City of Brooksville

CHANGE OF VENUE: JEROME BROWN COMMUNITY CENTER
99 JEROME BROWN PLACE
BROOKSVILLE, FLORIDA 34601-2041
(352) 540-3810

David Bailey
Council Member

Robert Battista
Council Member

Blake Bell
Council Member

Betty Erhard
Council Member

Pat Brayton
VICE MAYOR

“The City of Brooksville’s mission is to provide superior municipal services in a reliable, efficient, fiscal and socially effective manner, making Brooksville a desirable City to live, work, and visit.”

CITY COUNCIL AGENDA
DECEMBER 7, 2020

REGULAR COUNCIL MEETING

7:00 P.M.

VOSE LAW FIRM, LLP
CITY ATTORNEY

MARK A. KUTNEY
CITY MANAGER

JENNIFER J. BATTISTA, CMC
CITY CLERK
**GENERAL INFORMATION AND INSTRUCTIONS**

In addition to items listed as "Public Hearings", the Mayor will ask for comments from the public, usually requesting that anyone desiring to speak on an item, raise their hand. To ensure that sufficient time is allocated for each item, unless extended by the City Council, representatives of the applicant/petitioners will have ten (10) minutes for presentation, and five (5) minutes for rebuttal. In addition, three (3) minutes will be scheduled for others to provide additional comments. When recognized by the Mayor, please approach the podium and speak into the microphone, stating your name, address, if you are a citizen that lives in the Brooksville City limits, and then present the information you desire. A special time period called Citizen Input is also scheduled following the Presentations and Regular Agenda items for those desiring to address the City Council.

Items listed in the "Consent Agenda" will be approved by Council in their entirety by a single motion, indicated by the (✓) symbol, unless otherwise indicated by Council. Other agenda items are considered individually.

Consideration of the item identified on this agenda with an asterisk (***) is a quasi-judicial function of the Council involving land use, and the following procedures apply:

- Disclosure of any ex parte communications by Council members.
- Consideration of applications to intervene as a party, if any. “Request to Intervene/Expert Witness” forms and instructions may be obtained from the recording secretary prior to the scheduled time for consideration of the item.
- Qualification of sworn witnesses who wish to testify as an expert, based on statement of credentials made orally or set forth in application file.
- Swearing of witnesses who wish to give sworn testimony.
- Testimony of City staff witnesses, with cross-examination by applicant and party-interveners, if they request.
- Testimony of applicant and applicant’s witnesses, with cross-examination by Council and party-interveners, if they request.
- Testimony of party-interveners and their witnesses, with cross-examination by Council and applicant, if they request.
- Testimony by members of the public who wish to address application. Any individual, not requesting/designated as an intervening party or expert witness may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination, and need not be sworn in.
- Close of public hearing.
- Council deliberation/vote.

Items identified with a double asterisk (**) are quasi-judicial functions of the City Council other than land use; the Council Members disclose any ex parté communications.

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Human Resources at 352-540-3810 no later than 48 hours in advance of the meeting. Meeting agendas and supporting documentation are available from the City Clerk’s office, and online at www.cityofbrooksville.us.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that an admissible verbatim record of the proceedings is made.
December 7, 2020

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE
Kent Heaton, Pastor, Brooksville Church of Christ.

C. Swearing in of Council Members
   Seat No. 2 – David Bailey for a 4-year term of office through 12/24
   Seat No. 3 – Blake Bell for a 4-year term of office through 12/24

   Oath performed and witnessed by the
   Honorable Wilton Simpson, State Senator

D. SELECTION OF OFFICERS
   1. Selection of Mayor
   2. Selection of Vice Mayor

   Attachment: Charter Sec. 2.03. - Mayor; vice-mayor ............ PAGE 1

E. APPROVAL/MODIFICATIONS OF THE AGENDA
(Limited to City Council and City Manager)

F. CERTIFICATES AND PROCLAMATIONS
1. National Pearl Harbor Remembrance Day: ......................... PAGE 2
   December 7, 2020

G. PRESENTATIONS AND APPOINTMENTS
1. Recognition of Joe Bernardini as Mayor of 2020

2. Margaret Ghiotto Beautification Award (Commercial) ............. PAGE 3
   Presenter: Beautification Board Member
   Recipient: Bread Box Bakery – 300 E. Fort Dade Ave.

H. CITIZEN INPUT [limited to 3 minutes per speaker]
[NOTE: Input can be on any subject, whether or not on the agenda. However, input regarding ordinances and resolutions will be accepted now and at the time those issues are presented at the meeting. Testimony and evidence related to quasi-judicial matters will be heard at the time it is introduced.]
I. RESPONSE BY CITY MANAGER AND STAFF/COUNCIL

J. CONSENT AGENDA

1. Minutes
   b. November 12, 2020 – Emergency Special Mtg....... PAGE 23

2. Recording of Emergency Purchases over $4,000.00 (CARES funding) .......... PAGE 26
   Under the Emergency Services provision of the procurement manual, purchases made in excess of $4,000 require a recorded explanation by the City Manager and shall be entered into the Minutes of the City Council and open to public inspection.

   Attachment: Memo dated 12/7/20 from Special Projects Manager

3. Duke Energy Street Light Change Out for LED lighting ........................................ PAGE 30
   Recommend City Council approve the Duke Energy’s, City Street Lighting change out and authorize the Mayor or designee to sign Lighting Account Estimate

   Attachment: Memo dated 11/10/20 from Assistant Public Works Director/Projects Manager w/attachment

K. DISCUSSION OF CONSENT AGENDA ITEMS (IF ANY)

L. PUBLIC HEARING

*Ex-parte – Quasi Judicial procedures apply

1*. FIRST READING ORD. 923 - RZ 2020-04 ......................... PAGE 35
LANDBUILDER, LLC. PETITION REQUESTING REZONING FROM RPDP TO PDP-MU

Consideration of Planning & Zoning Commission’s recommendation to deny the request to rezone an approximately 413-acre tract from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-Mixed Use). Location: south side of Southern Hills Boulevard, north of Powell Road and approximately 2,250 feet east of the intersection of Broad Street and Southern Hills Boulevard.

   Presentation: City Planner
   Recommendation: Approval of First Reading of Ordinance No. 923 upon roll call vote and schedule Second and Final Reading for 12/21/20
   Attachments: Memo dated 12/7/20 from City Planner w/attachments
M.  REGULAR AGENDA

1.  Resolution No. 2020-28  
   Certification of Election Results…………………………………. PAGE 219
   Approve Resolution 2020-28 to officially declare the results of the 
   November 3, 2020 General Election
   
   Presentation:  City Clerk
   Recommendation: Approval of Resolution upon roll call vote
   Attachments  Memo dated 12/7/20 from City Clerk
               w/attachments

2.  2021 Calendar …………………………………………………… PAGE 226
   Approval of 2021 Holiday and meeting calendar.
   
   Presentation:  City Clerk
   Recommendation: Approval of holiday and meeting 
   calendar
   Attachment:  Memo dated 12/7/20 from City 
               Clerk w/attachments

N.  CITIZEN INPUT [limited to 3 minutes per speaker]

O.  RESPONSE BY CITY MANAGER AND STAFF/COUNCIL

P.  ITEMS BY CITY ATTORNEY

Q.  ITEMS BY CITY MANAGER

R.  STAFF UPDATES (IF ANY)
   1.  Update on road paving project – Director of Public Works (verbal only)

S  ITEMS BY COUNCIL

T.  ADJOURNMENT

CORRESPONDENCE TO NOTE ………………………………………………… PAGE 235

1. Letter dated 11/11/20 from Mayor – Groundbreaking of Chaplin’s Memorial

2. Email dated 11/16/20 from FDEP regarding citizen’s complaint on water quality concerns.  
   [Attachments to email are lengthy and can be viewed by calling the City Clerk’s office at 352-540-3816]
Sec. 2.03. - Mayor; vice-mayor.

The council shall elect from among its members a mayor and a vice-mayor. Election of the mayor and vice-mayor shall be done annually at the first regular council meeting in December of each year. The mayor shall preside at meetings of the council, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor.

(Ord. No. 287-C, § 1, 8-17-1998)
WHEREAS, on December 7, 1941, Japanese forces attacked the United States Naval Base at Pearl Harbor, Hawaii, leading to the United States of America’s entry into World War II; and

WHEREAS, more than 2,400 American lives were lost in this devastating attack, a day which will live in infamy; and

WHEREAS, it is essential that we honor those who showed tremendous courage in defense of the timeless truths and great freedoms upon which our nation was founded; and

WHEREAS, in order for our children to achieve the American Dream, we must ensure future generations possess an understanding of the steadfast duty to country demonstrated by the men and women who served in the United States Armed Forces during World War II; and

WHEREAS, the City of Brooksville, along with the rest of the United States, will always honor the patriotism of the American heroes of the Greatest Generation; and

WHEREAS, December 7, 2020, marks the 79th anniversary of the attack on Pearl Harbor, an opportunity for our city and nation to perform acts of service, pray, and support one another as we honor those who lost their lives on December 7, 1941, ensuring their memory lives on; and

WHEREAS, the United States Congress, by Public Law 103-308, as amended, has designated December 7th of each year as National Pearl Harbor Remembrance Day.

WHEREAS, we encourage all residents of our City to observe December 7, 2020 as National Pearl Harbor Remembrance Day

In the City of Brooksville with appropriate ceremonies and activities to remember and honor those who died in defense of our freedom on December 7, 1941 at Pearl Harbor.

In Witness Whereof, we have hereunto set our hand and caused to be affixed the seal of the City of Brooksville this 7th day of December, 2020.

City of Brooksville

Pat Brayton, Vice Mayor

David Bailey, Council Member

Robert B. Battista, Council Member

Blake Bell, Council Member

Betty Erhard, Council Member

Attest:

Jennifer J. Battista, CMC, City Clerk
November 20, 2020

Bread Box Bakery
300 E. Fort Dade Avenue
Brooksville, FL 34601

Re: Margaret R. Ghiotto Commercial Improvement Award – 300 E. Fort Dade Avenue

Dear Bread Box Bakery:

The City of Brooksville’s Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Commercial Improvement Award for beautifying the property located at 300 E. Fort Dade Avenue.

The Certificate of Recognition and “rotating” outdoor sign will be presented to you by the Beautification Board Chairman at the City Council Meeting to be held Monday, December 7, 2020 at 7:00 p.m. in the BROOKSVILLE CITY HALL JOSEPH E. JOHNSTON III COUNCIL CHAMBERS LOCATED AT 201 HOWELL AVENUE. If you are unable to attend this meeting to accept your award, please contact Stacey Winchester at (352) 540-3830 or swinchester@cityofbrooksville.us.

We extend our appreciation for your outstanding efforts in improving and beautifying not only your property, but the City of Brooksville.

Sincerely,

Ronette Snyder, Chairman
Beautification Board

/snw

cc: City Clerk’s office
CERTIFICATE OF RECOGNITION

AWARDED TO

Bread Box Bakery

The City Council and the Beautification Board for the City of Brooksville, Florida recognized and honor the named recipient for improvements and beautification to property located within the City.

300 E. Fort Dade Avenue

Presented this ___ day of ____________, 20__

Mayor, City of Brooksville, Florida

Jennifer J. Battista, City Clerk
CITY OF BROOKSVILLE  
MINUTES OF THE REGULAR CITY COUNCIL MEETING  
JOSEPH E. JOHNSTON III COUNCIL CHAMBERS  
201 HOWELL AVENUE  
7:00 pm

ORDER OF BUSINESS  
October 19, 2020

CALL TO ORDER

Good evening everyone. My name is Pat Brayton. I am the Vice Mayor of the City of Brooksville and I welcome you to the virtual Regular City Council Meeting. I'd like to call this meeting to order on October 19, 2020 at 7:00 p.m.

I would ask everyone’s patience as we hold today’s meeting, as it will be held entirely virtually for everyone’s safety. This is being done to comply with social distancing guidelines so our citizens can participate in the meetings in their own safe environment.

The public is advised to check the City website for up-to-date information on any changes to the manner in which future meetings will be held and the location.

Please be advised that this meeting will be posted on the Hernando County Government Broadcasting website at www.hernandocounty.us the following day, or as soon thereafter as possible. Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may now conduct meetings of their governing boards without having a quorum of its members physically present at a specific location by utilizing communications media technology such as telephones or video conferencing platforms.

The City of Brooksville uses a Zoom virtual platform to hold its virtual public meetings. Zoom is a cloud platform for video and audio conferencing, which allows for collaboration, and the delivery of webinars across mobile devices, desktops, telephones, and room systems. The Zoom platform selected by the City does NOT require the public to purchase any software or special equipment to participate in this meeting. The Zoom app can be downloaded to mobile devices or desktops for convenience. More detailed instructions on how to download Zoom is available on the City’s website, on the public meeting notice and on the published agenda.

As in our regular in-person meetings, the public will be allowed to participate and may speak at certain times during the meeting. When it is time for public comment and input, you will be asked to click the “Raise Hand” button on the bottom of the Zoom Meeting Screen and wait to be recognized by the Vice Mayor. If you are participating by telephone (AUDIO) only via Zoom, before Citizen’s Input is over, you would need to press *9 to be recognized and the City Clerk will acknowledge your number as an attendee and ask you to unmute your line by pressing *6 if you wish to speak.
As with any Citizen’s input, when you are recognized, please speak clearly and state your name and we ask you to state your address for the record before proceeding with your comments. As in our regular meeting, public comments are limited to 3 minutes. I would like to request that those wishing to speak to please be sure to eliminate any background sounds.

In addition, if the City Clerk received public comments prior to the meeting by email or regular mail, your comments will be read into the record right before the Citizen’s Input and the email must be no longer than 3 minutes.

Due to a problem of “Zoom bombing” during a virtual Council meeting on September 16, 2020 via the Zoom “Chat” option, Chat will not be available for Zoom meetings at this time.

This meeting is being recorded. By continuing to participate in the meeting by electronic means, all those who speak are consenting to the recording of this meeting and all comments. A link to an audio recording of the meeting will be provided the next day, or as soon as possible thereafter, on the Hernando County Broadcasting portal at www.hernandocounty.us. Anyone wishing to appeal any decision made by the City Council for any matter considered at this meeting may need a verbatim record of the item.

If we experience any technical issues, I will ask for a short recess of the virtual meeting or ask for a continuance of the meeting if it appears to be needed. If you experience technical issues, you can email Jennifer Battista, City Clerk, at jbattista@cityofbrooksville.us.

Please be aware that as of this meeting date, City facilities are open Monday through Friday from 8:00 a.m. – 5:00 p.m. However, social distancing guidelines will be adhered to and a sign-in sheet at City Hall is maintained.

Has the City Clerk provided notice of this virtual public meeting?

City Clerk Battista advised that the notice was sent to the press, posted on the City’s website and posted at City Hall. Attendance roll call, as follows

Betty Erhard Present
William Kemerer Present
Robert Battista Present
Pat Brayton Present
Joe Bernardini Present
The Vice Mayor continued: I'd like to note also that present is Mr. Kutney, City Manager and Becky Vose, City Attorney, who are both participating virtually in this public meeting. Also present is Jennifer Battista, City Clerk, who is acting as co-host of the meeting.

INVOCATION AND PLEDGE OF ALLEGIANCE
The invocation was given by Pastor Joe Santerelli, Hillside Baptist, Brooksville, followed by the Pledge.

APPROVAL/MODIFICATIONS OF THE AGENDA
(Limited to City Council and City Manager)

Motion:
Motion was made by Battista and seconded by Kemerer to approve the October 19, 2020 agenda. Motion carried 5-0, as follows:

Kemerer Aye
Battista Aye
Erhard Aye
Brayton Aye
Bernardini Aye

CERTIFICATES AND PROCLAMATIONS
Pat Crowley – Recognition of Service to Hernando County Chamber of Commerce
A retirement proclamation was read by Vice Mayor Brayton and presented to Pat Crowley in recognition of her service to the Hernando County Chamber of Commerce. Mrs. Crowley introduced Morris Porton, who will take over as Chamber President. Council Members offered their appreciation to Mrs. Crowley for her service.

Florida City Government Week – October 19 – 25, 2020
A proclamation declaring the Week of October 19 – 25, 2020 as Florida City Government Week was read by Vice Mayor Brayton. The proclamation would be sent to the Florida League of Cities.

