Plantation planned development to the west and properties with a Hernando County Comprehensive Plan designation of Agricultural to the east, north and south. Given the similar depth and width of the subject site to those in the vicinity, as well as the existence of smaller lot sizes within the Southern Hills Plantation development, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property may be served by City water and sewer services. Primary access to the site is presently from Hope Hill Road. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of two single-family dwelling units. According to the ITE Trip Generation Manual, 7th Edition, the development would generate approximately 19 total daily vehicle trips, with 2 P.M. Peak Hour trips.

Water:

The potential development scenario presented above would result in 500 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 400 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities as well as those of the Southern Hills Plantation development are located in close proximity to the subject site. The facilities include several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the subject development will generate one school student. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. The Hernando County School District, in their comments, indicated the petitioner's analysis did not contain elements required by the Comprehensive Plan. However, the School District indicated the comments were related to proposed future policies. The analysis did, therefore, meet the requirements currently governing Comprehensive Plan amendment submittal requirements. As required by City Ordinance, a capacity review will be performed at the time of rezoning. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-S4 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S4 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S4 for approval. City Council approved the first reading of Ordinance No. 803 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S4, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 803.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 803 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 803 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Page 4
CPA 2010-S4
October 18, 2010

Attachments: (1) Ordinance 803
(2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-S4
(3) Draft DCA Transmittal Letter
(4) ORC Report
(5) ORC Response

F:\Bgeig\CPA 2010\Small Scale\Second Hearing\S4 Humbarger\CC 10182010 Humbarger Report.doc

ORDINANCE NO. 803

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S4 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S4	Rural (County)	Suburban Residential (City)	West side of Hope Hill Road north of Powell Road	1.09 +/-	City of Brooksville on behalf of the Humbarger Family

CPA 2010-S4

Pursuant to an application, CPA 2010-S4, filed by City of Brooksville on behalf of the Humbarger Family, to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RURAL (County) to SUBURBAN RESIDENTIAL (City):

Parcel “A”

The North 55.00 feet of the following described property:
 Commencing at the northeast corner of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 3, Township 23 South, Range 19 East, Hernando County, Florida and thence go north 89°21'21" West along Section Line a distance of 1322.32 feet; thence go South 00° 37'42" West a distance of 1226.12 feet to the Point of Beginning ; continue South 00°37'42" West a distance of 470.00 feet; thence go South 89°59'07" West a distance of 243.94 feet to the Point of Beginning.

Parcel “B”

That part of the following described property lying South of Road Right-of-way described in Official Record Book 304, Page 135, public records of Hernando County, Florida, commencing at the Northeast corner of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 3, Township 23 South, Range 19 East, Hernando County, Florida and thence go North 89°21'21" West along Section

line a distance of 1322.32 feet; thence go South 00°37'42" West a distance of 761.12 feet to the Point of Beginning; continue thence South 00° 37'42" West a distance of 465.00 feet; thence go north 89°59'07" East a distance of 243.94 feet; thence go North 01°48'00" East a distance of 355.03 feet; thence go north 03°23'04" East a distance of 110.00 feet; thence go North 89°56'39" West a distance of 256.50 feet to the Point of Beginning.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

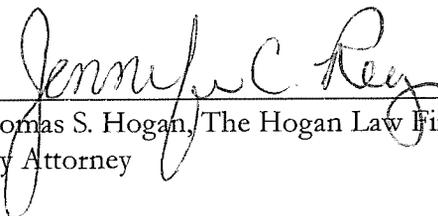
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

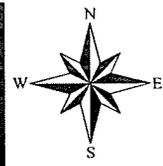
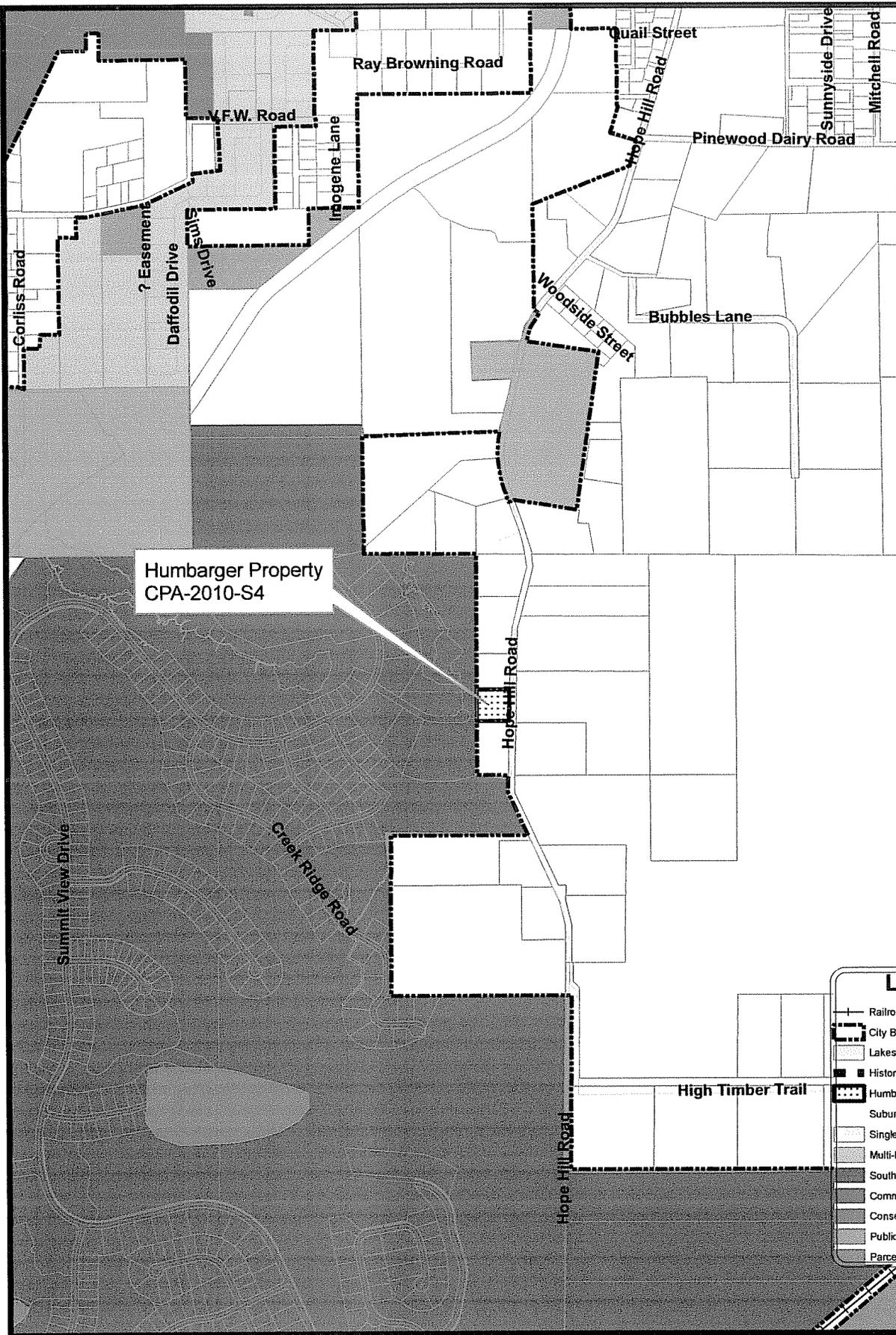
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



