

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

November 16, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Member Joseph E. Johnston, III present. Also present were Jennifer Rey, City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Interim Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present. Council Members Richard Lewis and David Pugh were absent.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

MPO Long Range Transportation Plan Update

Update as it relates to the City of Brooksville/Hernando County long range transportation projects/needs.

Dennis Dix, Hernando County MPO, reviewed updates to the 2035 Long Range Transportation Plan as outlined in *Attachment A*.

Vice Mayor Bradburn referred to Map 2 of 3 "Transit Improvements" and pointed out the map shows the rail east of Interstate 75, which is not inclusive of the TBARTA Plan and takes it more into Brooksville.

Mr. Dix indicated the Strategic and Immobile System are high priority roads funded by Florida Department of Transportation. State Road 50 is on that system from US 19 to Interstate 75 but not east of Interstate 75. The cost to build a two-lane state road is about seventeen (17) million dollars per mile. He was unsure of the cost for local roads since variations such as rural, urban and sidewalks affect the cost but he will bring back the information at a later time.

Vice Mayor Bradburn commended Mr. Dix for working with City staff on this latest plan, which includes significant projects for the City of Brooksville.

Mr. Dix pointed out there is a December 15th deadline for changes before it is adopted.

CCA Hernando County Jail Check Presentation

Check Presentation for The Friends of the Children, Inc. from CCA Hernando County Jail in the amount of \$735.77.

Mayor Bernardini indicated Item C-1, CCA Hernando County Jail Check Presentation, would be continued to the December 7, 2009, meeting of Council.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 1/4/10 INITIALS JL

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Great American Smokeout Day Proclamation

Proclamation designating November 19, 2009, as the Great American Smokeout Day to be presented to Karen Gidden of the Hernando County Health Department.

Mayor Bernardini read the proclamation in its entirety and presented it to Karen Gidden. Ms. Gidden thanked Council for the City's support. City Manager Norman-Vacha indicated staff is working on the smoke-free campus for the City and hopes to come to Council with a plan in the near future.

Impact Fee Update

Staff report on Impact Fees as it relates to the City of Brooksville.

City Attorney Jennifer Rey reviewed the research supplied to Council with options as outlined therein. She noted that the ordinance for the County takes effect on December 1, 2009, and there may be a period of time before Council can take action. The Interlocal Agreement provides for 30 days notice to the County. She indicated staff will come back to Council with a more formal plan of action for direction.

Council Member Johnston advised he does not support the idea that cutting impact fees increases the number of permits pulled for new construction and that it would not be good in this economy. He also does not support preparing the City's own Impact Fee Study Rate.

Vice Mayor Bradburn stated the County has no empirical data to support lowering of the impact fees or that it would increase building. She does not support the City having to do another study, particularly since a lower level than suggested was adopted.

Mayor Bernardini agreed and indicated effects to the city are not yet known.

Bill Geiger indicated there is one commercial project that is in the approval stage and would be affected by this action.

City Welcome Signage

Presentation for discussion of proposed welcome signs for the City of Brooksville.

Beautification Board Chairman Sally Sperling and Scott Renz, Vice Chairman, addressed Council to review proposed welcome signs for the City of Brooksville. The first location chosen by the board is on US41 South by the Lift Station near Southern Hills Plantation.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Bradburn for approval with specified changes.

Pierre Desjardins asked where the signs would be located. Mr. Renz replied the first sign will be located at US41 coming into town by Southern Hills on the right and eventually all four (4) corridors; the north, south, east and west of the City of Brooksville.

Motion carried 3-0.

CITIZEN INPUT

Mayor Bernardini asked for public input.

Pierre Desjardins stated he is excited about the sign and felt the corridors have been blighted for years. He also indicated Hill House Bed and Breakfast welcomes all for a visit.

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CONSENT AGENDA

Minutes

September 21, 2009	Regular Meeting
September 23, 2009	Final Budget Hearing
October 5, 2009	Regular Meeting
October 19, 2009	Regular Meeting

Parks & Recreation Purchase of Equipment

Consideration to purchase budget approved park's equipment using the Orange County Schools' State Contract for an amount not-to-exceed \$23,675.65, which will be paid from Account No. 001-020 572-55640.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of the Consent Agenda. Motion carried 3-0.

PUBLIC HEARING

Entry of Proof of Publication into the Record

Mayor Bernardini called for proof of publication. City Clerk Peters indicated Item F1 was published on Wednesday, November 11, 2009, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavit for the record.

****Ordinance No. 781 - INNOVATORS INVESTMENT GROUP, LLC Property Re-Zoning**

Consideration of the re-zoning of a 7.76 acre \pm parcel of land located north of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue to the classification of Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development - consisting of General Commercial, Professional Office.

[First Reading held 11/02/09]

Mayor Bernardini read the Quasi-Judicial Hearings procedures into the record. Those wishing to give testimony rose and were sworn by City Clerk Peters. Council, by consensus, recognized Bill Geiger, Steve Gouldman and Mike Gaylor of Gaylor Engineering as expert witnesses.

Mayor Bernardini asked for conflicts of interest and ex parte communications of Council; there were none.

Steve Gouldman, City Planner, having been sworn, entered the entire staff report into the record (*Attachment B*) and proceeded to briefly review the petition. Mr. Gaylor, having been sworn, also reviewed the proposal and indicated he is in agreement with the staff report. He also reiterated that no through traffic would be placed onto Mildred Avenue.

Mayor Bernardini asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of staff recommendation.

City Clerk Peters read Ordinance No. 781 by title, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A COMBINED USE PLANNED DEVELOPMENT PROJECT (PDP-CU), CONSISTING OF HIGHWAY

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COMMERCIAL AND RESIDENTIAL USES FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 3-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Pugh	Abs
Council Member Lewis	Abs
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Ordinance No. 735-B – Villa Rosa (Underwood Property)

Consideration of extension of petition for a master plan revision as referenced in Ordinance 735-A to extend time frame stipulation allowing for a 2-year extension pursuant to Senate Bill 360.

Council Member Johnston stated that his reading of the law that passed was that this was automatically extended upon two items by the petitioner; writing a letter stating that they wanted it and saying when they plan to substantially complete it and does not look like it requires any action on Council.

City Attorney Rey replied the ordinance will be outdated once the extension has been granted. The second issue is there is debate about whether or not the extension is automatic. It is prudent for the Ordinance to come back to Council for review of an amendment. She then clarified that this was a public hearing not a quasi-judicial matter.

Steve Gouldman, City Planner, briefly reviewed the request as provided for in Senate Bill 360.

Vice Mayor Bradburn reviewed the history of the plan submitted by Ty Underwood and his attorneys which changed to a more intense development of 128 units at 725 square feet per unit. She further explained there were other options at the time and a PDP seemed the most advantageous for the City in regard to the Special Exception. If denied, this reverts back to PDP, not C4. She pointed out the request was received on October 5th after the Development Order had expired on September 17th.

Vice Mayor Bradburn asked for clarification on Senate Bill 360 as it pertains to permits for local governments.

City Attorney Rey commented on the two possible interpretations of SB 360; the local government order extension only applies to projects that are DRI's or that have a DEP or Water Management permit and the other is that it is taken literally in the context it is drafted in that it applies to any local government development order or permit. The Department of Community Affairs has not taken the position on the matter unless it involves a DRI. The Attorney General has not issued an opinion yet as to the interpretation or applications on SB360 with this particular issue.

Vice Mayor Bradburn stated that it does not involve a DRI and she supports the first interpretation on the matter. She indicated the City's land use code revisions are almost done. In conjunction with that, there was direction to go ahead and redo the map after the development code is completed. This will make it possible to correct inappropriately zoned projects or parcels such as this. Her concern is if denied that gives a window of opportunity to move forward with the changes envisioned for the City and if approved she doubts the petitioner will ever get around to the developing in this economy. She asked for some insight from our planners. She supports denying the request at this time.

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Community Development Director, Bill Geiger, stated historically, whenever a developer requests an extension or plans with a time line like this, the City has been positive in granting those extensions. The property owner has For Sale signs on it and they would like to be able to develop it or sell it to someone who is interested to develop it and this would make the property more marketable. He agreed that a residential development project would be acceptable in that neighborhood area and allowing the property owner to have a more marketable property is not unreasonable. The senior housing project was actually 100 units as opposed to the higher density for the townhouse project that was proposed prior to it.

Vice Mayor Bradburn disagreed that a PDP is not a marketable piece of land and this would provide a “clean slate” to work with.

Mr. Geiger pointed out a PDP zoning without anything attached would have to definitely come back and go through the process. It might make it more attractive to see that it has already been approved as a residential planned project.

Vice Mayor Bradburn pointed out there was a lot of people opposing this project because of the higher density and height of the buildings. Council was advised under the zoning parameters this was the best choice to work in at that time.

Mr. Geiger said that was a point that concerned him when he first saw the petition come in. Staff checked the record dates of the approval time period and also looked at SB 360, which gave them an opportunity for extension from September 1st through December 31st.

Vice Mayor Bradburn affirmed that the property owner has historically presented one thing and then altered their plans.

Mr. Geiger explained he did ask the property owner to be here himself or have a representative here for him this evening to speak on his behalf but no one was present.

Mayor Bernardini asked if there were any other questions; there were none.