Red Ribbon Week – October 23 – 31, 2020
Red Ribbon Week, October 23 – 31, 2020, was read by Council Member Battista. The proclamation had been requested by Elizabeth Reichow, Unit Commander, LCpl Buesing, Young Marines. No one attending via Zoom offered input. The proclamation would be sent to the requester.
Florida League of Cities, John Land Years of Service Award
Vice Mayor Brayton read a resolution from the Florida League of Cities, signed by the Executive Director and FLC President, which was presented to Mayor Joe Bernardini for over 25 years of service.

CITIZEN INPUT [limited to 3 minutes per speaker]
[NOTE: Input can be on any subject, whether or not on the agenda. However, input regarding ordinances and resolutions will be accepted now and at the time those issues are presented at the meeting. Testimony and evidence related to quasi-judicial matters will be heard at the time it is introduced.]

City Clerk Battista read an email received on October 19, 2020 from Natalie Kahler, as follows:

Re: Please read into record at First citizen input
Natalie Kahler <believeinbrookville@gmail.com>
To: Betty Erhard <BErhard@cityofbrooksville.us>; William Kemerer <WKemerer@cityofbrooksville.us>; Robert Battista <RBattista@cityofbrooksville.us>; Jennifer Battista <JBattista@cityofbrooksville.us>; Joe Bernardini <jbernardini@cityofbrooksville.us>; Mark Kutney <mkutney@cityofbrooksville.us>; Nancy Stuparich <nstuparich@voselaw.com>; Pat Brayton City of Brooksville Council Member <pbrayton@cityofbrooksville.us>; Paul Booth <PBooth@cityofbrooksville.us>
Please add the following:
Alternately, we would donate $400 to the city to cover City Department of Public Works cost of sign creation and then find volunteers to put them up. Whichever Council prefers we will be happy to assist as needed.

On Mon, Oct 19, 2020 at 5:07 PM Natalie Kahler <believeinbrookville@gmail.com> wrote:

In accordance with the City Attorney's recommendation regarding the City maintaining control of sign content, I request that the City post arrows along the mermaid trail in the manner requested by city staff. The numbers of trail users have been increasing as awareness and we feel these signs are important safety inclusions in the program.—

Natalie Kahler, Brooksville Main Street Executive Director
City Clerk Battista read an email received from Martin Alvarez on October 12, 2020, as follows:

please read into the record in next Council meeting

Martin Alvarez <malvarez34601@gmail.com>
Mon 10/12/2020 4:18 PM

To: Jennifer Battista <JBattista@cityofbrooksville.us>; Mark Kutney <mkutney@cityofbrooksville.us>; Joe Bernardini <jbernardini@cityofbrooksville.us>

Dear Mayor and City Council,

As a stakeholder in the city, I have long followed your meetings and decisions. When Betty Erhard ran for Council in 2014 saying she was "for the people" many of us believed her. So many believed that she defeated Bill Kemmerer who eventually got on Council and has proven to be one of the best this city has had.

Betty fought hard alongside many residents to get rid of the red light cameras and to keep the golf course as a city park so it looked like she really was "for the people." But power seems to have gotten to her head and "for the people" has turned into a weapon she uses to do what she wants to do, regardless of what the people really want. If anyone disagrees with her she tries (with endless creativity) to figure out why their opinion shouldn't count. And as she learned the power of city government, she also learned how to manipulate it for her own benefit. This has been evident for several years now, but this year took it to a whole new level.

1. Using Code Enforcement as a way to punish her enemies. She wanted business owners fined for a banner she didn't like while her own place of work was full of banner violations and other code violations.

2. Bandying the term "Fiscal Responsibility" to throw shadows on programs she doesn't like while approving an alternate plan without even bothering to ask the pricetag.

3. Calling for a boycott of over 100 businesses in Brooksville. All through the budget process she expressed concern for business owners during the covid situation, but then called a boycott on those same businesses weeks later.

4. Using Code Enforcement as her private police force. She directed staff via email to remove signs promoting her Recall. This is a violation of city code, which requires code violators to get a certified letter telling them to remove it. Her directive to staff was asking him to step on private property and steal signs puts both the employee and the City at risk.
Why is the city allowing Betty to put the city and its employees at risk of a lawsuit? Just to preserve her feelings? How about the feelings of the property owners who now fear to cross her because she'll throw Code Enforcement at them? How about the feelings of the hundreds of business owners and employees whose livelihood she put at risk?

I am glad that her influence is so small that no one is joining her boycott. But her refusal to step down from a position her behavior has disqualified her from holding is embarrassing and insulting to people like me who really believe that "for the people" should be the aim of our elected officials.

If Councilwoman Erhard is still "for the people" she should step down and spend her time volunteering in the community to show it.

Martin Alvarez

Commending Parks’ Staff for the Movie in the Park Event
Donna Morin, City resident, reported on the movie held in the Park on October 13, 2020. She stated it was a lot of fun and she appreciated the Parks’ staff for their work to put on the successful event.

RESPONSE BY CITY MANAGER AND STAFF/COUNCIL
City Manager Kutney thanked Donna Morin for her comments about the Parks’ staff and the event.

CONSENT AGENDA
Minutes
a. August 19, 2020 – Special Meeting - Audit
b. August 24, 2020 – Special Meeting – Main Street
c. August 24, 2020 – Special Meeting – Budget

Surplus Property
Motion to find and declare equipment and other Brooksville Police Department items as listed in attached spreadsheets to be surplus property and authorize the city manager to dispose of the items in a manner that is most beneficial to the city.

Hernando County Cares Agreement
Motion to approve agreement for the Hernando County Coronavirus Aid Relief and Economic Security (CARES) Act Funding and authorize Mayor and City Manager to execute all documents necessary. Funding not to exceed $215,271.29 on a cost reimbursement basis, contingent upon approval of expenditures by the County and
upon allocation of funds.

**USDA Rural Development Community Facilities Loan and Grant Program Application**

Motion to 1) approve the USDA Rural Development Community Facilities Loan and Grant application in the amount of $320,000 for funding to purchase a mini-pumper as identified in the FY 2021-2025 Capital Improvement Plan. 2) approve delivery of a delegation letter, subject to legal review, authorizing the Mayor or City Manager or other designee to execute all necessary documents necessary related to the application.

Mayor Bernardini requested that the surplus property item be pulled for further discussion.

**Motion:**

Motion was made by Bernardini and seconded by Battista to approve the October 19, 2020 Consent Agenda. Upon roll call, motion carried 5-0, as follows:

- Battista: Aye
- Kemerer: Aye
- Erhard: Aye
- Brayton: Aye
- Bernardini: Aye

**DISCUSSION OF CONSENT AGENDA ITEMS (IF ANY)**

**Surplus Property**

Mayor Bernardini called attention to some of the items listed and wondered if any of it could be used by Departments. City Manager Kutney stated that the list had been available to Departments, but he would check with staff and report back to Council.

**Motion:**

Motion was made by Bernardini and seconded by Battista to approve the Surplus Property Consent Agenda item. Upon roll call, motion carried 5-0, as follows:

- Erhard: Aye
- Battista: Aye
- Kemerer: Aye
- Brayton: Aye
- Bernardini: Aye
REGULAR AGENDA

Resolution 2020-21 Support for Hernando County Fair Association
Support of Application to Department of Agriculture Education and Promotion Facility Grant - Request for Funding.

City Clerk Battista read the Resolution by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, IN SUPPORT OF THE HERNANDO COUNTY FAIR ASSOCIATION FAIRGROUNDS IMPROVEMENT PROJECT AND ITS APPLICATION FOR AGRICULTURE EDUCATION AND PROMOTION FACILITY REQUEST FOR FUNDING FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Richard Klimas, Hernando County Fair Association, explained the grant submission which he stated would go towards a new agriculture barn, lighting, etc.

Motion:
Motion was made by Erhard and seconded by Kemerer to approve Resolution No. 2020-21.

Council Member Kemerer noted that the application stated that a resolution was not approved after a public hearing and he assumed that language would be changed, to which Mr. Klimas agreed that it would be. Council Member Kemerer further called attention to the fact that the application was due on October 1st. Mr. Klimas stated that the 2019 resolution approved by Hernando County is sufficient for the Dept. of Agriculture, but Mr. Klimas felt that it would be desirous to have the City’s support as well, adding that it would be a supplemental submission.

Public Input
There was no public input.

Upon roll call, motion carried 5-0, as follows:

Battista Aye
Erhard Aye
Kemerer Aye
Brayton Aye
Bernardini Aye
Main Street Program
a. Quarterly Presentation
   (July 1 – Sept 30, 2020)

Natalie Kahler, BMS Executive Director, offered a power point presentation of the July 1 – September 30, 2020 quarter.

b. Discussion/Approval of Quarterly Invoice

Motion:
Motion was made by Kemerer and seconded by Bernardini to approve the July 1 – September 30, 2020 quarterly invoice.

Public Input
Donna Morin, City resident, wondered who received the grant. Mrs. Morin felt that since taxpayers’ dollars fund the Brooksvile Main Street, then grant recipient information should be transparent and public record.

BMS Executive Director Kahler stated that it is a National Main Street America grant and every business was eligible to apply and she was uncomfortable giving out the names of the recipients.

Motion carried 4-1, as follows:

Kemerer       Aye
Erhard        Nay
Battista      Aye
Brayton       Aye
Bernardini    Aye

Resolution 2020-20
FDOT Road Closure for Kiwanis Christmas Parade
Approval of resolution requesting FDOT to close certain roads for annual Christmas Parade to be held December 12, 2020

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING THE CLOSURE AND TEMPORARY USE OF JEFFERSON STREET AND BROAD STREET BETWEEN MAIN STREET AND BELL AVENUE IN DOWNTOWN BROOKSVILLE ON SATURDAY, DECEMBER 12, 2020 FROM 9:00 AM TO 2:00 PM; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.
Motion:
Motion was made by Battista and seconded by Bernardini to approve Resolution No. 2020-20.

Council Member Kemerer questioned if the street closure submittal included the indemnification. City Clerk Battista stated that the paperwork on the street closure was just submitted and is in review by the Departments and staff will make sure the insurance and indemnification are included. She added that the Kiwanis will be coming to Council on November 16th for their sponsorship credit request.

Public Input
No public input.

Upon roll call, Resolution No. 2020-20 was approved 5-0, as follows:

Kemerer  Aye
Erhard   Aye
Battista Aye
Brayton  Aye
Bernardini  Aye

Resolution No. 2020-22
FDOT Road Closure for Christmas on Main Street Tree Lighting Event
Approval of resolution requesting FDOT to close certain roads for annual Christmas on Main Street event to be held December 3, 2020.

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN LEMON AVENUE AND SOUTH BROOKSVILLE AVENUE IN DOWNTOWN BROOKSVILLE ON THURSDAY, DECEMBER 3, 2020; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

City Clerk Battista advised that this resolution is based on the street closure footprint as requested for 2019.

Council Member Kemerer questioned the indemnification aspect, to which City Manager Kutney stated was undetermined as of this point. City Manager Kutney stated that this decision may be discussed at the proposed Special Meeting on October
It was clarified by the Vice Mayor that this request is to approve the FDOT street closure.

Council Member Battista stated that today he had received what he felt was a request for a different footprint. He felt that the resolution could go forth regardless of the additional area requested by BMS as the additional areas does not affect State roads.

City Manager Kutney stated that when the City first started attending meetings with BMS and Live Oak in June, it was his understanding that the footprint would be the one that is before Council for consideration at this meeting. On July 2, Mrs. Kahler requested an expanded footprint and the City reviewed it; it was City staff's opinion that because of COVID concerns, the expanded footprint was not appropriate. In a meeting in August with BVF President, Cliff Manuel, JoAnne Peck, BMS committee member, and others, many items were discussed, including the footprint and the proposed public safety zone. A monthly meeting is held with BMS, and the footprint has been brought up. At one of those meetings, a depiction with highlighted areas of the requested expansion was submitted by BMS and City staff continued to review it. City staff still is of the opinion that the footprint should remain as it was last year, which was expanded since 2018 to allow for the location of Santa Claus further south on Main Street.

Mr. Kutney went on to report on a meeting held with Mr. Herring, Hernando County Public Works, who agreed that it was not a good idea to expand the footprint but agreed to review it. He advised that today, he and the City Clerk had a phone call with Mrs. Kahler, who indicated that if the City does not approve the expanded footprint, there would be no tree lighting. He advised Mrs. Kahler that she needed to discuss that with City Council. He added that if BMS wants to take this over and be the lead, they need to provide the indemnification.

Director of Public Works Booth stated that he had a phone call with Mr. Herring today. Mr. Herring advised that he did not have an issue with the expanded route, but there would need to be additional work on detours and design submitted through FDOT. The County would not be willing to take on that role. Mr. Booth stated that because of the late date, he felt it would be hard to meet FDOT approval deadlines.

City Manager Kutney stated that the City wants to see a successful event, but he felt this is the one year not to expand or enlarge the event due to COVID concerns.

He reported that there is an October 20th meeting with BMS to finalized some details on the event.
Council Member Erhard questioned when the next City Council meeting would be, to which the City Manager responded would be a Special Meeting on October 26th to discuss the BHA Housing Authority’s request for Summit Villas. Council Member Erhard suggested putting this off until that meeting. Director of Public Works Booth stated that he would be concerned that a possible change in the footprint on October 26th would not allow enough time for FDOT to approve it.

It was pointed out by the City Manager that there has been a significant drop of vendors signed up so far this year. Council Member Kemerer supported having the same footprint as last year. Council Member Battista offered agreement.

Council Member Kemerer expressed concern that if BMS takes the lead and expands the footprint, they have already said they would not be providing indemnification to the City.

**Motion:**
Motion was made by Kemerer and seconded by Battista to approve Resolution No. 2020-22.

BMS Executive Director Kahler informed Council that the July submission is the same request as they are asking for now. She advised that the intent is not to grow the event, but rather to space it out in a safe way. She stated that the expanded footprint was requested not by BMS but by a couple of other partners concerned about the spacing in the event. She stated that her intent in the phone call to the City Manager today was that BMS did not feel they could provide the tree if they felt they weren’t able to provide a safe space as they do not want to have a “super spreader COVID” event.

**Public Input**
Donna Morin wondered if BMS had any vendors set up before it was decided that the City would be in charge of the vendors. She expressed concern about social distancing at this event, especially at the actual time the tree is lit. She felt that masks should be mandatory.

Council Member Kemerer did not think social distancing could occur at the actual time of lighting. He did not think expanding the footprint would avoid the spread of COVID when all gather at the lighting.

BMS Executive Director Kahler stated that spreading the vendors out would help with social distancing and the congestion of vendors on S. Main Street. She added that there would be a 4:00 show and a 7:00 show. In addition, they planned to have remote viewing locations. She would be encouraging business to do “watch parties” of the
lighting.

Upon roll call, motion carried 5-0 to adopt resolution No. 2020-22, as follows:

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Kemerer</td>
<td>Aye</td>
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<tr>
<td>Erhard</td>
<td>Aye</td>
</tr>
<tr>
<td>Battista</td>
<td>Aye</td>
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<tr>
<td>Brayton</td>
<td>Aye</td>
</tr>
<tr>
<td>Bernardini</td>
<td>Aye</td>
</tr>
</tbody>
</table>

"Welcome to Historic Downtown Brooksville" Banners
Consideration of CRA recommendation from 10/19/20 CRA meeting, continuation of discussion and recommendations from staff on installation of (11) banners entitled, Welcome to Historic Downtown Brooksville, approximately 2 feet by 4 feet in size, on existing ‘way finding’ signs within the City. The application was submitted by Historic Shed, part of the design team of the Main Street Program.

Director of Public Works Booth went over the request for banners and the action taken at the CRA meeting held earlier this day. It is the recommendation of staff not to approve the downtown banners request. Staff would get with the CA to come up with solutions and hold a Council workshop to discuss this further.

Motion:
Motion was made by Battista and seconded by Erhard to approve Staff’s recommendation.

Mayor Bernardini clarified that the action should be the recommendation of the CRA to deny the request. Amendment to the motion and second were made by Battista and Erhard to reflect this.