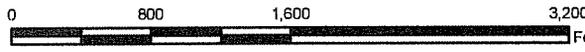
EXHIBIT "A" to
Ordinance No. 803

CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- ▨ Humbarger Property
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Southern Hills Plantation Mixed Use
- Commercial
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation



Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current

DISCLAIMER: March 2010 Hernando County Property Appraiser's
"parcel data" was used for the base map image on this map. "This map was
prepared by the Community Development Department to be used as an aid in
land parcel location and identification only. All land locations, right-of-way widths,
sewerages, and utility locations are subject to field survey or other appropriate verification.
This map reflects parcels and boundaries as they existed the date of publish."
This map and/or digital data is for planning purposes only
and should not be used to determine the precise location of any feature.
The City of Brooksville provides no warranty for the accuracy or availability
of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager
Via:	Bill Geiger, Community Development Director
From:	Steven E. Gouldman, AICP, Planner
Subject:	CPA 2010-S5, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 715)
Petitioner:	City of Brooksville FKA the Mendez property
Location:	North of Southern Hills Boulevard and east of U.S. Highway 41
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City for property owned by the City. CPA 2010-S5 is an approximately 3.56-acre tract located east of U.S. Highway 41 and north of Southern Hills Boulevard. The subject site was annexed into the City in 2006 (Ordinance No. 715), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Public Facilities and Land, which would allow for the consideration of up to 193,842 square feet of floor space for governmental services, public libraries, public schools, churches, quasi-public entities and state and federal structures and buildings. It is the intent of the City, however, to utilize the property for a future north/south roadway. The future roadway, Governor Boulevard, will link State Road 50 (Cortez Boulevard) to the north to Powell Road to the south. Hernando County's Residential Future Land Use designation would allow for a maximum of 19 dwelling units at a density of 5.4 units per acre.

Natural Resources and Features:

The property is presently undeveloped and is heavily wooded. The vegetation on the property consists of hardwood conifer mixed forest. The soil type identified within the site is Nobleton (0 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located east of U.S. Highway 41 and north of Southern Hills Boulevard. Residential uses are located throughout the general area and consist of a mobile home park to the north, Southern Hills Plantation to the east and south and large lot development to the west. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by and/or will serve as a conduit for City water and sewer services. Primary access to the site will be from Governor Boulevard when constructed. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development.

Trip Generation:

As noted above, the property could potentially be developed with a maximum of 193,842 square feet of general office uses. According to the ITE Trip Generation Manual, 7th Edition, 193,842 square feet of general office floor space would generate approximately 698 total daily vehicle trips, with 291 P.M. Peak Hour trips.

Water:

The potential development scenario presented above would result in the consumption of an estimated 36,345 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 29,076 gallons of effluent generated per day. The estimate is based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

The project will not generate any elementary, middle or high school students.

Consistency with the Comprehensive Plan:

CPA 2010-S5 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S5 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S5 for approval. City Council approved the first reading of Ordinance No. 804 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S5, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 804.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 804 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 804 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments: (1) Ordinance 804
(2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-S5

Page 4
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October 18, 2010

- (3) Draft DCA Transmittal Letter
- (4) ORC Report
- (5) ORC Response

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ORDINANCE NO. 804

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S5 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S5	Residential (County)	Public Facilities and Land (City)	North of Southern Hills Boulevard and East of US Hwy 41 South	3.56 +/-	City of Brooksville (Mendez)

CPA 2010-S5

Pursuant to an application, CPA 2010-S5, by City of Brooksville (Mendez), to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RESIDENTIAL County) to PUBLIC FACILITIES AND LAND (City):

Parcel "A"

The North 55.00 feet of the following described property:
Commencing at the northeast corner of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 3, Township 23 South, Range 19 East, Hernando County, Florida and thence go north 89°21'21" West along Section Line a distance of 1322.32 feet; thence go South 00° 37'42" West a distance of 1226.12 feet to the Point of Beginning ; continue South 00°37'42" West a distance of 470.00 feet; thence go South 89°59'07" West a distance of 243.94 feet to the Point of Beginning.

Parcel "B"

That part of the following described property lying South of Road Right-of-way described in Official Record Book 304, Page 135, public records of Hernando County, Florida, commencing at the Northeast corner of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 3, Township 23 South, Range 19 East, Hernando County, Florida and thence go North 89°21'21" West along Section line a distance of 1322.32 feet; thence go South 00°37'42" West a distance of 761.12 feet to the Point of Beginning; continue thence South 00° 37'42" West a distance of 465.00 feet; thence go north 89°59'07" East a distance of 243.94 feet; thence go North 01°48'00" East a distance of 355.03 feet; thence go north 03°23'04" East a distance of 110.00 feet; thence go North 89°56'39" West a distance of 256.50 feet to the Point of Beginning.

A parcel of land lying in and being a part of Section 4, Township 23 South, Range 19 East, Hernando County, Florida, said parcel of land also being a part of farm lots 4 and 5 of Garden Grove as recorded in Plat Book 4, Page 43, of the Public Records of Hernando County, Florida, and being more particularly described as follows:

For a Point of Beginning, commence at the Southeast corner of said farm lot 5; thence run along the South boundary of said farm lot 5 N 89°51'43" W a distance of 487.88 feet; thence run N 37°46'07" E a distance of 801.71 feet to the East boundary of said farm lot 4; thence run along the East boundary of said farm lots 4 and 5 S 00°17'03" W a distance of 634.93 feet to the Point of Beginning. Containing 3.56 acres, more or less.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

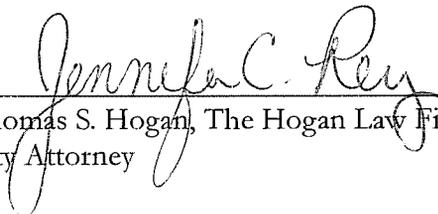
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