City Clerk Peters read Ordinance No. 735-B by title, as follows:

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 735-A PERTAINING TO THE REZONING OF CERTAIN PROPERTY FROM C-4 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE (SEU) FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, SPECIFICALLY PROVIDING FOR AMENDMENTS TO THE CONDITIONS STATED IN SECTION 1, SUB-SECTION 1.a. MODIFYING THE TIME PERIOD FOR COMPLIANCE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bernardini asked for public input; there was none.

The City Manager asked legal counsel to clarify if the board should move in the direction of not approving the exception and the legal liabilities and risk with the current ongoing dialog of the different interpretations of SB 360 at this point.

The City Attorney replied it is up to the court law to decide the correct interpretation application of SB 360. The City of Brooksville is not alone in adopting or addressing how this gets implemented with regard to local development orders. But it is a denial of an extension that one interpretation is

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allowable and required under SB 360. If the action is taken to deny the extension, there is a possibility on the part of the applicant to pursue certain rights in a court of law. It would be up to the judge either way.

Council Member Johnston stated based on that ambiguity and the potential cost and since the rezoning that was being extended was better than the original zoning, he moved for approval of Ordinance 735-B. There was no second.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for continuance of the ordinance for a first reading to the December 7, 2009, meeting in order for staff to research the latest issues raised. Motion carried 3-0.

City Attorney Rey reviewed the liability to the City of not approving the extension.

REGULAR AGENDA

Resolution No. 2009-13 – City Manager Evaluations

Consideration of changes providing for administrative amendments to the City Manager Evaluation Form.

City Attorney Rey stated approximately a year ago Council adopted a resolution establishing a formal structure for the evaluation of the City Manager. She explained that was the first process in the procedure and form. The process has been revised based on input and feedback from Council. This resolution is adopting a policy regarding evaluation of the City Manager and an actual policy and procedure implementing that resolution. Included, but subject to modification if necessary throughout the year, is the City Manager's evaluation form for review.

Mayor Bernardini clarified the resolution establishes specific ways to evaluate the City Manager and it would have to be changed by resolution. This resolution allows Council to change any part of that without having to come back and formally change the resolution.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of Resolution No. 2009-13.

City Clerk Peters read Resolution No. 2009-13 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, REPLACING RESOLUTION 2008-15; ADOPTING GUIDELINES FOR EVALUATING THE CITY MANAGER; AUTHORIZING THE ESTABLISHMENT OF A POLICY AND PROCEDURE FOR PERFORMANCE EVALUATION AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried 3-0 upon roll call vote as follows:

Council Member Lewis	Abs
Council Member Johnston	Aye
Council Member Pugh	Abs
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

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Hernando County Government Broadcasting Agreement

Consideration of revised agreement allowing for a quarterly lump sum payment of \$1,000 quarterly versus itemized statements in an effort to reduce administrative costs.

Brenda Frazier, Hernando County Community Relations Coordinator briefly reviewed the agreement as presented.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval. Motion carried 3-0.

Mildred Avenue Waterline

Authorization of funds to extend waterline to the south end of Mildred Avenue and approval of Change Order No. 1 to Goodwin Brothers Construction Company

Richard Radacky, Interim Director of Public Works reviewed the change order as presented.

City Manager Norman-Vacha clarified that the Capital Improvement Funds are within the Utilities funding mechanism.

Vice Mayor Bradburn pointed out this project not only improves the water quality for the citizens but also increases the fire flow.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval. Motion carried 3-0.

CITIZEN INPUT

Mayor Bernardini asked for public input.

Kojack Burnett

He inquired about the status of the proposal for the sand bags. City Manager Norman-Vacha replied Mr. Radacky has addressed the issue internally and will be sure he responds to Mr. Burnett on his request.

Pierre Desjardins

He wished everyone a safe and Happy Thanksgiving.

ITEMS BY COUNCIL

City Attorney Rey

Skyland Utilities

She indicated Skyland has applied with the Public Service Commission to implement an independent utility system. Notification was on November 12th and the objection hearing expired as of Sunday, November 15th. The objection has been filed by the City Attorney and she will be coming back to Council for direction on the matter.

Lara Bradburn, Vice Mayor

Fort Dade and Bell Avenues

She had a very productive meeting with Richard Radacky and Steve Whitaker of Hernando County reviewing the issues on Fort Dade and Bell Avenues. Mr. Whitaker is sending out a crew

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tomorrow to begin work on the grate. He also reacted positively to repaving the area on Fort Dade Avenue that was overlooked.

County Chipper

Mr. Whitaker was gracious in offering the City use of one (1) of the County's two (2) chippers, enabling the City to create mulch to use in landscaping and eliminate hauling to the landfill.

Legislative Delegation

She indicated the Legislative Delegation will be on December 1st at the Courthouse. There are issues City staff is working on to present to the Delegation and invited Council to approach staff if there are any items they would like presented.

Commendations

She commended staff on working well together with Council this year and she is looking forward to another productive year.

T. Jennene Norman-Vacha, City Manager

Veteran's Day Parade

She announced the parade on Saturday was very patriotic and there was great participation from citizenry. She commended Anna Liisa Covell and many others for their hard work and Operation Pride for their sponsorship.

Joe Bernardini, Mayor

Dryden Place

He has noticed a lot of vehicles parked in that area over the weekend that should not be there.

Paving project

He wanted to be sure it was clear that asphalt does not cover the brick streets. Vice Mayor Bradburn assured him that she emphatically told Mr. Radacky that it was Council's desire to unearth the brick.

Beautification Board's Christmas Decoration Contest

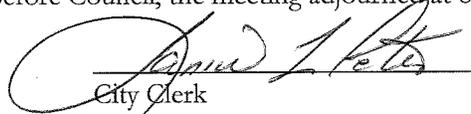
He announced the board will be holding the City's Best Christmas Decoration Contest of 2009 for both residential and business within the City limits. The awards will be handed out at the Regular City Council meeting on Monday, December 21st at 7:00 p.m. The viewings will be held on December 15th. He invited nominations from the public.

Walk with the Mayor

He reminded everyone that the Walk with the Mayor will be on Saturday, December 5th at 8:00 a.m. at Tom Varn Park in support of Cancer Awareness.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:43 p.m.


City Clerk

Attest:

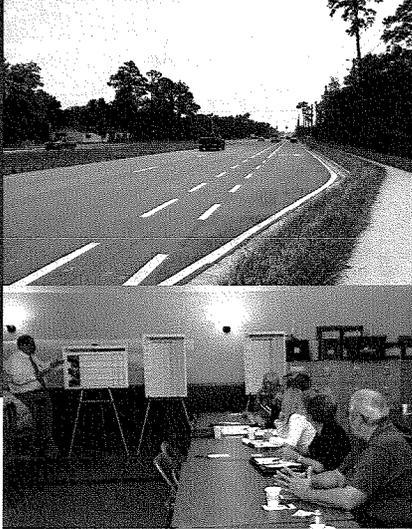

Mayor

 **HERNANDO COUNTY** **2035 Long Range Transportation Plan**

Metropolitan Planning Organization

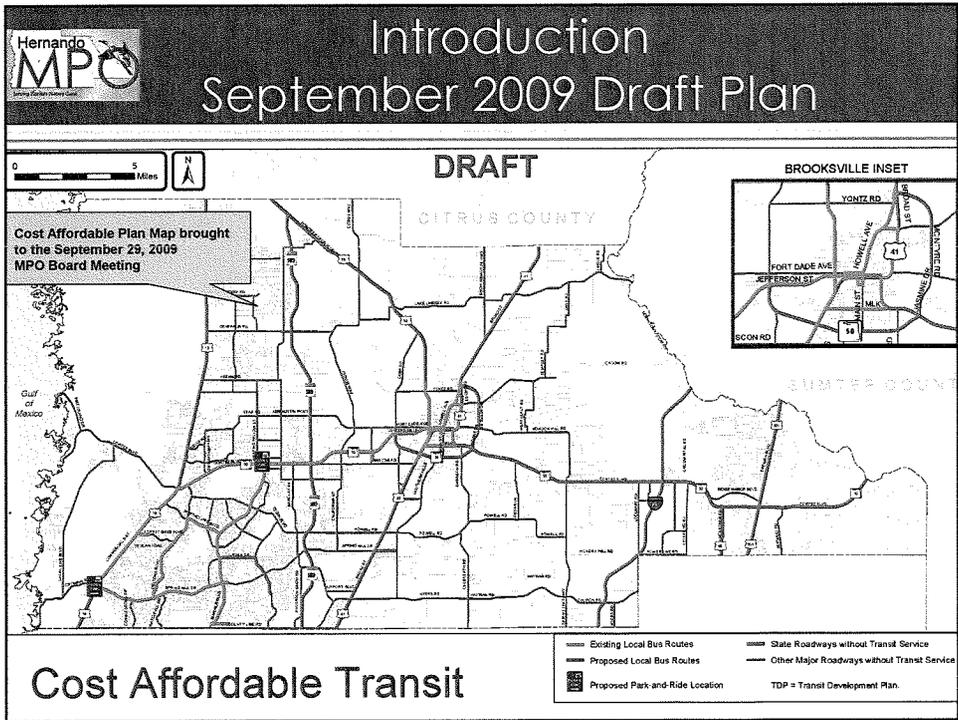
Board Meeting
October 27, 2009

 Tindale-Oliver & Associates, Inc.
Planning and Engineering



 **Overview**

- 1) Introduction
- 2) Response to MPO Board Direction
- 3) Other Changes to the Plan
- 4) Proposed Cost Affordable Plan