Upon roll call, motion carried 5-0, as follows:

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<table>
<thead>
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<tbody>
<tr>
<td>Erhard</td>
<td>Aye</td>
</tr>
<tr>
<td>Kemerer</td>
<td>Aye</td>
</tr>
<tr>
<td>Battista</td>
<td>Aye</td>
</tr>
<tr>
<td>Brayton</td>
<td>Aye</td>
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<tr>
<td>Bernardini</td>
<td>Aye</td>
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</tbody>
</table>

Mayor Bernardini stated that he disagreed with the decision but would accept the CRA’s recommendation.
**Mermaid Trail Signs/Stencils**
Recommend not approving the installation of Mermaid Trail directional stencils/signage on sidewalks/Street Sign posts along the Mermaid Trail.

Director of Public Works Booth went over the request as discussed at the CRA meeting held earlier in the day and it is staff’s recommendation not to approve the installation of Mermaid Trail directional signage.

Mayor Bernardini stated it is his understanding that Executive Director Kahler stated that BMS was willing to pay for signage as it is her understanding that City staff said they could make the signs and install them.

City Manager Kutney stated that Mrs. Kahler identified posting arrows along the Mermaid Trail. He did not think that would be a problem, but he would like to check with the City Attorney and City Planner. Vice Mayor Brayton requested that staff look into that. City Planner Gouldman stated that it is his understanding that staff would get with the City Attorney and look at code changes that needed to happen for all signage, including Mermaid signs, or any signage in the CRA or in the City. Vice Mayor Brayton and Council Members Battista and Kemerer voiced agreement.

Director of Public Works Booth stated that he had concerns over placing anything on the sidewalk due to possible damage. He did propose to Mrs. Kahler that perhaps the City could manufacture the signs and install them as if they were City signs. Vice Mayor Brayton felt it was a separate request that would need to come before Council.

**Motion**
Motion was made by Battista and seconded by Kemerer to accept the CRA’s recommendation. Upon roll call, motion carried 5-0, as follows:

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<thead>
<tr>
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<tbody>
<tr>
<td>Battista</td>
<td>Aye</td>
</tr>
<tr>
<td>Kemerer</td>
<td>Aye</td>
</tr>
<tr>
<td>Erhard</td>
<td>Aye</td>
</tr>
<tr>
<td>Brayton</td>
<td>Aye</td>
</tr>
<tr>
<td>Bernardini</td>
<td>Aye</td>
</tr>
</tbody>
</table>

**CITIZEN INPUT [limited to 3 minutes per speaker]**
There was no citizen’s input.
RESPONSE BY CITY MANAGER AND STAFF/COUNCIL
None necessary

ITEMS BY CITY ATTORNEY
No items to report.

ITEMS BY CITY MANAGER
Street Repaving (Asses Management)
City Manager Kutney stated that the City had a bid opening for street repaving and some of the bids were within budget range. Staff is currently reviewing these bids.

Upcoming Art Reception
City Manager Kutney reported that November 13th will be the next art reception and it will be held utilizing the safest practices possible related to COVID concerns.

Veterans Day Celebration
Staff is working diligently on the upcoming Veterans event that will be held on November 11th.

Breast Cancer Awareness Walk
The City Manager commended Parks’ staff for the successful event held in the Park on October 10th.

STAFF UPDATES (IF ANY)
September Code Enforcement Report - No input from Council.

ITEMS BY COUNCIL
MAYOR BERNARDINI
He thanked the Vice Mayor for conducting the meeting.

Road Paving
The Mayor questioned when the street paving project would begin as he would like to see this project start quickly. City Manager Kutney stated that the bids are being reviewed. Director of Public Works Booth contributed that the contract should be able to come back to Council for consideration at their November 2nd meeting. The Notice to Proceed and actual paving should begin in January.
Fire Department Annual Report
Mayor Bernardini thanked Fire Chief Snowberger and the Fire Department for the great job on the annual report.

COUNCIL MEMBER ERHARD
Breast Cancer Awareness Walk
She thanked Park staff for all their work on the successful event. She thanked the Fire Department for being present as well.

Fire Department Annual Report
Council Member Erhard thanked the Fire Department on the report.

Code Enforcement Position
Council Member Erhard questioned if the position had been filled. City Manager Kutney stated that the position will be advertised shortly.

Bulb outs
Council Member Erhard noticed that the bulb outs in the downtown had been cleaned out and wondered if BMS or the City did that work. Director of Parks and Recreation Whisnant advised that Parks staff have helped some but the majority of the work has been coordinated by the Director of Public Works utilizing the inmate crew. Council Member Erhard offered appreciation.

COUNCIL MEMBER BATTISTA
Florida League of Cities Recognition.
He congratulated Mayor Bernardini on the recognition of his years of public service.

Road Paving
Council Member Battista voiced agreement with Mayor Bernardini with moving on the road paving project. He noted that this is the dry season which should make efforts easier than in the rainy season.

Fire Department Annual Report
He commended the Fire Department on their report.
COUNCIL MEMBER KEMERER  
Fire Department Annual Report  
Council Member Kemerer also commended the Fire Department on their report.

CRA and Land Development Code Discussions  
Council Member Kemerer was glad to see continuing discussions related to many CRA and Land Development Code issues.

Road Paving  
He was looking forward to the road paving project beginning as one of the long-term infrastructure projects that is needed.

VICE MAYOR BRAYTON  
Breast Cancer Awareness Walk  
The Vice Mayor thanked Park staff for all their work on the event.

Fire Department Annual Report  
He also acknowledged the work done by the Fire Department on their annual report.

Road Paving  
He was happy to see the project moving forward.

Letter of Support – Anti-Drug Coalition Tobacco Free Grant Application  
Vice Mayor Brayton advised he had received an email request for a letter of support from the Hernando County Community Anti-Drug Coalition Tobacco Free Hernando, of which he is a member as a Council Liaison.

Motion:  
Motion was made by Kemerer and seconded by Battista to authorize the Vice Mayor to sign the letter of support. Upon roll call, motion carried 5-0, as follows:

  Erhard       Aye  
  Battista     Aye  
  Kemerer      Aye  
  Brayton      Aye  
  Bernardini   Aye
ADJOURNMENT
There being no further business to consider, motion was made by Kemerer and seconded by Battista to adjourn the meeting at 8:58 p.m. Upon roll call, motion carried 5-0, as follows:

- Erhard  Aye
- Battista  Aye
- Kemerer  Aye
- Brayton  Aye
- Bernardini  Aye

Jennifer J. Battista, CMC, City Clerk

Attest: ______________________
Mayor

Approved ________
ORDER OF BUSINESS
November 12, 2020

CALL TO ORDER
The meeting was called to order by Mayor Bernardini. Council Members additionally attending were Vice Mayor, Pat Brayton and Council Members Robert Battista and William Kemerer. Attending by phone was Council Member Betty Erhard (11:45 a.m.). Also attending were City Manager, Mark Kutney; City Attorney, Becky Vose (by phone), City Clerk, Jennifer Battista; Finance Director, Autumn Sullivan; Public Works Director, Paul Booth, Interim Utilities Director, Danny Brooks; Fire Chief, Ron Snowberger; Special Projects Manager, Charlene Kuhn and Parks and Recreation Director, Angie Whisnant.

APPROVAL/MODIFICATIONS OF THE AGENDA
(Limited to City Council and City Manager)

Motion:
Motion was made by Brayton and seconded by Kemerer to approve the November 12, 2020 agenda. Motion carried 4-0.

Emergency Resolution No. 2020-27 – Tropical Storm Eta
Consideration of declaration of Local State of Emergency due to the approach of Tropical Storm Eta. Council is requested to authorize City Manager to take all actions necessary and appropriate to protect human life and property, including utilizing all lawful authority granted to the City of Brooksville by Federal, State, County, or City Emergency Management Laws, Rules, Regulations as may be necessary subject to limitations outlined in Florida Statutes.

City Manager Kutney advised that staff has been assessing the storm damage after Tropical Storm Eta and it has been determined that the City fared well with minimum damage. The Jerome Brown Community Center lost power, computer and phones but will soon be restored. There is tree debris throughout the City and in the Brooksville Cemetery

Council Member Kemerer questioned if there was any flooding, to which the City Manager advised he was unaware of any.

Fire Chief Snowberger reported that the Fire Department brought on extra crews and have responded to multiple assists such as lines down and trees on structures, and the crews have attended to those. The crews have been clearing light road debris. He added
that the Emergence Operations Center had met earlier this morning and determined they are in recovery mode.

Chris Anderson, Community Development Director, reported that staff had been out this morning and there is nothing to report as all tree or other damage are on private property.

Paul Booth, Director of Public Works, advised that DPW crews have been out since 4:00 a.m. and have cleared a tree from a road and are street sweeping to remove tree debris and are attending to other minor issues. There has been no flooding.

Interim Utilities Director, Danny Brooks, contributed that two lift stations were down temporarily due to a Duke Energy power outage. There has been no sewage loss or water plants down. Sanitation will be running their route but due to the County landfill closing today, the collection will be held and dumped on Friday.

Council Member Kemerer questioned if all lift stations had generators, to which Brooks responded that they do not.

In response to Council Member Kemerer's question on whether there will be a special pickup for storm debris, Interim Director Brooks stated that there will be.

**Motion:**
Motion was made by Brayton and seconded by Kemerer to approve Resolution No. 2020-27.

City Clerk Battista read Resolution No. 2020-27 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY DUE TO THE APPROACH OF TROPICAL STORM ETA; PROVIDING THE CITY WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND IN CITY CODE CHAPTER 22, ARTICLE II; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

**Public Input**
There was no public input.

Upon roll call, motion carried 5-0, as follows:

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<tbody>
<tr>
<td>Kemerer</td>
<td>Aye</td>
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<tr>
<td>Battista</td>
<td>Aye</td>
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<tr>
<td>Erhard</td>
<td>Aye</td>
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<tr>
<td>Brayton</td>
<td>Aye</td>
</tr>
<tr>
<td>Bernardini</td>
<td>Aye</td>
</tr>
</tbody>
</table>
Motion: Motion was made by Kemerer and seconded by Brayton to adjourn the meeting.

Council Member Kemerer offered his support of directing staff to come up with an estimated cost for putting generators in all lift stations and have it added to the CIP. Each Council Member offered concurrence.

In response to Vice Mayor Brayton's question on how many that would be, Brooks felt that it would be 3 – 5, but he could come back with a more accurate answer.

Vice Mayor Brayton expressed concern that this emergency Special Meeting has been called almost 24 hours after the storm started to come through. He felt that there should be a way for the emergency meeting to be held sooner in these types of situations. Mayor Bernardini offered agreement, citing another example of an emergency would be a train wreck. Vice Mayor Brayton expressed the desire for the City Attorney and City Manager to discuss this and possibly have this issue discussed at a future Council meeting.

City Manager Kutney assured Council that staff would not wait for an emergency meeting to begin assisting as needed.

Discussion ensued on how the County declared a local emergency in an Emergency Policy Group meeting held on November 11th, in which one County Commissioner serves as a member. The City Manager stated that he was unsure how that could be done without a quorum of County Commissioners making that decision.

Council Member Erhard questioned if sandbags are available and Director of Public Works Booth stated that they are available at Public Works.

CITIZEN'S INPUT
There was no citizens input.

ADJOURNMENT
Motion carried 5-0. Meeting adjourned at 12:02 p.m.

__________________________________________
Jennifer J. Battista, CMC, City Clerk

Attest: ____________________________________
Mayor
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: CHARLENE KUHN, SPECIAL PROJECTS MANAGER
FROM: MARK A. KUTNEY, CITY MANAGER
SUBJECT: Hernando County CARES Funding – Emergency Purchases
DATE: December 7, 2020

REPORT IN BRIEF:

Under the Emergency Services provision of the procurement manual purchases made in excess of $4,000 require a recorded explanation by the City Manager and shall be entered into the Minutes of the City Council and open to public inspection.

DISCUSSION:

Under the Declaration of Emergency Resolution No. 2020-07, declaring a State of Emergency due to the Threat of COVID-19 adopted March 16, 2020 and the subsequent extensions of the Emergency Resolution and pursuant to the Federal Cares Act Funding subrecipient agreement through Hernando County with a period of performance of October 5 – December 1, 2020, the following items exceeding $4,000 but not to exceed $50,000, have been purchased under the emergency services provision:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Quantity</th>
<th>Item Description</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>RoadSafe</td>
<td>4</td>
<td>Variable Message Boards</td>
<td>$12,475.00</td>
<td>$49,900</td>
</tr>
<tr>
<td>AeroClave</td>
<td>1</td>
<td>Room Decontamination System</td>
<td>$14,351.00</td>
<td>$14,351.00</td>
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<tr>
<td>Swagit Productions, LLC</td>
<td>1</td>
<td>Live Broadcast Streaming Services &amp; Equipment</td>
<td>$57,225.00</td>
<td>$57,225.00</td>
</tr>
<tr>
<td>GovConnection</td>
<td>1</td>
<td>Laptops</td>
<td>$31,879.10</td>
<td>$31,879.10</td>
</tr>
<tr>
<td>GovConnection</td>
<td>1</td>
<td>Laptops Ancillary Equipment</td>
<td>$7,076.08</td>
<td>$7,076.08</td>
</tr>
<tr>
<td>GovConnection</td>
<td>1</td>
<td>Laptops</td>
<td>$19,899.92</td>
<td>$19,899.92</td>
</tr>
</tbody>
</table>

FISCAL IMPACT: There is no fiscal impact as these items are grant funded. The application for funding was approved during the August 3, 2020 Council Meeting and sub-recipient agreement approved at the October 19, 2020 Council Meeting. Under the funding agreement all expenses had
to be incurred and paid by December 1, 2020 and delivery received by December 31, 2020.

CONCURRENCES:

REVIEW PROCESS
Autumn Sullivan, Finance
Vose Law Firm, City Attorney

ALTERNATIVES:

No alternatives at this time

ATTACHMENT: None
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

<table>
<thead>
<tr>
<th>Name</th>
<th>Autumn Sullivan</th>
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</thead>
<tbody>
<tr>
<td>Date of Meeting</td>
<td>December 7, 2020</td>
</tr>
<tr>
<td>Agenda Subject: (i.e. Art Gallery Coordinator)</td>
<td>Purchases Over Threshold-CARES Fund</td>
</tr>
<tr>
<td>Approval yes or no</td>
<td>Yes</td>
</tr>
<tr>
<td>Questions/ Comments</td>
<td>None.</td>
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<table>
<thead>
<tr>
<th>Name</th>
<th>Gretchen R.H. Vose, Esq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Meeting</td>
<td>December 7, 2020</td>
</tr>
<tr>
<td>Agenda Subject: (i.e. Art Gallery Coordinator)</td>
<td>Hernando County CARES Funding</td>
</tr>
<tr>
<td>Approval yes or no</td>
<td>Yes</td>
</tr>
<tr>
<td>Questions/ Comments</td>
<td>Reviewed and approved for sufficiency and form.</td>
</tr>
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CONSENT AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JON DOWLER, ASSISTANT DPW DIRECTOR / PROJECT MANAGER
VIA: MARK A. KUTNEY, CITY MANAGER
SUBJECT: DUKE ENERGY, STREET LIGHTING CHANGE OUT
DATE November 10, 2020

CITY MANAGER RECOMMENDATION:
Recommend City Council approve the Duke Energy’s, City Street Lighting change out and authorize the Mayor or designee to sign Lighting Account Estimate.

REPORT IN BRIEF:
Duke Energy proposes to upgrade and improve the quality of light for the City. In an effort to minimize costs, and maintain efficiency, part of Duke Energy’s outdoor lighting rental program proposes to replace the City’s current street lighting system from ‘high pressure sodium’ bulbs to a ‘light emitting diodes’ (LED) at no cost to the City.

DISCUSSION:
Per Duke Energy, replacing the current bulbs with an LED lighting system has many benefits.
- Light produced is referred to as ‘warm white’, will be marginally brighter
- Projected 20 to 25-year life span, with less maintenance required
- Projected electrical energy savings of 15 to 25%
Staff compared costs of current lighting with proposed lighting over a 12-month period. Equipment rental cost for LED lights would go up approximately $6,650.00 annually. However, the electrical cost savings based on a 20% reduction saves the City an estimated $7,689.00 annually, resulting in an approximate savings of $1,038.00 overall (see attached equipment rental comparisons).

The proposed lighting changes would take approximately 6-8 months to complete and would be conducted in phases so as to minimize any street lighting interruptions.

FISCAL IMPACT:
Will reduce City street lighting costs by approximately $1,038.00 annually.