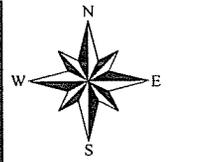
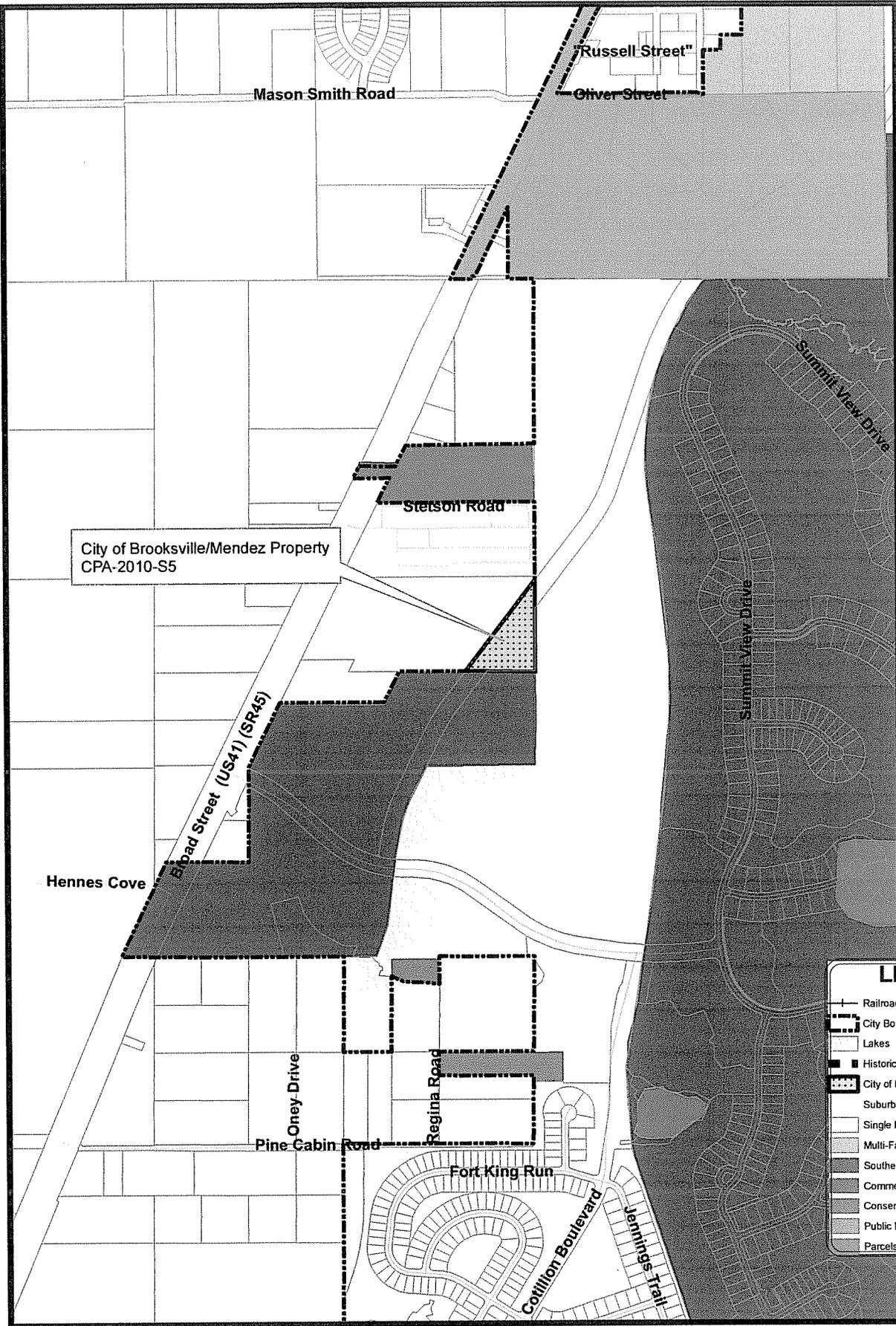
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 804

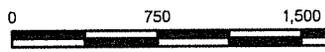
CITY OF
BROOKSVILLE
FLORIDA

City of Brooksville/Mendez Property
CPA-2010-S5

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- City of Brooksville/Mendez Property (CPA-2010-S5)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Southern Hills Plantation Mixed Use
- Commercial
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.



DISCLAIMER: March 2010 Hernando County Property Appraiser's parcel data was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

Source(s): Hernando County Property Appraiser - parcel data, March 2010; City of Brooksville Community Development Dept. - future land use data, July 2008 to current.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager
Via:	Bill Geiger, Community Development Director
From:	Steven E. Gouldman, AICP, Planner
Subject:	CPA 2010-S6, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 714)
Petitioner:	City of Brooksville FKA the Brocato property
Location:	Southeast of Ray Browning Road and west of Hope Hill Road
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City for City-owned property. CPA 2010-S6 is an approximately 4.11-acre tract located at the southeast corner of Ray Browning Road approximately 1/2 mile west of Hope Hill Road. The subject site was annexed into the City in 2006 (Ordinance No. 714), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of R-1C (Residential).

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Public Facilities and Land, which would allow for the consideration of up to 223,790 square feet of floor space for governmental services, public libraries, public schools, churches, quasi-public entities and state and federal structures and buildings. It is the intent of the City, however, to utilize the property for a future north/south roadway. The future roadway, Governor Boulevard, will link State Road 50 (Cortez Boulevard) to the north to Powel Road to the south. Hernando County's Residential Future Land Use designation would allow for a maximum of 22 dwelling units at a density of 5.4 units per acre.

Natural Resources and Features:

The property is presently undeveloped and is heavily wooded. The vegetation on the property consists of hardwood conifer mixed forest. The soil type identified within the site is Flemington (2 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located at the southeast corner of Ray Browning Road approximately 1/2 mile west of Hope Hill Road. Residential uses are located throughout the general area and consist of a variety of lot sizes, ranging from 1/3 acre parcels to 10 acres. Commercial and institutional uses are located east and west of the site along State Road 50 (Cortez Boulevard) and include a large church facility, government offices retail establishments and general office uses. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by and/or will be a conduit for City water and sewer services. Primary access to the site is presently from Cortez Boulevard. Future access will be from Governor Boulevard when constructed. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of 223,790 square feet of general office uses. According to the ITE Trip Generation Manual, 7th Edition, 223,790 square feet of general office floor space would generate approximately 806 total daily vehicle trips, with 336 P.M. Peak Hour trips.

Water:

The potential development scenario presented above would result in the consumption of an estimated 41,961 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 33,569 gallons of effluent generated per day. The estimate is based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

The project will not generate any elementary, middle or high school students.