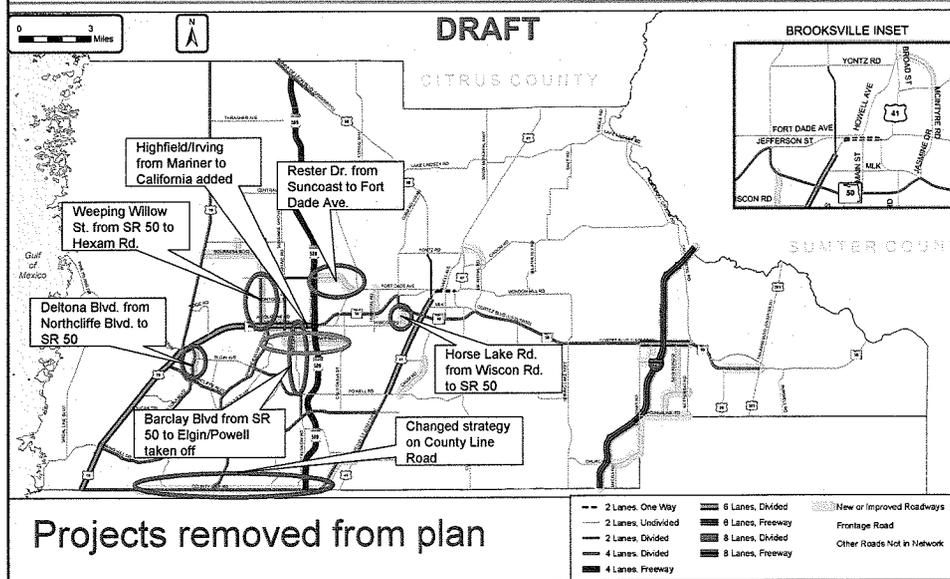


Response to MPO Board Direction

- Revised Roadway Cost Affordable Plan based on Board Meeting (Sept 29, 2009)
- Significant changes:
 - County Line Road
 - Shifted away from Mainline Capacity Improvements
 - Focused on Intersection Improvements
 - Realigned other priorities
 - Removed several Roadway Improvement Projects
 - Added Congestion Management / Intelligent Transportation (ITS/CMS) on up to Six Candidate Corridors
 - Funded Frontage Roads (County Funded Portion)
 - Added Irving/Highfield Rd Corridor



Response to MPO Board Direction



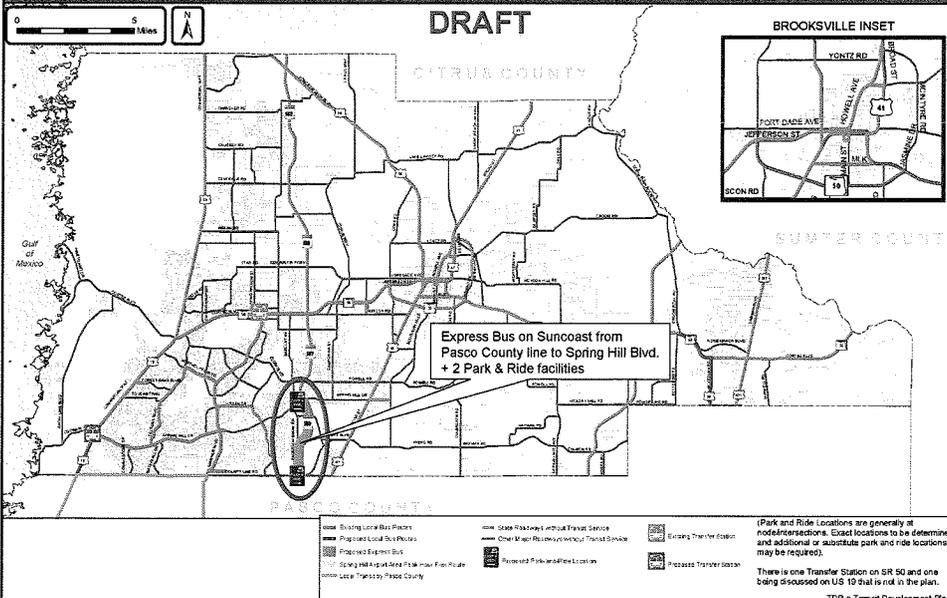


Other Changes to the Plan

- Added Express Bus
 - (Consistent with TBARTA Master Plan)
 - County Line Road to Spring Hill Drive
 - Implemented 2031-2035
 - Pasco Extends Service from SR 52 to Hernando at County Line Road
- Park and Ride Lots
 - Suncoast at County Line Road
 - Suncoast at Spring Hill Drive



Proposed Baseline Cost Affordable Transit





Proposed Multi-modal Plan Costs and Revenues

In Millions

Mode/Program	Total Cost	Percent
Highway Expansion	\$1,605.0	83.8%
Transit (operations & capital)	\$104.4	5.4%
Intelligent Transportation Systems / CMS	\$18.3	1.1%
Highway Maintenance	\$188.2	9.8%
TOTAL	\$1,915.9	100.1%

Composition of Local Revenues	Total Revenues	Percent
Transportation Impact Fees	\$200.4	16.9%
Gas Tax	\$188.2	15.9%
Local Transit	\$45.7	3.9%
Developer Contributions	\$748.4	63.3%
TOTAL	\$1,182.7	100.0%

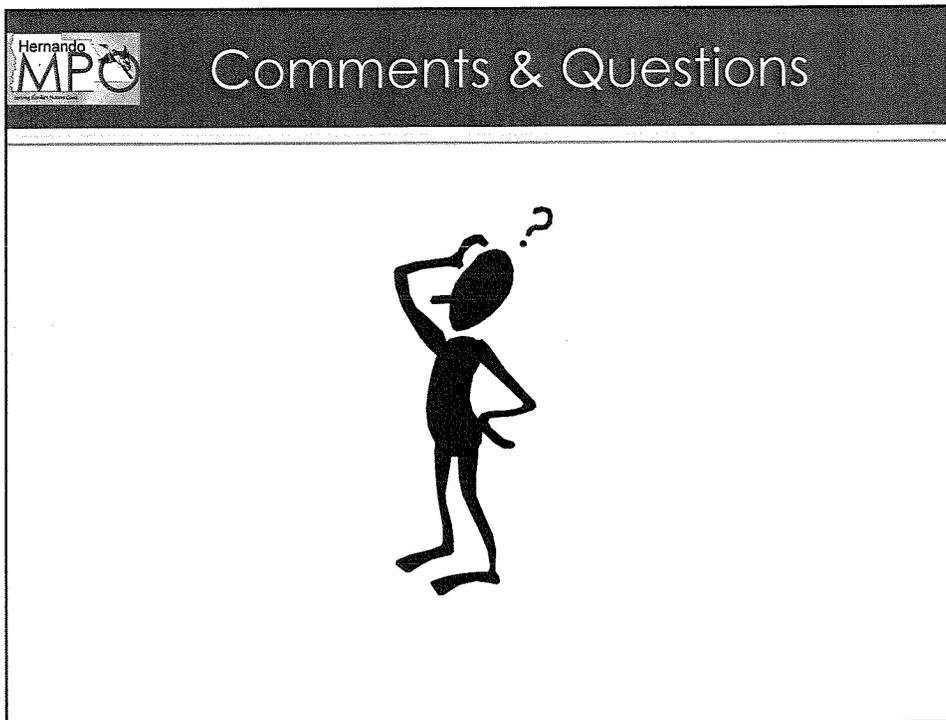
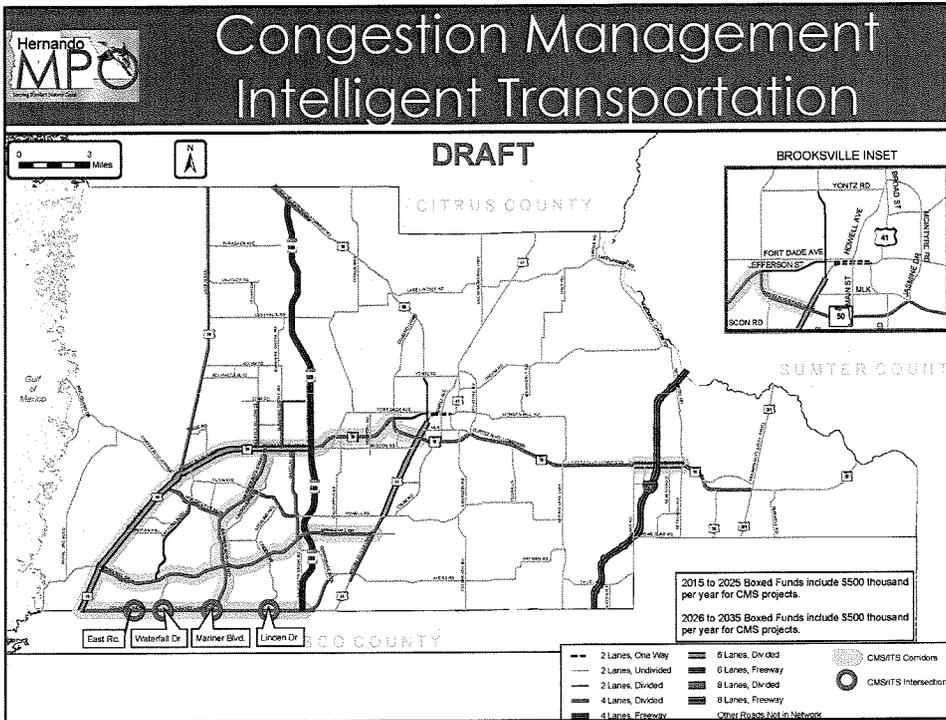
Revenue Source	Total Revenues	Percent
Federal Revenues	\$38.4	2.0%
State Revenues	\$157.7	8.2%
Strategic Intermodal System (SIS)	\$537.1	28.0%
Local Revenues	\$1,182.7	61.7%
TOTAL	\$1,915.9	100.0%

