

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

MINUTES

June 2, 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 George G. Angeliadis, City Attorney; 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. Members of the Hernando Today and Hernando Times were also present.

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

CONSENT AGENDA

Minutes

March 17, 2008 Regular Meeting
April 7, 2008 Regular Meeting
May 5, 2008 Regular Meeting

Amended and Restated Cobb Road WRF Agreement Amendment

Approval of the removal of the word "no" in Sec. 1.c. paragraph 2, line 6 of page 3.

2008 Police Car Replacement

Consideration of approval of the substitution of the Ford Crown Victoria in place of the Dodge Chargers previously approved by Council for an additional not-to-exceed amount of \$731.03 each due to the Charger's unavailability on the Florida State Bid.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of the consent agenda.

Concerning C-3, Vice Mayor Burnett asked for clarification that the purchase will revert to the Ford Crown Victoria, which Chief Turner confirmed.

Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Progress Energy Proposed Transmission Lines

Presentation on transmission lines proposed by Progress Energy.

Gail Simpson, Carla Groleau and Jean Lamb of Progress Energy were present. Gail Simpson reviewed the project and the proposed route as well as the pros and cons of placing the lines underground, which Jean Lamb also elaborated on. Extensive discussion of the project followed.

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Art Appreciation Month

Mayor Pugh indicated June is Art Appreciation month.

Rhonda Hancock, Art Gallery Coordinator, reviewed the June 18th 10-year history of the art gallery and the events in the City which will honor the event. The main event will be June 18th at City Hall.

City Clerk Karen Phillips expressed appreciation for all the persons involved in the art gallery.

PUBLIC HEARING

**Ordinance No. 759 - Majestic Oaks Developers, LLLP, Majestic Oaks Partners, LLC and BCC, LLC

Request for a zoning classification of Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development Project (CPDP) consisting of residential, commercial, and recreational uses; including consideration of the Rezoning Master Plan dated February 15, 2008, subject to stipulations and performance conditions.

City Attorney George Angeliadis advised this to be a quasi-judicial hearing. Mayor Pugh asked if anyone other than the petitioner wished to intervene as a party; there was none. The Mayor polled council considering any ex-parte communication pertaining to this item; all answered negatively.

Mayor Pugh then asked all wishing to be sworn as expert witness to stand and they were sworn by City Clerk Phillips. The expert qualifications of Bill Geiger, Director of Community Development and Joseph Quinn, Coastal Engineering were recognized by Council.

Director Geiger asked that the entire staff report be entered into the record as if it were read (Attachment A) and proceeded to review the zoning request and past actions of Council relating to the property, which he indicated was annexed in 2004 and 2005 respectively.

He stated that the Planning & Zoning Commission, at their May 14, 2008, meeting, reviewed the petition and concurred with staff to recommend that City Council approve an ordinance rezoning the property to a planned development project with a special exception use for a combined development project consisting of residential, commercial and recreational uses, including approval of the Majestic Oaks rezoning Master Plan prepared by Coastal Engineering Associates, Inc., dated February 15, 2008, subject to a list of stipulations and performance conditions as laid out in the report and ordinance.

Mayor Pugh stated he did not see any perimeter setbacks or buffers, which Director Geiger indicated will be set by schedule two of the Land Development Code.

Attorney Darryl Johnston, having been sworn, and on behalf of the various petitioners, reviewed the history of the property as well. He indicated that the property has the correct zoning within the County but not within the City.

He clarified that in regards to paragraph 6, condition G of the staff report the Good Neighbor Trail (GNT) is reflected on the Master Plan and the site plan will be modified to reflect it.

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Further, relating to condition F, which refers to coordinating with the school district to address mitigation based upon what capacity issues that may be created by the development, they have met with them and preliminarily gotten a package together to send to the school district so they can determine what type of school concurrency agreement will be necessary.

He indicated another amendment to the existing Utility Service Agreement will need to be done and urged Council to approve the staff recommendations for the rezoning.

Discussion followed of setbacks and timelines.

Attorney Johnston noted that the staff report accurately states the background of the request and offered further that Council approved the project in September of 2006; which included a Comprehensive Plan Amendment and assigned Majestic Oaks a mixed-use district future land use classification, all of which are identified in the Master Plan. The preliminary plat was approved by Council in September 2007, which has not changed. However, the fact that the property had not been zoned in the City was overlooked.

He again clarified that paragraph 6, item G, discussed revising the Master Plan to reflect the GNT and offered that the GNT is reflected on the Master Plan and wholly within the confines of the property boundary and the sight plan will be modified to accurately reflect it. The drawing submitted with the application posed a spacing issue. It will also be consistent with other widths of the trail and it is anticipated that 20-25 feet around the perimeter of the property as the GNT goes through the property will accommodate the trail in those areas. He again reviewed the school concurrency issues and utility service agreement above.

After clarification of timelines for past approvals of the project, Council Member Bradburn, in regards to the GNT, pointed out there is no delineation of the right-of-way in the packet and asked that language be added to reflect that the GNT will be in accordance with state standards and the County trail plan.

Attorney Johnston clarified that a condition of the rezoning is that the trail will be reflected on all future plat documents and will be dealt with during the platting phase, which Joseph Quinn of Coastal Engineering elaborated on and indicated they will work with Director Geiger to add the language.

In regards to the lot widths and setbacks, Council Member Bradburn asked for clarification of the set-up of the lots, requesting 35 ft. setbacks on duplex lots.

Attorney Johnston clarified that the area Council Member Bradburn referred to is the Majestic Oaks Developers (M.I. Homes/Avatar Group) and all are single family homes. The area where the villas and duplexes are discussed and potentially proposed is still retained by Majestic Oaks Partners and the Brooksville Country Club who contemplated a variety of potential uses, one of which may be villas associated with the golf course for guests to stay overnight as opposed to a fee-simple ownership. They are attached units which are multi-story, not single family because of the size of the lots. For the

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units with 30 ft. setbacks, Council Member Bradburn indicated she preferred them to be at 35 ft. She also elaborated on the mixed-use designation and requested Mr. Quinn review the traffic patterns. He indicated all internal roads would be private.

Council Member Lewis pointed out that the setbacks are located on page eight of the ordinance.

Mr. Quinn further stated that the 30 ft. width setback is consistent with the current development agreement.

Council Member Bernardini asked about the positioning of the utilities. Mr. Quinn stated a homeowner's association should dictate that in relation to fences, etc.

Vice Mayor Burnett indicated he has always supported the project.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance No. 759.

Council Member Bradburn asked for the language of the GNT to be added to the motion as discussed and to be readdressed at the second reading.

Council Member Lewis agreed and Vice Mayor Burnett seconded the addition to the motion.

City Clerk Phillips read Ordinance No. 759 by title, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A COMBINED PLANNED DEVELOPMENT PROJECT (CPDP), CONSISTING OF RESIDENTIAL, COMMERCIAL AND RECREATIONAL USES FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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. 2008-13 SunTrust Line of Credit Extension & Permanent Financing Options

Consideration of 1) approval of resolution extending the \$2,250,000 SunTrust Line of Credit for sixty (60) days from June 11, 2008 to August 11, 2008, which has a balance of \$1,558,656; and 2) approval of permanent financing with either SunTrust or Hancock Bank.

Finance Director Steve Baumgartner addressed the issues as stated in the staff report. Discussion followed of interest rates and the differences between the Suntrust and Hancock Bank quotes.

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Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of Resolution No. 2008-13 extending the line of credit until August 11, 2008 to allow ample time to prepare the loan documentation.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Resolution No. 2008-13 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE EXTENSION OF THE FINAL MATURITY DATE OF ITS SUBORDINATED WATER AND SEWER REVENUE NOTE, SERIES 2005, IN FAVOR OF SUNTRUST BANK, AND RELATED LOAN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett in favor of Hancock Bank with quarterly interest payments and authorization for Mayor to execute loan documents with successful proposer. Motion carried 5-0.

Brooksville Police Department K-9 Program

Consideration of approval for the Police Chief to move forward with the implementation of the Program.

Chief Turner reviewed the program, which will be paid for through grants and drug forfeitures, and asked for Council approval. The 2-year old dog is being donated to the Police Department and advised that two officers have expressed interest in being the handler for which Orange County has offered their assistance and drug training for free as well. Mayor Pugh asked if there is the potential that if the officer leaves the dog will stay to which Chief Turner replied the dog will stay and can be retrained with a new handler. Discussion followed.

Chief Turner indicated the handler and dog will go through a 4-week training program to be certified.

Council Member Lewis advised he would like to see the issue discussed with the Sheriff's Department concerning the availability of a drug dog. Chief Turner advised that dogs are available for stops where there is suspected drugs and if a dog is available the Sheriff's Department can respond with a dog but it is not available to the City 24/7.

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Council Member Lewis also requested the telephone number be put on the utility bill for citizens to dial for non-emergencies.

Chief Turner indicated the Sheriff's Office canines are cross trained and the City's will be for drugs only. He has extensively discussed the issue with the Sheriff's Department and will be working with them regarding shared services. He did not feel this to be a duplication of services.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn for approval for the Chief to move forward with the K-9 Program.

Council felt this will be an asset to the department. Discussion continued.

Mayor Pugh asked for public input; there was none.

Motion carried 4-1 with Council Member Lewis voting in opposition.

ITEMS BY COUNCIL

George Angeliadis, Attorney

Following the earlier discussion on utilities being fenced in, he urged all citizens to consult with an attorney before taking down a neighbor's fence.

Annexation Litigation with Hernando County - DeMaria

Attorney Angeliadis advised that although the City prevailed at the trial court level, notice was received that the Court of Appeals has ruled in the County's favor. He pointed out that the Court of Appeals made its ruling based upon a case involving Center Hill which dealt with a pocket or enclave. The County will be briefed on what the next steps will be. A brief discussion followed.

Director Geiger indicated petitioners are involved with and have vested interests in the annexations. He advised meeting with them. Discussion continued. City Attorneys will prepare options for Council's review.