Consistency with the Comprehensive Plan:

CPA 2010-S6 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-11: Direct urban growth by providing community facilities in prime expansion areas, and withhold these facilities from areas in which growth is to be discouraged.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S6 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S6 for approval. City Council approved the first reading of Ordinance No. 805 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S6, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 805.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 805 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 805 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

Page 4
CPA 2010-S6
October 18, 2010

- Attachments:
- (1) Ordinance 805
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP
AMENDMENT - CPA 2010-S6
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

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ORDINANCE NO. 805

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S6 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S6	Residential (County)	Public Facilities and Land (City)	Southeast corner of Ray Browning Road and west of Hope Hill Road	4.11 +/-	City of Brooksville (Brocato)

CPA 2010-S6

Pursuant to an application, CPA 2010-S6, by City of Brooksville (Brocato), to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RESIDENTIAL County) to PUBLIC FACILITIES AND LAND (City):

A parcel of land lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, and being more particularly described as follows:

For a Point of Beginning, commence at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 27; thence run N 00°08'54" W, along the West boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 27, a distance of 626.92 feet; thence run East a distance of 50.00 feet; thence run N 00°08'54" W a distance of 89.16 feet; thence run N 89°43'06" E a distance of 109.04 feet to a point on a curve concave Northeasterly having a radius of 2040.00 feet, a delta of 05° 39'53", a chord distance of 201.61 feet and a chord bearing of S 15°55'29" E; thence run along the arc of said curve a distance of 201.69 feet to the point of tangency; thence run S 18°45'26" E a distance of 148.41 feet to the point of curvature of a curve concave Southwesterly having a radius of 1030.00 feet, a delta of 21°35'51", a chord distance of 385.96 feet and a chord bearing of S 07°57'31" E; thence run along the arc of said curve a distance of 388.26 feet to the South boundary of the Southwest 1.4 of said Section27; thence run N 89°59'40" W, along said South boundary, a distance of 313.66 feet to the Point of Beginning. Containing 4.11 acres, more or less.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

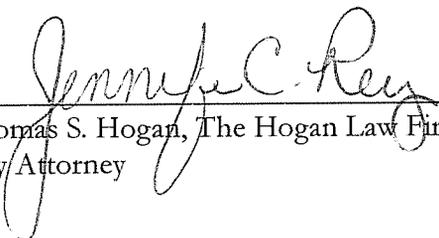
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

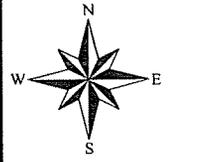
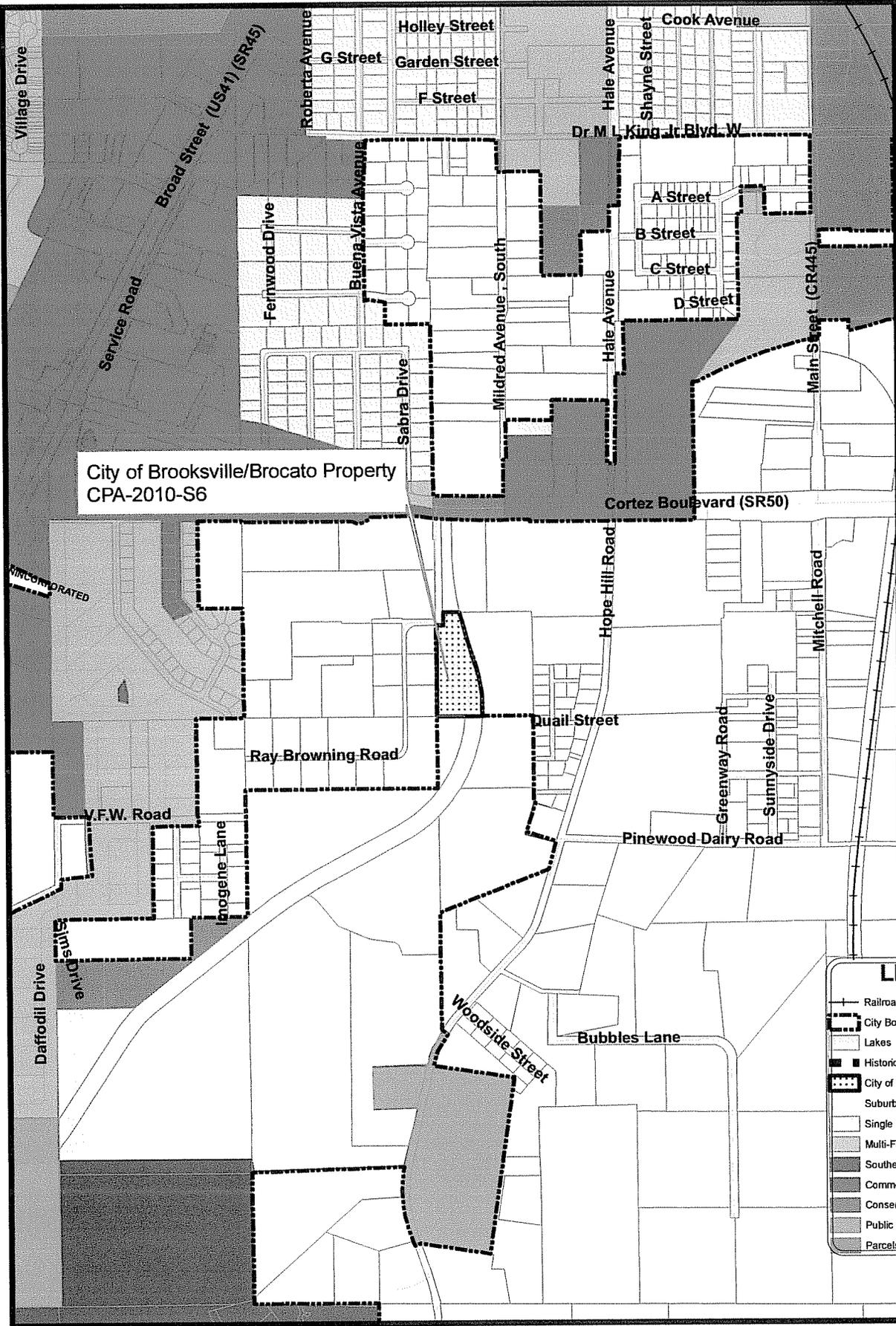
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



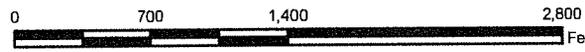
EXHIBIT "A" to
Ordinance No. 805

CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- City of Brooksville/Brocato Property (CPA-2010-S6)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Southern Hills Plantation Mixed Use
- Commercial
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation



Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future land use data, July 2008 to current.