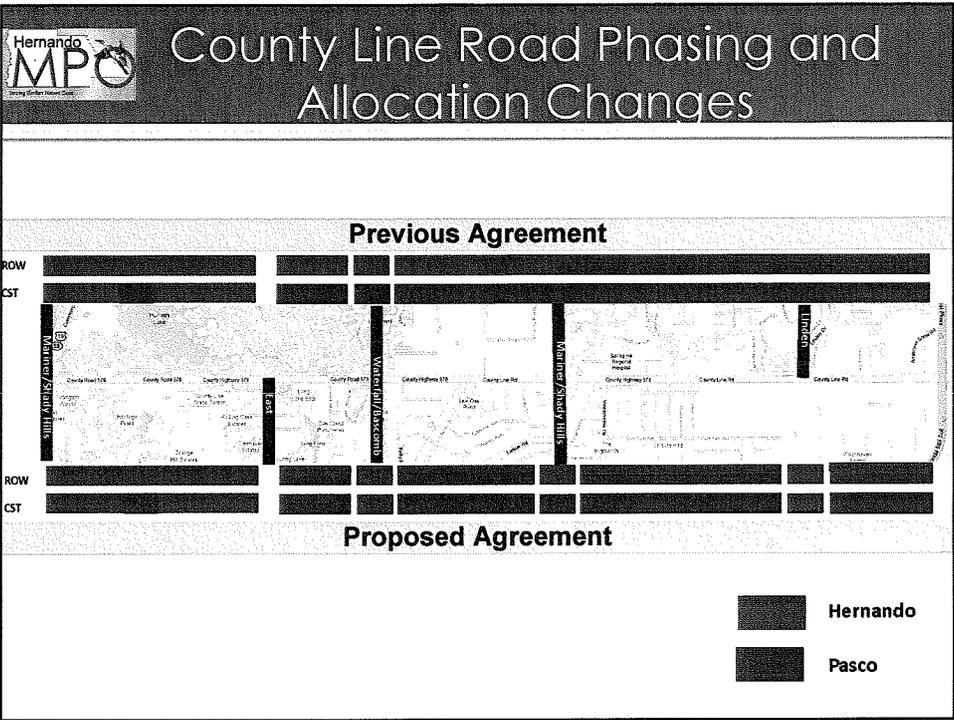


Proposed Multi-modal Plan Costs and Revenues

Cost Affordable Roadway Revenues (Includes Revenues for Highway Expansion and ITS/CMS)

Source	Revenues
Strategic Intermodal System (SIS - State)	\$537,131,820
County	\$200,364,764
Other Arterials (Other State)	\$112,800,000
Developer	\$748,403,865
Transportation Regional Incentive Program (TRIP-State)	24,609,000
Total	\$1,623,309,450





Express Bus on Suncoast Parkway from County Line to Spring Hill Dr.

Suncoast Express Bus on Suncoast Pkwy from County Line to Spring Hill Dr.

Service	Time Period	Capital Fleet Purchase	Capital Infrastructure	Operating Cost	Total Cost
Suncoast Express from Pasco County Line to Spring Hill Dr.	2031-2035	\$527,755	\$1,456,425	\$1,365,629	\$3,349,809

MEMORANDUM

To:	Honorable Mayor & City Council
Via:	T. Jennene Norman Vacha, City Manager <i>T. Vacha</i>
Via:	Bill Geiger, Community Development Director <i>B. Geiger</i>
From:	Steve Gouldman, AICP, City Planner <i>SG</i>
Subject:	RZ2009-02 and SE2009-01; Petitioner is requesting a zoning classification of Planned Development Project (PDP) with a Special Exception Use for a Combined PDP consisting of Highway Commercial and Residential uses.
Petitioner:	Innovators Investments Group, LLC and Brooksville Hotel and Office Park, LLC, Represented by Gaylor Engineering
Location:	North of Cortez Blvd, west of Hale Avenue and east of Mildred Ave
Date:	November 16, 2009

Introduction & Background Information:

The petition is a request to rezone an approximately 7.71-acre tract to Planned Development Project (PDP) with a Special Exception Use for a Combined PDP, consisting of Highway Commercial and Residential uses.

Located on the north side of Cortez Blvd (S.R. 50), west of Hale Avenue and east-southeast of Mildred Avenue, the subject parcels were annexed into the City on August 7, 2006 (Ordinance No. 720) and on June 4, 2007 (Ordinance No. 745). A Comprehensive Plan Amendment assigning a Future Land Use designation of Commercial for 1.95 acres ± of the subject site (fronting on Cortez Boulevard) was approved by the City on January 22, 2007. On May 4, 2009 the City amended the Comprehensive Plan Future Land Use Map to designate the northwestern 0.95-acre parcel as Single-Family Residential and the remaining 4.81 acres as Commercial. The County's current zoning for the property's eastern 4.81 acres is Planned Development Project-Single-Family (PDP-SF), while the southern 1.95 acres is zoned Office Professional-Planned Development Project (OP-PDP) and the northwestern 0.95 acres is designated R1C Residential.

DATA & ANALYSIS

Zoning and Land Use:

As noted above, the request is to rezone the property to Planned Development Project (PDP) with a Special Exception Use for a Combined PDP to allow for the development of highway commercial and residential uses. Specifically, the proposed development would consist of 6.76 acres of commercial uses (Tract A and Tract B) and 0.95 acres of residential uses (Tract C). The single-family portion of the project, consisting of 0.95 acres, could yield a maximum of 6 dwelling units. The 6.76-acre non-residential component, if developed at a realistic Floor Area Ratio (FAR) of 0.25, would permit 73,616 square feet of commercial floor space.

Compatibility with Surrounding Area:

The subject properties are, as previously noted, located north of State Road 50 between Hale and Mildred Avenues. The general area along Cortez Boulevard contains a variety of land uses, including highway commercial, office and cultural uses as well as a number of undeveloped properties. Properties to the north of the subject site are zoned for and occupied by single-family residential uses, and a church and

APPROVED BY BROOKSVILLE
 CITY COUNCIL
 ON 11/16/09 INITIALS *AG*

self-storage facility are located further north on the west side of Hale Avenue. A 14.40-acre undeveloped tract zoned C2 is located to the immediate east across Hale Avenue.

As proposed, the project will retain the existing single-family house located in the northwest portion of the site (Tract C), which is adjacent to an existing dwelling to the north. The non-residential floor space and associated parking will occupy the remainder of the site. Given the non-residential nature of development along Cortez Boulevard, staff finds highway commercial uses to be appropriate for location in Tract A. Staff also finds, however, that the area does not contain establishments with intense outdoor storage and display. Therefore, staff finds uses such as truck dealer establishments and truck sales and repair, tractor trailer sales and repair, building material establishments with outdoor storage, construction service establishments with outdoor storage and wholesale and storage establishments with outdoor storage should be prohibited. Additionally and in order to provide a transition from the more intense uses along Cortez Boulevard to the single-family development north of the site along Hale Avenue, staff finds that convenience goods stores, drive-in restaurants, motels and hotels, gasoline service stations, gasoline sales, marine establishments with outdoor displays and/or outdoor storage, automotive dealer establishments and automotive sales and repair, truck dealer establishments and truck sales and repair, tractor trailer sales and repair, farm equipment and supplies establishments with outdoor displays and/or outdoor storage, building material establishments with outdoor displays and/or outdoor storage, construction service establishments with outdoor storage and wholesale and storage establishments with outdoor displays and/or outdoor storage should be prohibited in Tract B. A buffer area 15 feet in width along the northern and northwestern boundaries of Tract B containing existing trees and a PVC fence 6 feet in height will further enhance the transition and compatibility with the nonresidential uses adjacent to the site. The prohibitions, buffering and screening requirements and other development requirements are contained in the proposed performance standards below.

Public Facilities and Level of Service:

The project will be served by City water and sewer services. The developer will be required to negotiate a utility service agreement with the City of Brooksville to facilitate the provisions for and determine the availability of water and sewer services to the property.

Police, fire and sanitation collection services will also be provided by the City.

Development plans submitted for permitting of this project will be reviewed and analyzed for impact to roads, utilities, drainage, the environment and compliance with all other applicable land use criteria and will be subject to meeting all federal, state and local agency permitting requirements.

It should also be noted that the proposed development will include one cross access drive to the property located to the southeast, one cross access drive to the property located to the west, one access point along Hale Avenue and one along Cortez Boulevard. A frontage road will be constructed through the property to connect Hale Avenue with property located to the west of the subject site. The petitioner has requested that parking be permitted along said frontage road. Staff finds that, with a clear zone of a minimum of five feet provided between the roadway and the parking spaces, the frontage road will adequately provide for a safe traffic flow through the site. The on-street parking will also serve as an appropriate traffic calming measure. A traffic study will be required to establish the proposed development's impacts on the transportation network, as well as mitigation measures that may be required to address any deficiencies or safety issues.