T. Jennene Norman-Vacha, City Manager

She indicated the Police Chief's birthday is today and the Mayor's birthday will be on the 4th.

Frankie Burnett, Vice Mayor

Vice Mayor Burnett indicated his brother, Kojack Burnett's birthday is on the 3rd.

He advised the ribbon cutting on the old Brooksville Regional Hospital took place last week.

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CITIZENS INPUT

Pierre Desjardins

Redlight Cameras

Mr. Desjardins elaborated on his continued opposition to the program, citing the results of his findings of documented studies. He stated he is however an advocate of extending the timing of the amber light.

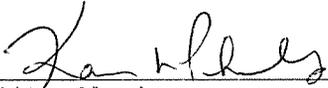
Ron Lawson

Progress Energy

He indicated that in the 100 ft. corridor on Sunshine Grove Road there are other utilities already there.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:45 p.m.



City Clerk

Attest: _____
Mayor

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MEMORANDUM

To: Honorable Mayor & City Council Members

Via: T. Jenneine Norman-Vacha, City Manager 

From: Bill Geiger, Community Development Director 

Subject: RZ2008-01 & SE2008-03; Petitions to zone the subject property as a Planned Development Project with a Special Exception Use for a Combined Planned Development Project, consisting of residential, commercial and recreational uses; including consideration of the Rezoning Master Plan dated February 15, 2008

Petitioner: Majestic Oaks Developers, LLLP, Majestic Oaks Partners, LLC and BCC, LLC (Represented by Darryl W. Johnston, Attorney at Law and Coastal Engineering Associates, Inc.)

Location: The property is located approximately 1.2 miles east of U.S. 41 on the north side of Mondon Hill Road

Date: May 19, 2008 ORD # 759

Introduction & Background:

The combined properties consist of 574.4 acres \pm , 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 of these zoning and special exception use petitions are given in full in the petition packet.

The property owner's are requesting a zoning designation of Planned Development Project (PDP), with a special exception use consideration for a Combined Planned Development Project (CPDP), specifically providing for a mixture of uses including residential, commercial and recreational facilities, and consideration of the Rezoning Master Plan dated February 15, 2008.

The subject properties were annexed into the City on December 20, 2004 (Ordinance No. 683), and July 12, 2005 (Ordinance No.'s 698, 699 and 700). The City Council subsequently recognized and accepted the Majestic Oaks and BCC, LLC overall Master Plan. 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 17, 2007, the Majestic Oaks Phase One Preliminary Plat (consistent with the County zoning designation for this property) was approved by the Planning and Zoning Commission, with various performance conditions that included a stipulation that a zoning petition for the entire Majestic Oaks Project must be filed with the City prior to submittal of the final plat for Phase One, or the filing of any future preliminary plats for this property.

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

1. The subject properties currently have a County zoning of PDP-SF, CPDP-SF and RR.
2. The subject properties were annexed into the City on December 20, 2004 and July 12, 2005.
3. The subject properties have a City Comprehensive Plan Future Land Use map designation of Majestic Oaks Mixed Use District.

4. As per Policy 1-5 of the City's Plan, the Majestic Oaks Mixed Use District is defined as "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 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 less 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."
5. The developer proposes two primary access connections to the property, one being from Mondon Hill Road and the other from Links Drive (which connects to Wallien Drive). Emergency access to the property is proposed from the south end of Wallien Drive and from McIntyre Road to the west through unincorporated property owned by the petitioner. Reference the Majestic Oaks Rezoning Master Plan dated February 12, 2008 for specific locations for proposed access.
6. 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 a prior agreement dated January 3, 2005. The current 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).
7. The property is subject to terms and conditions of a tri-party Agreement entered into between the city, the county and the developer dated January 25, 2005, that provides specific requirements and understandings related to transportation impacts and concurrency (A copy of the Agreement is on file in the Community Development Department).
8. The property is subject to terms and conditions of an Amended and Restated Utility Service Agreement entered into between the City and the property owner on August 9, 2005, that provides for potable water and waste water services for the property (A copy of the Agreement is on file in the Community Development Department).
9. Project narrative, engineering and environmental assessment reports have been provided by the petitioner that address specific items related to the property owner's petitions as well as data related to topography, soils, flood plain, vegetation, wildlife and conservation areas. Based on site visits and review of supporting documentation, the information provided appears to accurately portray existing conditions.
10. Existing and planned public facilities will adequately serve the development consistent with adopted City level-of-service standards. Extension of central potable water and wastewater services will be provided to the respective sites consistent with the executed City of Brooksville utility service agreement.
11. The subject property is not located within a well head protection area.

STAFF DISCUSSION

The property owner's are proposing a mixed use development that includes a residential community, featuring single family residences, multi-family villas, recreational facilities and commercial uses (retail & office). The density/intensity of uses contemplated in the rezoning master plan associated with these petitions are generally consistent with prior zoning/land use petitions presented to and approved by both the County and the City. Each phase of development, as it is presented in the future, will be reviewed to ensure that concurrency requirements are met.

The following conditions/statements should be considered in conjunction with the approval of this zoning and special exception use:

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 1650-1670; the Amended and Restated Utility Service Agreement entered into between the City and the property owner on August 9, 2005, and recorded in OR Book 2089, Pages 675-696; and the terms and conditions of a tri-party Agreement entered into between the City of Brooksville, Hernando County and Majestic Oaks Partners, LLC, dated January 25, 2005. The Agreements (as may be amended in the future) referenced in this section shall supercede provisions that may be made within this zoning/special exception use consideration to the extent that there may be a contradiction or inconsistency between the documents.
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 all residential areas within this PDP as if they are zoned R3; and to all commercial areas within this PDP as if they are zoned C2; and to all recreation areas/facilities, for purposes of setbacks, landscaping and buffering requirements, shall be subject to performance standards as if they were 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 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, and the petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
5. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer must 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 a proposed development must be resolved prior to the approval of construction plans. Based on the planned number of residential units, the school district staff estimate that approximately 420 students could be generated by this development.

6. A portion of the Good Neighbor Trail is planned to run through the southern portion of this property from east to west. Right-of-way for said trail must be reflected on all future plat documents and dedications provided for accordingly. The rezoning master plan needs to be revised to reflect the right-of-way for the trail to be included within the subject property, where said trail runs adjacent to and parallel with other privately-owned properties lying south of the subject property.
7. This zoning/special exception is required to adhere to the specifications and requirements of the Majestic Oaks Mixed Use District (MOMUD) as defined in Policy 1-5 of the City's Comprehensive Plan. The maximum density/intensity of use considered by this zoning approval may not exceed the quantities specified in Policy 1-5 for the MOMUD.
8. The minimum residential lot widths for this development are:

Attached Villas	-	30'
Duplexes	-	35'
Detached Villas	-	40'
Single-Family Homes	-	45'
9. The minimum residential setbacks for this development are (*Note*- These setbacks are applicable to all portions of the principal structure, including roof overhangs, building appurtenances and pool enclosures if the roof from the principal structure is extended over the pool):

Front	-	20'
Side	-	5.5'
Rear	-	10'
Side (Corner Lot)	-	15'
10. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
11. This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville for the treatment of storm water.

Phased development and construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services, 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 agreement. Police, Fire and Sanitation services will be provided by the City of Brooksville.

Budget Statement: Direct costs incurred by the City in processing this petition are absorbed in the petition fee structure.

Legal Note: Establishing a zoning/special exception use designation for a property is subject to quasi-judicial procedures. This is the first of two required readings of an ordinance to consider the proposed amendment to assign this property with a zoning designation and special exception use association. The second of these two readings will be an advertised public hearing to consider final action on said ordinance.

NOTE: The Zoning/Special Exception Use 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 Concurrence. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City, County 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/PLANNING & ZONING COMMISSION RECOMMENDATION:

On May 14, 2008, the Planning & Zoning Commission concurred with staff to recommend that City Council approve an ordinance zoning the subject property as a Planned Development Project (PDP), with a Special Exception Use (SEU) for a Combined Planned Development Project (CPDP), consisting of residential, commercial and recreational uses; including approval of the "Majestic Oaks Rezoning Master Plan" prepared by Coastal Engineering Associates, Inc., dated February 15, 2008, subject to the following stipulations and performance conditions:

- A. Within three (3) years of the Council's approval of the Planned Development Project (PDP) zoning and the Combined Planned Development Project (CPDP) special exception use approval, the petitioner/developer will need to initiate the construction or subdivision process (as applicable), providing preliminary plat plans that address infrastructure needs, and construction plans that reflect the preliminary plat (all being consistent with the requirements of the city's subdivision and/or planned development project regulation). Otherwise, this SEU approval becomes null and void.
- B. 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 1650-1670; the Amended and Restated Utility Service Agreement entered into between the City and the property owner on August 9, 2005, and recorded in OR Book 2089, Pages 675-696; and the terms and conditions of a tri-party Agreement entered into between the City of Brooksville, Hernando County and Majestic Oaks Partners, LLC, dated January 25, 2005. The Agreements (as may be amended in the future) referenced in this section shall supercede provisions that may be made within this zoning/special exception use consideration to the extent that there may be a contradiction or inconsistency between the documents.

- C. 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 all residential areas within this PDP as if they are zoned R3; and to all commercial areas within this PDP as if they are zoned C2; and to all recreation areas/facilities, for purposes of setbacks, landscaping and buffering requirements, shall be subject to performance standards as if they were zoned C2.
- D. 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 plat approval process for each phase of this development.
- E. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements, and the petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
- F. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer must 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 a proposed development must be resolved prior to the approval of construction plans. Based on the planned number of residential units, school district staff estimate that approximately 420 students could be generated by this development.
- G. A portion of the Good Neighbor Trail is planned to run through the southern portion of this property from east to west. Right-of-way for said trail must be reflected on all future plat documents and dedications provided for accordingly. The rezoning master plan needs to be revised to reflect the right-of-way for the trail to be included within the subject property, where said trail runs adjacent to and parallel with other privately-owned properties lying south of the subject property.
- H. This zoning/special exception is required to adhere to the specifications and requirements of the Majestic Oaks Mixed Use District (MOMUD) as defined in Policy

1-5 of the City's Comprehensive Plan. The maximum density/intensity of use considered by this zoning approval may not exceed the quantities specified in Policy 1-5 for the MOMUD.