DISCLAIMER: March 2010 Hernando County Property Appraiser's "parcel data" was used for the base map image on this map. This map was prepared by the Community Development Department to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. This map reflects parcels and boundaries as they existed the date of publish. This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager
Via:	Bill Geiger, Community Development Director <i>BA</i>
From:	Steven E. Gouldman, AICP, Planner
Subject:	CPA 2010-S9, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 711)
Petitioner:	City of Brooksville on behalf of Cascades at Southern Hills
Location:	North of Pine Cabin Road, east of U.S. Highway 41
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City on behalf of the property owner. CPA 2010-S9 is an approximately 3.5-acre tract located east of U.S. Highway 41 and north of Pine Cabin Road. The subject site was annexed into the City in 2006 (Ordinance No. 711), with the intent of utilizing the property as a retention area for the Cascades development located east of the subject site. Presently, the property is designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural/Residential.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 8 dwelling units at a density of 2.5 units per acre. Hernando County's Residential Future Land Use designation would allow for a maximum of 19 dwelling units at a density of 5.4 units per acre. As noted above, the intent is to utilize the property as a retention area for a future amenity center associated with the Cascades development. No timetable for construction of the center has been determined.

Natural Resources and Features:

The vegetation on the property consists of a mixture of pasture land and hardwood conifer mixed forest. Tree species include longleaf pine, slash pine, various oak species, hickory, magnolia and sweetgum. Several soils have been identified within the site, including Nobleton (0 to 5% slopes), Blichton (2 to 5% slopes), Flemington (0 to 12% slopes), Wauchula (0 to 5% slopes), Micanopy, Florida Variet and Samsula Muck. The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located east of U.S. Highway 41 and north of Pine Cabin Road. The Cascades development is located immediately east of the site, while the Southern Hills Plantation development is located further to the east. Larger lot developed and undeveloped tracts are located to the north and west of the subject property. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is from the Cascades development to the east. Police, fire and sanitation collection services are also to be provided by the City. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of eight dwelling units. According to the ITE Trip Generation Manual, 7th Edition, 8 single-family conventional units would generate approximately 77 total daily vehicle trips, with 8 P.M. Peak Hour trips. Approximately 5 P.M. Peak Hour vehicle trips will be inbound and 3 trips will be outbound. As required by ordinance, the developer will be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential development scenario presented above would result in 2,000 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 1,600 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

The subject site is located within the Peck Sink watershed. All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the site. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the additional residential units will generate up to 2 elementary, 1 middle and 1 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. As required by City Ordinance, a capacity review will be performed prior to issuance of development permits. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA 2010-S9 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S9 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S9 for approval. City Council approved the first reading of Ordinance No. 806 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S9, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 806.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections,

recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 806 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 806 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 806
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-S9
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 806

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S9 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said applications for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S9	Residential (County)	Suburban Residential (City)	North of Pine Cabin Road and East of US Hwy 41 South	3.5 +/-	City of Brooksville on behalf of Cascades at Southern Hills

CPA 2010-S9

Pursuant to an application, CPA 2010-S9, by City of Brooksville on behalf of Cascades at Southern Hills, to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RESIDENTIAL (County) to SUBURBAN RESIDENTIAL (City):

PARCEL 1

THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 19 EAST AS RECORDED ON O.R. BOOK 417, PAGE 1784, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

PARCEL 2

A PORTION OF LAND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 19 EAST, AS DESCRIBED ON O.R. BOOK 417, PAGE 1784, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

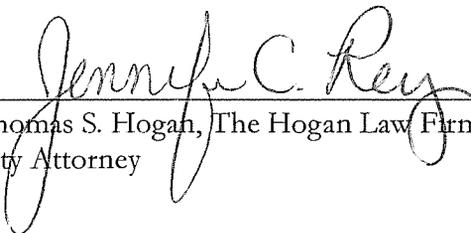
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

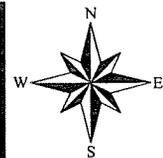
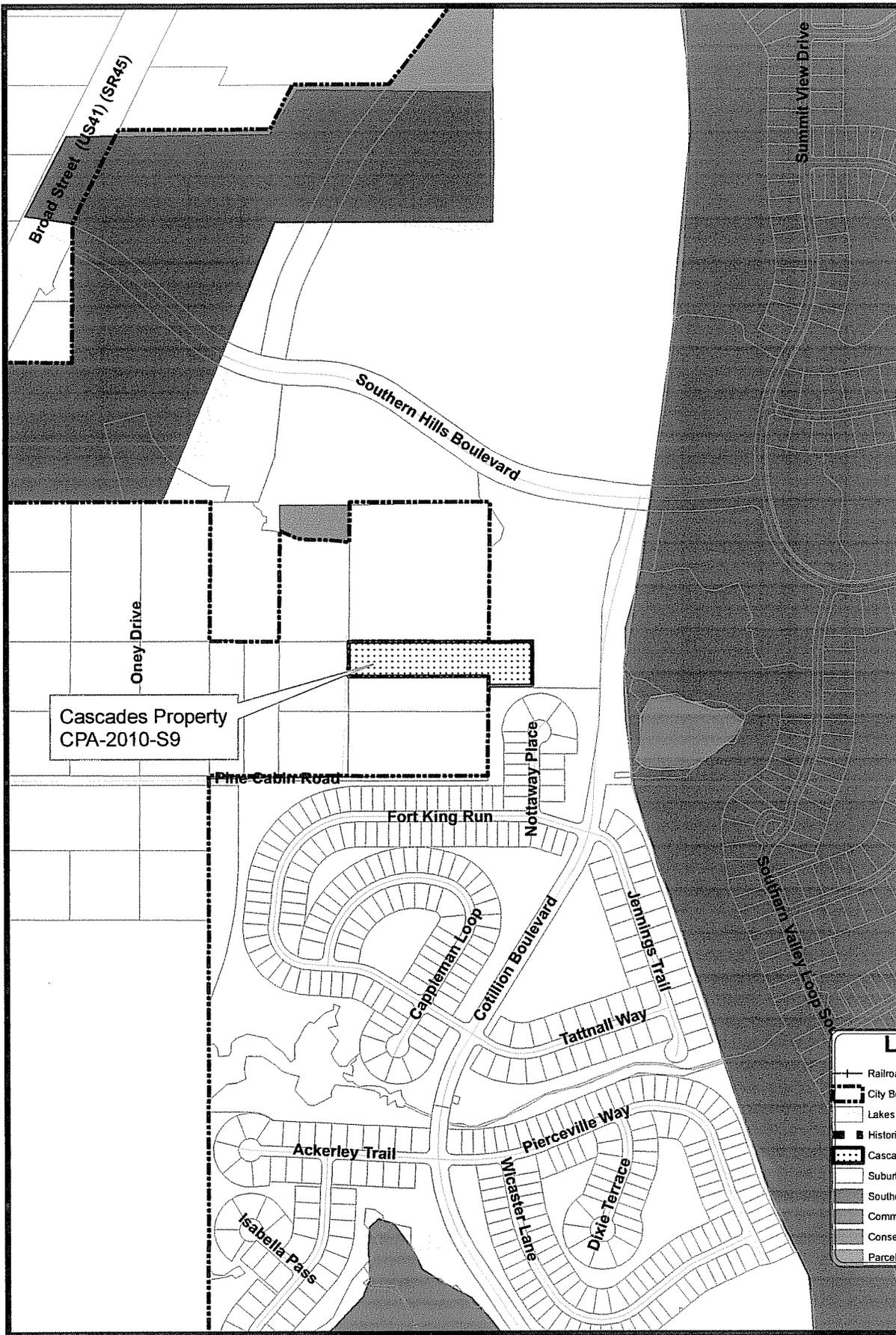
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