Natural Resources and Features:

The subject parcel east of Mildred Avenue is occupied by a single-family residence and the parcel west of Hale Avenue contains an old barn structure. The balance of the property is undeveloped. Vegetative buffering is located around the north and northwestern perimeters of the property. The site is not located within a well head protection area and the on-site soil types include Wachula and Blichton.

Drainage:

The subject site is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the site. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.

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. These actions are not considered a Certificate of Concurrence. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any 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.

Planning & Zoning Commission & Staff Recommendation:

At their meeting on October 14, 2009, the Planning & Zoning Commission concurred with Staff to recommend that City Council approve the rezoning of this property from County OP-PDP (Office Professional Planned Development Project), PDP-R (Planned Development Project Single Family Residential) and RIC Residential to Planned Development Project (PDP) with a Special Exception Use for a Combined Use PDP (PDP-CU), consisting of Highway Commercial and Residential uses, subject to the conditions below and the following additional condition:

Parking lot lighting shall be directional and/or utilize full cut-off fixtures so as to minimize impacts to adjacent property.

1. Tracts A, B and C shall be located as generally shown on the site plan.
2. Uses permitted within Tract A shall be those of the C-2 zoning district, except that the following uses shall be prohibited:
 - Truck dealer establishments and truck sales and repair
 - Tractor trailer sales and repair
 - Building material establishments with outdoor storage
 - Construction service establishments with outdoor storage
 - Wholesale and storage establishments with outdoor storage
3. Uses permitted within Tract B shall include parking and traffic circulation associated with uses established in Tract A, retention and those of the C-2 zoning district, except that the following uses

shall be prohibited:

- Convenience goods stores
- Drive-in restaurants
- Motels and hotels
- Gasoline service stations
- Gasoline sales
- Marine establishments with outdoor displays and/or outdoor storage
- Automotive dealer establishments and automotive sales and repair
- Truck dealer establishments and truck sales and repair
- Tractor trailer sales and repair
- Farm equipment and supplies establishments with outdoor displays and/or outdoor storage
- Building material establishments with outdoor displays and/or outdoor storage
- Construction service establishments with outdoor storage
- Wholesale and storage establishments with outdoor displays and/or outdoor storage

4. Tract C shall be limited to residential uses and shall be developed in accordance with the R1C Single-Family Residential zoning district standards.
5. Minimum building setbacks shall be as follows:
 - Tract A:
 - Front (along Cortez Blvd.) 75 feet
 - Front (along Hale Ave.) 35 feet
 - Side (east and south) 10 feet
 - Side (west) 35 feet
 - Rear (adjacent to Tract B) 10 feet
 - Rear (adjacent to Tract C) 35 feet
 - Tract B:
 - Front (along Hale Avenue) 35 feet
 - Side (adjacent to Tract A) 10 feet
 - Side (northern boundary) 35 feet
 - Rear 35 feet

Minimum separation between buildings in Tract A and Tract B shall be 15 feet. Setbacks from internal drive lanes in Tract A and Tract B shall be 10 feet.
6. Dumpsters shall be located a minimum of 50 feet from project boundaries. Landscaping and screening of the dumpsters shall be in accordance with the requirements of the City of Brooksville Code.
7. The maximum building height for Tract A shall be 60 feet (4 stories). Maximum building height for Tract B and Tract C shall be 35 feet (2 stories).
8. Unless otherwise specified herein, adequate buffers shall be provided along the perimeter of the property that are consistent with or exceed City adopted standards and comply with the City's landscaping, buffers and tree protection regulations. Along the northern and western boundary of Tract B, a buffer area 15 feet in width shall be provided. Within the buffer area, the developer shall provide a PVC fence six feet in height. Landscaping in the buffer area shall include, at minimum, one tree every 25 feet, a minimum of 10 feet in height at the time of planting. Existing trees shall be permitted to satisfy the requirement. A Type "A" buffer shall be provided along the boundaries of Tract A which abut Tract C. In addition to the landscaping required for Type "A" buffers, the developer shall provide a PVC fence six feet in height. Existing trees shall be permitted to satisfy the Type "A" buffer tree requirements.
9. A maximum of one access drive to Cortez Boulevard and one access drive to Hale Avenue shall be permitted. The access drive located along Hale Avenue shall be constructed as a frontage road and shall connect to the property to the west. Said frontage road shall be located as generally shown

- on the site plan. On-street parking shall be permitted along the frontage road, provided a clear zone five feet in width is located adjacent to both sides of the road where parking is placed. The road lanes and clear zones shall be clearly delineated.
10. Cross access shall be provided to the property located at the Cortez Boulevard/Hale Avenue intersection. The cross access may be located along the south or east project boundary.
 11. Within five years of City Council approval of this rezoning and prior to construction plan submittal, the developer shall provide to the Community Development Department for review and approval a detailed PDP development site plan depicting all the requirements specified herein as well as all appropriate and applicable data and information. The Special Exception Use approval shall become null and void should the detailed PDP development plan not be submitted within the above time period.
 12. The petitioner/developer shall obtain all permits and meet all applicable land development regulations, for construction or use of the property.
 13. The developer shall coordinate with the City Department of Public Works to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design shall provide for crosswalks and underground drainage where appropriate.
 14. The developer shall successfully negotiate a utility service agreement with the City prior to permitting.
 15. All utilities serving this project shall be installed underground.
 16. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
 17. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to Tract A and Tract B as if they were zoned C2.
 18. Prior to the City issuing a development order for this project, the developer will be required to address and resolve all issues related to impacts of the proposed development on public infrastructure and services. Concurrency deficiencies shall be mitigated with agencies that provide and maintain infrastructure that directly serve the proposed development.
 19. Parking lot lighting shall be directional and/or utilize full cut-off fixtures so as to minimize impacts to adjacent property.

City Council Action:

At the November 2, 2009 regular meeting, the City Council approved the first reading of Ordinance No. 781 related to this petition request.

- Attachments:
- 1) Zoning Petition
 - 2) Rezoning/Special Exception Use Petition
 - 3) Planned Development Project -Conceptual Drawing
 - 4) Narrative
 - 5) Area map
 - 6) Ordinance No. 781

CITY OF BROOKSVILLE ZONING AMENDMENT PETITION

Date: 6/16/2009

Print or Type All Information.

Applicant: Innovators Investment Group LLC / Dan Pitts and Bob Nelson
Mailing Address: P.O. Box 671
Lutz, FL 33548
Daytime Telephone: (813) 909-8393

Representative: Gaylor Engineering / Michael J. Gaylor, P.E.
Mailing Address: 21764 State Road 54
Lutz, FL 33549
Daytime Telephone: (813) 949-5599

Legal Description: Section: 27 Township: 22S Range: 19E

Size of Area Covered by
Application: 7.71 acres

Highway & Street Boundaries: Located on Mildred Avenue, West of Hale Road
and North of S.R. 50

Future Land Use Designation: Commercial

Current Land Use Designation: Single Family Residential and Commercial

Current Zoning Classification: Professional Office and Single Family Residential

Zoning Classification Desired: C-2 and Single Family

Has a public hearing been held on this property within the last twelve months?
Yes

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 EXHIBIT A

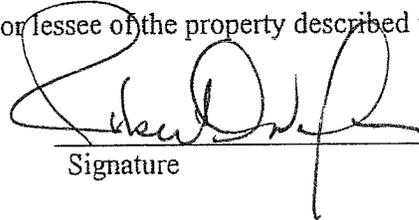
Subject Property Street Address: STATE ROAD 50 (CORTEZ BLVD.)
~~BROOKSVILLE, FL~~

ACKNOWLEDGMENT

Bob Nelson,
I, Innovators Investment Group, LLC, 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.

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

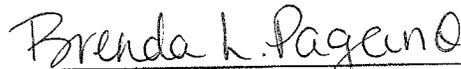
 I am the legal representative of the owner or lessee of the property described which is the subject matter of this application.



Signature

STATE OF FLORIDA, COUNTY OF PASCO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 17 DAY OF June, ~~19~~ 2009 BY THE ABOVE PERSON(S) BOB NELSON WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN OATH.

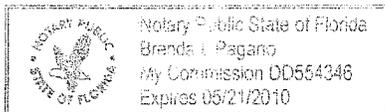


SIGNATURE OF NOTARY

Brenda L. Pagano

PRINTED NAME OF NOTARY

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Rev 09/14/97



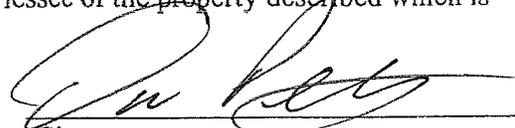
ACKNOWLEDGMENT

Dan Pitts,

I, Innovators Investment Group, LLC, 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.

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

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


Signature

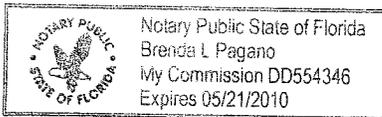
STATE OF FLORIDA, COUNTY OF PASCO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 17 DAY OF June, ~~2009~~ BY THE ABOVE PERSON(S) DAN PITTS WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN OATH.


SIGNATURE OF NOTARY

Brenda L. Pagano
PRINTED NAME OF NOTARY

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Rev 09/14/97



ACKNOWLEDGMENT

Daniel Pitts,
I, Brooksville Hotel & Office Park, LLC., 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

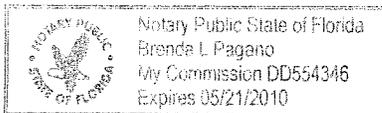
STATE OF FLORIDA, COUNTY OF PASCO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF October, ~~19~~ XXX2009 BY THE ABOVE PERSON(S) X WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN OATH.