- I. The minimum residential lot widths for this development are:
 - Attached Villas - 30'
 - Duplexes - 35'
 - Detached Villas - 40'
 - Single-Family Homes - 45'
- J. The minimum residential setbacks for this development are (*Note*- These setbacks are applicable to all portions of the principal structure, including roof overhangs, building appurtenances and pool enclosures if the roof from the principal structure is extended over the pool):
 - Front - 20'
 - Side - 5.5'
 - Rear - 10'
 - Side (Corner Lot) - 15'
- K. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
- L. This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville for the treatment of storm water.

- Enclosures:**
- 1) Zoning and Special Exception Use Petitions
 - 2) Zoning Narrative
 - 3) Preliminary Engineering & Environmental Assessment Report
 - 4) Pritz-to-Jobe letter dated April 30, 2008
 - 5) Site Location Drawing
 - 6) Draft Ordinance

Note: The First Amended and Restated Development Agreement, the First Amended and Restated Utility Service Agreement and the tri-party Agreement entered into between the City of Brooksville, Hernando County and Majestic Oaks Partners, LLC, are all on file in the Community Development Department.

ORDINANCE NO. 759

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A COMBINED PLANNED DEVELOPMENT PROJECT (CPDP), CONSISTING OF RESIDENTIAL, COMMERCIAL AND RECREATIONAL USES FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1. That the following described property in the City of Brooksville, Florida is hereby zoned as Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development Project (CPDP), consisting of residential, commercial and recreational uses; to be developed with as shown on the "Majestic Oaks Rezoning Master Plan" prepared by Coastal Engineering Associates Inc., dated February 15, 2008. (Reference Exhibit "A" for a graphic view of the property):

Majestic Oaks Developers, LLLP, Majestic Oaks Partners, LLC and BCC, LLC
Parcel Key # 1355553, 1355544, 1114378, 1599639349910, 365321, 365125 and 1356035

Legal Description

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTIONS 13 AND 24, TOWNSHIP 22 SOUTH, RANGE 19 EAST AND SECTIONS 18 AND 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 24; THENCE S 89°24'30" W, ALONG THE SOUTH BOUNDARY OF SAID NORTHEAST 1/4, 1963.08 FEET; THENCE S 00°26'58" E 639.26 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MONDON HILL ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) N 78°41'26" W 158.75 FEET, (2) S 11°18'34" W 5.00 FEET, (3) N 78°41'26" W 549.37 FEET; THENCE N 00°26'58" W 616.79 FEET TO THE CENTERLINE OF VACATED SEABOARD COASTLINE RAILROAD 120 FOOT WIDE RIGHT OF WAY; THENCE S 70°56'57" W, ALONG SAID CENTERLINE, 86.39 FEET TO THE WEST BOUNDARY OF SAID NORTHEAST 1/4; THENCE N 01°19'13" W, ALONG SAID WEST BOUNDARY, 1877.25 FEET ; THENCE S 89°26'09" W. ALONG THE NORTH BOUNDARIES AND THE EXTENSION THEREOF OF LOTS 17, 18, 19 AND 20 OF EAST BROOKSVILLE SUBDIVISION, AS RECORDED IN PLAT BOOK 3 PAGE 9, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, 1399.07 FEET TO THE EASTERLY RIGHT OF WAY LINE OF McINTYRE ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) N 00°33'12" W 325.67 FEET; (2) N 01°50'09" W 325.75 FEET; THENCE N 89° 26'45" E, 15.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH BOUNDARY OF THE SOUTHWEST 1/4 OF SAID SECTION 13, 1397.64 FEET TO THE WEST BOUNDARY OF THE NORTHEAST 1/4 OF SAID SECTION 24; THENCE N 01°19'13" W, ALONG SAID WEST BOUNDARY, 15.00 FEET TO THE SOUTHWEST CORNER OF THE SOUTH 3/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE N 00°46'02" W, ALONG THE WEST BOUNDARY OF SAID SOUTH 3/4, 2051.62 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 3/4; THENCE N 89°13'53" E, ALONG THE NORTH BOUNDARY OF SAID SOUTH 3/4, 1392.05 FEET; THENCE N 00°40'41" W 661.94 FEET TO THE SOUTHWEST CORNER OF LUDLOW HEIGHTS, AS RECORDED IN PLAT BOOK 6, PAGE 81 OF SAID PUBLIC RECORDS; THENCE N 88°07'20" E, ALONG THE SOUTH BOUNDARY OF SAID LUDLOW HEIGHTS, 1095.88 FEET TO THE WEST BOUNDARY OF DOGWOOD ESTATES, PHASE V, AS RECORDED IN PLAT BOOK 16, PAGE 95, OF SAID PUBLIC RECORDS; THENCE S 00°38'49" E, ALONG SAID WEST BOUNDARY OF DOGWOOD ESTATES, PHASE V AND EXTENSION THEREOF 2684.99 FEET TO THE SOUTHWEST CORNER OF SAID DOGWOOD ESTATES, PHASE V; THENCE N 89°41'12" E, ALONG THE SOUTH BOUNDARY OF SAID DOGWOOD ESTATES, PHASE V, 300.06 FEET

TO THE WEST BOUNDARY OF DOGWOOD ESTATES, PHASE IV, AS RECORDED IN PLAT BOOK 16, PAGE 47 OF SAID PUBLIC RECORDS; THENCE S 00°39'27" E, ALONG SAID WEST BOUNDARY, 59.57 FEET TO THE SOUTHWEST CORNER OF SAID DOGWOOD ESTATES, PHASE IV; THENCE N 89°26'05" E, ALONG THE SOUTH BOUNDARY OF SAID DOGWOOD ESTATES, PHASE IV, 80.73 FEET; THENCE S 00°39'27" E 34.40 FEET TO THE POINT OF A CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 340.00 FEET, A DELTA OF 08°15'01"; A CHORD BEARING OF S 03°28'03" W AND A CHORD OF 48.92 FEET; THENCE ALONG THE ARC OF SAID CURVE 48.96 FEET; THENCE EST 458.98 FEET; THENCE S 37°10'55" W 156.85 FEET; THENCE S 48°11'19" W 84.34 FEET; THENCE S 35°32'04" W 78.28 FEET; THENCE S 06°27'38" W 69.89 FEET; THENCE S 28°25'30" W 86.41 FEET; THENCE S 43°55'26" E 156.37 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTH-WESTERLY HAVING A RADIUS OF 455.00 FEET, A DELTA OF 15°14'35". A CHORD BEARING OF S 36°18'08" E AND A CHORD OF 120.69 FEET; THENCE ALONG THE ARC OF SAID CURVE 121.05 FEET TO THE POINT OF TANGENCY; THENCE S 28°40'51" E 201.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTH-EASTERLY HAVING A RADIUS OF 170.00 FEET; A DELTA OF 94 °50'07", A CHORD BEARING OF S 76°05'54" E AND A CHORD OF 250.34 FEET; THENCE ALONG THE ARC OF SAID CURVE 281.38 FEET TO THE POINT OF TANGENCY; THENCE N 56°29'03" E 135.96 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 655.00 FEET, A DELTA OF 15°12'15", A CHORD BEARING OF N 64°05'10" E AND A CHORD OF 173.30 FEET; THENCE ALONG THE ARC OF SAID CURVE 173.81 FEET TO THE POINT OF TANGENCY; THENCE N 71°41'17" E 152.78 FEET; THENCE N 18°18'43" W 230.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 950.00 FEET, A DELTA OF 08°20'14", A CHORD BEARING OF N 14°08'35" W AND A CHORD OF 138.12 FEET; THENCE ALONG THE ARC OF SAID CURVE 138.24 FEET TO THE POINT OF TANGENCY; THENCE N 09°58'28" W 164.72 FEET TO THE POINT OF A CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 425.00 FEET, A DELTA OF 46°14'24", A CHORD BEARING OF N 13°08'43" E AND A CHORD OF 333.76 FEET THENCE ALONG THE ARC OF SAID CURVE 342.99 FEET TO THE SOUTH BOUNDARY OF A PARCEL OF LAND AND DESCRIBED IN OFFICIAL RECORD BOOK 1749, PAGE 510 OF SAID PUBLIC RECORDS, THENCE S 55°18'29" E, ALONG SAID SOUTH BOUNDARY, 175.11 FEET TO A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 250.00 FEET; A DELTA OF 36°55'12", A CHORD BEARING OF S 18°54'26" W AND A CHORD OF 158.32 FEET; THENCE ALONG THE ARC OF SAID CURVE 161.10 FEET; THENCE N 80°01'32" E 120.88 FEET; THENCE S 09 58'28" E 209.94 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 650.00 FEET, A DELTA OF 08°20'14", A CHORD BEARING OF S 14°08'35" E AND A CHORD OF 94.50 FEET; THENCE ALONG THE ARC OF SAID CURVE 94.58 FEET TO THE POINT OF TANGENCY; THENCE S 18°18'43" E 627.02 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 75.00 FEET, A DELTA OF 107°19'41", A CHORD BEARING OF S 71°58'33" E AND A CHORD OF 120.83 FEET; THENCE ALONG THE ARC OF SAID CURVE 140.49 FEET TO THE POINT OF TANGENCY; THENCE N 54°21'36" E 395.45 FEET; THENCE N 14°06'12" W 658.52 FEET; THENCE N 00°28'00" W 170.30 FEET TO THE SOUTH BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 1952, PAGE 216, OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF LAND DESCRIBED IN SAID BOOK 1952 THE FOLLOWING TWO (2) COURSES: (1) N 89°32'00" E 163.53 FEET, (2) N 05°57'12" E 25.16 FEET TO THE SOUTH BOUNDARY OF DOGWOOD ESTATES PHASE VI, AS RECORDED IN PLAT BOOK 19, PAGE 61 OF SAID PUBLIC RECORDS; THENCE N 89 °32'00" E, ALONG SAID SOUTH BOUNDARY, 60.38 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 1884, PAGE 266 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF LAND DESCRIBED IN SAID BOOK 1884 THE FOLLOWING TWO (2) COURSES: (1) S 09°32'11" E 101.71 FEET, (2) N 88°45'19" E 182.06 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 1817, PAGE 873 OF SAID PUBLIC RECORDS; THENCE N 88°45'19"E, ALONG THE SOUTH BOUNDARY OF LAND DESCRIBED IN SAID BOOK 1817, 122.71 FEET TO THE SOUTHEAST CORNER OF SAID LAND AND THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19; THENCE S 00°16'24" E, ALONG SAID WEST BOUNDARY, 557.06 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19; THENCE N 88°00'57" E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 660.00 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE S 00°17'38" E, ALONG THE EAST BOUNDARY OF SAID SOUTHWEST 1/4, 389.68 FEET TO THE CENTERLINE OF THE VACATED SEABOARD COASTLINE RAILROAD 120 FOOT WIDE RIGHT OF WAY; THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES: (1) S 78°33'44" W 2754.19 FEET

TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 5729.58 FEET, A DELTA OF 04°23'19", A CHORD BEARING OF S 76°22'05" W AND A CHORD OF 438.74 FEET; THENCE ALONG THE ARC OF SAID CURVE (2) 438.85 FEET TO THE WEST BOUNDARY OF SAID SECTION 19; THENCE S 01°32'09" E, ALONG SAID WEST BOUNDARY, 990.72 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 19 AND THE POINT OF BEGINNING.

AND

PARCEL 1:

THE NORTHEAST 1/4, LESS THE FOLLOWING DESCRIBED TRACT:
BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST 1/4 RUNNING THENCE NORTH 89°16'11" WEST (ASSUMED BEARING) 1961.49 FEET ALONG THE SOUTH LINE OF THE SAID NORTHEAST 1/4, THENCE NORTH 00°23'01" EAST 95.58 FEET, THENCE NORTH 72°13'38" EAST 2055.30 FEET TO THE EAST LINE OF THE SAID NORTHEAST 1/4, THENCE SOUTH 00°11'58" EAST 747.95 FEET ALONG THE SAID EAST LINE TO THE POINT OF BEGINNING.

AND

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 LYING NORTH OF MONDON HILL ROAD, LESS EXISTING RIGHT-OF-WAY OF MCINTYRE ROAD.

AND

ALL THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 LYING NORTH OF MONDON HILL ROAD, LESS THOSE LANDS DESCRIBED IN DEED BOOK 98, PAGE 243, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, AND ALSO LESS THOSE LANDS BEING A PORTION OF THE VACATED SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY BEING APPURTENANT TO THOSE LANDS BEING DESCRIBED IN DEED BOOK 98, PAGE 243 AND ALSO LESS THOSE LANDS DESCRIBED IN OR BOOK 1139, PAGE 315.

AND

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 RUNNING THENCE NORTH 89°16'11" WEST (ASSUMED BEARING) 62.50 FEET ALONG THE QUARTER LINE, THENCE SOUTH 72°23'47" WEST 729.57 FEET, THENCE SOUTH 11°47'13" WEST 112.65 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MONDON HILL ROAD, THENCE SOUTH 78°12'47" EAST 438.92 FEET TO THE P. C. OF A HORIZONTAL CURVE HAVING A RADIUS OF 6900.50 FEET, A CENTRAL ANGLE OF 00° 49'28" AND A CHORD OF 99.29 FEET, THENCE GO ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST, AN ARC DISTANCE OF 99.29 FEET, THENCE GO SOUTH 77°23'19" EAST 267.40 FEET ALONG THE SAID NORTH RIGHT-OF-WAY, THENCE NORTH 12°36'41" EAST 15.00 FEET ALONG SAID RIGHT-OF-WAY, THENCE SOUTH 77°23'19" EAST 613.95 FEET ALONG SAID NORTH RIGHT-OF-WAY NORTH 12°36'41" EAST 5.0 FEET ALONG SAID RIGHT-OF-WAY, THENCE SOUTH 77°23'19" EAST 158.54 FEET ALONG THE SAID RIGHT-OF-WAY, THENCE NORTH 00°52'27" EAST 638.49 FEET TO THE QUARTER LINE, THENCE NORTH 89°16'11" WEST 774.77 FEET ALONG THE SAID QUARTER LINE TO THE POINT OF BEGINNING, TOGETHER WITH THAT PORTION OF THE VACATED SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY BEING APPURTENANT TO THE ABOVE DESCRIBED LANDS.

AND

BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST 1/4 RUNNING THENCE NORTH 89°16'11" WEST (ASSUMED BEARING) 1961.49 FEET ALONG THE SOUTH LINE OF THE SAID NORTHEAST 1/4, THENCE NORTH 00° 23'01" EAST 95.58 FEET, THENCE NORTH 72°13'38" EAST 2055.30 FEET TO THE EAST LINE OF THE SAID NORTHEAST 1/4, THENCE SOUTH 00°11'58" EAST 747.95 FEET ALONG THE SAID EAST LINE TO THE POINT OF BEGINNING.

ALL LYING IN AND BEING A PART OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA.

PARCEL 2:

THE SOUTH 3/4 OF THE SOUTHEAST 1/4, AND THE EAST 1/2 OF THE NORTH 1/4 OF THE SOUTHEAST 1/4, LESS THAT PORTION PLATTED AS DOGWOOD ESTATES, PHASE V, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 16, PAGE 95, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, ALL IN SECTION 13, TOWNSHIP 22 SOUTH, RANGE 19

EAST, HERNANDO COUNTY, FLORIDA, LESS THOSE LANDS DESCRIBED IN OR BOOK 622, PAGE 190, OF SAID PUBLIC RECORDS.

PARCEL 3:

ALL THAT PORTION OF THE NORTHWEST 1/4, AND OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING NORTHERLY OF THE CENTERLINE OF THE VACATED RIGHT-OF-WAY OF SEABOARD COASTLINE RAILROAD, ALL IN SECTION 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA, LESS THOSE LANDS DESCRIBED IN OR BOOK 244, PAGE 335 AND ALSO LESS THOSE LANDS DESCRIBED IN OR BOOK 1499, PAGE 858, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

AND ALSO LESS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 11, DOGWOOD ESTATES, PHASE - VI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGE 61, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, THENCE SOUTH $88^{\circ} 32' 03''$ EAST ALONG THE SOUTH BOUNDARY OF SAID LOT 11 301.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11, THENCE SOUTH $07^{\circ} 53' 09''$ WEST 25.16 FEET, THENCE NORTH $88^{\circ} 32' 03''$ WEST 318.57 FEET, THENCE NORTH $39^{\circ} 18' 55''$ EAST 31.70 FEET TO THE POINT OF BEGINNING. ALL LYING IN AND BEING SITUATED IN SECTION 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA.

AND ALSO LESS: A PARCEL OF LAND LYING IN AND BEING A PART OF SECTIONS 18 AND 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF LOT 8, BLOCK B, DOGWOOD ESTATES, PHASE - VI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGE 61, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, SAID POINT BEING THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 19, THENCE SOUTH $01^{\circ} 40' 22''$ WEST ALONG THE EAST BOUNDARY OF SAID NORTHWEST 1/4 96.30 FEET, THENCE NORTH $89^{\circ} 18' 48''$ WEST 122.71 FEET, THENCE NORTH 98.00 FEET TO THE SOUTHWEST CORNER OF LOT 8, BLOCK B, DOGWOOD ESTATES, PHASE - VI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGE 61, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, THENCE SOUTH $88^{\circ} 32' 03''$ EAST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 8 125.55 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA, LESS THAT PORTION THEREOF PLATED AS DOGWOOD ESTATES, PHASE IV, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 16, PAGE 47, AND LESS THAT PORTION OWNED BY BROOKSVILLE GOLF AND COUNTRY CLUB, INC. AS DESCRIBED IN OR BOOK 244, PAGE 335, ALL IN THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, AND ALSO THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 22 SOUTH, RANGE 20 EAST, LYING SOUTH AND WEST OF THOSE LANDS OWNED BY BROOKSVILLE GOLF AND COUNTRY CLUB DESCRIBED IN OR BOOK 244, PAGE 335, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

PARCEL 5:

LOTS 1,2,3,4,13,14,15 AND 16, BLOCK B, EAST BROOKSVILLE SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 9, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

PARCEL 6:

ALL THAT PORTION OF LOTS 5 AND 12, BLOCK B, EAST BROOKSVILLE SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 9, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MCINTYRE ROAD.