EXHIBIT "A" to
Ordinance No. 806

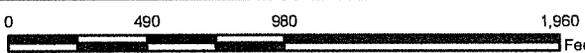
CITY OF
BROOKSVILLE
FLORIDA

Cascades Property
CPA-2010-S9

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Cascades Property (CPA-2010-S9)
- Suburban Residential
- Southern Hills Plantation Mixed Use
- Commercial
- Conservation
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.



Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.

DISCLAIMER: March 2010 Hernando County Property Appraiser's
parcel data was used for the base map image on this map. This map was
prepared by the Community Development Department to be used as an aid in
land parcel location and identification only. All land locations, right-of-way widths,
acreages, and utility locations are subject to field survey or other appropriate verification.
This map reflects parcels and boundaries as they existed the date of publish.
This map and/or digital data is for planning purposes only
and should not be used to determine the precise location of any feature.
The City of Brooksville provides no warranty for the accuracy or availability
of the data.

10/18/10

MEMORANDUM

To:	Honorable Mayor and City Council Planning and Zoning Commission,
Via:	T. Jennene Norman-Vacha, City Manager <i>(Signature)</i>
Via:	Bill Geiger, Community Development Director <i>(Signature)</i>
From:	Steven E. Gouldman, AICP, Planner <i>(Signature)</i>
Subject:	CPA 2010-S10, City of Brooksville Comprehensive Plan Amendment, providing for a land use classification on property annexed by the City (Ref. Ord. No. 716)
Petitioner:	City of Brooksville on behalf of the Continelli FKA Earle family
Location:	South of VFW Road and west of Daffodil Drive
Date:	October 18, 2010

Introduction & Background Information:

The petition is a request for a Comprehensive Plan Amendment initiated by the City of Brooksville on behalf of the property owner. CPA 2010-S10 is an approximately 2.5-acre tract located east of U.S. Highway 41, south of VFW Road and west of Daffodil Drive. The subject site was annexed into the City in 2006 (Ordinance No. 716), is presently designated Residential on the Hernando County Comprehensive Plan Future Land Use Map and has a County zoning district designation of Agricultural/Residential.

The City proposes to amend the Comprehensive Plan Future Land Use Map to designate the property as Suburban Residential, which would allow for the consideration of up to 6 dwelling units at a density of 2.5 units per acre. Hernando County's Residential Future Land Use designation would allow for a maximum of 13 dwelling units at a density of 5.4 units per acre.

Natural Resources and Features:

The property is presently developed with a single-family home. The vegetation on the property consists of hardwood conifer mixed forest. Soils identified within the site include Blichton (2 to 5% slopes) and Flemington (0 to 12% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject property is, as previously noted, located east of U.S. Highway 41, south of VFW Road and west of Daffodil Drive. Residential uses are located throughout the general area and consist of a variety of lot sizes, ranging from 2/3-acre tracts to over 9 acres. Based on the above, staff finds the request is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the site is from VFW Road. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the potential level of development:

Trip Generation:

As noted above, the property could potentially be developed with a maximum of six dwelling units. According to the ITE Trip Generation Manual, 7th Edition, 6 single-family conventional units would generate approximately 62 total daily vehicle trips, with 7 P.M. Peak Hour trips. Approximately 4 P.M. Peak Hour vehicle trips will be inbound and 3 trips will be outbound.

Water:

The potential development scenario presented above would result in 1,500 gallons of water consumed per day by the residential uses. The estimate is based on the assumption that one single-family dwelling consumes 250 gallons per day. Presently, the quantity of water required for the proposed project is available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

The potential development scenario presented above would result in 1,200 gallons of effluent generated per day by the residential units. The estimate is based on the assumption that one single-family dwelling generates 200 gallons per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the development can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity.

Drainage:

The subject site is located within the Peck Sink watershed. All of the property is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the site. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City comprehensive plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. It is anticipated that no significant impact on the existing facilities will occur.

Public School Facilities:

It is estimated that the additional residential units will generate up to 2 elementary, 1 middle and 1 high school students. The number of students estimated is based on the Hernando County School District's adopted Student Generation Rate. As required by City Ordinance, a capacity review will be performed prior to issuance of development permits. If capacity is not available, the developer will be required to provide mitigation before development can occur.

Consistency with the Comprehensive Plan:

CPA2010-S10 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas which are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities which will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Budget Statement:

Costs for processing Comprehensive Plan amendments are typically offset by applicable application fees. Since the City is the applicant in this instance, however, costs for processing the Comprehensive Plan amendment are absorbed within the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187(1)(c), F.S.

Planning and Zoning Commission Recommendation:

At their meeting on May 12, 2010, the Planning and Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2010-S10 and accepted public comment. The Planning and Zoning Commission concurred with staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed Comprehensive Plan amendment be submitted to the Florida Department of Community Affairs (DCA) and appropriate agencies for review.

Local Planning Agency and City Council Action:

On June 7, 2010, the City Council, sitting as the Local Planning Agency, reviewed and recommended CPA 2010-S10 for approval. City Council approved the first reading of Ordinance No. 807 to amend the City of Brooksville Comprehensive Plan to establish future land use designation for the property associated with CPA 2010-S10, authorized staff to transmit the proposed amendment to the Florida Department of Community Affairs and authorized the public hearing for the second and final reading of Ordinance No. 807.

DCA Objection, Recommendation & Comment (ORC) Report:

The City received the DCA's ORC report on August 27, 2010. Attached is a copy of the City's draft response to the ORC report. The report includes a restatement of each of the Department's objections, recommendations and comments, followed by the City's response to the objections and comments. The objections were related to site suitability, housing, location, transportation, public facilities and school issues. Within 60 days of the receipt of the ORC report, the City is required to adopt, adopt with changes or not adopt the proposed amendment. The adoption hearing is a Public Hearing.