SIGNATURE OF NOTARY

Brenda L. Pagano
PRINTED NAME OF NOTARY

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Rev 09/14/97



APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

Dan Pitts / Bob Nelson

I, Innovators Investment Group LLC, the owner(s) in fee simple of the below described real property hereby appoint Michael J. Gaylor, P.E. 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.

(Insert Legal Description Below)

(SEE ATTACHED EXHIBIT " A ")

Dated: June 17, 2009

Signed in the presence of:

WITNESSES:

Signature Brenda L. Pagano
Print Name Brenda L. Pagano

Signature Larry A. Bean
Print Name Larry A. Bean

Signature Judith A. Gaylor
Print Name JUDITH A. GAYLOR

Signature Janie Nation
Print Name Janie Nation

LANDOWNER(S):

Signature [Signature]
Print Name Dan Pitts

Signature [Signature]
Print Name Bob Nelson

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APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Daniel Pitts,
Brooksville Hotel & Office Park, LLC., the owner(s) in fee simple of the below described real property hereby appoint Michael J. Gaylor, P.E. 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.

(Insert Legal Description Below)

Dated: October 2, 2009

Signed in the presence of:

WITNESSES:

Signature Brenda L. Pagano
Print Name Brenda L. Pagano

Signature Larry A. Bean
Print Name Larry A. Bean

Signature Michael J. Gaylor
Print Name Michael J. Gaylor

Signature Judith Gaylor
Print Name Judith Gaylor

LANDOWNER(S):

Signature Daniel Pitts
Print Name Daniel Pitts

Signature _____
Print Name _____

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OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Bob Nelson, being duly sworn, hereby depose and say
Innovators Investment Group, LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

(SEE ATTACHED EXHIBIT " A ")

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Dan Pitts, being duly sworn, hereby depose and say
Innovators Investment Group, LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

(SEE ATTACHED EXHIBIT " A ")

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Dan Pitts, being duly sworn, hereby depose and say
Brooksville Hotel & Office Park, LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

SEE ATTACHED EXHIBIT A

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Robert Nelson, being duly sworn, hereby depose and say
Brooksville Hotel & Office Park, LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

SEE ATTACHED EXHIBIT A

EXHIBIT "A"

DESCRIPTION:

(Per O.R. Book 2414, Page 148 and O.R. 1635, Page 220)

Commence at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence run S.00°42'18"E. along the Easterly boundary of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ a distance of 546.28 feet, thence run N.89°13'57"W. a distance of 119.34 feet to the Westerly right-of-way line of Hale Avenue and the POINT OF BEGINNING, thence run S.00°34'34"W. along said Westerly right-of-way line a distance of 434.52 feet, thence run S.89°53'26"W. along the Northerly boundary and the extension thereof of that certain parcel of land described in O.R. Book 118, page 260, Public Records of Hernando County, Florida a distance of 364.80 feet to the Northwest corner of said parcel, thence run S.00°49'09"E. along the Westerly boundary of said parcel a distance of 217.44 feet to a point on the Northerly right-of-way line of Cortez Boulevard (S.R. 50), thence run along said right-of-way line S.89°34'09"W., a distance of 346.06 feet, thence run N.00°03'53"W. a distance of 249.76 feet to the Southerly boundary of a parcel described in O.R. Book 74, pages 620 through 635, of said Public Records, thence run S.89°13'57"E. along the Southerly boundary of said parcel a distance of 333.00 feet to the Southeast corner of said parcel, thence run N.00°06'53"W, along the Easterly boundary and the extension thereof of said parcel a distance of 415.00 feet to the Southerly boundary of that certain parcel of land described in O.R. Book 1367, pages 672 and 673, thence run S.89°13'57"E. along said Southerly boundary a distance of 379.93 feet to the Southeast corner of said parcels and the POINT OF BEGINNING. LESS that portion deeded to the State of Florida in O.R. Book 1152, page 1802, Public Records of Hernando County, Florida. SUBJECT TO an easement to Florida Power Corporation recorded in O.R. Book 749, page 1721, Public Records of Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, go thence N.88°38'58"W. along the $\frac{1}{4}$ section line a distance of 847.04 feet, thence S.01°50'32"W., a distance of 666.67 feet to the POINT OF BEGINNING, thence continue S.01°50'32"W., a distance of 125.00 feet, thence S.87°24'58"E., a distance of 353.00 feet, thence N.01°50'32"E., a distance of 125.00 feet, thence N.87°24'58"W., a distance of 353.00 feet to the POINT OF BEGINNING. LESS the Westerly 40 feet thereof to be used for road right-of-way purposes. Said lands lying in and being a part of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence N.88°38'58"W., along the $\frac{1}{4}$ section line a distance of 847.04 feet, thence S.01°50'32"E., a distance of 791.67 feet to the POINT OF BEGINNING, thence continue S.01°50'32 distance of 150.00 feet, thence S.87°24'58"E., a distance of 353.00 feet, thence N.01°50'32"E., a distance of 150.00 feet, thence N.87°24'58"W., a distance of 353.00 feet to the POINT OF BEGINNING. LESS the West 20 feet thereof AND ALSO LESS the East 20 feet of the West 40 feet thereof reserved for road right-of-way purposes. Said lands lying in and being part of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

COMBINED PDP WITH COMMERCIAL AND RESIDENTIAL USES

Property future land use is: COMMERCIAL & RESIDENTIAL
Current land use is: EXISTING
Property is zoned: OP, PDPR, AND R1-C

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.

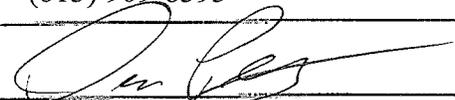
Wherefore, the Petitioner requests that the City of Brooksville, Florida, Planning and Zoning Commission convene to hear and take jurisdiction over the subject matter of this petition.

Petitioner's Name: INNOVATORS INVESTMENT GROUP, LLC AND
BROOKSVILLE HOTEL & OFFICE PARK, LLC

Street Address: P.O. BOX 671

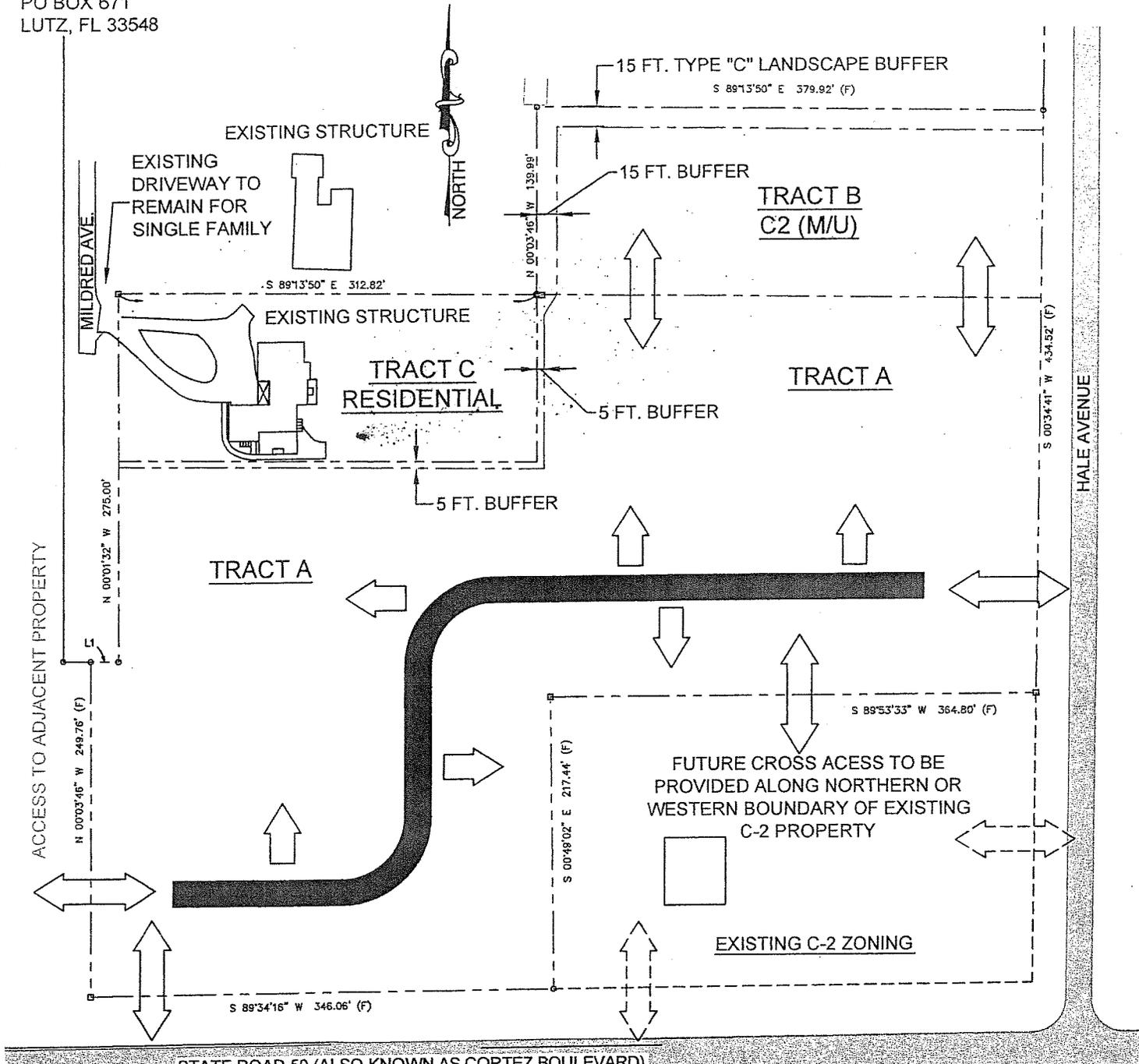
City/State/Zip: LUTZ, FLORIDA 33548

Daytime Phone: (813) 909-8393

Signature: 