AND

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTIONS 18 AND 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE N $89^{\circ} 26' 05''$ E, ALONG THE SOUTH BOUNDARY AND EXTENSION THEREOF OF DOGWOOD ESTATES, PHASE IV, AS RECORDED IN PLAT BOOK 16, PAGE 47, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, 1353.52 FEET TO THE POINT OF BEGINNING AND A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS

OF 250.00 FEET, A DELTA OF 02°06' 31", A CHORD BEARING OF N 36°18' 47" E AND A CHORD OF 9.20 FEET; THENCE ALONG THE ARC OF SAID CURVE 9.20 FEET TO A POINT ON THE SOUTH BOUNDARY OF BROOKSVILLE GOLF AND COUNTRY CLUB, AS RECORDED IN OFFICIAL RECORD BOOK 1749, PAGE 510, OF SAID PUBLIC RECORDS; THENCE ALONG THE SOUTH BOUNDARY OF SAID BROOKSVILLE GOLF AND COUNTRY CLUB THE FOLLOWING THREE (3) COURSES (1) S 55°18'29" E 177.93 FEET, (2) N 80°33' 41" E 275.01 FEET, (3) N 37°22' 04" E 23.28 FEET; THENCE N 89°32' 00" E, 154.79 FEET, THENCE S 00° 28' 00" E 170.30 FEET; THENCE S 14° 06' 12" E 658.52 FEET; THENCE S 54°21' 36" W 395.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 75.00 FEET, A DELTA OF 107°19' 41", A CHORD BEARING OF N 71°58' 33" W AND A CHORD OF 120.83 FEET; THENCE ALONG THE ARC OF SAID CURVE 140.49 FEET TO THE POINT OF TANGENCY; THENCE N 18°18' 43" W 627.02 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 650.00 FEET, A DELTA OF 08°20' 14", A CHORD BEARING OF N 14°08' 35" W AND A CHORD OF 94.50 FEET; THENCE ALONG THE ARC OF SAID CURVE 94.58 FEET TO THE POINT OF TANGENCY; THENCE N 09°58' 28" W 209.93 FEET; THENCE S 80°01' 32" W 120.88 FEET TO A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 250.00 FEET, A DELTA OF 34°48'42", A CHORD BEARING OF N 17°51' 11" E AND A CHORD OF 149.57 FEET; THENCE ALONG THE ARC OF SAID CURVE 151.89 FEET TO THE POINT OF BEGINNING.

AND ALSO

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTIONS 18 AND 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N 89° 26' 05" E, ALONG THE SOUTH BOUNDARY AND EXTENSION THEREOF OF DOGWOOD ESTATES, PHASE IV, AS RECORDED IN PLAT BOOK 16, PAGE 47, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA 135.80 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH AND EAST BOUNDARY OF SAID DOGWOOD ESTATES THE FOLLOWING SIX (6) COURSES: (1) N 89° 26' 05" E 444.69 FEET, (2) N 35° 26' 40" E 153.28 FEET, (3) N 12° 56' 11" E 123.35 FEET, (4) N 11° 43' 35" E 264.74 FEET, (5) N 06° 11' 55" E 110.20 FEET, (6) N 24° 08' 28" W 42.11 FEET TO THE SOUTH BOUNDARY OF BROOKSVILLE GOLF AND COUNTRY CLUB AS RECORDED IN OFFICIAL RECORD BOOK 1749, PAGE 510 OF SAID PUBLIC RECORDS; THENCE ALONG THE SOUTH BOUNDARY OF SAID BROOKSVILLE GOLF AND COUNTRY CLUB THE FOLLOWING FOUR (4) COURSES: (1) S 89° 36' 31" E 197.31 FEET, (2) S 02° 03' 27" E 177.50 FEET, (3) S 28° 36' 24" E 319.98 FEET, (4) S 55° 18' 29" E 136.92 FEET TO A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 425.00 FEET, A DELTA OF 46° 14' 24", A CHORD BEARING OF S 13° 08' 43" W AND A CHORD OF 333.76 FEET; THENCE ALONG THE ARC OF SAID CURVE 342.99 FEET TO THE POINT OF TANGENCY; THENCE S 09° 58' 28" E 164.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 950.00 FEET, A DELTA OF 08° 20' 14", A CHORD BEARING OF S 14° 08' 35" E AND A CHORD OF 138.12 FEET; THENCE ALONG THE ARC OF SAID CURVE 138.24 FEET TO THE POINT OF TANGENCY; THENCE S 18° 18' 43" E 230.89 FEET THENCE S 71° 41' 17" W 152.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 655.00 FEET, A DELTA OF 15° 12' 15", A CHORD BEARING OF S 64° 05' 10" W AND A CHORD OF 173.30 FEET; THENCE ALONG THE ARC OF SAID CURVE 173.81 FEET TO THE POINT OF TANGENCY; THENCE S 56° 29' 03" W 135.96 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 170.00 FEET, A DELTA OF 94° 50' 07", A CHORD BEARING OF N 76° 05' 54" W AND A CHORD OF 250.34 FEET; THENCE ALONG THE ARC OF SAID CURVE 281.38 FEET TO THE POINT OF TANGENCY; THENCE N 28° 40' 51" W 201.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 455.00 FEET, A DELTA OF 15° 14' 35", A CHORD BEARING OF N 36° 18' 08" W AND A CHORD OF 120.69 FEET; THENCE ALONG THE ARC OF SAID CURVE 121.05 FEET TO THE POINT OF TANGENCY; THENCE N 43° 55' 26" W 156.36 FEET; THENCE N 28° 25' 30" E 86.41 FEET; THENCE N 06° 27' 38" E 69.89 FEET; THENCE N 35° 32' 04" E 78.28 FEET; THENCE N 48° 11' 19" E 84.34 FEET; THENCE N 37° 10' 55" E 156.85 FEET; THENCE WEST 458.98 FEET TO A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 340.00 FEET, A DELTA OF 08° 15' 01", A CHORD BEARING OF N 03° 28' 03" E AND A CHORD OF 48.92 FEET; THENCE ALONG THE ARC OF SAID CURVE 48.96 FEET TO THE POINT OF TANGENCY; THENCE N 00° 39' 27" W 34.40 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 22 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA, GO THENCE NORTH 01° 29'59" EAST AND ALONG THE WEST LINE OF THE AFORESAID SECTION 18, A DISTANCE OF 636.21 FEET; THENCE SOUTH 87° 42' 08" EAST, A DISTANCE OF 356.54 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE SOUTH 87° 42' 08" EAST, A DISTANCE OF 579.47 FEET; THENCE SOUTH A DISTANCE OF 180.25 FEET; THENCE SOUTH 26° 44' 00" EAST, A DISTANCE OF 319.98 FEET; THENCE SOUTH 53° 26' 05" East, A DISTANCE OF 487.38 FEET; THENCE NORTH 82° 29' 39" EAST, A DISTANCE OF 275.06 FEET; THENCE NORTH 39° 18' 55" EAST, A DISTANCE OF 735.78 FEET; THENCE NORTH 06° 59' 02", A DISTANCE OF 629.16 FEET; THENCE NORTH 08° 07' 38" EAST, A DISTANCE OF 1045.11 FEET; THENCE NORTH 06° 39'00" EAST, A DISTANCE OF 577.94 FEET; THENCE NORTH 15° 16' 54" WEST, A DISTANCE OF 450.46 FEET TO THE P.C. OF A CURVE HAVING A CENTRAL ANGLE OF 41° 29' 50", A RADIUS OF 527.93 FEET; A TANGENT DISTANCE OF 200 FEET; A CHORD BEARING AND DISTANCE OF NORTH 36° 01' 49" WEST, 374.06 FEET; THENCE ALONG THE ARC A DISTANCE OF 382.36 FEET; THENCE NORTH 56° 46' 44" WEST, A DISTANCE OF 194.95 FEET; THENCE NORTH 29° 59' 59" WEST, A DISTANCE OF 340 FEET; THENCE NORTH 79° 11' 38" WEST, A DISTANCE OF 1053.75 FEET; THENCE SOUTH 15° 07' 17" WEST A DISTANCE OF 238 FEET; THENCE SOUTH 22° 44' 38" EAST, A DISTANCE OF 272.05 FEET; THENCE SOUTH 36°22' 56" WEST, A DISTANCE OF 71.43 FEET; THENCE SOUTH 71° 59' 58" WEST, A DISTANCE OF 490.51 FEET; THENCE SOUTH 29° 10' 34" WEST, A DISTANCE OF 400 FEET; THENCE SOUTH A DISTANCE OF 103.21 FEET; THENCE SOUTH 34° 54' 41" EAST, A DISTANCE OF 355.03 FEET; THENCE SOUTH 00° 43' 35" EAST, A DISTANCE OF 1260.98 FEET; THENCE SOUTH 00° 10' 43" EAST, A DISTANCE OF 707.75 FEET TO THE POINT OF BEGINNING.

Location: 1.2 Miles East of U.S. 41 on the north side of Mondon Hill Road

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

1. The aforementioned property located within the City of Brooksville, Florida, is hereby assigned a zoning classification of PDP (Planned Development Project) with a Special Exception Use for a Combined Planned Development Project (CPDP) and the zoning map of the City of Brooksville shall be amended accordingly. The Special Exception Use consideration for a Combined Planned Development Project is subject to the following conditions:
 - A. Within three (3) years of the Council's approval of the Planned Development Project (PDP) zoning and the Combined Planned Development Project (CPDP) special exception use approval, the petitioner/developer will need to initiate the construction or subdivision process (as applicable), providing preliminary plat plans that address infrastructure needs, and construction plans that reflect the preliminary plat (all being consistent with the requirements of the city's subdivision and/or planned development project regulation). Otherwise, this SEU approval becomes null and void.
 - B. 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 1650-1670; the Amended and Restated Utility Service Agreement entered into between the City and the property owner on August 9, 2005, and recorded in OR Book 2089, Pages 675-696; and the terms and conditions of a tri-party Agreement entered into between the City of Brooksville, Hernando County and Majestic Oaks Partners, LLC, dated January 25, 2005. The Agreements (as may be amended in the future) referenced in this section shall supercede

provisions that may be made within this zoning/special exception use consideration to the extent that there may be a contradiction or inconsistency between the documents.