Staff Recommendation:

Staff recommends that the City Council review and provide staff with direction on the draft response to the ORC report. The proposed ORC report response that is proposed for adoption via Ordinance Nos. 779 through 807 and contains modifications to the text of the Future Land Use Element for CPA 2010-L3, CPA 2010-L7 and CPA 2010-L8. The text of Ordinance No. 807 requires no modification. After opening up the meeting to public comment, it is recommended that City Council approve/adopt Ordinance No. 807 and authorize staff to submit the adopted amendment (along with appropriate support documentation, including the City's response to the ORC report, as may be amended by the City Council) to the Department of Community Affairs for a compliance determination consistent with State Law.

- Attachments:
- (1) Ordinance 807
 - (2) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENT - CPA 2010-S10
 - (3) Draft DCA Transmittal Letter
 - (4) ORC Report
 - (5) ORC Response

ORDINANCE NO. 807

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, application CPA 2010-S10 to amend the Future Land Use Map of the Comprehensive Plan, has been initiated by the City on behalf of the property owner; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City’s Comprehensive Plan; and

WHEREAS, the City Council did on _____, hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187(c), Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City’s Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan; and

WHEREAS, the City Council has determined and found said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said application for amendment, as described herein, to the Future Land Use Map of the City’s Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following small-scale amendments to the City of Brooksville Comprehensive Plan are hereby approved:

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Ac.	Petitioner
CPA 2010-S10	Residential (County)	Suburban Residential (City)	South of VFW Road and East of Daffodil Drive	2.50 +/-	City of Brooksville on behalf of Continelli family (f/k/a Earle property)

CPA 2010-S10

Pursuant to an application, CPA 2010-S10, by City of Brooksville on behalf of the Continelli family (f/k/a Earle property), to amend the Future Land Use Map of the City’s Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit “A,” from RESIDENTIAL(County) to SUBURBAN RESIDENTIAL (City):

North 610.50 feet of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 22 South, Range 19 East, Hernando County, Florida Less the North 280.50 feet of the West 932.00 feet and less the South 330.00 feet of the West 330.00 feet thereof.

And

The South 330.0 feet of the West 330.0 feet of the North 610.5 feet of the SE 1/4 of the NE 1/4 (Fractional), Section 33, Township 22 South, Range 19 East, Hernando County, Florida. Together with an easement for ingress and egress and utilities over and across the north 15 feet of the SE 1/4 of the NE 1/4, West of the East right of way line of Young Street and the West 15 feet of the North 280.5 feet of the SE 1/4 of the NE 1/4 of said Section 33, Township 22 South, Range 19 east, Hernando County, Florida.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective immediately upon the adoption of this Ordinance.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

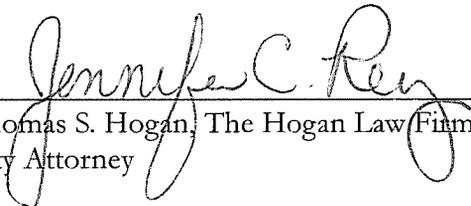
By: _____
Lara Bradburn, Mayor

PASSED on First Reading June 7, 2010
NOTICE Published on May 28 & October 8, 2010
PASSED on Second & Final Reading _____

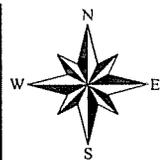
APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney



**Map I-2
Future Land
Use Map
(zoomed for
CPA processing)**



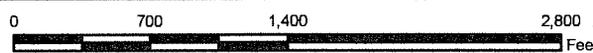
EXHIBIT "A" to
Ordinance No. 807

CITY OF
BROOKSVILLE
FLORIDA

LEGEND

- Railroad
- City Boundary March 16, 2010
- Lakes
- Historical Central Business/Residential District
- Continelli/Earle Property (CPA-2010-S10)
- Suburban Residential
- Single Family Residential
- Multi-Family/Mobile Home Residential
- Majestic Oaks Mixed Use
- Southern Hills Plantation Mixed Use
- Commercial
- Industrial
- Recreation
- Conservation
- Public Facilities and Land (Institutional)
- Parcels with Undesignated FLU in City

NOTE: "Undesignated" areas are areas annexed into the City of Brooksville that have not been assigned a Future Land Use designation.



Source(s): Hernando County Property Appraiser - parcel data, March 2010;
City of Brooksville Community Development Dept. - future
land use data, July 2008 to current.

DISCLAIMER: March 2010 Hernando County Property Appraiser's
"parcel data" was used for the base map image on this map. "This map was
prepared by the Community Development Department to be used as an aid in
land parcel location and identification only. All land locations, right-of-way widths,
scrubbers, and utility locations are subject to field survey or other appropriate verification.
This map reflects parcels and boundaries as they existed the date of publish."
This map and/or digital data is for planning purposes only
and should not be used to determine the precise location of any feature.
The City of Brooksville provides no warranty for the accuracy or availability
of the data.



10/18/10

**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-YACHA
CITY MANAGER *T. Jennene Norman-Yacha*

FROM: JENNIFER C. REY, ESQ. *JCR*
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY

SUBJECT: RESOLUTION 2010-21 OLIVE STREET CEMETERY

DATE: OCTOBER 5, 2010

GENERAL SUMMARY: In follow up to the City's acceptance of the conveyance of the Olive Street Cemetery, the attached resolution is being proposed to recognize the City's commitment to the Mickler Family's condition to limited future burials in the Olive Street Cemetery.

FB **BUDGET NOTE:** As no revenue has been projected for sales of cemetery burial plots in the Olive Street Cemetery, there is no budget impact associated with adoption of this Resolution.

JCR **LEGAL REVIEW:** The City Council is authorized to adopt resolutions establishing policies for use of City real property.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution 2010-21.

ATTACHMENTS: Resolution 2010-21

RESOLUTION NO: 2010-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE PRESERVATION OF THE HISTORICAL OLIVE STREET FAMILY CEMETERY; ESTABLISHING BURIAL RESTRICTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brooksville, on May 17, 2010, accepted a donation from the Catholic Diocese of Saint Petersburg of the historical Mickler family cemetery located on Olive Street, Brooksville (the Olive Street Cemetery); and,

WHEREAS, the Olive Street Cemetery is of limited size and has limited public street access; and,

WHEREAS, the Olive Street Cemetery is of historical significance to the community; and,

WHEREAS, as a condition of the quiet title action conveying the Olive Street Cemetery by the lineal descendants of the Mickler family to the Diocese of Saint Petersburg, the City agreed to restrict future burials at the Olive Street Cemetery.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, that:

SECTION 1. INCORPORATION OF RECITALS. The aforementioned recitals are true and accurate and are incorporated herein as if set forth in haec verba.

SECTION 2. LIMITATION ON FUTURE PUBLIC BURIALS. No burial rights at the Olive Street Cemetery shall be authorized or offered to the general public. However, the City may grant burial rights, for future burials, only to direct lineal descendants of the Adeline E. Mickler and Robert J. Mickler family.