CONCURANCES:
Autumn Sullivan, Finance
Paul Booth, Public Works Director
Becky Vose, City Attorney

ATTACHMENTS:
Duke Energy Lighting Account Estimate
<table>
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<tr>
<th>Name</th>
<th>Autumn Sullivan</th>
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<tbody>
<tr>
<td>Date of Meeting</td>
<td>December 7, 2020</td>
</tr>
<tr>
<td>Agenda Subject</td>
<td>Duke Energy Letter of Intent</td>
</tr>
<tr>
<td>Approval yes or no</td>
<td>Yes</td>
</tr>
<tr>
<td>Questions/ Comments</td>
<td>None.</td>
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Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

<table>
<thead>
<tr>
<th>Name</th>
<th>Paul M. Booth</th>
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<tbody>
<tr>
<td>Date of Meeting</td>
<td>12/07/2020</td>
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<tr>
<td>Agenda Subject: (i.e. Art Gallery Coordinator)</td>
<td>Duke Energy Letter of Intent</td>
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<tr>
<td>Approval yes or no</td>
<td>Yes</td>
</tr>
<tr>
<td>Questions/ Comments</td>
<td>I concur with the recommendation of Staff.</td>
</tr>
</tbody>
</table>
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

<table>
<thead>
<tr>
<th>Name</th>
<th>Greichen R.H. Vose, Esq.</th>
</tr>
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<tbody>
<tr>
<td>Date of Meeting</td>
<td>November 10, 2020</td>
</tr>
<tr>
<td>Agenda Subject: (i.e. Art Gallery Coordinator)</td>
<td>STREET LIGHTING CHANGE OUT</td>
</tr>
<tr>
<td>Approval yes or no</td>
<td>Yes</td>
</tr>
<tr>
<td>Questions/ Comments</td>
<td>Reviewed and approved for sufficiency and form.</td>
</tr>
</tbody>
</table>
## Project Details

**Customer:** CITY OF BROOKSVILLE  
**Account:** 11075-67476  
**Site:** 26 S Brooksville Ave, Brooksville, FL 34601  
**Contact:** Jon Dowser  
**Phone:** (352) 540-4336

---

### Project Details

**Scope of Request**

- Remove: HPS 100W and 50W Roadway light fixtures.
- Remove: HPS 400W and 250W Floodlight fixtures.
- Remove: (1) LEO 110W Roadway, OH (Ref. Pole S6644738).
- Replace existing 110W LED Roadway with a LED 150W Roadway.
- Install: LED SOW Roadway Micro Type III, 3000K, Gray OH light fixtures.
- Install: LED 150W Roadway Type 111, 3000K, Gray (OH & UG) light fixtures.
- Install: LED 130W Floodlight, 3000K, Bronze (OH) light fixtures.

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**REMOVALS**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Product Description</th>
<th>Fixtures and Poles</th>
<th>Rental</th>
<th>Maint.</th>
<th>F &amp; E</th>
<th>Unit Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>381</td>
<td>100W HPS ROADWAY</td>
<td>L27, L33, L71</td>
<td>$3.64</td>
<td>$1.72</td>
<td>$2.75</td>
<td>$3,171.01</td>
</tr>
<tr>
<td>126</td>
<td>50W HPS ROADWAY</td>
<td>L34, L35 (Bundled)</td>
<td>$1.12</td>
<td>$0.04</td>
<td>$1.38</td>
<td>$1,151.04</td>
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<tr>
<td>132</td>
<td>750W HPS ROADWAY</td>
<td>L31, L47, L73</td>
<td>$4.16</td>
<td>$1.72</td>
<td>$9.81</td>
<td>$1,075.86</td>
</tr>
<tr>
<td>606</td>
<td>400W HPS FLOODLIGHT</td>
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**Per Unit Sub-Total**  
**Rental, Maintenance, F&E Totals:** $3,202.35 $1,149.11 $4,351.46

**INSTALLS**

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**Per Unit Sub-Total**  
**Rental, Maintenance, F&E Totals:** $5,943.86 $1,206.12 $7,150.98

**Estimated Monthly Rental:** $8,460.00

---

### CIAC

- The invoice for the Contribution in Aid of Construction will be mailed to you separately upon approval of this proposal and payment is due before the work can be released to scheduling of construction.

**MLDF**

- The Monthly Lighting Distribution Fee will be billed to you separately each month and is 1.5% of the Underground or Overhead Service feed and pole installation.

---

**Estimated Monthly Rental excludes any applicable taxes, franchise fees or customer charges.**

---

**Choose ONE Construction Charge Option by Checking a Box Above**

- **CIAC**
- **MLDF**

---

In order for us to proceed with the above proposed lighting design we will need an authorized signature on this proposal and any other required documents enclosed. Do not remit payment with this form and do not fax. Return these signed documents to the mailing address above or email the color scanned PDF if instructed.

---

**Thank you for your lighting request. We look forward to working with you on this project.**

---

**Authorized Signature**

---

**Date**

---
AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
VIA: MARK A. KUTNEY, CITY MANAGER
VIA: CHRIS ANDERSON, COMMUNITY DEVELOPMENT DIRECTOR
FROM: STEVE GOULDMAN, AICP, CITY PLANNER

SUBJECT: ORDINANCE NUMBER 923—RZ 2020-04 — LANDBUILDER, LLC. PETITION REQUESTING REZONING FROM RPDP TO PDP-MU

DATE: DECEMBER 7, 2020

INTRODUCTION & BACKGROUND INFORMATION:
The petition is a request to rezone an approximately 413-acre tract from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-Mixed Use). Located on the south side of Southern Hills Boulevard, north of Powell Road and approximately 2,250 feet east of the intersection of Broad Street and Southern Hills Boulevard, the subject tract was annexed into the City in May of 2003 and April of 2006. City Council adopted Ordinance Number 675 on October 18, 2004 rezoning the property to RPDP and allowing for the development of up to 925 detached single family units, a model home sales center and a recreation center. The petitioner requests the property be rezoned to PD-MU and allowed to maintain the previously approved 925 detached single family dwelling units, the recreation center and model homes, and to add 26 villa/duplex units along with up to 15,000 square feet of floor space for office and other uses allowed in the P-i (Professional Office) zoning district. As proposed, the villa/duplex units and P-i uses will be situated on the west side of Cotillion Boulevard immediately south of Southern Hills Boulevard. The area in which the villa/duplex and P-i uses are proposed is currently identified for use by a model home center and the recreation center.

COMPATIBILITY WITH SURROUNDING AREA:
The development is located adjacent to the Southern Hills Plantation development to the north, west-northwest and east. A mix of large lot agricultural properties are located to the south across Powell Road and to the west and southwest of the subject tract. As previously noted, the parcels to be modified are located on the west side of Cotillion Boulevard immediately south of Southern Hills Boulevard. Development along Southern Hills Boulevard adjacent to and to the north of the proposed office site is anticipated to include commercial as well as residential uses. The villa/duplex units will be located immediately north of the recreation center and west of a retention pond and office facilities associated with Southern Hills Plantation. Based on the above, staff finds the request compatible with the development pattern in the general area.
PUBLIC FACILITIES AND LEVEL OF SERVICE:
The subject development is and will continue to be served by City water and sewer services and a Utility Service Agreement with the City is in effect. Primary access to the project is and will continue to be via Southern Hills Boulevard and Cotillion Boulevard. Based on data assumptions contained within the City’s Comprehensive Plan, the analysis below depicts the impacts associated with the proposed use.

**Trip Generation:**
As stated previously, the subject tract was previously approved for the development of 925 detached single family dwelling units. According to the ITE Trip Generation Manual (8th Edition), 925 detached single family dwellings (LUC 210) will generate approximately 8,852 daily vehicle trips with 934 P.M. Peak Hour trips. A detailed traffic analysis was submitted with the original rezoning and the required improvements are restated below. The ITE Trip Generation Manual (8th Edition), indicates the addition of 26 villa/duplex units (LUC 230) will generate approximately 151 daily vehicle trips and 14 P.M. Peak Hour trips. The ITE Trip Generation Manual (8th Edition) indicates 15,000 square feet of general office floor space (LUC 710) will generate approximately 1,651 daily vehicle trips and 223 P.M. Peak Hour trips. A detailed traffic analysis will be required prior to the development of the office floor space to ensure that all roadways impacted will continue to operate at acceptable levels of service.

**Water:**
In total, water consumption within the project would be an estimated 253,876 gallons per day. Specifically, the proposed office development of 15,000 square feet of floor space would result in the consumption of an estimated 2,812 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Water consumption for the 26 villa/duplex units and the 925 single-family conventional units would be an estimated 251,064 gallons of water per day. The estimate is based on the Comprehensive Plan Level of Service for water consumption of 110 gallons per day per person and the 2010 U.S. Census average of 2.4 occupants per household in the City of Brooksville. Presently, the quantity of water required for the proposed development of this site is available and would not result in the City exceeding its allowable maximum consumption of 3.672 million gallons per day (current average daily use in the City is 1.129 MGD).

**Sewer:**
Effluent generation for the project would be an estimated 230,490 gallons per day. The proposed office development of 15,000 square feet of floor space would result in the generation of an estimated 2,250 gallons of effluent per day. The estimate is based on the assumption that 0.150 gallons per day are needed for every square foot of non-residential floor space. Effluent generation for the 26 villa/duplex units and the 925 single-family conventional units would be an estimated 228,240 gallons per day. The estimate is based on the Comprehensive Plan Level of Service for effluent generation of 100 gallons per day per person and the 2010 U.S. Census average of 2.4 occupants per day. The analysis below depicts the impacts associated with the proposed use.
household in the City of Brooksville. Presently, the addition of the quantity of sanitary sewer effluent generated by the proposed development of this site can be accommodated by the City’s 1.9 million gallons per day sewer treatment system capacity (current average daily use in the City is .824 MGD). It must be noted that system’s capacity is sometimes exceeded during heavy and/or prolonged rain events. The City is and will continue to address the inflow and infiltration issue.

**Drainage:**
The land area of the subject tract is located within Flood Zone X and Flood Zone AE. Flood Zone X is defined as an area exhibiting minimal flood potential. The AE Flood Zone is defined as an area inundated by 1% annual chance flooding and in which Base Flood Elevations (BFEs) have been determined. Future development will be required to meet Land Development Code regulations for development in Flood Hazard Areas as well as the SWFWMD 40D-4 permitting requirements and all City Comprehensive Plan policies relating to stormwater retention and conveyance.

**Recreation Facilities:**
A variety of City and County parks and recreation facilities are available to serve the subject site.

**Public School Facilities:**
The development is an age 55+ restricted community and will therefore have minimal impact on area schools.

**NATURAL RESOURCES AND FEATURES:**
A portion of the property is developed with single family residential uses, a recreation center complex and model homes. According to the Soil Survey of Hernando County, the soils on the property consist of Blichton Loamy Fine Sand (2 to 5% slopes), Flemington Fine Sandy Loam (2 to 5% slopes), Floridana Variant Loamy Fine Sand, Kendrick Fine Sand (0 to 5% slopes), Nobleton Fine Sand (0 to 5% slopes), Samsula Muck (0 to 1% slopes) and Wauchula Fine Sand (0 to 5% slopes).

**BUDGET STATEMENT:**
Costs for processing zoning requests are offset by applicable application fees.

**LEGAL NOTE:**
Section 163.3202(2)(b), Florida Statutes requires municipalities to regulate the use of land and water in accordance with land use categories included in the Comprehensive Future Land Use Element to ensure compatibility of adjacent uses and to provide for open space. Zoning districts are established throughout the City to accomplish these objectives. The City of Brooksville Zoning Map shows zoning categories assigned to individual parcels. If a rezoning is approved, the City of Brooksville Zoning Map is updated to show the change in use of the parcel [City of Brooksville Land Development Code, Article II, Part 2-1, Secs. 2-1.1 and 2-1.2(a)]. The proposed ordinance changing the zoning category for the parcels is legally sufficient as to form and has been properly advertised.
PLANNING AND ZONING COMMISSION RECOMMENDATION:
At their meeting on November 19, 2020, the Planning and Zoning Commission voted 4-1 to recommend that City Council deny the petition. The Commissioners in attendance included Chairman Joseph P. Quinn, Vice Chairman Elmer Korbus, George Rodriguez, Ronald Lawson, Gary Sutton, Michael Dolan and John Redpath.

Action taken at 11/19/20 PZ Commission meeting:

Motion:
Motion was made by Sutton and seconded by Korbus to deny the zoning change. Upon roll call, motion carried 4-1 to recommend denial, as follows:

Commissioner Lawson   Aye
Commissioner Rodriguez Aye
Commissioner Korbus    Aye
Commissioner Sutton   Aye
Chairman Quinn         Nay

[Note: since there was a full board, the alternates, Michael Dolan and John Redpath, did not vote]

CITY MANAGER RECOMMENDATION:
The City Manager recommends that City Council find the request compatible with the surrounding zoning and land use and consistent with the City’s Comprehensive Plan and recommends that City Council approve the First Reading of Ordinance No. 923 and schedule the Second and Final Reading for December 21, 2020 rezoning the property from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-MU), subject to the following conditions:

1. Unless otherwise specified herein, the project shall be developed in accordance with the City of Brooksville Land Development Code as well as the rules and regulations of all applicable government entities.

2. The development shall be permitted a maximum of 925 single family detached dwelling units, 26 villa/duplex units, a recreation complex and model homes, and a maximum of 15,000 square feet of floor space for uses permitted in the P-1 (Professional Office) zoning district.

3. The uses shall be developed in accordance with the following standards:

   Single family detached:
   - Minimum lot size: 6,120 square feet
   - Minimum lot width: 51 feet at building line
   - Minimum front yard: 20 feet
   - Minimum rear yard: 15 feet
Minimum side yard: 5 feet (In areas where the fire flow design is less than 1,500 gpm, the minimum side setback shall be 5.5 feet).

Maximum height: 45 feet

Driveway location: Residential driveway access points to be located on private, minor streets located internal to the subdivision may be placed no closer than 5.5 feet to side lot lines, provided no safety issues or conflicts with infrastructure are apparent, as determined by the City’s Departments of Public Works and Community Development.

Villa/Duplex:
- Minimum lot size: 4,200 square feet (per unit)
- Minimum lot width: 35 feet (per unit) at building line
- Minimum front yard: 20 feet
- Minimum rear yard: 15 feet
- Minimum side yard: 5 feet/0 feet
- Maximum height: 45 feet

P-1 Office property:
- Minimum lot size: 7,500 square feet
- Minimum lot width: 75 feet
- Minimum front yard: 50 feet from Southern Hills Boulevard
- Minimum rear yard: 25 feet
- Minimum side yard: 25 feet from Cotillion Boulevard, 10 feet from western parcel boundary
- Maximum height: 35 feet

4. Perimeter buffers around the project shall consist of a 25-foot building setback, including a fifteen-foot vegetative (natural or planted) buffer. Buffering and screening between the office parcel and the villa/duplex development shall be a Type “C” buffer as described in the Land Development Code.

5. The developer shall construct a collector road from Powell Road north to the East/West road (Southern Hills Plantation Boulevard). The road will have a minimum right-of-way width of 80 feet and be constructed to meet all applicable City construction standards for a public collector road. Individual residential driveways will not be permitted on the collector road.

6. The collector road shall be maintained by the developer as a private road facility within the community, subject to the conditions of the Development Agreement dated May 28, 2003 between the City and Hampton Ridge Developers LLC, as amended. This road must be constructed prior to the issuance of the 400th residential Certificate of Occupancy (CO) for this property. If the road is not
constructed by the time the 400th residential unit’s CO is issued, permit activity for new development in the community will cease until such time as when the internal collector road connection to Powell road is completed.

7. Cul-de-sacs may be approved up to a length of 1,300 feet as part of the subdivision platting process, provided said cul-de-sacs have a right-of-way diameter of 110 feet and a paved area of 80 feet, and all other safety issues or concerns are addressed, including enforcement of “No Parking” zones on the streets and cul-de-sacs.

8. The residential community entrance may incorporate appropriate signage and gating, consistent with community and Land Development Code standards.

9. Streets within the project area of the subdivision (behind the gates) shall be privately owned and maintained. All streets must be built consistent with the provisions of this zoning approval and meet City construction standards.

