

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

AGENDA

November 3, 2008

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis present. Also present was Thomas S. Hogan, Jr. and Jennifer Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief.

The meeting was called to order by Mayor Pugh, followed by an invocation and Pledge of Allegiance.

CONSENT AGENDA

Minutes

September 15, 2008 Regular Meeting
September 17, 2008 Final Budget Hearing

Miscellaneous Valve and Fire Hydrant Replacement Project

Authorize bidding the Misc. Valve and Fire Hydrant Replacement Project No. 2000-UT20 for replacement water valves and waiver of Purchasing Policy to not require payment and performance bonds.

Good Neighbor (GNT) Trailhead and Jerome Brown Community Center (JBCC) Bike Trail

Authorize for staff to proceed with request for bid proposals on Good Neighbor Trailhead and JBCC Bike Trail paving projects.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of the Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Award - Residential Award

Recognition of improvements to the property of Melaine Smither & Robert Buckley/Kathleen S. Hamm located at 240 E. Liberty Street.

Mayor Pugh presented the award to Mr. & Mrs. Buckley.

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property of Hernando Beach, Inc. which is located at 8075 Southern Pines Drive.

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Mayor Pugh presented the award to Stella Engel who accepted the award and thanked Council on behalf of Mr. Sasser.

Hernando High School (HHS) - Waivers for Annual Homecoming Events

Consideration of request to waive certain fees and/or insurance coverage for the annual Homecoming activities.

Tanya Goodwin of HHS addressed Council and asked that they grant the request for the waiver. Vice Mayor Burnett elaborated on the issue, stating the events start on November 10 and the parade starts at 11:00.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of the waiver in the amount of \$892.58. Motion carried 5-0.

PUBLIC HEARING

Ordinance No. 766-A - Amendment to Law Enforcement, Fire and Emergency Medical Services Cost Recovery Ordinance

Consideration of ordinance amending Section 4, paragraph (f) of Ordinance No. 766 providing for cost recovery measures for emergency service response to commercial or commercial carrier motor vehicle incidents and amending Section 10 to establish a separate cost recovery fund and to clarify use of cost recovery receipts.
[First Reading 10/20/08]

City Attorney Rey reviewed the amendment.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of Ordinance No. 766-A.

The amendment for the allocation of funds collected was reviewed. The intent is to use the funds to reduce the budget of those departments.

City Clerk Phillips read Ordinance No. 766-A by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE AMENDING ORDINANCE NO. 766 RELATING TO COST RECOVERY OF CERTAIN POLICE, FIRE, EMERGENCY AND RESCUE SERVICES; PROVIDING FOR COMMERCIAL OR COMMERCIAL CARRIER INCIDENTS; AMENDING THE USE OF REVENUE PROVISION; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Pugh asked for public input; there was none.

Motion carried 4-1 upon roll call vote, as follows:

Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	NAY

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Ordinance No. 769-A - 2008/09 Budget Amendment

Consideration of ordinance providing for revenue reduction and reserve revisions as a result of \$102,000 decrease in utility revenue.
[First Reading 10/20/08]

Steve Baumgartner, Director of Finance briefly reviewed the amendment.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval of Ordinance No. 769-A.

City Clerk Phillips read Ordinance No. 769-A by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING ORDINANCE NO. 437 AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 113, "FLOOD PREVENTION AND PROTECTION," BY REPEALING THEREIN ARTICLE I, "IN GENERAL," ARTICLE II, "ADMINISTRATION," AND ARTICLE III, "PROVISIONS FOR FLOOD HAZARD REDUCTION" AND REPLACING HERewith ARTICLE I, "IN GENERAL," ARTICLE II, "DEFINITIONS," ARTICLE III, "GENERAL PROVISIONS," ARTICLE IV, "DESIGNATION AND DUTIES OF BUILDING OFFICIAL," ARTICLE V, "ADMINISTRATION," ARTICLE VI, "PROVISIONS FOR FLOOD HAZARD REDUCTION," AND ARTICLE VII, "VARIANCES;" PROVIDING FOR CONFLICT AND SERVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pugh asked for public input; there was none.