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

INNOVATORS INVESTMENT GROUP, LLC
 PO BOX 671
 LUTZ, FL 33548



PROPOSED ZONING=PDP-MU
TOTAL ACREAGE 7.71 ACRES-BOUNDARY SURVEY PROVIDED
 TRACT A AND B - 6.76 ACRES PROPOSED USES=C2 COMMERCIAL (M/U)
 (COMMERCIAL-OFFICE PARKING-RETENTION)
 TRACT C - 0.95 ACRES PROPOSED USES=R1C

INNOVATORS INVESTMENT GROUP	
<i>Gaylor Engineering</i>	
21764 STATE ROAD 54, LUTZ, FL 33549 PH. (813) 949-5599 FAX (813) 949-0818	
DATE:	09-21-09
PROJECT No.	07013
TITLE:	EXHIBIT
CONCEPT PLAN	

Gaylor Engineering

Civil Engineering
Land Planning
Marinas
Dredge & Fill
Permitting

Osprey Cove Professional Park
21764 State Road 54 • Lutz, FL 33549
(813) 949-5599 FAX (813) 949-0818
E-Mail: gaylorimg@tampabay.fl.com

October 7, 2009

VIA: E-Mail sgouldman@ci.brooksville.fl.us
FedEx Priority Overnight

Steven E. Gouldman, AICP
Community Development Department
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

(352) 544-5430

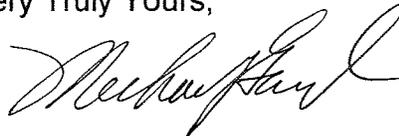
Re: Innovators Rezoning Petition

Dear Mr. Gouldman:

In accordance with our discussions, we are forwarding herewith our request to amend our petition for rezoning to say that it is a request for a Special Exception to allow for PDP-MU with commercial and residential uses. We are attaching herewith the required submittal data for the Special Exception so that it may be included with the rezoning information.

Please advise if you need anything further in this regard.

Very Truly Yours,



MICHAEL J. GAYLOR, P.E.

MJG/bp

Cc: Bob Nelson
Dan Pitts

NARRATIVE
ZONING REQUEST
FOR
INNOVATORS INVESTMENTS GROUP, LLC

We are submitting herewith a zoning request for 7.71 acres of property that has been annexed into the City of Brooksville and has been through land use change as commercial and single family residential. This property lies North and West of the Intersection of Cortez Boulevard (State Road 50 Bypass) and Hale Avenue. We are attaching an exhibit that shows the property in relation to the intersection and shows the zoning request by area.

It is noted that the property lies within the ¼ mile commercial node that is typically used by Hernando County for road intersections in developed areas. The northern property line is approximately 700 feet north of the intersection so it is well within the node for the northwest side of the intersection. The property to the North is PDP (SF) and West of the site is single family residential in Hernando County. The property to the South at the intersection is zoned C-2 in the City and property to the East across Hale Avenue is zoned C-2 also in the City.

The specific zoning request is to zone the .95 acre single family residential land use area to R1C in the City. The remaining 6.76 acres is requested to be zoned C-2 in the commercial land use designation within the City. Current zonings in the area as well the changing character and development intensity at this commercial node supports the zoning request.

Historically the property has gone through annexation and land use change within the last 3 years. During that process, negotiations have taken place to the extent that the .95 acre parcel which is commonly called the Hogan property has been agreed upon to be single family residential as a land use. The developers intend to maintain the existing integrity of the property including the house at this point in time. This provides for almost 1 acre of buffer against

South Mildred Avenue and against the property abutting the site to the north. Setback requirements in the requested C-2 zoning buffer the remaining property to the north by at least 35 feet per code. It is also noted that the property to the north is part of a 2.95 acre tract that is in the County and has a land use of single family. The property does, however, have two businesses being operated from the existing residence so the use is more than purely residential. Zoning for this parcel also allows for clustering and mobile homes.

The property across Hale Avenue from the subject site is 14.4 acres and is currently in the City and zoned C-2. This property could be developed as any significant size commercial facility and far out shadows any development potential of the requested 6.76 acres. In fact the parcel across the street actually extends beyond the ¼ mile commercial node.

The property to the west of the site but abutting Cortez Boulevard is currently vacant and has a land use of residential in the County. This parcel has historically been residential but, with the construction of Cortez Boulevard, the property now appears to be better suited for a future commercial intensity use.

Innovators Investment Group, LLC has given consideration to what zoning is most appropriate for the property given the circumstances as outlined herein. Referring to the definitions of C-1 zoning versus C-2 zoning, etc. we would point out that C-2 is by definition for auto oriented traffic and provides for desirable groupings of commercial uses rather than strip centers. C-1 zoning is more oriented to pedestrian traffic which does not appear to suit this site since there are no significant size developments in the area that residents could walk from to the subject property. C-2 seems to be a better suited zoning, therefore, for the property in question. Anticipated potential uses for the property include hotel/motel, restaurant, offices and a retail center all of which would be permissible in the C-2 zone without having to seek a Special Exception. This level of development intensity is requested in order to allow Innovators Investment the opportunity to proceed.

ORDINANCE NO. 781

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A COMBINED USE PLANNED DEVELOPMENT PROJECT (PDP-CU), CONSISTING OF HIGHWAY COMMERCIAL AND RESIDENTIAL 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 Highway Commercial and Residential (Combined PDP) - Referenced Exhibit "A" for a graphic view of the property:

Innovators Investment Group, LLC and Brooksville Hotel & Office Park, LLC
Parcel Key # 00358231 and 00150491. Legal Description:

Commence at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence run S 00°42'18"E, along the Easterly boundary of said Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ a distance of 546.28 feet, thence run N 89°13'57" W, a distance of 119.34 feet to the Westerly right-of-way line of Hale Avenue and the POINT OF BEGINNING, thence run S 00°34'34" W along said Westerly right-of-way line a distance of 434.52 feet, thence run S 89°53'26" W along the Northerly boundary and the extension thereof of that certain parcel of land described in O. R. Book 118, page 260, Public Records of Hernando County, Florida a distance of 364.80 feet to the Northwest corner of said parcel, thence run S 00°49'09"E along the Westerly boundary of said parcel a distance of 217.44 feet to a point on the northerly right-of-way line of Cortez Boulevard (S.R. 50), thence run along said right-of-way line S 89°34'09" W, a distance of 346.06 feet, thence run N 00°03'53" W a distance of 249.76 feet to the Southerly boundary of a parcel described in O. R. Book 74, pages 620 through 635, of said Pubic Records, thence run S 89°13'57" E along the Southerly boundary of said parcel a distance of 333.00 feet to the Southeast corner of said parcel, thence run N 00°06'53" W along the Easterly boundary and the extension thereof of said parcel a distance of 415.00 feet to the Southerly boundary of that certain parcel of land described in O. R. Book 1367, pages 672 and 673, hence run S 89°13'57" E along said Southerly boundary a distance of 379.93 feet to the Southeast corner of said parcels and the POINT OF BEGINNING, LESS that portion deeded to the State of Florida in O. R. Book 1152, page 1802, Public Records of Hernando County, Florida. SUBJECT TO an easement to Florida Power Corporation recorded in O. R. Book 749, page 1721, public records of Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, go thence N 88°38'58" W along the $\frac{1}{4}$ section line a distance of 847.04 feet, thence S 01°50'32" W, a distance of 666.67 Feet to the POINT OF BEGINNING, thence continue S 01°50'32" W, a distance of 125.00 feet, thence S 87°24'58" E, a distance of 353.00 feet, thence N 01°50'32" E, a distance of 125.00 feet, thence N 87°24'58" W, a distance of 353.00 feet to the POINT OF BEGINNING. LESS the Westerly 40 feet thereof to be used for road right-of-way purposes. Said lands lying in and being a part of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence N 88° 38'58" W, along the $\frac{1}{4}$ section line a distance of 847.04 feet, thence S 01° 50'32" E, a distance of 791.67 feet to the POINT OF BEGINNING, thence continue S 01°50'32" a distance of 150.00 feet, thence S 87°24'58" E, a distance of 353.00 feet, thence N 01°50'32" E, a distance of 150.00 feet, thence N 87°24'58" W, a distance of 353.00 feet to the POINT OF BEGINNING, LESS the West 20 feet thereof AND ALSO LESS the East 20 feet of the West 40 feet thereof reserved for road right-of-way purposes.
Said lands lying in and being part of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

Location: North of Cortez Boulevard, west of Hale Avenue and east of the south side of Mildred Avenue.