10. With the exception of the collector road (Cotillion Boulevard) from Powell Road to the East/West connector (Southern Hills Boulevard), all roads within the project shall be considered local roadways and may be accessed by residential lots. The local roads shall have a minimum 50-foot wide right-of-way containing two lanes each a minimum of 10 feet in width and sidewalks a minimum of 5 feet in width on at least one side of the right-of-way. The collector and all local roads shall be privately owned and maintained.

11. Provisions shall be included in the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15-foot wide easement must be provided for all single lines and 30-feet for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

12. The developer shall enter into a Utility Service Agreement with the City of Brooksville.

13. The developer shall 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.

CONCURRENCES:
Paul Booth, Public Works
Danny Brooks, Utilities
Autumn Sullivan, Finance
Vose Law Firm, City Attorney

ATTACHMENTS:

(2) RZ Petition (As submitted by Donald R. Lacey, AICP, Coastal Engineering Associates, Inc. as Agent for LandBuilder, LLC.).
(3) Citizen Petition
(4) Interveners
(5) Documents Submitted By Citizens at Planning and Zoning Commission Meeting
(6) Draft 11/19/20 Planning and Zoning Commission meeting minutes
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

Name: Paul M. Booth
Date of Meeting: 12/07/2020
Agenda Subject: (i.e. Art Gallery Coordinator): Landbuilder Rezoning
Approval yes or no: Yes
Questions/Comments: I concur with the recommendation of Staff.
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

Name: Danny Brooks
Date of Meeting: 12/07/2020
Agenda Subject: (i.e. Art Gallery Coordinator) Landbuilder Rezoning
Approval yes or no: YES
Questions/ Comments: I concur with the recommendation of Staff.
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

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Signature: [Signature]

Date: 12/7/20

Reg Council Agenda Packet
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ATTACHMENT 1

ORDINANCE NO. 923

AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE REZONING OF PROPERTY APPROXIMATELY 413 ACRES IN SIZE, GENERALLY DESCRIBED AS LOCATED ON THE SOUTH SIDE OF SOUTHERN HILLS BOULEVARD, NORTH OF POWELL ROAD AND APPROXIMATELY 2,250 FEET EAST OF THE INTERSECTION OF BROAD STREET AND SOUTHERN HILLS BOULEVARD IN THE CITY OF BROOKSVILLE, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 2, FROM ZONING DISTRICT CLASSIFICATION RPDP (RESIDENTIAL PLANNED DEVELOPMENT PROJECT) TO PDP-MU (PLANNED DEVELOPMENT DISTRICT-MIXED USE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FINDINGS. The City Council does hereby find that the proposed zoning of this property with a PDP-MU designation is consistent with the City’s Comprehensive Plan and is compatible with existing land uses in the area.

SECTION 2. REZONING & ZONING MAP AMENDMENT. That the following described property in the City of Brooksville, Florida is hereby zoned as a PDP-MU (Planned Development Project – Mixed Use) with residential and office/commercial uses.

Petitioner: LandBuilder, LLC.
Donald R. Lacey, AICP, Coastal Engineering Associates, Inc., Agent

Legal Description: See Attachment “A” for the complete Legal Description

Location: This parcel is 413 acres in size and is located on the south side of Southern Hills Boulevard, north of Powell Road and approximately 2,250 feet east of the intersection of Broad Street and Southern Hills Boulevard. Attachment “B” provides a graphic view of the property.

The aforementioned property located within the City of Brooksville, Florida, is hereby assigned a zoning classification of PDP-MU (Planned Development Project – Mixed Use), and the zoning map of the City of Brooksville shall be amended accordingly. The Planned Development Project shall be subject to the following conditions:
1. Unless otherwise specified herein, the project shall be developed in accordance with

the City of Brooksville Land Development Code as well as the rules and regulations

of all applicable government entities.

2. The development shall be permitted a maximum of 925 single family detached
dwelling units, 26 villa/duplex units, a recreation complex and model homes, and a
maximum of 15,000 square feet of floor space for uses permitted in the P-1
(Professional Office) zoning district.

3. The uses shall be developed in accordance with the following standards:

Single family detached:

Minimum lot size: 6,120 square feet
Minimum lot width: 51 feet at building line
Minimum front yard: 20 feet
Minimum rear yard: 15 feet
Minimum side yard: 5 feet (In areas where the fire flow design is less
than 1,500 gpm, the minimum side setback shall be 5.5 feet).

Maximum height: 45 feet
Driveway location: Residential driveway access points to be located
on private, minor streets located internal to the
subdivision may be placed no closer than 5.5 feet
to side lot lines, provided no safety issues or
conflicts with infrastructure are apparent, as
determined by the City's Departments of Public
Works and Community Development.

Villa/Duplex:

Minimum lot size: 4,200 square feet (per unit)
Minimum lot width: 35 feet (per unit) at building line
Minimum front yard: 20 feet
Minimum rear yard: 15 feet
Minimum side yard: 5 feet/0 feet
Maximum height: 45 feet

P-1 Office property:

Minimum lot size: 7,500 square feet
Minimum lot width: 75 feet
Minimum front yard: 50 feet from Southern Hills Boulevard
Minimum rear yard: 25 feet
Minimum side yard: 25 feet from Cotillion Boulevard, 10 feet from
western parcel boundary

Maximum height: 35 feet

4. Perimeter buffers around the project shall consist of a 25-foot building setback,
including a fifteen-foot vegetative (natural or planted) buffer. Buffering and

2 of 4
screening between the office parcel and the villa/duplex development shall be a Type "C" buffer as described in the Land Development Code.

5. The developer shall construct a collector road from Powell Road north to the East/West road (Southern Hills Plantation Boulevard). The road will have a minimum right-of-way width of 80 feet and be constructed to meet all applicable City construction standards for a public collector road. Individual residential driveways will not be permitted on the collector road.

6. The collector road shall be maintained by the developer as a private road facility within the community, subject to the conditions of the Development Agreement dated May 28, 2003 between the City and Hampton Ridge Developers LLC, as amended. This road must be constructed prior to the issuance of the 400th residential Certificate of Occupancy (CO) for this property. If the road is not constructed by the time the 400th residential unit’s CO is issued, permit activity for new development in the community will cease until such time as when the internal collector road connection to Powell road is completed.

7. Cul-de-sacs may be approved up to a length of 1,300 feet as part of the subdivision platting process, provided said cul-de-sacs have a right-of-way diameter of 110 feet and a paved area of 80 feet, and all other safety issues or concerns are addressed, including enforcement of “No Parking” zones on the streets and cul-de-sacs.

8. The residential community entrance may incorporate appropriate signage and gating, consistent with community and Land Development Code standards.

9. Streets within the project area of the subdivision (behind the gates) shall be privately owned and maintained. All streets must be built consistent with the provisions of this zoning approval and meet City construction standards.

10. With the exception of the collector road (Cotillion Boulevard) from Powell Road to the East/West connector (Southern Hills Boulevard), all roads within the project shall be considered local roadways and may be accessed by residential lots. The local roads shall have a minimum 50-foot wide right-of-way containing two lanes each a minimum of 10 feet in width and sidewalks a minimum of 5 feet in width on at least one side of the right-of-way. The collector and all local roads shall be privately owned and maintained.

11. Provisions shall be included in the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15-foot wide easement must be provided for all single lines and 30-feet for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

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12. The developer shall enter into a Utility Service Agreement with the City of Brooksville.

13. The developer shall 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.

**SECTION 3. SEVERABILITY.** Should this Ordinance contain any provisions that are in conflict with any law or are declared null or void by a court of competent jurisdiction, such provisions shall be severed and all remaining provisions of this Ordinance shall continue in effect.

**SECTION 4. EFFECTIVE DATE.** This Ordinance and zoning of the properties described hereto shall take effect immediately upon its adoption as provided by Florida law.

CITY OF BROOKSVILLE
Ordinance No. 923

Attest: ________________________________  By: ________________________________
Jennifer J. Battista, CMC                      Mayor
City Clerk

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

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

VOTE OF COUNCIL:

Bailey ______
Battista ______
Bell ______
Brayton ______
Erhard ______

Vose Law Firm, LLP
City Attorney
EXHIBIT "A"
LEGAL DESCRIPTION

PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTIONS 4, 9, 10 AND 16, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 9; THENCE N 00°17'24" E A DISTANCE OF 495.05 FEET; THENCE N 89°56'10" W A DISTANCE OF 664.19 FEET; THENCE N 00°12'16" E A DISTANCE OF 165.16 FEET; THENCE S 89°55'42" W A DISTANCE OF 664.43 FEET; THENCE N 00°16'58" E A DISTANCE OF 660.35 FEET; THENCE N 89°47'38" W A DISTANCE OF 38.21 FEET; THENCE N 26°19'35" A DISTANCE 31.31 FEET; THENCE N 01°17'12" W A DISTANCE OF 58.61 FEET; THENCE N 05°39'10" W A DISTANCE OF 53.89 FEET; THENCE N 72°47'15" E A DISTANCE OF 5.74 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1060.00 FEET, A DELTA OF 21°58'10", A CHORD DISTANCE OF 403.96 FEET AND A CHORD BEARING OF S 71°02'25" E; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 406.45 FEET TO THE POINT OF TANGENCY; THENCE S 82°01'30" E A DISTANCE OF 180.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2560.00 FEET, A DELTA OF 05°20'01", A CHORD DISTANCE OF 238.22 FEET AND A CHORD BEARING OF S 84°41'31" E; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 238.30 FEET; THENCE S 09°16'01" W A DISTANCE OF 738.72 FEET THENCE S 03°49'30" E A DISTANCE OF 574.96 FEET; THENCE S 18°22'51" E A DISTANCE OF 1983.76 FEET; THENCE S 25°17'46" E A DISTANCE OF 508.97 FEET; THENCE S 03°48'51" E A DISTANCE OF 991.52 FEET THENCE S 69°56'33" E A DISTANCE OF 1013.97 FEET; THENCE S 39°12'36" E A DISTANCE OF 1222.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SEABOARD COASTLINE RAILROAD; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE S 52°11'38" W A DISTANCE OF 856.48 FEET; THENCE S 00°18'40" W A DISTANCE OF 38.13 FEET; THENCE S 52°11'38" W A DISTANCE OF 134.79 FEET; THENCE N 89°47'54" W A DISTANCE OF 32.48 FEET; THENCE S 52°11'38" W A DISTANCE OF 1452.28 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF POWELL ROAD; THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE N 37°34'05" W A DISTANCE OF 132.86 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 785.30 FEET, A DELTA OF 18°45'13", A CHORD DISTANCE OF 255.89 FEET AND A CHORD BEARING OF N 47°52'08" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 257.04 FEET TO THE POINT OF TANGENCY; THENCE N 57°14'45" W A DISTANCE OF 448.10 FEET THENCE N 57°12'10" W A DISTANCE OF 551.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1388.82 FEET; A DELTA OF 05°18'15", A CHORD DISTANCE OF 128.50 FEET AND A CHORD BEARING OF N 59°52'29" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 128.55 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 367.04 FEET, A DELTA OF 25°54'42", A CHORD DISTANCE OF 164.58 FEET AND A CHORD BEARING OF N 75°28'57" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 165.99 FEET; THENCE N 00°37'21" E A DISTANCE OF 1299.15 FEET; THENCE N 89°51'08" W A DISTANCE OF 2659.94 FEET; THENCE N 00°25'56" E A DISTANCE OF 982.09 FEET; THENCE S 89°51'42" E A DISTANCE OF 1328.98 FEET; THENCE N 00°25'20" E A DISTANCE OF 2977.22 FEET TO THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 9; THENCE ALONG SAID NORTH BOUNDARY S 89°53'35" E A DISTANCE OF 1328.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 412.77 ACRES, MORE OR LESS.
EXHIBIT "B" TO ORD. NO. 923
LANDBUILDER, LLC
RZ 2020-04

Base map information provided by the Hernando County Property Appraiser's office.
Map created by the Brooksville Community Development Department.
Disclaimer: This map is intended for planning purposes only, and should not be used to determine the precise location of any feature shown therein.
Typical Lot - Not to Scale

LEGEND
- PI Use
- Residential
- Surrounding Zoning
- Project Boundary

120 ft Flood Plain - Approximate Location Not Shown Per Floodplain Study

General Notes:
1. This drawing is a planning document and is not to be considered a final design or construction plan, and is not intended for recordation in public records.
2. Gravitational, Sewer, and Easement will be relocated if required.

Site Data:
- Parcel No.: 365104
- Address: 5200 S. GABLE ST.
- Tampa, FL 33625
- Area: Approx. 8.2 AC.

Existing Zoning:
- Front - 100 feet PDP (R)
- Side - 20 feet PDP (R)
- Rear - 100 feet PDP (R)

Proposed Zoning:
- Front - PDP (R)
- Side - PDP (R)
- Rear - PDP (R)

Proposed Building Setbacks (Residential)
- Front: 20'
- Side: 15'
- Rear: 15'

Proposed Road Setbacks (Pl)
- Front Southern Hills Blvd.: 25'
- Side Southern Hills Blvd.: 15'
- Rear: 15'

Height of Buildings: 15'

PIU: 4.5 D.U. Community Scale 0.33 D.C. (450), Effective Date 07/01/2012 - Zone X

Land Use Table:

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Total

14.5
ATTACHMENT 2

RZ Petition (As submitted by Donald R. Lacey, AICP, Coastal Engineering Associates, Inc. as Agent for LandBuilder, LLC.).
City of Brooksville Rezoning Petition
Application for Public Hearing

Date: 06/15/2020

Type all information. If you need any assistance, call the Community Development Department at (352) 540-3810.

Applicant: LandBuilder, LLC
Mailing Address: 6522 Gunn Highway, Tampa, FL 33625
Daytime Telephone: FAX No: E-Mail Address: devonrushnell@landbuilder.com

Representative: Donald R. Lacey, AICP, Coastal Engineering Associates, Inc.
Mailing Address: 966 Candlelight Blvd., Brooksville, FL 34601
Daytime Telephone: (352) 796-9423 FAX No: E-Mail Address: dlacey@coastal-engineering.com

Public Contact Person: Donald R. Lacey, AICP, Coastal Engineering Associates, Inc.
Daytime Telephone: (352) 796-9423 FAX No: E-Mail Address: dlacey@coastal-engineering.com

Will Expert Witness be utilized during the public hearings?

Legal Description: Type below the complete legal description of the property, including street address, if any, and the names of all owners. Include Section, Township and Range; and if applicable, Subdivision Name, Lot, Block, and Unit Number. Attach additional sheet if necessary.

Cascades at Southern Hills Plantation Ph 1 Replat Tract A Amenities Center/DRA. Parcel Key #380554. S/1/R 09/23 South/19 East. Owner: LandBuilder, LLC

Size of Area Covered by Application: Approx. 10.3 ac

Highway and Street Boundaries: Cotillion Boulevard

Current Zoning Classification: RPDP

Rezoning Requested: Retain RPDP with change in use from recreation to single family attached in portion of parcel key 380554; adding 26 units

Proposed Use of Property: Single-Family attached housing

Has a public hearing been held on this property within the past twelve months? NO

Acknowledgment

This acknowledgment must be signed in the presence of a Notary Public.

I, Devon Rushnell, Pres., LandBuilder, LLC, hereby state and affirm that all information submitted within this petition is in all respects true and correct to the best of my knowledge and belief and that:

☐ 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 of Applicant or Representative

STATE OF FLORIDA
COUNTY OF HERNANDO

Sworn to (or affirmed) and subscribed before me by means of __ physical presence or __ online verification, this __ day of ___________ 2020, by ___, who is personally known to me or who has produced ___, as identification.

Signature of Notary Public
LANDBUILDER, LLC
CASCADES VILLAS
PLANNED DEVELOPMENT PROJECT ZONING
NARRATIVE

PROJECT OVERVIEW

The area being considered for a zoning/master plan revision is the extreme northern portion of the Cascades at Southern Hills (Cascades) development, a 413 acre residential community presently in its first phase of development. Cascades is located Section(s) 9 and 16, Township 23 South, Range 19 East, within the limits of the City of Brooksville, Hernando County, Florida. The current zoning is PDP(R) Planned Development Project (Residential) and the City’s Comprehensive Plan Future Land Use Map shows the Cascades is located within a Suburban Residential 2.5 designation. The overall master plan was approved 10/18/2004 by City of Brooksville.