Council Member Bernardini clarified that he was in favor of the higher rates for the bigger water users as a water conservation effort.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

REGULAR AGENDA

Resolution No. 2008-28 to Florida Dept. of Transportation (FDOT) - Annual Christmas Parade Route

Consideration of approval of resolution supporting annual Kiwanis Christmas Parade route and closing of SR50/Jefferson St. & US41/Broad St., with authorization for Police Chief and Public Works Director to sign FDOT permit application.

Emory Pierce, Director of Public Works reviewed the request.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-28.

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City Clerk Phillips read Resolution No. 2007-22 by title, as follows:

**RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA
SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD
STREET BETWEEN MAIN STREET AND BELL AVENUE IN DOWNTOWN
BROOKSVILLE ON DECEMBER 13, 2008; PROVIDING FOR
SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

Mayor Pugh asked for public input; there was none.

Motion carried 5-0 upon roll call vote as follows:

Council Member Bradburn	Aye
Council Member Lewis	Aye
Council Member Bernardini	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

***Majestic Oaks Phase Two Preliminary Plat**

Consideration of Phase Two Preliminary Plat for 138 single family residential lots on approximately 52.67 acres of the 428± acre property located approximately 1.2 miles east of U.S. 41 on the north side of Mondon Hill Rd.

Mayor Pugh advised this to be a quasi-judicial hearing. He asked those wishing to be sworn to rise and they were sworn by City Clerk Phillips.

Mayor Pugh stated the following:

"Only competent substantial fact-based testimony or evidence will be considered by the Council in deciding the quasi-judicial matters listed on today's agenda. Pure speculation or opinion, not based on competent facts cannot be legally considered by the Council in weighing the appropriateness of the quasi-judicial application. If you intend to speak on the item marked quasi-judicial please keep this in mind."

Further, he reminded all who choose to testify to please state their name, address and whether or not they have been sworn.

Bill Geiger, Director of Community Development, having been sworn addressed Council, who collectively recognized him as an expert witness.

Director Geiger reviewed the proposal and asked that the entire staff report be entered into the record as if it were read (Attachment C), stating that the proposal is consistent with the Development Agreement the City has with Majestic Oaks Partners, the Combined Planning Development Project Zoning and the Master Plan associated with the property. He further advised that the request, as prepared by Coastal Engineering Associates, Inc., date stamped October 1, 2008, had been approved by the Planning & Zoning Commission on October 8 subject to a list of conditions and statements. He asked that Council affirm the action taken by the Planning & Zoning Commission or provide direction to staff with any modifications Council would want to see made.

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Joseph Quinn, of Coastal Engineering, 966 Candlelight Blvd, Brooksville, FL, having been sworn and representing the petitioner, addressed Council, who, being familiar with his qualifications recognized him as an expert witness.

Mr. Quinn indicated this to be the second phase of the Majestic Oaks project and indicated the developer concurred with staff recommendations. With respect to the Hernando County School District, he indicated they are trying to work out an agreement for the overall project. Another item is the easement for the rails to trails and it has been indicated on the plat and accommodated within the southern boundary.

Discussion and review followed. At Council Member Bradburn's request, Mr. Quinn displayed a map which showed the wetlands, location of commercial and the wellhead protection zones as well as the two access points and traffic impact.

Mayor Pugh asked who would provide police and fire protection. Director Geiger indicated it will be the City of Brooksville. Mayor Pugh reviewed his concerns for access in the case of a fire to which Mr. Quinn indicated access will be constructed in part of Phase I.

For the record, Mayor Pugh asked Mr. Quinn to state the storm event being designed for, which is a 100-year 24-hour event and is a much more intense event.

Emergency access was further discussed, which Fire Chief Mossgrove elaborated on.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval. Motion carried 5-0.

Sea Gate - Water & Sewer Impact Fee Payment Proposal

Consideration of modification to the Utility Service Agreement (USA) and revised payment terms and conditions through April 10, 2009, authorize release of building plans upon initial payment deposit by November 10, 2008, and authorize the City Manager to execute the revised USA upon legal review and approval.