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 Use Planned Development Project (PDP-CU) and the zoning map of the City of Brooksville shall be amended accordingly. The Special Exception Use consideration for a Combined Use Planned Development Project is subject to the following conditions:
 - a. Tracts A, B and C shall be located as generally shown on the site plan.
 - b. Uses permitted within Tract A shall be those of the C-2 zoning district, except that the following uses shall be prohibited:
 - Truck dealer establishments and truck sales and repair
 - Tractor trailer sales and repair
 - Building material establishments with outdoor storage
 - Construction service establishments with outdoor storage
 - Wholesale and storage establishments with outdoor storage
 - c. Uses permitted within Tract B shall include parking and traffic circulation associated with uses established in Tract A, retention and those of the C-2 zoning district, except that the following uses shall be prohibited:
 - Convenience goods stores
 - Drive-in restaurants
 - Motels and hotels
 - Gasoline service stations
 - Gasoline sales
 - Marine establishments with outdoor displays and/or outdoor storage
 - Automotive dealer establishments and automotive sales and repair
 - Truck dealer establishments and truck sales and repair
 - Tractor trailer sales and repair
 - Farm equipment and supplies establishments with outdoor displays and/or outdoor storage
 - Building material establishments with outdoor displays and/or outdoor storage
 - Construction service establishments with outdoor storage
 - Wholesale and storage establishments with outdoor displays and/or outdoor storage
 - d. Tract C shall be limited to residential uses and shall be developed in accordance with the RIC Single-Family Residential zoning district standards.

- e. Minimum building setbacks shall be as follows:

Tract A:

Front (along Cortez Blvd.)	75 feet
Front (along Hale Ave.)	35 feet
Side (east and south)	10 feet
Side (west)	35 feet
Rear (adjacent to Tract B)	10 feet
Rear (adjacent to Tract C)	35 feet

Tract B:

Front (along Hale Avenue)	35 feet
Side (adjacent to Tract A)	10 feet
Side (northern boundary)	35 feet
Rear	35 feet

Minimum separation between buildings in Tract A and Tract B shall be 15 feet. Setbacks from internal drive lanes in Tract A and tract B shall be 10 feet.

- f. Dumpsters shall be located a minimum of 50 feet from project boundaries. Landscaping and screening of the dumpsters shall be in accordance with the requirements of the City of Brooksville Code. The maximum building height for Tract A shall be 60 feet (4 stories). Maximum building height for Tract B and Tract C shall be 35 feet (2 stories).
- g. Unless otherwise specified herein, adequate buffers shall be provided along the perimeter of the property that are consistent with or exceed City adopted standards and comply with the City's landscaping, buffers and tree protection regulations. Along the northern and western boundary of Tract B, a buffer area 15 feet in width shall be provided. Within the buffer area, the developer shall provide a PVC fence six feet in height. Landscaping in the buffer area shall include, at minimum, one tree every 25 feet, a minimum of 10 feet in height at the time of planting. Existing trees shall be permitted to satisfy the requirement. A Type "A" buffer shall be provided along the boundaries of Tract A which abut Tract C. In addition to the landscaping required for Type "A" buffers, the developer shall provide a PVC fence six feet in height. Existing trees shall be permitted to satisfy the Type "A" buffer tree requirements.
- h. A maximum of one access drive to Cortez Boulevard and one access drive to Hale Avenue shall be permitted. The access drive located along Hale Avenue shall be constructed as a frontage road and shall connect to the property to the west. Said frontage road shall be located as generally shown on the site plan. On-street parking shall be permitted along the frontage road, provided a clear zone five feet in width is located adjacent to both sides of the road where parking is placed. The road lanes and clear zones shall be clearly delineated.
- i. Cross access shall be provided to the property located at the Cortez Boulevard/Hale Avenue intersection. The cross access may be located along the south or east project boundary.
- j. Within five years of City Council approval of this rezoning and prior to construction plan submittal, the developer shall provide to the Community Development Department for review and approval a detailed PDP development site plan depicting all the requirements specified herein as well as all appropriate and applicable data and information. The Special Exception Use approval shall become null and void should the detailed PDP development plan not be submitted within the above time period.
- k. Prior to construction plan submittal, the developer shall provide to the Community Development Department for review and approval a detailed PDP development site plan depicting all the requirements specified herein as well as all appropriate and applicable data and information.
- l. The petitioner/developer shall obtain all permits and meet all applicable land development regulations, for construction or use of the property.

- m. The developer shall successfully negotiate a utility service agreement with the City prior to permitting.
- n. All utilities serving this project shall be installed underground.
- o. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
- p. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to Tract A and Tract B as if they were zoned C2.
- q. Prior to the City issuing a development order for this project, the developer will be required to address and resolve all issues related to impacts of the proposed development on public infrastructure and services. Concurrency deficiencies shall be mitigated with agencies that provide and maintain infrastructure that directly serve the proposed development.
- r. Parking lot lighting shall be directional and/or utilize full cut-off fixtures so as to minimize impacts to adjacent property.

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.

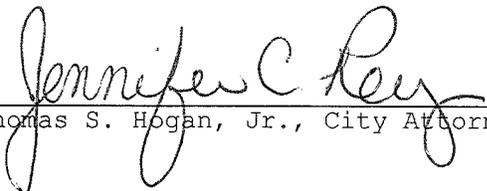
CITY OF BROOKSVILLE

Attest: 
 Janice H. Peters, City Clerk

By: 
 Joe Bernardini, Mayor

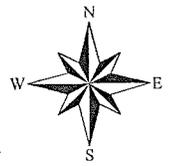
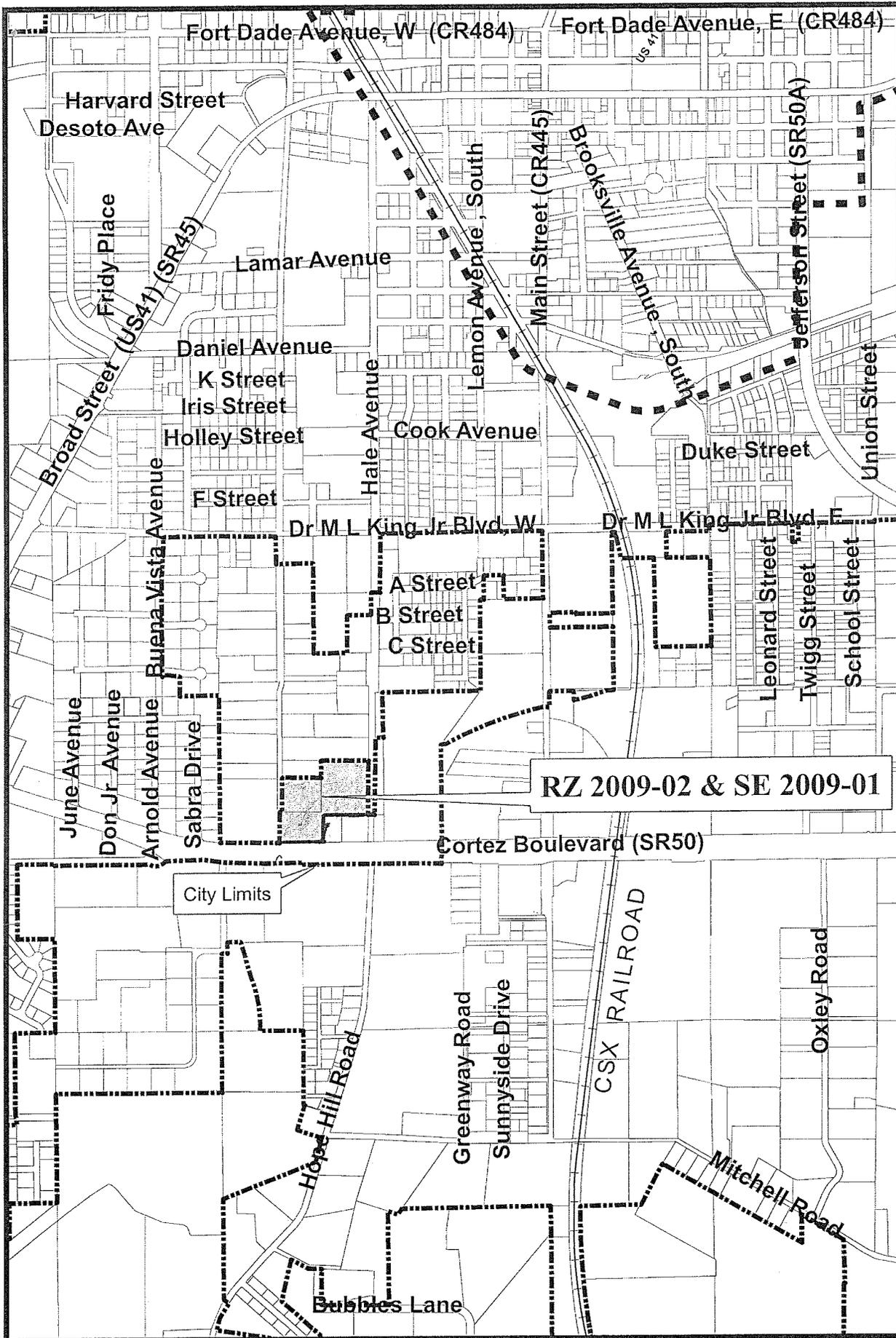
PASSED on First Reading November 2, 2009
 NOTICE Published on November 11, 2009
 PASSED on Second & Final Reading November 16, 2009

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


 Thomas S. Hogan, Jr., City Attorney

VOTE OF COUNCIL:
 Bernardini AYE
 Bradburn AYE
 Johnston AYE
 Lewis ABS
 Pugh ABS

EXHIBIT "A"



CITY OF
BROOKSVILLE
FLORIDA