SECTION 3. CONFLICT. Any resolution or policy of the City, or any portion thereof, in conflict with the provisions of this Resolution, is hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This resolution shall be effective upon adoption by the City Council of the City of Brooksville, Florida.

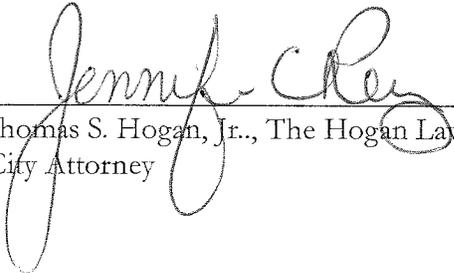
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, THIS 18th DAY OF OCTOBER, 2010.

CITY OF BROOKSVILLE

BY: _____
Lara Bradburn, Mayor

ATTEST: _____
Janice L. Peters, CMC, City Clerk

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:



Thomas S. Hogan, Jr., The Hogan Law Firm, LLC
City Attorney

VOTE OF CITY COUNCIL

- Bernardini _____
- Bradburn _____
- Burnett _____
- Johnston _____
- Lewis _____

G. 2. City of Brooksville Bond Safeguard Settlement – Cascades Phase I
Consideration of Settlement agreement in the matter of City of Brooksville vs Bond Safeguard.

Presentation: City Attorney

Recommendation: Approval of Settlement or
Direction to Staff

Attachments: Memo from City Attorney dated
09/21/10; Settlement

TO BE PROVIDED BEFORE MEETING

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – October 18, 2010

1. **TYPE:** Letter
 DATE: September 24, 2010
 RECEIVED FROM: College of Central Florida
 ADDRESSED TO: Police Chief George Turner
 SUBJECT: Request to serve on the Criminal Justice Advisory Committee

2. **TYPE:** Letter
 DATE: September 30, 2010
 RECEIVED FROM: Bright House Networks
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: New Digital Video Delivery Technology

3. **TYPE:** Letter
 DATE: October 7, 2010
 RECEIVED FROM: Richard Radacky, Director of Public Works
 ADDRESSED TO: To Whom It May Concern
 SUBJECT: Water Tank Painting Notice to Proceed



College of Central Florida

Office of the President

September 24, 2010

Chief George Turner
Brooksville Police Department
87 Veterans Avenue
Brooksville, FL 34601-3214

Dear Chief Turner:

On behalf of the District Board of Trustees of the College of Central Florida, I would like to appoint you to serve on the Criminal Justice Advisory Committee for the 2010-2011 academic year. This committee acts in an advisory capacity assisting the college in developing and operating effective programs in criminal justice.

We believe the College of Central Florida is playing an ever increasing role in the future development of this geographical area and your expertise will be a major factor in the success of our programs.

The first meeting will be held on October 14, 2010 at 10:00 a.m. in Building 31 which is located on the South Campus. Refreshments will be available. If you have an item for the agenda, please contact Valerie Newman at 352-873-5838, ext. 1381.

Thank you for accepting this appointment and best wishes for a successful year.

Sincerely,

Charles R. Dassance
President

CRD/sm

Attachment: Tentative Agenda

CTN
10-18-10
SM

1004 U.S. Highway 92 West
Auburndale, FL 33823

tel 863.965.7733
fax 863.288.2299



10-01-10A11:11 RCVD

September 30, 2010

VIA FEDERAL EXPRESS

Ms. Jennene Norman-Vacha
City Manager
City of Brooksville
201 Howell Avenue
Brooksville, 34601

Dear Ms. Norman-Vacha,

Bright House Networks has launched a new digital video delivery technology known as Switched Digital Video (SDV). SDV is a robust bandwidth management system that makes it possible to offer more digital video programming services than before including new HD channels. Please be advised that Bright House Networks is adding the following new services on the SDV system.

Beginning on or after November 1, 2010, the following channels will be delivered on the SDV system:

- iN DEMAND Movies & Events 1 will remain on channel 301.
- iN DEMAND Movies & Events 2 will remain on channel 302.
- iN DEMAND HD Movies & Events 1 will remain on channel 1850.
- iN DEMAND HD Movies & Events 2 will remain on channel 1851.

Beginning on or after November 1, 2010, the following new channels will be delivered on the SDV system:

- | | |
|-------------|-----------------------------------|
| • Fresh! | Channel 296 |
| • Skin TV | Channel 297 |
| • TENReal | Channel 298 |
| • KBS World | Premium International Channel 986 |

Beginning on or after November 1, 2010, the following channel change will occur:

- ESPN Classic is migrating from the Digital Basic tier to the Sports Pack and will remain on Channel 152.

These services will not be available on uni-directional retail devices on the date noted above. If you want to subscribe to these services, you will need a digital set-top box or similar bi-directional (two-way) equipment from Bright House Networks. Customers may continue to use their uni-directional retail device and CableCARD to receive video programming other than the programming delivered on the SDV system.

CTN
10-18-10
JMV

City of Brooksville, Florida



Public Works Department – 600 S Brooksville Ave. Brooksville Florida 34601

October 7, 2010

To Whom It May Concern:

Re: Water Tank Painting-City of Brooksville

This is to advise that the City of Brooksville will award a Notice to Proceed to Utilities Services, Inc., on October 18, 2010, to prepare and paint the City of Brooksville's elevated water tank located at Liberty Street and Brooksville Avenue.

This process will require sand blasting, cleaning and painting the tank. A tent will be installed in an effort to keep sand-blast materials and paint from coming in contact with automobiles and other vehicles. However, the tent may not prevent sand blast and paint from drifting offsite.

You are being advised that sand blast and paint may damage automobiles and vehicles and you are urged to find suitable parking away from the water tank site. As a precaution, Brooksville's Department of Public Works will close parking on a portion of Liberty Street, from Brooksville Avenue towards Magnolia Street, and Brooksville Avenue, from Liberty Street to the southern boundary of the water tank site. Street closure will begin Monday, October 18, and remain closed through the completion of painting.

Completion of painting is expected to take approximately 60 days or near January 1, 2011. A notice will be prepared and disseminated when it is again clear to park in the vicinity of the water tank site. Please remember, closure on October 18!

Your cooperation and patience is greatly appreciated. If you have questions, please call the City of Brooksville, Public Works Department, at 352-540-3860.

Richard W. Radacky, Public Works Director

Cc: T. Jennene Norman-Vacha, City Manager ✓

David Hamilton, County Administrator

Brenda Frasier, Public Information Officer, Hernando County

All Network Users of the City and County Information Services.

City of Brooksville Business Bureau

www.ci.brooksville.fl.us
(352) 540-3860
(352)544-5470 FAX

CTM
10-18-10
TW