Director Pierce reviewed the proposal and recommended approval. Mayor Pugh asked how many homes can be built. Director Pierce indicated 20 but no building permits have been pulled. He further indicated the impact fees have to be kept at 20% ahead.

Legal Counsel indicated the amended agreement has been provided.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval.

Council Member Bradburn asked about annexation. William Mallory indicated that right now they are working with the County and the City and had talked to the partners who would be happy to speak with the

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City concerning annexation. The water shed was discussed. Director Pierce addressed the annexation issue, which was further discussed. Council consensus was to move forward with the process for annexation. City Manager Norman-Vacha indicated they will meet with the partners and update Council of the outcome.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

ITEMS BY COUNCIL

Lara Bradburn, Council Member

Candy Sales

Council Member Bradburn asked about the after Halloween candy sales for the Christmas Parade. City Manager Norman-Vacha indicated the issue of candy and beads for the Christmas parade are under control.

2008 Election

She reminded all of Election Day tomorrow. She expressed that it has been a privilege to work with the Mayor and Vice Mayor these last two years and wished them luck, encouraging all to vote.

Richard E. Lewis, Council Member

2008 Election

He encouraged all to vote.

Joe Bernardini, Council Member

2008 Election

He reiterated what Council Member Bradburn said and wished the Mayor and Vice Mayor good luck in the election. He encouraged employees to take time to vote.

Frankie Burnett, Vice Mayor

Employee Recognition Dinner

Vice Mayor Burnett reminded Council that the City Employee Recognition Award Dinner is Friday and encouraged all to attend.

Veteran's Appreciation Parade

He also reminded all of the Veteran's Appreciation Parade.

Thanksgiving

Vice Mayor Burnett encouraged all to pledge to help the less fortunate.

Karen M. Phillips, City Clerk

Employee Recognition Dinner

She pointed out that the American Legion on Fort Dade is sponsoring the employee recognition dinner.

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David Pugh, Mayor

Bandshell Bash and Market on Main Street

Mayor Pugh reminded all of these events on Saturday, the day of the parade as well.

Veteran's Thanksgiving Dinner

Mayor Pugh indicated there will be a Veteran's Thanksgiving Dinner held on Sunday, November 16 at the American Legion facilities on Fort Dade.

Council Member Bernardini thanked the Police Chief for the e-mail updates on arrest activities.

CITIZENS INPUT

There was none.

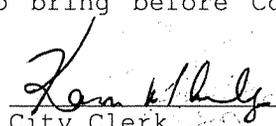
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:10 p.m.

Attest:

Mayor


Mayor


City Clerk

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MEMORANDUM

To: Honorable Mayor & City Council Members
Via: T. Jennene Norman-Vacha, City Manager
From: Bill Geiger, Community Development Director
Subject: Majestic Oaks Phase Two Preliminary Plat
Petitioner: Majestic Oaks Developers, LLLP (Presented by Development Management Consultants, LLC and Coastal Engineering Associates, Inc.)
Location: The property is located 1.2 miles East of U.S. 41 and North of Richbarn and Mondon Hill Roads.
Date: October 16, 2008

SUMMARY OF REQUEST - GENERAL INFORMATION

The combined properties for the Majestic Oaks project consist of 428 ± acres, and are located approximately 1.2 miles east of U.S. 41 on the north side of Mondon Hill Road. The metes and bounds legal descriptions for the subject parcels are given in full in the petition packet. The petitioner is requesting City approval of the Majestic Oaks Phase Two Preliminary Plat for 138 single family residential lots on approximately 52.67 acres of the 428 ± acre property.