APPLICANT REQUEST

This application request is for a master plan modification for an approximate 8 ac. portion of the northern parcel in Cascades referred to by Hernando County Property Appraiser as parcel key number 380554.

The applicant is requesting to add a single family attached villa (duplex) product to the master plan, to be placed on approximately 5.6 undeveloped acres to the north of the present recreation center, which will add 26 dwelling units to Cascades (raising the dwelling unit total from 925 to 951). It should be noted that the Applicant may use one of the lots for models. The applicant is also requesting that the land use designation for the portion of the project adjacent to Southern Hills Plantation Boulevard presently used for the sales center (approximately 2.4 acres) be modified to P1 to allow for professional offices, and various other uses listed under this category in the City of Brooksville code. To accommodate this, portions of Parcel Key # 380554 are requested to be designated for single family attached (duplex) housing, drainage retention and P1 uses. No changes are being requested for the remaining areas within the Cascades (Phase 1- developed with ongoing housing construction; Phase 2 – platted with pending development; Phases 3 & 4 – undeveloped). The density, 2.3 dwellings units/gross acre, is well within the 2.5 dwellings per acre allowed within the Suburban Residential comprehensive plan designation.

The revised master plan included in this submittal depicts the general location and configuration of the proposed Villas project, and the P1 Use(s) area. It also displays the remaining lands within Cascades. To provide a more detailed view of the proposed villa area, an additional exhibit for the Villas has been prepared and attached. A typical villa lot is 70’ x 120 with the 70’ width being achieved at the building setback line for lots where front footage is on a curve. Access to the villas from directly from a collector roadway (Cotillion Boulevard) via the existing entrance to the recreation center. The project will be served with City of Brooksville central water and sewer via existing infrastructure. As part of Cascades at Southern Hills Plantation, the proposed villas will be able to enjoy the adjacent Amenity Center. As the over-all Cascades at Southern Hills Plantation community moves forward, an additional recreation area may be located in future phases.
Buffers: With no adjacent residential lots around the Cascades boundary a buffer is not needed or proposed.

Building Residential Setbacks (as previously approved with master plan):
- Villas (Duplex lots) Front: 20’ Side: 5’/9’ Rear: 15’
- Single Family Detached Lots Front: 20’ Side: 5’ Rear: 15’

Maximum Height for Residential Buildings: 45’ (as previously approved)

Building P1 setbacks:
- From Southern Hills Blvd.: 50’
- Side: 10’
- Rear: 25’
- Between Buildings: 15’

I. Proposed Master Plan- Amended overall Zoning Master Plan and Cascades Villas - Rezoning are being submitted herewith.

II. Draft of Protective Covenants.
Draft Protective Covenants has not yet been prepared for the villas but will be prepared prior to final platting.

III. Preliminary Engineering Report.
A. Topography & Drainage - Topographical elevations on the villa site range from a low of approximately 92 m.s.l. to a high of approximately 102 m.s.l.
B. Floodplain - F.I.R.M. 12053C 0193D indicates the villa site is within Zone X.
C. Soils - Soils type for the villa site is: Nobleton fine sand 0 to 5% slopes
D. Environmental - A preliminary site visit was conducted on April 20, 2020 related to the proposed Cascades Villas project. The following are the result of the site visit.
   - The subject project site is a forested parcel, comprised of a canopy of slash pine trees, with a subcanopy containing a mixture of oak tree species (laurel and live oak).
   - Ground cover is primarily pine straw and leaf litter.
   - No listed species were observed.
   - One wetland area, Wetland F-14 (0.14 acres) is located in the northwest corner of the proposed project site.

IV. Development Schedule. Development is anticipated to take place by early 2021.

V. Adequate Access. Access will be gained from U.S. Highway 41, via Southern Hills Boulevard and Cotillion Boulevard. All three roadways have capacity and an excellent level of service.

VI. Water and Sewer. The proposed villas will be served with central water and sewer by the City of Brooksville Utilities Department.

VII. Drainage. The existing DRA located to the southwest was designed to accommodate the proposed project. Stormwater runoff will be directed to the DRA.
VIII. Development of Regional Impact Thresholds.
The proposed development is below all DRI thresholds, and therefore is not subject to DRI review or comprehensive plan review for DRI size projects pursuant to Section 380.06(12), Florida Statutes.

IX. Previous approvals.
• Ordinance No. 675 (RZ204-02) – Passed on second and final reading on Oct. 18, 2004
  This ordinance and zoning classification for a Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP), including a recreation complex and model homes center.
TYPICAL LOTS - NOT TO SCALE

SINGLE FAMILY

SINGLE FAMILY

DUPLEX

SITE DATA

APPLICANT: LANDBUILDER, LLC
6522 GUNN HIGHWAY
FAMPA, FL 33625

NUMBER OF LOTS: 931
AREA: APPROX 413 AC.

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SITE DATA

PARCEL KEY NO: 393554
OWNER: LANDBUILDERS, LLC
ADDRESS: 6522 GUNN HWY
TAMPA FL 33625-4623

AREA: APPROX. 6.0 AC.
EXISTING ZONING: PDP (R)
SURROUNDING ZONING: WEST - AG AND PDP (R), EAST - PDP (MU), SOUTH - AG AND PDP (R), NORTH - PDP (R)

PROPOSED ZONING: PDP (R) AND PDP (PL)
NO. DWELLING UNITS: 26 DUPLEX DWELLINGS

PROPOSED BUILDING SETBACKS (RESIDENTIAL):
FRONT: 20'
SIDE: 10'
REAR: 15'

PROPOSED BUILD SETBACKS (PL):
FROM SOUTHERN HILLS BLVD.: 50'
SIDE: 10'
REAR: 25'
BETWEEN BUILDINGS: 15'

FEMA - F.I.R.R.E. COMMUNITY PANEL 12351C 0132D, EFFECTIVE DATE 03/03/2012 - ZONE X

GENERAL NOTES
1. THIS DRAWING IS A PLANNING DOCUMENT AND IS NOT TO BE CONSIDERED A FINAL DESIGN OR CONSTRUCTION PLAN, AND IS NOT INTENDED FOR RECORDATION IN PUBLIC RECORDS.
2. GRAVITY SEWER LINE AND EASEMENT WILL BE RELOCATED, IF REQUIRED.

LAND USE TABLE

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APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

Devon Rushnell, Pres., LandBuilder, LLC

I, __________________, the owner(s) in fee simple of the below described real property hereby appoint Coastal Engineering Associates, Inc. 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)

Cascades at Southern Hills Plantation Ph 1 Replat Tract A Amenity Center/DRA.

__________________________________________________________

Signature of Owner

__________________________
Date

STATE OF FLORIDA
COUNTY OF HERNANDO

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 1 day of July, 2020, by Devon Rushnell, who is personally known to me or who has produced Driver’s License as identification.

__________________________
Signature of Notary Public
**Detail by Entity Name**

**Florida Not For Profit Corporation**

**CASCADES AT SOUTHERN HILLS RESIDENTS’ ASSOCIATION, INC.**

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**Principal Address**

2005 Pan Am Circle
Suite 300
Tampa, FL 33607

Changed: 02/22/2019

**Mailing Address**

2005 Pan Am Circle
Suite 300
Tampa, FL 33607

Changed: 02/22/2019

**Registered Agent Name & Address**

MERITUS ASSOCIATIONS
2005 Pan Am Circle
Suite 300
Tampa, FL 33607

Name Changed: 04/15/2016

Address Changed: 02/22/2019

**Officer/Director Detail**

Name & Address

Title President

RUSHNELL, DEVON
2005 Pan Am Circle
Suite 300
Tampa, FL 33607
**Detail by Entity Name**
Florida Limited Liability Company
LANIBUILDER, LLC.

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This conveyance is exempt from state documentary stamps as it is a conveyance of unencumbered property to the Grantee for no consideration.

Parcel ID No. R09 223 19 ! 578 0000 000A

**FEE SIMPLE DEED**

This indenture, made this 30 day of January, 2019, by Cascades at Southern Hills Residents' Association, Inc., a Florida corporation not for profit, Grantor, to Landbuilder, LLC, a Florida limited liability company, whose post office address is 6522 Gunn Highway, Tampa, Florida 33625, Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and transferred, and by these presents does grant, bargain, sell and transfer unto the Grantee all that certain parcel of land lying and being in the County of Hernando, and State of Florida, more particularly described as follows:

Tracts "A" as shown on the plat of Cascades at Southern Hills Plantation Phase One Replat, according to the map or plat there of as recorded in Plat Book 39, Page 1 of the public records of Hernando County, Florida

Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining:

TO HAVE AND TO HOLD the same in fee simple forever.
IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal the day and year above written.

Signed, sealed and delivered in our presence:

(Witness signature)
(Print witness name)
(Witness signature)
(Print witness name)

Cascades at Southern Hills Residents' Association, Inc., a Florida corporation not for profit

By:
Devon Rushnell, President
2005 Pan Am Circle
Suite 120
Palm Harbor, Florida 34683

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this ___ day of February, 2018, by Devon Rushnell, as President of Cascades at Southern Hills Residents' Association, Inc., who are personally known to me or who have produced ___________ as identification.

ANN M. ZYNDORF
My Commission Expires: September 18, 2022

My Commission Expires:
PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTIONS 4, 9, 10 AND 16, TOWNSHIP 23 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 9; THENCE N 00°17'24" E A DISTANCE OF 495.05 FEET; THENCE N 89°56'10" W A DISTANCE OF 664.19 FEET; THENCE N 00°12'16" E A DISTANCE OF 165.16 FEET; THENCE S 89°55'42" W A DISTANCE OF 664.43 FEET; THENCE N 00°16'55" E A DISTANCE OF 660.35 FEET; THENCE N 89°47'38" W A DISTANCE OF 38.21 FEET; THENCE N 26°19'35" A DISTANCE 31.31 FEET; THENCE N 01°17'12" W A DISTANCE OF 56.61 FEET; THENCE N 05°39'10" W A DISTANCE OF 53.89 FEET; THENCE N 72°47'15" E A DISTANCE OF 5.74 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1060.00 FEET, A DELTA OF 21°58'10", A CHORD DISTANCE OF 403.96 FEET AND A CHORD BEARING OF S 71°02'25" E; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 406.45 FEET TO THE POINT OF TANGENCY; THENCE S 82°01'30" E A DISTANCE OF 180.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2560.00 FEET, A DELTA OF 05°20'01", A CHORD DISTANCE OF 238.22 FEET AND A CHORD BEARING OF S 84°41'31" E; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 238.30 FEET; THENCE S 09°16'01" W A DISTANCE OF 738.72 FEET THENCE S 03°49'30" E A DISTANCE OF 574.96 FEET; THENCE S 18°22'51" E A DISTANCE OF 1983.76 FEET; THENCE S 25°17'46" E A DISTANCE OF 508.97 FEET; THENCE S 03°48'51" E A DISTANCE OF 991.52 FEET THENCE S 69°56'33" E A DISTANCE OF 1013.97 FEET; THENCE S 39°12'36" E A DISTANCE OF 1222.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SEABOARD COASTLINE RAILROAD; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE S 25°11'38" W A DISTANCE OF 856.48 FEET; THENCE S 00°18'40" W A DISTANCE OF 38.13 FEET; THENCE N 52°11'38" W A DISTANCE OF 134.79 FEET; THENCE N 89°47'54" N A DISTANCE OF 32.48 FEET; THENCE N 52°11'38" W A DISTANCE OF 1452.28 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF POWELL ROAD; THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE N 37°34'05" W A DISTANCE OF 132.86 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 785.30 FEET, A DELTA OF 18°45'13", A CHORD DISTANCE OF 255.39 FEET AND A CHORD BEARING OF N 47°52'08" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 257.04 FEET TO THE POINT OF TANGENCY; THENCE N 57°14'45" W A DISTANCE OF 448.10 FEET THENCE N 57°12'10" W A DISTANCE OF 551.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1388.82 FEET; A DELTA OF 05°18'15", A CHORD DISTANCE OF 128.50 FEET AND A CHORD BEARING OF N 59°52'29" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 128.55 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 367.04 FEET, A DELTA OF 25°54'42", A CHORD DISTANCE OF 164.58 FEET AND A CHORD BEARING OF N 75°28'57" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 165.99 FEET; THENCE N 00°37'21" E A DISTANCE OF 1299.15 FEET; THENCE N 89°51'08" W A DISTANCE OF 2659.94 FEET; THENCE N 00°25'56" E A DISTANCE OF 982.09 FEET; THENCE S 89°51'42" E A DISTANCE OF 1328.98 FEET; THENCE N 00°25'20" W A DISTANCE OF 2977.22 FEET TO THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 9; THENCE ALONG SAID NORTH BOUNDARY S 89°53'35" E A DISTANCE OF 1328.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 412.77 ACRES, MORE OR LESS.
ATTACHMENT 3

Citizen Petition
TO: City of Brooksville  
Planning and Zoning Commission  
Meeting on October 14, 2020  

FROM: Residents and/or Property Owners on Pine Cabin Road  

DATE: October 12, 2020  

RE: Agenda Item #2, RZ 2020-04 – LANDBUILDER, LLC PETITION REQUESTING REZONING FROM RPDP TO PDP-MU  

We the below signed Residents, Landowners and Tax Payers living on Pine Cabin Road, Brooksville, Florida are requesting the Planning and Zoning Commission to:  

- Take into consideration the hardship for these families that the additional construction / development of this area will continue to cause flooding.  

- The drainage or lack of, for the development of Southern Hills has increased flooding of properties on this road due to the original construction where natural ponds, located East of Pine Cabin Road, were filled in, during the development in order to build homes. The runoff of rain that would normally be contained in these ponds, now flow either down Pine Cabin Road or through properties of the North side of Pine Cabin Road.  

- Development of this additional acreage will further cause flooding to our property, decrease property value, property usage and additional expense to utilize our property for our homes.  

We were told that the development of Southern Hills would not impact our property. Most residents have lived on Pine Cabin Road for over 50 years and we never had these flooding conditions. The drainage ponds provided at the front of the Development, along the highway, does not help to prevent the flooding of our property.  

Nor does the “Drainage” section from the minutes of the January 8, 2020 meeting take into consideration the impact on the surrounding properties on Pine Cabin Road.  

We request that the impact for this large development provide adequate provisions to prevent further flooding to the properties off Pine Cabin Road.  

[Signatures]
ATTACHMENT 4

Interveners
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: 
Application/Case No: 
Name: (Print) 
Address:
City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

( ) Continued on back
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: 
Application/Case No: Agenda Item: Date: 
Name: (Print) Signature:  
Address: Telephone:  

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

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Continued on back
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: __________________________

Application/Case No: ____________

Agenda Item: ____________

Date: ________/____/____

Name: (Print) __________________________

Signature: __________________________

Address: __________________________

Telephone: __________________________

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

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____________________________________________________________________________________

____________________________________________________________________________________

Continued on back
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case:  RZ-2020-04

Application/Case No:  A  Agenda Item:  D-2  Date:  11-19-20

Name:  (Print) Scott Coates  Signature:  Scott Coates

Address:  5132 Southern Valley Loop  Telephone:  813-833-8969

City of Brooksville, FL 34601

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Will bring commercial business into a strictly residential area

__________________________________________________________

__________________________________________________________

Continued on back
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: RZ 2020-04
Application/Case No: __ Agenda Item: ___ Date: ___/___/___
Name: (Print) Patricia F. Cole Signature: Patricia F. Cole
Address: 19735 Sterling Bluff Way Telephone: 925-998-7327

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part;

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

More traffic in area

What kind of commercial business

Brings unknown people into our community

Continued on back
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: RZ 2020-04 Land Builder
Application/Case No: RZ 2020-04 Agenda Item: 2 Date: 11/19/20
Name: (Print) Kathleen Griffith Signature: VM Gleden
Address: 19040 Autumn Oak Ln, Brooksville FL

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Traffic structures inconsistent with rest of neighborhood, property value decline

( ) Continued on back
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/case: Rezoning Southern Hills/Cascades

Application/Case No: _____________________ Agenda Item: __________ Date: 11-19-20

Name: (Print) Tammy Cook Signature: Jean Cook

Address: 19055 Pine Cabin Rd. Brooksville FL 34601

Telephone: 352-540 1829

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

I have pictures to prove the citizens of Pine Cabin Rd are severely affected by Southern Hills subdivision, the damages of making our level of property decrease and the value of property at the constant amount of water at any given time. I went from 19720 and Council Agenda Packet Page 78 of 241
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: ____________________________

Application/Case No: _____________________ Agenda Item: ___________ Date: ___________

Name:(Print) ____________________________ Signature: ____________________________

Address: 2613 Creek Dr. 34601 Telephone: 813-730-9400

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Since Southern Hills was developed it floods my property. Continued development will make my property a continued pond instead of just a new marsh. My property backs up to Southern Hills.
CITY OF BROOKSVILLE  
QUASI-JUDICIAL LAND USE HEARING  

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY  

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: RZ 2020-04 LANDBUILDER LLC  
Application/Case No:  
Name: (Print) PHYLIS D. HEISEY  
Address: 4624 SOUTHERN VALLEY LOOP  
                BROOKSVILLE, FL 34601  
Signaure:  
Telephone: 704-631-3224

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the board, and other parties, or party-interveners:

- Impact on primarily residential road (S. 14th Blvd) with approval of commercial business
- Impact on natural areas, area and buffers
- Increase noise in area
- Impact on residential lifestyle

...continued on back
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REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: ____________________________  
Application/Case No: ____________________  
Agenda Item: ____________________________  
Date: 19 Nov 2020

Name: (Print) ____________________________  
Signature: ________________________________

Address: 5991 Summit View Dr. Brooksville, FL 34610

Telephone: (813) 892-1915

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Land owner in residential area adjacent to land in question. The property is located on the only access road to my street. Therefore, any additions (Continued on back

trafic or disrupted access/gress would impact me

Continued on back

12/7/20 Reg Council Agenda Packet
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CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: 2-2000-04
Application/Case No: ____________________________________________
Name: ___________________________ Signature: ______________________
Address: _________________________ Telephone: ____________________
City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part;

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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Continued on back
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: 22-2020-04

Application/Case No: Agenda Item: Date: 11-19-2020

Name: Sue Simon Signature: 

Address: 4820 Southern Valley Loop Telephone: 678-654-9061

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Concerns on future commercial building in the area of the Cascades and Southern Hills, much prefer to keep strictly residential. Will/ May affect property values negatively. ( )Continued on back

Jennifer McCorkley will be speaking to the points I agree with.