- C. 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 all residential areas within this PDP as if they are zoned R3; and to all commercial areas within this PDP as if they are zoned C2; and to all recreation areas/facilities, for purposes of setbacks, landscaping and buffering requirements, shall be subject to performance standards as if they were zoned C2.
- D. 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 plat approval process for each phase of this development.
- E. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements, and the petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
- F. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer must 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 a proposed development must be resolved prior to the approval of construction plans. Based on the planned number of residential units, school district staff estimate that approximately 420 students could be generated by this development.
- G. A portion of the Good Neighbor Trail is planned to run through the southern portion of this property from east to west. Right-of-way for said trail must be reflected on all future plat documents and dedications provided for accordingly. The rezoning master plan needs to be revised to reflect the right-of-way for the trail to be included within the subject property, where said trail runs adjacent to and parallel with other privately-owned properties lying south of the subject property.
- H. This zoning/special exception is required to adhere to the specifications and requirements of the Majestic Oaks Mixed Use District (MOMUD) as defined in Policy 1-5 of the City's Comprehensive Plan. The maximum density/intensity of use considered by this zoning approval may not exceed the quantities specified in Policy 1-5 for the MOMUD.
- I. The minimum residential lot widths for this development are:
 - Attached Villas - 30'
 - Duplexes - 35'
 - Detached Villas - 40'
 - Single-Family Homes - 45'

- J. The minimum residential setbacks for this development are (Note- These setbacks are applicable to all portions of the principal structure, including roof overhangs, building appurtenances and pool enclosures if the roof from the principal structure is extended over the pool):
 - Front - 20'
 - Side - 5.5'
 - Rear - 10'
 - Side (Corner Lot) - 15'
- K. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
- L. This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville for the treatment of storm water.

Section 2. The City Council does hereby find that the proposed zoning of this property with a PDP designation will not be inconsistent with the City's Comprehensive Plan and is compatible with existing land uses in this area.

Section 3. This Ordinance and zoning of the property described hereto shall take effect immediately upon its adoption.

CITY OF BROOKSVILLE, FLORIDA

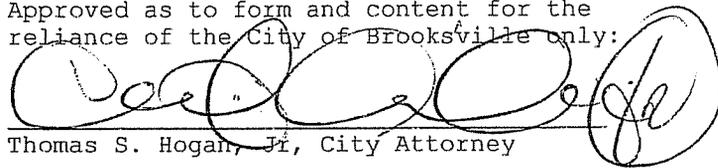
Attest: _____
 Karen M. Phillips
 City Clerk

By: _____
 David Pugh
 Mayor

PASSED on First Reading _____
 NOTICE published on _____
 PASSED on Second and Final Reading _____

VOTE OF COUNCIL:
 Bernardini _____
 Bradburn _____
 Burnett _____
 Lewis _____
 Pugh _____

Approved as to form and content for the reliance of the City of Brooksville only:


 Thomas S. Hogan, Jr., City Attorney

CITY OF BROOKSVILLE ZONING AMENDMENT PETITION

Date: 2-15-08

Print or Type All Information.

Applicant: Majestic Oaks Developers LLLP Majestic Oaks Partners LLC
Mailing Address: c/o Darryl W Johnston Esq
P O Box 997 Brooksville FL 34605
Daytime Telephone: 352 796 5123

Representative: Darryl W Johnston Esq Coastal Engineering Associates
Mailing Address: PO Box 997 966 Candlelight Boulevard
Brooksville FL 34605 Brooksville FL 34601
Daytime Telephone: 352 796 5123 352 796 9423

Legal Description: Section: _____ Township: _____ Range: _____

See Exhibit

Size of Area Covered by
Application: 574 + acres

Highway & Street Boundaries: Mondon Hill Road & Wallien Drive

Future Land Use Designation: Suburban Residential and Commercial
Current Land Use Designation: Suburban Residential and Commercial
Current Zoning Classification: CPDP
Zoning Classification Desired: PDP with special exception use for CPDP

Has a public hearing been held on this property within the last twelve months? No

PETITION FOR SPECIAL EXCEPTION USAGE

**TO THE CITY OF BROOKSVILLE, FLORIDA
PLANNING & ZONING COMMISSION**

The undersigned Petitioner/Property Owner hereby submits this Petition for a Special Exception Usage at the following described property, to wit: (insert typewritten legal description)

SEE ATTACHED LEGAL DESCRIPTION

Subject Property Street Address: Moudon Hill Road and Wallien Drive
Brooksville, Florida

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

COMBINED PLANNED DEVELOPMENT PROJECT TO INCLUDE RESIDENTIAL, RECREATIONAL FACILITIES AND COMMERCIAL

Property future land use is: Majestic Oaks Mixed Use
Current land use is: Majestic Oaks Mixed Use
Property is zoned: Planned Development Project - S/F RR

Petitioner requests that said Special Exception Usage be permitted so that the Owner may utilize the above said property to its highest and best use.

It is in the opinion of the Petitioner that the granting of a Special Exception Use of said property will not be materially detrimental to the Public Welfare, nor to the persons or properties located in the immediate area.

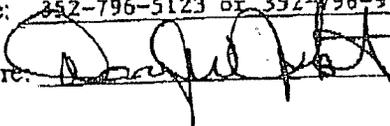
Wherefore, the Petitioner requests that the City of Brooksville, Florida, Planning and Zoning Commission convene to hear and take jurisdiction over the subject matter of this petition.

Petitioner's Name: Majestic Oaks Developers, LLLP, Majestic Oaks Partners, LLC and BCC, LLC

Street Address: Mondon Hill Rd & Wallien Drive

City/State/Zip: Brooksville, FL

Daytime Phone: 352-796-5123 or 352-796-9423

Signature: 

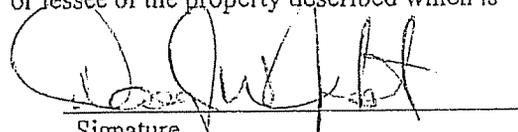
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Rev. 09/14/97, 12/09/97

ACKNOWLEDGMENT

I, Darryl W. Johnston, hereby state and affirm that all answers to the questions in said application and all sketches and data attached to and made part of this application are honest and true to the best of my knowledge

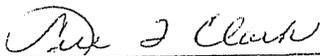
 I am the owner of the property covered under this application.

 x I am the legal representative of the owner or lessee of the property described which is the subject matter of this application.


Signature

STATE OF FLORIDA, COUNTY OF Hernando

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 15 DAY OF FEBRUARY, 192008 BY THE ABOVE PERSON(S) WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN OATH.


SIGNATURE OF NOTARY

SUE T. CLARK
PRINTED NAME OF NOTARY

C:\nbol\boards\pet_form\zo_petit
Rev 09/14/97



Sue T. Clark
Commission #DD303157
Expires: Apr 25, 2008
Bonded Thru
Atlantic Bonding Co., Inc

APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, BCC, LLC, the owner(s) in fee simple of the below described real property hereby appoint Johnston & Sasser PA & Coastal/ as my (our) agent to file Engineering required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

(Insert Legal Description Below)

See exhibits A and B attached hereto.

Dated: 2/14/08

Signed in the presence of:

WITNESSES:
Signature [Signature]
Print Name JAMES W. CARROLL
Signature John E. Rocks
Print Name John E. Rocks

LANDOWNER(S):
Signature [Signature]
Print Name T. G. BROWN

Signature _____
Print Name _____

Signature _____
Print Name _____

Signature _____
Print Name _____

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OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Darryl W. Johnston, being duly sworn, hereby depose and say
BCC, LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

See deed attached hereto, recorded at O.R. Book 2294, Page 1692.
See deed attached hereto, recorded at O.R. Book 1749, Page 510.

ACKNOWLEDGMENT

All information submitted within this Petition is in all respects true and correct to the best of my knowledge and belief.

Witness Signature: _____

Owner/Agent Signature: _____

STATE OF FLORIDA
COUNTY OF HERNANDO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 15
DAY OF FEB, 192008 BY THE ABOVE PERSON(S) _____
WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED
_____ AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN
OATH.

Sue T. Clark
SIGNATURE OF NOTARY



Sue T. Clark
Commission #DD303157
Expires: Apr 25, 2008
Bonded Thru
Atlantic Bonding Co., Inc
PRINTED NAME OF NOTARY

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APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Majestic Oaks Partners, LLC, the owner(s) in fee simple of the below described real property hereby appoint Johnston & Sasser PA & Coastal as my (our) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

Engineering

(Insert Legal Description Below)

See exhibit A attached hereto.

Dated: 2/14/08

Signed in the presence of:

WITNESSES:

Signature [Handwritten Signature]
Print Name JAMES W. COLLIER

Signature [Handwritten Signature]
Print Name JUSTIN E. RUCKS

Signature _____
Print Name _____

Signature _____
Print Name _____

LANDOWNER(S):

Signature [Handwritten Signature]
Print Name T. E. BRADY

Signature _____
Print Name _____

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OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Darryl W. Johnston, being duly sworn, hereby depose and say
Majestic Oaks Partners LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

See deed attached hereto, recorded at O.R. Book 1858, page 636.

ACKNOWLEDGMENT

All information submitted within this Petition is in all respects true and correct to the best of my knowledge and belief.

Witness Signature: _____

Owner/Agent Signature: _____

STATE OF FLORIDA

COUNTY OF Hernando

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 15
DAY OF Feb, 2008 BY THE ABOVE PERSON(S) _____
WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED
_____ AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN
OATH.

Sue T. Clark
SIGNATURE OF NOTARY

Sue T Clark
PRINTED NAME OF NOTARY



Sue T. Clark
Commission #DD303157
Expires: Apr 25, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

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APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Majestic Oaks Developers LLLP, the owner(s) in fee simple of the below described real property hereby appoint Johnston & Sasser PA & Coastal/ as my (our) agent to file Engineering required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

(Insert Legal Description Below)

Dated: 2-13-08

Signed in the presence of:

WITNESSES:

Signature [Handwritten Signature]
Print Name CHRIS SATORO

Signature [Handwritten Signature]
Print Name Holly M. Esker

Signature _____
Print Name _____

Signature _____
Print Name _____

LANDOWNER(S):

Signature [Handwritten Signature]
Print Name MARK J. SPADA
VICE PRESIDENT
M/I HOMES OF TAMPA, LLC
AS MANAGER OF
MAJESTIC OAKS DEVELOPERS, L.L.P.

Signature _____
Print Name _____

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OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Darryl W. Johnston, being duly sworn, hereby depose and say
Majestic Oaks Developers LLLP is the owner of the herein described property to-wit:

(Insert Legal Description Below)

See attached Deed recorded at O.R. Book 2128,
Page 0879.