On November 3, 2004, the Planning and Zoning Commission approved and recommended Council approve the annexation of the above-referenced properties, and on December 20, 2004 (Ordinance No. 683) and July 12, 2005 (Ordinance No's 698, 699 and 700) the subject properties were approved by the City Council for annexation into the City of Brooksville. The City Council subsequently recognized and accepted the Majestic Oaks and BCC, LLC overall Master Plan. The Planning and Zoning Commission approved the Majestic Oaks Phase 1 Preliminary Plat consisting of 152 single family residential lots plus 14 model center lots on 110.25 ± acres on May 18, 2006. On February 12, 2007, the City Council approved and adopted Ordinance No. 741 approving amendments to the City Comprehensive Plan, assigning a Majestic Oaks Mixed Use District (MOMUD) Future Land Use Map classification for this property. On September 12, 2007, a revised Majestic Oaks Phase 1 Preliminary Plat was conditionally approved by the Planning and Zoning Commission. On May 14, 2008, a zoning classification of Planned Development Project (PDP) with a special exception use for a Combined Planned Development Project (CPDP) was conditionally approved by the Planning and Zoning Commission and recommendations for approval were forwarded to the City Council. The City Council approved and adopted Ordinance No. 759 on June 16, 2008, approving a zoning classification of Planned Development Project (PDP) with conditional approval for a special exception use for a Combined Planned Development Project (CPDP), and further approved the revised master plan, which includes residential, commercial and recreational uses.

STAFF FINDINGS:**CURRENT LAND USE/ZONING/FACTUAL INFORMATION**

1. The subject property currently has a City zoning of CPDP (Combined Planned Development Project).
2. The subject property for the Phase Two preliminary plat is approximately 52.67 acres.

3. The subject site for phase two is undeveloped.
4. The subject property is within the boundaries of the 428 ± acre parcels of property that were annexed into the City on December 20, 2004 and July 12, 2005 (Ref. Ord. No.s 683, 698, 699 and 700).
5. The subject property has a City Comprehensive Plan Future Land Use map designation of Majestic Oaks Mixed Use District (MOMUD).
6. The requested phase two preliminary plat proposal is consistent with the Master Plan associated with the “Amended and Restated Development Agreement” dated August 15, 2005, as approved by the City Council, and the revised master plan as adopted in tandem with zoning Ordinance No. 759 on June 16, 2008.
7. The property is subject to terms and conditions of an Amended and Restated Development Agreement entered into between the City and the property owner on August 15, 2005, which supercedes the development agreement dated January 3, 2005. This Agreement was entered into pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes. Among other items, the Agreement establishes the availability and means for public utilities to serve the project, provides for the construction of transportation improvements, provides for the reservation of sites for future potential public facilities and purposes, and provides for development uses that may be permitted within the project. (A copy of the Amended and Restated Development Agreement is on file in the Community Development Department).
8. The preliminary construction plans for Phase two address topography, drainage retention and conservation areas pertaining to the property. Based on site visits and review of supporting documentation, the summary documentation appears to accurately portray existing conditions. Subsurface conditions are addressed in the “Nodarse & Associates, Inc.” geotechnical report dated February 20, 2006. The preliminary construction plans and geotechnical report are on file in the Community Development Department.
9. Existing and planned public facilities will adequately serve the development consistent with adopted City level-of-service standards.
10. The Phase two preliminary plat includes 138 single-family residential lots on 52.67 acres.
11. A portion of the north end of Fairway Woods Drive is located within the Dogwood Estates well head protection area. Applicable policies and standards will be applied to development proposed for this area.
12. Access connections for this Phase Two project is being proposed through Sand Springs Boulevard (connecting to Mondon Hill Road through Phase One) on the south end, and to a private road known as Links Drive on the north end. Additionally, emergency access to the property is being proposed through “Tract H” which allows access to “Cedar Cliff Court” from the south end of Domingo Drive.

STAFF DISCUSSION

The subdivider is developing a mixed use development that includes a residential community featuring single family residences, multi-family villas, commercial (retail & office) and recreational uses. The approved master plan for the site provides an overview of the area including the distribution of planned uses and is on file in the Community Development Department.