I will not be speaking.
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: ___________________________

Application/Case No: __________________ Agenda Item: __________ Date: __________

Name:(Print) ____________________________________________________________ Signature: __________________________

Address: 13530 Lily Pond Ct

Brooksville FL 34601 Telephone: 352-797-5269

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

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Continued on back
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: 0 923
Application/Case No: 07 2020 Agenda Item: Date: 11/18/20
Name: (Print) Signature: 
Address: Telephone: 727-534-705

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Continued on back
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: Ordinance Number 923
Application/Case No: RZ-2020-04
Agenda Item: __________ Date: 11/19/20

Name: (Print) Violet Langieri
Signature: ____________________________

Address: 6128 Evening Ray Drive, Brooksville

Telephone: 352-232-2083

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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Concerns regarding SH Blvd. Will be speaking

(Continued on back)
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: LANDUSE: Petition to Rezone, Ordinance No. 923-82
Application/Case No: Agenda Item: Rezoning Date: 11/19
Name: Jennifer McFadden Signature:
Address: 6050 Summit View Dr, Brooksville, FL 34610 Telephone: 813-794-0691

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

Please list all facts which you believe indicate that you may be adversely affected by the decision in this matter greater than the general public (such as location of your property in relation to the property involved in the application, or a business you own or operate in the vicinity of the land involved in the application). If the Board determines the applicant has included sufficient basis to be included as a party and/or qualifies as a witness, applicant will be sworn, and will be subject to cross-examination by the Board, and other parties, or party-interveners:

Extra traffic resulting from commercial development
on the only ingress/egress to our neighborhood. Also extremely concerned about permitted, special, special exception, conditional, and general uses.

( )Continued on back
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

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REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: ____________________________  Agenda Item: __________  Date: ________

Application/Case No: ____________________  Signature: _______________________

Name: (Print) __________________________________________________________________

Address: _______________________________________________________________________

Telephone: _____________________________

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part;

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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[Handwritten text is not legible]
CITY OF BROOKSVILLE
QUASI-JUDICIAL LAND USE HEARING

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REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: Cascades
Application/Case No: 
Agenda Item: 
Date: 11-19-2020
Signature: 

Name: Bernadette M. Alepin
Address: 19716 Fort King Run
Brooksville FL 34601-6464
City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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Peaceful area will be impacted - Sound increase
Wildlife will be destroyed which is part of serenity
I was looking for to retire. Too much traffic, not suitable for community of 60+ area. Plus future tax increase etc.

Please Security

( )Continued on back
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REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: Cascades
Application/Case No: ___________________________________________ Agenda Item: __________________________ Date: ________________
Name: (Print) Michael Dowhy Signature: ____________________________
Address: 19108 Powell Rd Telephone: 352-774-8779
Brooksville FL 34604

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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When Southern Hills was built we started to get flooded. I have pictures to back it up.

We have lived at Powell Rd for 32 years. Over 30 years ago, someone first built house or Don built a concrete wall window. (Continued on back)

Taking the water from the north side of Powell to the south side flooded our property. The photo shows you can see the water lines on the concrete. (Continued on back)
30 years ago Swift Mill / Put a Culvert Under Powell. Move the water from the North side of Powell to the South side of Powell and Major Powell Trail Southern Ave. was built.
If you put a Culvert on Powell and the Rail Road tracks the water will end up at the Lakes at Cran Rd and the Rail Road Track.
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Chairman, present information to the Planning & Zoning Commission, and may be questioned by the Commission but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: Z 2020-04 - Landbuilder, LLC petition for rezoning from R-POP to RPD, M2
Application/Case No: ___________________________ Agenda Item: D2
Name: (Print) Judith Preuss ____________________________________________ Signature: ____________________________
Address: 19203 Pine Cabin Rd, Brooksville, FL 34601 ____________________________ Telephone: 352-293-5705

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part;

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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Since 2008 large ants of water has been shed from Southern Hill & Cascades to flood our woods & driveway. It make the 800 foot driveway undrivable. It caused us to have to hike from our home through knee-deep water to Pine Cabin Rd where we had to park our car. This happened in 2008, 2012-2012, 2016 & 2017. We had to spend large sums of money to repair drive & make it drivable.
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: 22-2020-04

Application/Case No: __________ Agenda Item: __________ Date: 19 NOV 2020

Name: (Print) Todd Simpson Signature: __________

Address: 5991 Summit View Drive Brooksville FL 34601 Telephone: 813 459 2859

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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My property can only be accessed via the public road immediately adjacent to this parcel. The proposed change is significantly more impactful to me than the general public

( ) continued on back
Any individual, not requesting/designated as an intervening party or expert witness, need not be sworn in, and may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination.

REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: RZ 2002-04
Application/Case No: RZ 2002-04
Name: (Print) William G. Lutz
Address: 14251 Tootle Hall Way
City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part;

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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I own Property in Causeway currently zoned Single Family

(Continued on back)
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REQUEST TO INTERVENE AS A PARTY

Please complete this form and present to Recording Secretary prior to item being heard, preferable before the meeting.

Subject/Case: Landholder Pohlen Rezoning

Application/Case No: RZ 2020-04

Name: (Print) Christoper Mike Hade

Address: 19511 Lily Pend Ct

City of Brooksville Resolution No. 2001-14, relating to witnesses, parties and interveners provides in part:

Prior to the start of a hearing on any quasi-judicial matter involving land use (such as a re-zoning, variance, special exception, or planned development project approval), any person may file a request to intervene in such matter as a party. The request shall set forth facts sufficient to establish that such person may be adversely affected by the decision on such matter in some manner greater than the general public. The official or board, commission or committee hearing such matter shall determine, prior to the start of the hearing, whether or not such person has identified a sufficient basis to intervene as a party.

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Dramatically changes the community setting, devolves business
adds near the main road which only a few residents pay for!
How can someone come in and utilize a private road?
We pay high taxes to live in this special community. Now we are at risk of losing what is special + having to bear the cost.
ATTACHMENT 5

Documents Submitted By Citizens at Planning and Zoning Commission Meeting
## CITIZENS' REBUTTAL TO LANDBUILDER’S REQUEST FOR REZONING

### EXHIBITS

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11-19-2020</td>
<td>LandBuilder’s Petition to Rezone Residential Planned Development Project to Planned Development Project-Mixed Use Re: Ordinance No. 923-RZ 2020-04</td>
</tr>
<tr>
<td>1a</td>
<td></td>
<td>Attachment 2: Notarized petition assigning Donald Lacey of Coastal Engineering as agent for LandBuilder</td>
</tr>
<tr>
<td>1b</td>
<td></td>
<td>Attachment 3: Petition executed by Pine Cabin Road residents.</td>
</tr>
<tr>
<td>2</td>
<td>10-13-2020</td>
<td>Email from developer, Devon Rushnell, of LandBuilder, confirming the 26 villa/duplex units will consist of 13 one-story buildings and that the office building will be a one-story development.</td>
</tr>
<tr>
<td>3</td>
<td>10-28-2020</td>
<td>Email from Frances Hamlett, Food &amp; Beverage Director at Southern Hills Plantation, confirming Southern Hills Plantation’s Spa services are open to the public.</td>
</tr>
<tr>
<td>4</td>
<td>10-26-2020</td>
<td>Email from Michael Dolan, Cascades HOA Director, with attachment of notes from Cascades clubhouse meeting on 10-13-2020.</td>
</tr>
<tr>
<td>5</td>
<td>10-14-2020</td>
<td>Letter from Devon Rushnell of LandBuilder confirming the villas will be sold as “fee simple” as homes for a 55+ community and will not be rental properties.</td>
</tr>
<tr>
<td>6</td>
<td>08/24/2010</td>
<td>Exhibit from Coastal Engineering of undeveloped lands around Southern Hills Blvd.</td>
</tr>
<tr>
<td>6a</td>
<td></td>
<td>An enlargement of Coastal Engineering’s exhibit.</td>
</tr>
<tr>
<td>6b</td>
<td></td>
<td>Exhibit from Coastal Engineering of the proposed Cascades rezoning.</td>
</tr>
<tr>
<td>6c</td>
<td></td>
<td>Exhibit C from Coastal Engineering depicting Master Site Plan</td>
</tr>
</tbody>
</table>

| 7   | 11-18-2020 | Letter to Steve Gouldman from Donald Lacey of Coastal Engineering requesting to revise LandBuilder’s petition to reduce the P1 use building from 45 feet to 35 feet in height, and to reduce to total square footage to a maximum of 15,000 square feet. |

| 8   | Undated   | LandBuilder’s Narrative |

| 9   | Multiple Dates | Petition to Reject Neighborhood High Density Rezoning 220 online signatures from Southern Hills Plantation and The Cascades residents as of this printing, plus two hard copy signatures, for a total of 222 resident signatures against rezoning from RPDP to PDP-MU. |

| 10  | 10/06/2020 - 11-17-2020 | Photographs portraying the undeveloped beauty of Southern Hills Blvd. |

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**SUBMITTED BY JENNIFER McCOSKRIE**  
(Resident: 6056 Summit View Dr, Brooksville)  
**AT 11/19/20 PLANNING & ZONING COMMISSION MEETING**
11. 10-06-2020 Photographs of Inland Homes/LandBuilder’s sales trailers
     -11-17-2020

12. 10-06-2020 Top photograph depicts approaching Inland Homes/LandBuilder’s sales trailers.
     -11-17-2020 Bottom photograph illustrates the median cut whereby The Cascades residents
           can exit their neighborhood.

13. 10-06-2020 A series of photographs that chronicle the deteriorating state of Southern Hills Blvd.

14. Undated Section 2-2.1, City of Brooksville Code of Ordinances, General
    https://library.municode.com/fl/brooksville/codes/code_of_ordinances?nodeid=SPB LADECO_ARTIIZODIUSLOR E_PT2-1ZODI S2-1.2ESZODI

15. Undated Section 2-2.2, City of Brooksville Code of Ordinances, Allowable Uses and Table
    https://library.municode.com/fl/brooksville/codes/code_of_ordinances?nodeid=SPB LADECO_ARTIIZODIUSLOR E_PT2-1ZODI S2-1.2ESZODI
AGENDA ITEM MEMORANDUM

TO:    PLANNING AND ZONING COMMISSION
VIA:  CHRIS ANDERSON, COMMUNITY DEVELOPMENT DIRECTOR
FROM:  STEVE GOULDMAN, AICP, CITY PLANNER
SUBJECT: ORDINANCE NUMBER 923—RZ 2020-04 - LANDBUILDER, LLC. PETITION REQUESTING REZONING FROM RPDP TO PDP-MU
DATE:  NOVEMBER 19, 2020

INTRODUCTION & BACKGROUND INFORMATION:
The petition is a request to rezone an approximately 413-acre tract from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-Mixed Use). Located on the south side of Southern Hills Boulevard, north of Powell Road and approximately 2,250 feet east of the intersection of Broad Street and Southern Hills Boulevard, the subject tract was annexed into the City in May of 2003 and April of 2006. City Council adopted Ordinance Number 675 on October 18, 2004 rezoning the property to RPDP and allowing for the development of up to 925 detached single family units, a model home sales center and a recreation center. The petitioner requests the property be rezoned to PD-MU and allowed to maintain the previously approved 925 detached single family dwelling units, the recreation center and model homes, and to add 26 villa/duplex units along with up to 31,363 square feet of floor space for office and other uses allowed in the P-1 (Professional Office) zoning district. As proposed, the villa/duplex units and P-1 uses will be situated on the west side of Cotillion Boulevard immediately south of Southern Hills Boulevard. The area in which the villa/duplex and P-1 uses are proposed is currently identified for use by a model home center and the recreation center.

COMPATIBILITY WITH SURROUNDING AREA:
The development is located adjacent to the Southern Hills Plantation development to the north, west-northwest and east. A mix of large lot agricultural properties are located to the south across Powell Road and to the west and southwest of the subject tract. As previously noted, the parcels to be modified are located on the west side of Cotillion Boulevard immediately south of Southern Hills Boulevard. Development along Southern Hills Boulevard adjacent to and to the north of the proposed office site is anticipated to include commercial as well as residential uses. The villa/duplex units will be located immediately north of the recreation center and west of a retention pond and office facilities associated with Southern Hills Plantation. Based on the above, staff finds the request compatible with the development pattern in the general area.
PUBLIC FACILITIES AND LEVEL OF SERVICE:
The subject development is and will continue to be served by City water and sewer services and a Utility Service Agreement with the City is in effect. Primary access to the project is and will continue to be via Southern Hills Boulevard and Cotillion Boulevard. Based on data assumptions contained within the City's Comprehensive Plan, the analysis below depicts the impacts associated with the proposed use.

Trip Generation:
As stated previously, the subject tract was previously approved for the development of 925 detached single family dwelling units. According to the ITE Trip Generation Manual (8th Edition), 925 detached single family dwellings (LUC 210) will generate approximately 8,852 daily vehicle trips with 934 P.M. Peak Hour trips. A detailed traffic analysis was submitted with the original rezoning and the required improvements are restated below. The ITE Trip Generation Manual (8th Edition), indicates the addition of 26 villa/duplex units (LUC 230) will generate approximately 151 daily vehicle trips and 14 P.M. Peak Hour trips. The ITE Trip Generation Manual (8th Edition) indicates 31,363 square feet of general office floor space (LUC 710) will generate approximately 3,453 daily vehicle trips and 467 P.M. Peak Hour trips. A detailed traffic analysis will be required prior to the development of the office floor space to ensure that all roadways impacted will continue to operate at acceptable levels of service.

Water:
In total, water consumption within the project would be an estimated 256,945 gallons per day. Specifically, the proposed office development of 31,363 square feet of floor space would result in the consumption of an estimated 5,881 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Water consumption for the 26 villa/duplex units and the 925 single-family conventional units would be an estimated 251,064 gallons of water per day. The estimate is based on the Comprehensive Plan Level of Service for water consumption of 110 gallons per day per person and the 2010 U.S. Census average of 2.4 occupants per household in the City of Brooksville. Presently, the quantity of water required for the proposed development of this site is available and would not result in the City exceeding its allowable maximum consumption of 3.672 million gallons per day (current average daily use in the City is 1.129 MGD).