PLANNED DEVELOPMENT PROJECT
REZONING NARRATIVE

Prepared For:

Majestic Oaks Developers, LLLP
Majestic Oaks Partners, LLC
BCC, LLC

Prepared By:

Johnston and Sasser, P.A.
29 South Brooksville Avenue
Brooksville, FL 34601
(352) 796-5123

OUTLINE

- 1.0 Introduction
- 1.1 Project Location
- 1.2 Project Description
- 2.0 Existing Conditions
 - 2.1 Existing Land Use
 - 2.2 Existing Environmental Features
 - 2.3 Existing Infrastructure
- 3.0 Project Implications
 - 3.1 Proposed Land Uses
 - 3.2 Buffers and Setbacks
 - 3.3 Preliminary Engineering Analysis and Environmental Assessment
 - 3.4 Infrastructure Improvements
- 4.0 Summary

1.0 Introduction

The following narrative report has been prepared for a Planned Development Project with a Special Exception Use for a Combined Planned Development Project (CPDP), with residential, and recreational (golf course and related facilities) uses. Additional information is provided on the attached Rezoning Master Plan.

This application is submitted on behalf of three owners of property in the City of Brooksville, to wit: 1) Majestic Oaks Developers, LLLP (MOD), Majestic Oaks Partners, LLC (MOP) and BCC, LLC (BCC). MOD is the owner of approximately 394 contiguous acres, which has been designated on the City of Brooksville's Future Land Use Map (FLUM) as Majestic Oaks Mixed Use and is to become the Majestic Oaks Development. MOP and BCC are the owners of approximately 180 acres, which were also designated on the future land use map as Majestic Oaks Mixed Use District for residential, recreational and commercial development. This property is inclusive of the existing Brooksville Country Club clubhouse, restaurant, spa/fitness center, sports/physical therapy center, golf course and related facilities.

The subject properties are still currently zoned under Hernando County's jurisdiction. This application is being filed on behalf of all three property owners to establish the appropriate zoning within the City of Brooksville and maintain consistency with the Comprehensive Plan Amendment approval dated September 19, 2006.

It should be noted that while BCC owns the property on which Brooksville Country Club is located, BCC is a wholly owned subsidiary of and is ultimately controlled by MOP.

1.1 Project Location

The respective properties of the Applicants are located in portions of Sections 18 and 19 of Township 22 South, Range 20 east and Section 24, Township 22 South, Range 19 East. A

property description of the subject property is provided. The subject property is located directly adjacent to Mondon Hill Road, Wallien Drive and Links Drive.

1.2 Project Description

The subject property consists of approximately 574.4 acres. The respective ownership (i.e., MOD, MOP and BCC) is indicated on the enclosed Rezoning Master Plan, but are generally described as follows:

MOD = Consisting of approximately 369 acres, these properties constitute the bulk of the residential portion of the project.

MOP = These properties, consisting of approximately 8 acres within the southern portion of the project, include the proposed commercial uses.

BCC = These properties encompass the Brooksville Country Club, including the clubhouse, restaurant, golf course, spa/fitness center, sports/physical therapy center, course maintenance facility and proposed residential uses on approximately 172 acres.

The MOD property is proposed for use as a residential subdivision of no more than 910 single-family residential dwellings, with the MOP property to include up to 100,000 square feet of commercial space. The proposed uses for the BCC property include 89 residential dwellings (80 villas and 9 single-family) and up to 31,000 square feet of clubhouse and associated related uses (i.e., restaurant, spa/fitness center, sports/physical therapy center, course maintenance facilities, etc.) and a minimum of 200 acres open space/recreational uses within the property boundaries.

2.0 Existing Conditions

The existing conditions of the subject property are described below according to Land

Use, Environmental Features, and Infrastructure.

2.1 Existing Land Use

The MOD and MOP properties are existing undeveloped lands characterized by rolling pastureland with wooded areas. The BCC property is improved with a clubhouse, restaurant, spa/fitness center facilities, an 18-hole golf course and related maintenance facilities. The Future Land Use of the property was changed from Residential and Recreation to Majestic Oaks Mixed Use District in September 2006.

Adjacent land uses consist of residential, rural residential and agricultural uses. Adjacent Future Land Use and Zoning designations are shown on the Rezoning Plan. The predominant adjacent Future Land Use is "RES".

2.2 Existing Environmental Features

Preliminary environmental site assessments were conducted on the subject properties in support of the previously approved Comprehensive Plan Amendment applications for the MOD, MOP and BCC properties. These assessments are included in the Preliminary Engineering Report following this narrative.

2.3 Existing Infrastructure

The southern portions of the subject property (MOD and MOP) are located adjacent to and will be accessed via Mondon Hill Road. The northern portions of the project are adjacent to and will be Wallien Drive and Links Drive to the north. Extension of central potable water and wastewater services will be provided to the respective sites consistent with the previously executed City of Brooksville utility service agreement.

3.0 Project Implications

3.1 Land Use Compatibility

The proposed residential development of the MOD, MOP and BCC properties is compatible with the adjacent undeveloped land and residential uses. The proposed development and density of 1.6 DU/AC falls within the low-range of the County's allowed Residential future land use density of 5.4 DU/AC. The proposed project is also generally compatible with adjacent zoning districts. The MOD, MOP and BCC properties have already undergone a comprehensive plan amendment, which included the review and analysis required for such amendment.

3.2 Buffers and Setbacks

Project perimeter PDP setbacks and buffers will be provided in accordance with the City of Brooksville's Code of Ordinances. Proposed minimum lot widths are as follows:

- Attached Villas – 30 feet
- Duplexes – 35 feet
- Detached Villas – 40 feet
- Single-Family Homes – 45 feet

Minimum building setbacks within each of the above categories include the following:

Front:	20'
Side:	5.5'
Rear:	10'
Side Corner Lot:	15'

The above setbacks are applicable to all portions of the principle structure, including roof overhangs, building appurtenances and pool enclosures.

3.3 Preliminary Engineering Analysis and Environmental Assessment

A preliminary engineering analysis of the subject properties and assessment of environmental resources is included in the Preliminary Engineering Analysis and Environmental Assessment Report which follows this Narrative.

3.4. Infrastructure Improvements

A utility agreement was previously executed to provide for the extension of City of

Brooksville water and wastewater services to the subject properties. Roadway improvements to Mondon Hill Road and Croom Road, as well as those internally within the project, are memorialized in a Tri-Party Agreement between the City, the County, MOD and MOP.

4.0 Summary

The proposed Planned Development Project rezoning is compatible with the character of the site and adjacent land uses. It is also consistent with the future land use designation of Majestic Oaks Mixed Use District contained in the City of Brooksville Comprehensive Plan. No significant environmental features are located on-site, therefore, limited environmental mitigation is anticipated be required to accommodate the proposed project.

The proposed development and rezoning of the subject property is in character with adjacent development, consistent with the Comprehensive Plan, and supported by sufficient existing and planned roadway infrastructure. In consideration of these issues, we request approval.

**PRELIMINARY ENGINEERING AND ENVIRONMENTAL ASSESSMENT REPORT
Majestic Oaks Development – Rezoning Petition**

Following is a summary of results from the preliminary engineering analysis and preliminary environmental site assessment completed for the properties subject to the referenced rezoning petition within the City of Brooksville. These properties include those owned by Majestic Oaks Developers (MOD), Majestic Oaks Partners (MOP) and Brooksville Country Club (BCC). The specific locations of each of these properties are indicated on the Rezoning Master Plan provided as part of the rezoning petition.

I. PRELIMINARY LAYOUT

Fifteen (15) copies of the proposed Rezoning Master Plan are enclosed.

II. DRAFT OF PROTECTIVE COVENANTS

Protective covenants will be developed for prior to the sale of lots or units.

III. PRELIMINARY ENGINEERING REPORT

A. Topography.

MOP/BCC Sites This property is rolling in nature and includes former mined lands. The highest elevations reach approximately 140 feet on the overburden piles along the east side of the former limerock mining pit. The lowest elevations (approximately 65 feet) are within the pit, with the lowest natural elevations (70 feet) at the east end of the 100-year flood plain area bisecting the golf course from west to east.

MOD Site – These properties are also part of the Brooksville Ridge and the rolling topographic relief is similar to the adjacent Brooksville Country Club. The highest elevations reach approximately 130 feet along the south boundary of the property. The lowest elevations (approximately 72 feet) are in the north-central portion of the subject property.

B. Flood Plain.

MOP/BCC Sites - According to FEMA FIRM maps 120110 0180 and 120110 0190B, a significant portion of the site is located in Zone X, with small remaining portions of the subject property located within the 100-year flood plain. As part of the drainage analysis and permitting for the project, the floodplain will be further defined and accommodated within the project design in accordance with the requirements of the Southwest Florida Water Management District.

MOD Site - According to FEMA FIRM map 120110 0180 B, the majority of the site is located in Zone X, with small portions of the subject property located within the 100-year flood plain. Zone X is defined as areas of minimal flooding. As part of the drainage analysis and permitting for the project, the floodplain will be further defined and accommodated within the project design in accordance with requirements of the Southwest Florida Water Management District.

C. Soils.

MOP/BCC Sites - According to mapping from the Southwest Florida Water Management District, the site contains a number of soils types common to the higher elevations of the Brooksville Ridge, including Sparr, Arredondo and Kendrick fine sands and Micanopy loamy fine sand, all of which have slight to moderate limitations to development. The soils within and around the mining pit are designated as pits-dump complex.

MOD Site - According to mapping from the Southwest Florida Water Management District, the site contains a number of soils types common to the Brooksville Ridge. The higher elevations are dominated by the Kendrick fine sand and Nobleton fine sand groups, both of which have slight to moderate limitations to development. Flemington fine sandy loam is found in most of the lower areas, indicating a high water table during several months of the year. The project's stormwater management system will likely incorporate much of the project drainage in these soil areas.