As previously noted, the approved Amended and Restated Development Agreement addresses many aspects of this project as it relates to infrastructure exactions (to address concurrency

requirements in serving the development) and other developmental criteria. Additionally, the following conditions/statements should be considered in conjunction with the approval of this preliminary plat for phase two:

1. Development of the described property will be subject to all applicable terms and conditions as outlined in the Amended and Restated Development Agreement between the City of Brooksville and Majestic Oaks Partners, LLC, as executed August 15, 2005, and recorded in OR Book 1967, Pages 1650 to 1670; and
2. Unless specifically addressed to the contrary within the executed Amended and Restated Development Agreement or within conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to residential areas within this PDP as if they are zoned R3 and commercial areas as if they are zoned C2.
3. Uses or infrastructure for this project that may not be specifically addressed within the Amended and Restated Development Agreement or by existing code standards will be brought to the City Council for consideration. Council action on such items may be considered either independently or as a part of the final plat approval process for each phase of this development.
4. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements.
5. The developer is required to provide the City with three original surveys of the property associated with the approved Majestic Oaks Phase two Preliminary Plat that are signed, dated and sealed by a Florida registered Land Surveyor.

Street names for the subdivision will be coordinated with the City and Property Appraiser offices and noted on the final plat.

FINDINGS OF FACT

The parent parcel to this phase two tract is located north of Mondon Hill Road and east of McIntyre Road. Surrounding development consists of residential and rural residential to the east, north and west. The area to the south is a former mining area. In the City's adopted Comprehensive Plan, the subject property is designated with a land use classification identified as Majestic Oaks Mixed Use District (MOMUD), which will consist of residential, commercial and recreational uses.

To address subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such incorporated into the final design so as to minimize stormwater discharge to the aquifer. Any portion of the property to be developed that lies within the zone of influence for existing water supply wells will be subject to applicable protection policies and standards. Existing wetlands on the property will be protected to the extent feasible. Encroachment into any existing wetland must be mitigated consistent with standards established by the City's Comprehensive Plan and applicable State and Federal standards.

Streets within the subject development must be built consistent with the provisions of the valid amended and restated development agreement and meet City construction standards. Provisions must be made as part of the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-

ways, a minimum 15' wide easement must be provided for all single lines and 30' for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

Phased development and construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services and facilities (including schools), the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. The City and Developer have addressed utility (water & sewer) services via a separate service agreement. Police, Fire and Sanitation services will be provided by the City of Brooksville.

The developer is required to provide a 24-foot wide right-of-way width through the southern portion of the property to accommodate the future construction of the Good Neighbor Trail. The easement for this right-of-way is reflected on the preliminary plat document. Construction plans, as currently composed, will need to be modified to revise/relocate drainage retention pond features that encroach into the easement.

Preliminary construction plans have been provided as supporting documentation for the preliminary plat review process, and are on file in the City's Community Development Department. Said construction plans are subject to modification based on action taken in conjunction with the preliminary plat as well as subsequent regulatory review.

Budget Statement: Petition expenses and direct costs incurred by the City in processing this preliminary plat petition are billed to and paid by the petitioner.

Legal Note: The processing of this preliminary plat petition is subject to the rules of quasi-judicial procedure. The City Council has the authority to affirm, deny or modify Planning & Zoning Commission actions.

NOTE: The preliminary plat review/approval process is a land use determination which does not constitute a permit for either construction on or use of the property. Nor are these actions considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed City land use ordinances. Homeowner's associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.

This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment.

**STAFF RECOMMENDATION/PLANNING & ZONING COMMISSION ACTION:
MAJESTIC OAKS PHASE TWO PRELIMINARY PLAT**

At their October 8, 2008 meeting, the Planning & Zoning Commission concurred with the staff recommendation to approve the preliminary plat labeled Majestic Oaks Phase Two, as prepared by Coastal Engineering Associates, Inc., date stamped October 1, 2008, subject to the following conditions and statements:

- A. Development of the described property will be subject to all applicable terms and conditions as outlined in the Amended and Restated Development Agreement between the City of Brooksville and Majestic Oaks Partners, LLC, as executed August 15, 2005, and recorded in OR Book 2089, Pages 699 to 722.
- B. Unless specifically addressed to the contrary within the executed Amended and Restated Development Agreement or within conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to residential areas within this PDP as if they are zoned R3 and commercial areas as if they are zoned C2.
- C. Uses or infrastructure for this project that may not be specifically addressed within the Amended and Restated Development Agreement or by existing code standards will be brought to the City Council for consideration. Council action on such items may be considered either independently or as a part of the final plat approval process for each phase of this development.
- D. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is required to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to the proposed development must be resolved prior to the approval of construction plans for this project and/or prior to the City taking final action on a PDP final subdivision plat.
- E. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements.
- F. Within two (2) years of the Commission's approval of the Preliminary Plat, final construction plans and the final plat (including all supporting documentation and bonds) must be submitted. Otherwise, the preliminary plat approval shall be considered null and void.
- G. The developer is required to provide the City with three original surveys of the property associated with the approved Majestic Oaks Phase Two Preliminary Plat that are signed, dated and sealed by a Florida registered Land Surveyor.
- H. As required by the zoning/special exception use Ordinance No. 759, an easement for the Good Neighbor Trail right-of-way is reflected on the preliminary plat document. Construction plans, as currently composed, will need to be modified to revise/relocate drainage retention pond features that encroach into the easement.

STAFF RECOMMENDATION/COUNCIL ACTION:

Review the Planning & Zoning Commission's decision on this preliminary plat petition and either affirm, deny or modify the Commission's action.

- Enclosures:**
- 1) Majestic Oaks Phase Two Preliminary Plat
 - 2) Letter dated July 21, 2008 from William L. Mallery, P.E., President, Development Management Consultants, LLC

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Development Management Consultants, llc

21 July 2008

Mr. Bill Geiger
Community Development Director
201 Howell Avenue
Brooksville, Florida 34601-2041

JUL 22 2008

Reference: Majestic Oaks – Phase 2 Preliminary Plat Submittal

Dear Bill:

Please accept the following as correspondence to aid in the review and approval of the aforementioned plan. It has been my discussion with you and your staff in the past that the City will accept both the preliminary plat and the construction plans in order to work in harmony with one another to concur with your code requirements for preliminary plat package review. To help with communication on this issue and expedite review, I have (as I did with Phase 1) outlined which document will satisfy each code requirement.

Pursuant to Brooksville Part III, Land Development Code, Subpart A, Land Subdivision Regulations, Section III, B.4 and B.5, please find the following:

(4). Plats and data for conditional approval:

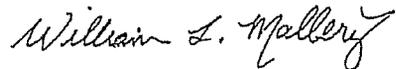
- a. Existing topography – Construction Plans, sheets GR-1 to GR-12.
 1. Boundary lines, Bearings and Distances – Construction Plans, sheet SP-1 and/or Preliminary Plat sheets 2 and 3.
 2. Easements – Construction Plans, sheets UT-1 to UT-7.
 3. Streets – Construction Plans, sheets GR-1 to GR-12.
 4. Utilities – Construction Plans, sheets UT-1 to UT-7 and/or PR-1 to PR-10.
 5. Ground elevations – Construction Plans, sheets DR-1 to DR-9 and/or sheets GR-1 to GR-12.

*34201 Kentucky Derby Place Dade City, Florida 33525
Mobile: 813.579.8650 email: wmallerydmc@aol.com*

Majestic Oaks Phase 2 Preliminary Plat
December 12, 2006 (revised 7.21.08)
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I trust you will find this format and information helpful in expediting your review process of the Majestic Oaks Phase 2 Preliminary Plat. I stand ready to help in any way I can and would appreciate a telephone call if I can do so. I may be reached at 813.579.8650.

Warm regards,



William L. Mallery, P.E.
President, DMC, llc

Attachment: Nodarse & Assoc. Geotechnical Evaluation, dated 20 Feb. 2005
1- full set of Phase 2 Construction Plans (Approved by COB)
1- 11" x 17" mylar of Preliminary Plat
3- 24" x 36" blacklines/bluelines of Preliminary Plat
1- Electronic version of Preliminary Plat
3-24"x36" Boundary Survey

Cc: Mr. Chris Santoro, M/I Homes, w/o attachment
Mr. Dan Young, Avatar Holdings, w/o attachment
File

M:\2005 Projects\05444 Majestic Oaks Phase 2\Permit\Hernando County-City of Brooksville\Phase 2 Preliminary Plat submittal letter to COB 7 21 08.doc