D. Vegetation & Wildlife.

MOP/BCC Sites - The majority of the site has been cleared and is actively maintained as a golf course. Although a site-specific survey was not conducted, no fauna or flora species that are federally listed or listed by the State of Florida as endangered, threatened, or species of special concern were noted on the site during the preliminary environmental site assessment.

MOD Site - In February 2003, a preliminary environmental site inspection was conducted on the subject property to determine vegetation communities and potential for occurrence of fauna or flora species that are federally listed or listed by the State of Florida as endangered, threatened, or species of special concern.

The majority of the site is undeveloped hardwood forest vegetation community. Typical tree species include live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), swamp chestnut oak (*Quercus michauxii*), water oak (*Quercus nigra*), southern magnolia (*Magnolia grandiflora*), sweetgum (*Liquidambar styraciflua*), American hornbeam (*Carpinus caroliniana*), cabbage palm (*Sabal palmetto*), winged elm (*Ulmus alata*), hackberry (*Celtis laevigata*), pignut hickory (*Carya glabra*), mockernut hickory (*Carya tomentosa*), as well as slash pine (*Pinus elliotti*). Midstory consisted primarily of immature tree species noted in the overstory. Groundcover vegetation consists mainly of catbriar (*smilax spp.*), beautybush (*Callicarpa americana*), bracken fern (*Pteridium aquilinum*), and leaf litter. Several wetland communities, primarily willow (*Salix spp.*) and maple (*Acer spp.*) shrub type, are located within the hardwood forest. Trees of specimen size or larger (18" DBH and up) were scattered throughout the site. Vegetation communities south of the Brooksville Country Club consisted of planted pine and pasture.

Although a site specific survey was not conducted, no fauna or flora species that are federally listed or listed by the State of Florida as endangered, threatened, or species of special concern were noted on the site during the preliminary site inspection.

IV. STATEMENT OF DEVELOPER'S INTENT WITH RESPECT TO CONSTRUCTION OF IMPROVEMENTS PRIOR TO RECORDING SUBDIVISION PLAT OR BONDING INSTRUMENTS.

MOP/BCC Sites - Infrastructure improvements will be constructed or bonded prior to final platting.

MOD Site - Infrastructure improvements will be constructed or bonded prior to final platting.

V. DEVELOPMENT SCHEDULE

MOP/BCC Sites - Improvements to this site, including reconfiguration of the existing golf course, have already commenced.

MOD Site - Development is anticipated to begin in late 2008 or in 2009. The pace of development will depend on the market.

VI. ADEQUATE ACCESS ANALYSIS

MOP/BCC Sites - Access to the property is available from Croom Road via the roadways already in place serving the country club and Dogwood Estates.

MOD Site - Access to the property is available from Mondon Hill Road, Domingo Drive, Wallien Drive and Links Drive.

VII. DEVELOPMENT OF REGIONAL IMPACT STATEMENT IF REQUIRED

MOP/BCC Sites – The proposed project is below all applicable DRI thresholds.

MOD Site – The proposed project is below all applicable DRI thresholds.

VIII. WATER AND SEWER

MOP/BCC and MOD Sites – A utility service agreement was executed in August 2005 between the City of Brooksville and Majestic Oaks Partners, LLC. Per this agreement, central water and sewer services are proposed for MOP/BCC and MOD sites.

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

FACILITY & SUPPORT OPERATIONS
8050 Mobley Road
Brooksville, FL 34601
Phone 352-797-7096
FAX 352-797-7156



Superintendent
Wayne S. Alexander, Ed. D.

Chairperson
Pat Fagan

Vice Chairperson
Sandra Nicholson

Members
Dianne Bonfield
Jim Malcolm
John Sweeney

April 30, 2008

Patricia J. Jobe
Planning & Zoning Coordinator
201 Howell Avenue
Brooksville, FL 34601-2041

Dear Ms. Jobe:

I reviewed the proposed rezoning requests that you forwarded to me for the May P & Z meeting. In response, I offer the following comments:

RE: Petitions RZ2008-01 & SE2008-03 – Majestic Oaks & Brooksville Country Club Zoning Petition and Special Exemption

The rezoning request is expected to have an impact to the School District with a total increase of an additional (420) Students. The breakdown of students by School type is as follows:

159 Students Elementary School
149 Students Middle School
110 Students High School

Student generation from this development will be reviewed for school capacities based on the Hernando County School District Concurrency Plan as outlined in the Public School Facilities Element for School Concurrency. Level of Service and Capacities of schools located within the concurrency service area and contiguous service areas for various school types are as follows;

HIGH SCHOOL	HERNANDO HIGH SCHOOL CENTRAL HIGH SCHOOL
MIDDLE SCHOOL	DELORES PARROTT MIDDLE SCHOOL WEST HERNANDO MIDDLE SCHOOL POWELL MIDDLE SCHOOL
ELEMENTARY SCHOOL	BROOKSVILLE ELEMENTARY PINEGROVE ELEMENTARY EASTSIDE ELEMENTARY MOTON ELEMENTARY

Available capacities or mitigation cannot be determined based on the current information supplied through the City of Brooksville Planning and Zoning Department. Additional information is required from the developer in order to make a determination if capacities are available at the above school types. The developer is required to meet with School Board staff to make this determination and resolve issues that relate to school concurrency

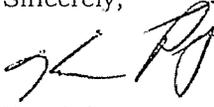
*"A fully accredited school system" Southern Association of Colleges and Schools
Education: the vehicle for exploring the past and conquering our future*

An Equal Opportunity Employer

and any impact the development may have based on students generated from this development.

I hope this information is helpful for your staff review. Please contact me if you have any questions or need further information. Thank you for the opportunity to comment on the effect this proposed rezoning will have to school concurrency.

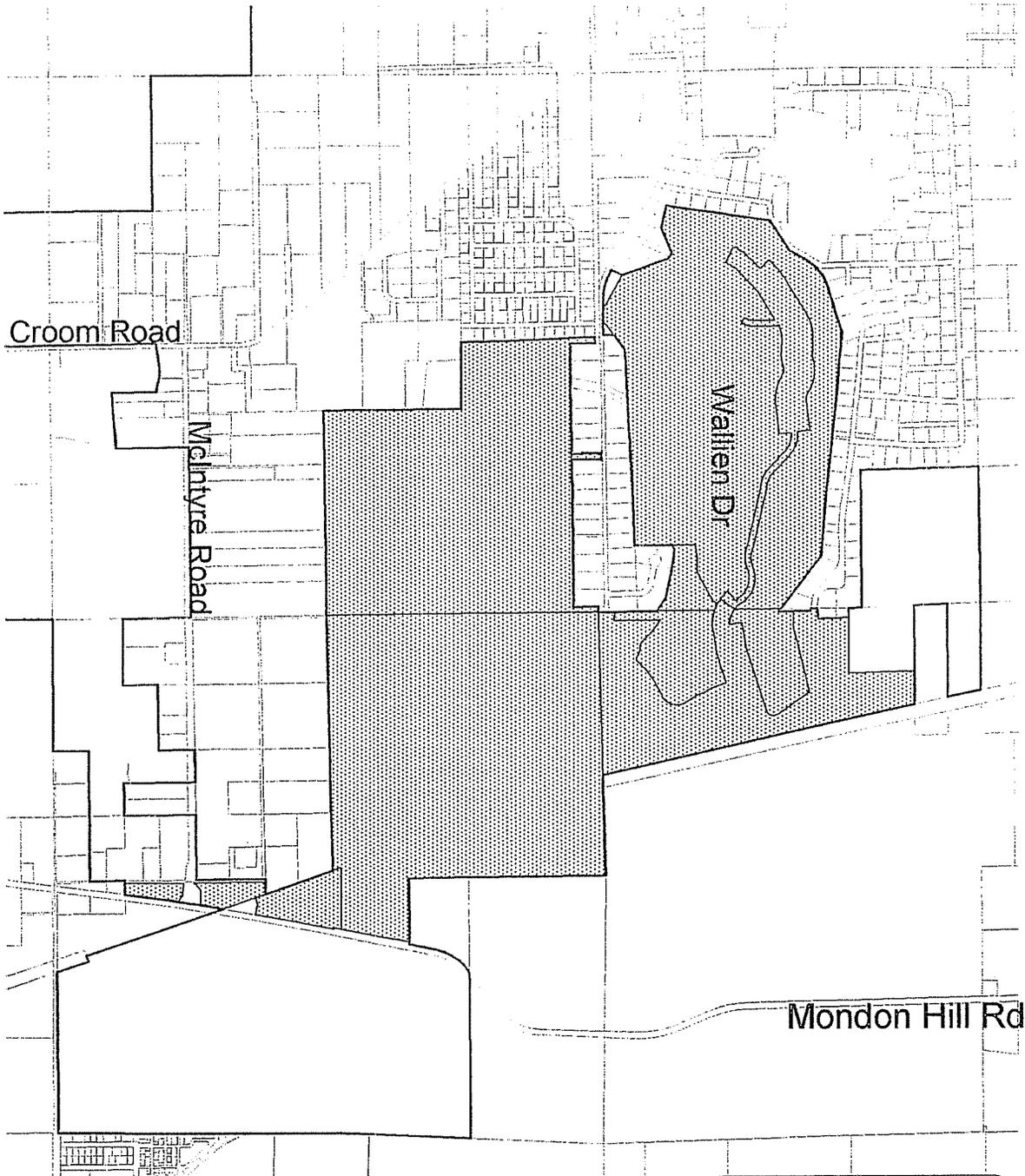
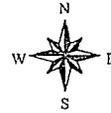
Sincerely,

A handwritten signature in black ink, appearing to read 'K Pritz', written over a horizontal line.

Ken Pritz
Executive Director, Facility & Support Operations



Zoning Petition
Majestic Oaks Developers, LLLP,
Majestic Oaks Partners, LLC and
Brooksville Country Club, LLC
574 .4 Acres +/- Total



Legend

-  Majestic oaks & boc zoning shp
-  City Boundary as of August 14, 2006

Prepared by
City of Brooksville
Community Development Depart.
05-14-08