Sewer:
Effluent generation for the project would be an estimated 90,840 gallons per day. The proposed office development of 31,363 square feet of floor space would result in the generation of an estimated 4,704 gallons of effluent per day. The estimate is based on the assumption that 0.150 gallons per day are needed for every square foot of non-residential floor space. Effluent generation for the 26 villa/duplex units and the 925 single-family conventional units would be an estimated 228,240 gallons per day. The estimate is based on the Comprehensive Plan Level of Service for effluent generation of 100 gallons per day per person and the 2010 U.S. Census average of 2.4 occupants per
household in the City of Brooksville. Presently, the addition of the quantity of sanitary sewer effluent generated by the proposed development of this site can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity (current average daily use in the City is .824 MGD). It must be noted that system's capacity is sometimes exceeded during heavy and/or prolonged rain events. The City is and will continue to address the inflow and infiltration issue.

Drainage:
The land area of the subject tract is located within Flood Zone X and Flood Zone AE. Flood Zone X is defined as an area exhibiting minimal flood potential. The AE Flood Zone is defined as an area inundated by 1% annual chance flooding and in which Base Flood Elevations (BFEs) have been determined. Future development will be required to meet Land Development Code regulations for development in Flood Hazard Areas as well as the SWFWMD 40D-4 permitting requirements and all City Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:
A variety of City and County parks and recreation facilities are available to serve the subject site.

Public School Facilities:
The development is an age 55+ restricted community and will therefore have minimal impact on area schools.

NATURAL RESOURCES AND FEATURES:
A portion of the property is developed with single family residential uses, a recreation center complex and model homes. According to the Soil Survey of Hernando County, the soils on the property consist of Blichton Loamy Pine Sand (2 to 5% slopes), Flemington Fine Sandy Loam (2 to 5% slopes), Floridana Variant Loamy Fine Sand, Kendrick Fine Sand (0 to 5% slopes), Nobleton Fine Sand (0 to 5% slopes), Samsula Muck (O to 1% slopes) and Wauchula Fine Sand (0 to 5% slopes).

BUDGET STATEMENT:
Costs for processing zoning requests are offset by applicable application fees.

LEGAL NOTE:
Section 163.3202(2)(b), Florida Statutes requires municipalities to regulate the use of land and water in accordance with land use categories included in the Comprehensive Future Land Use Element to ensure compatibility of adjacent uses and to provide for open space. Zoning districts are established throughout the City to accomplish these objectives. The City of Brooksville Zoning Map shows zoning categories assigned to individual parcels. If a rezoning is approved, the City of Brooksville Zoning Map is updated to show the change in use of the parcel [City of Brooksville Land Development Code, Article II, Part 2-1, Secs. 2-1.1 and 2-1.2(a)]. The proposed ordinance changing
the zoning category for the parcels is legally sufficient as to form and has been properly advertised.

**CITY MANAGER RECOMMENDATION:**
The City Manager recommends that the Planning & Zoning Commission find the request compatible with the surrounding zoning and land use and consistent with the City's Comprehensive Plan and recommend that City Council approve the rezoning of this property from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-MU), subject to the following conditions:

1. Unless otherwise specified herein, the project shall be developed in accordance with the City of Brooksville Land Development Code as well as the rules and regulations of all applicable government entities.

2. The development shall be permitted a maximum of 925 single family detached dwelling units, 26 villa/duplex units, a recreation complex and model homes, and a maximum of 31,363 square feet of floor space for uses permitted in the P-1 (Professional Office) zoning district.

3. The uses shall be developed in accordance with the following standards:

   **Single family detached:**
   - Minimum lot size: 6,120 square feet
   - Minimum lot width: 51 feet at building line
   - Minimum front yard: 20 feet
   - Minimum rear yard: 15 feet
   - Minimum side yard: 5 feet (In areas where the fire flow design is less than 1,500 gpm, the minimum side setback shall be 5.5 feet).
   - Maximum height: 45 feet
   - Driveway location: Residential driveway access points to be located on private, minor streets located internal to the subdivision may be placed no closer than 5.5 feet to side lot lines, provided no safety issues or conflicts with infrastructure are apparent, as determined by the City's Departments of Public Works and Community Development.

   **Villa/Duplex:**
   - Minimum lot size: 4,200 square feet (per unit)
   - Minimum lot width: 35 feet (per unit) at building line
   - Minimum front yard: 20 feet
   - Minimum rear yard: 15 feet
   - Minimum side yard: 5 feet/0 feet
Maximum height: 45 feet

P-1 Office property:
- Minimum lot size: 7,500 square feet
- Minimum lot width: 75 feet
- Minimum front yard: 50 feet from Southern Hills Boulevard
- Minimum rear yard: 25 feet
- Minimum side yard: 25 feet from Cotillion Boulevard, 10 feet from western parcel boundary
- Maximum height: 45 feet

4. Perimeter buffers around the project shall consist of a 25-foot building setback, including a fifteen-foot vegetative (natural or planted) buffer. Buffering and screening between the office parcel and the villa/duplex development shall be a Type "C" buffer as described in the Land Development Code.

5. The developer shall construct a collector road from Powell Road north to the East/West road (Southern Hills Plantation Boulevard). The road will have a minimum right-of-way width of 80 feet and be constructed to meet all applicable City construction standards for a public collector road. Individual residential driveways will not be permitted on the collector road.

6. The collector road shall be maintained by the developer as a private road facility within the community, subject to the conditions of the Development Agreement dated May 28, 2003 between the City and Hampton Ridge Developers LLC, as amended. This road must be constructed prior to the issuance of the 400th residential Certificate of Occupancy (CO) for this property. If the road is not constructed by the time the 400th residential unit's CO is issued, permit activity for new development in the community will cease until such time as when the internal collector road connection to Powell road is completed.

7. Cul-de-sacs may be approved up to a length of 1,300 feet as part of the subdivision platting process, provided said cul-de-sacs have a right-of-way diameter of 110 feet and a paved area of 80 feet, and all other safety issues or concerns are addressed, including enforcement of "No Parking" zones on the streets and cul-de-sacs.

8. The residential community entrance may incorporate appropriate signage and gating, consistent with community and Land Development Code standards.

9. Streets within the project area of the subdivision (behind the gates) shall be privately owned and maintained. All streets must be built consistent with the provisions of this zoning approval and meet City construction standards.
10. With the exception of the collector road (Cotillion Boulevard) from Powell Road to the East/West connector (Southern Hills Boulevard), all roads within the project shall be considered local roadways and may be accessed by residential lots. The local roads shall have a minimum 50-foot wide right-of-way containing two lanes each a minimum of 10 feet in width and sidewalks a minimum of 5 feet in width on at least one side of the right-of-way. The collector and all local roads shall be privately owned and maintained.

11. Provisions shall be included in the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15-foot wide easement must be provided for all single lines and 30-feet for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

12. The developer shall enter into a Utility Service Agreement with the City of Brooksville.

13. The developer shall 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.

CITY OF BROOKSVILLE REZONING PETITION
Application for Public Hearing
06/15/2020

Type all information. If you need any assistance, call the Community Development Department at (352) 540-3810.

APPLICANT: LandBuilder, LLC
Mailing Address: 6522 Gunn Highway, Tampa, FL 33625
Daytime Telephone: FAX No: E-Mail Address: devonrushnell@landbuilder.com

REPRESENTATIVE: Donald R. Lacey, A.I.C.P., Coastal Engineering Associates, Inc.
Mailing Address: 666 Candlelight Blvd., Brooksville, FL 34601
Daytime Telephone: (352) 796-9423 FAX No: E-Mail Address: dlacey@coastal-engineering.com

PUBLIC CONTACT PERSON: Donald R. Lacey, A.I.C.P., Coastal Engineering Associates, Inc.
Daytime Telephone: (352) 796-9423 FAX No: E-Mail Address: dlacey@coastal-engineering.com

Will Expert Witness be utilized during the public hearings?

Legal Description: Type below the complete legal description of the property, including street address, if any, and the names of all owners. Include Section, Township and Range; and if applicable, Subdivision Name, Lot, Block, and Unit Number. Attach additional sheet if necessary.

LandBuilder, LLC
Site of Area Covered by Application: Approx. 10.3 ac
Highway and Street Boundaries: Collignon Boulevard
Current Zoning Classification: RPDP
Rezoning Requested: Retain RPDP with change in use from recreation to single family attached in portion of parcel key 380554; adding 26 units
Proposed Use of Property: Single-Family attached housing

Has a public hearing been held on this property within the past twelve months? NO

ACKNOWLEDGMENT

This acknowledgment must be signed in the presence of a Notary Public.

Devon Rushnell, Pres., LandBuilder, LLC hereby state and affirm that all information submitted within this petition is in all respects true and correct to the best of my knowledge and belief and that:

☐ 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 of Applicant or Representative

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

Devon Rushnell, who is personally known to me or who has produced ________________ as identification, this day of July, 2020, by

Signature of Notary Public


12/7/20 Reg Council Agenda Packet
Page 109 of 241
EXHIBIT 1b.
TO: City of Brooksville  
Planning and Zoning Commission  
Meeting on October 14, 2020  

FROM: Residents and/or Property Owners on Pine Cabin Road  

DATE: October 12, 2020  

RE: Agenda Item #2, RZ 2020-04 – LANDBUILDER, LLC PETITION REQUESTING REZONING FROM RPDP TO PDP-MU  

We the below signed Residents, Landowners and Tax Payers living on Pine Cabin Road, Brooksville, Florida are requesting the Planning and Zoning Commission to:  

- Take into consideration the hardship for these families that the additional construction / development of this area will continue to cause flooding.  

- The drainage or lack of, for the development of Southern Hills has increased flooding of properties on this road due to the original construction where natural ponds, located East of Pine Cabin Road, were filled in, during the development in order to build homes. The runoff of rain that would normally be contained in these ponds, now flow either down Pine Cabin Road or through properties of the North side of Pine Cabin Road.  

- Development of this additional acreage will further cause flooding to our property, decrease property value, property usage and additional expense to utilize our property for our homes.  

We were told that the development of Southern Hills would not impact our property. Most residents have lived on Pine Cabin Road for over 50 years and we never had these flooding conditions. The drainage ponds provided at the front of the Development, along the highway, does not help to prevent the flooding of our property.  

Nor does the “Drainage” section from the minutes of the January 8, 2020 meeting take into consideration the impact on the surrounding properties on Pine Cabin Road.  

We request that the impact for this large development provide adequate provisions to prevent further flooding to the properties off Pine Cabin Road.
Residents and/or Property Owners on Pine Cabin Road

Dennis Cook
19055 Pine Cabin Rd, Brooksville, FL

Bobby Cook
19013 Pine Cabin Rd, Brooksville, FL

Michele Young
1222 Ashley Av, Brooksville, FL 34601

Deborah Kendrick
5253 Over Av, Brooksville, FL 34601
To: Devon Rushnell <devonrushnell@landbuilder.com>
Cc: Chuck Adams
Subject: RE: Rezoning/Inter-Local Agreement (ILA)

Please see below.

From: johnmccoskrie@tampabay.rr.com <johnmccoskrie@tampabay.rr.com>
Sent: Tuesday, October 13, 2020 2:29 PM
To: Devon Rushnell <devonrushnell@landbuilder.com>
Cc: ChuckAdams <adamsc@whhassociates.com>
Subject: Rezoning/Inter-Local Agreement (ILA)

Good afternoon Devon,

As I’m sure you are aware the P&Z meeting got pushed back to 11/19/20, giving us time to meet and hopefully quell some of the corresponding concerns. During the meeting I would like to find out-

More about the owners of the other parcels and the make up of the Board of CDD II. TC13, LLC – Matt Pallone and Jon Frnax – principals. They purchased the Tax Cents and foreclosed and purchase the bonds and foreclosed as well.

Are they aware of the ILA? To some extent. The issue is that the funding is not available and the attenuation works is stalling the issue.

The application mentions Single family detached and Villa/Duplex are both products part of the 26 villa/duplex We are adding 26 units (13 buildings) or the SFD pertain to the other homes in the Cascades? The single family is the same for the remaining phases, the City just wants the whole property to go thru the rezoning effort.

With a 45 ft. height limitation on everything are the villa/duplexes 1 or 2 stories? They will be single story duplexes for

Also assuming they are attached in groups of 2 homes each, is that correct? Correct.

As to the commercial-

What is the total sq. footage of the site? I don’t recall

How many stories are you contemplating? Single story office professional, Jack & I thought it would be an amenity to have a bar/bistro, doctor office, hair salon or something like downt

Parking space requirement, 4 per thousand, 125 parking spaces? Engineers added numbers for parking

What kind of signage would be requested? Signage out on Hwy. 41? Just signage at the entry of the office park.

It talks about a 7500 sq. ft. min. lot size, pleas explain what this means? Just the minimum lot size for the commercial site.

Thinking this would be an office condo (ie. Selling the offices) or a lease (tenant/landlord ) situation? Not sure at this point. I plan to find out in the future.

Think you get the just of the questions, the answers to which will go a long way to helping the residents better understand the Request. Understood.

Tuesday and Thursdays are best for me, most anytime. Would be happy to treat for lunch at the club if that works for you.

I would suggest the sooner we get together the better, your schedule permitting. Look forward to hearing from you.

Thanks, John
Hi McCoskrie,

It’s open to the public.

Frances Hamlett  
Food and Beverage Director  
Southern Hills Plantation  
4200 Summit View Drive  
Brooksville, FL 34601  
352.277.5000 Option 4  
Fhamlett@hampton.golf

Hi Fran,

Will you please confirm whether the SHP Spa services are available to the general public or is it strictly for SHP residents only?

Thanks so much.

Jennifer McCoskrie
Welcome!

We invite you to experience an exquisite haven nestled in the rolling hills of Southern Hills Plantation Club. We offer world-class treatments in a spa setting like no other in the area. Come and experience our relaxing and rejuvenating services. We are committed to your well-being.

**SPAL HOURS**
Tuesday | 10:00am - 3:30pm
Tuesday (By Appointment Only) | 3:30pm - 5:00pm
Wednesday - Saturday | 10:00am - 5:00pm

**SALON HOURS**
Tuesday | 10:00am - 3:30pm
Tuesday (By Appointment Only) | 3:30pm - 5:00pm
Saturday | 10:00am - 5:00pm

**MESSAGE TO OUR GUESTS**

**ATTIRE**
Robes and slippers are provided for your spa service. We offer disposable undergarments for your comfort.

**CHANGING AREAS**
The Spa at Southern Hills Plantation Club offers changing areas for your convenience. As we cannot be responsible for lost or stolen items, please avoid bringing valuables with you.

**SCHEDULING**
Please arrive 15-30 minutes prior to your treatment.

**CANCELLATION**
At times you may need to change your appointment. Please let us know within 24 hours. Multiple appointments must be reserved with a credit card. A 50% service charge may be issued for cancellations without a 24 hour notice.

**PAYMENTS**
We accept cash, most major credit cards and personal checks with proper ID. A $25 fee will be charged for returned checks.

**CHILDREN**
To ensure a serene environment, please refrain from bringing children under the age of 16 (without an appointment) in the spa.

Cell Phones and Pagers must be turned off upon entering the spa.

Gratuities are included in Day Packages ONLY. The standard gratuity is 18%.

Gift Certificates are available for special treatments or for any denomination.

Monthly specials offered.
Nail Care

CLASSIC MANICURE ........................................ $24
Includes nail shaping, cuticle care, massage and polish.

GEL-POLISH MANICURE ................................ $38
Includes nail shaping, cuticle care, massage and gel polish.

EXPRESS MANICURE ........................................ $18
This express service is perfect for those on a tight schedule. Service includes shaping of the nails, a lotion application and a polish application in your perfect shade.

SIGNATURE MANICURE ......................................... $38
Includes nail shaping, cuticle care, hydrating sugar scrub, paraffin dip, massage from elbow to finger tips and a polish application in your perfect shade.

MEN'S MAN-E-CURE ............................................. $20
Includes nail shaping and buffing of nails, followed by a relaxing massage.

EXPRESS PEDICURE ........................................... $24
This express service is perfect for those on a tight schedule. Service includes a lotion application, shaping of the nail and a polish application in your perfect shade.

SIGNATURE PEDICURE ......................................... $40
Includes nail shaping, cuticle care, callous treatment, hydrating sugar scrub, massage from knee to toe and a polish application in your perfect shade.

LUXURY PEDICURE ............................................. $60
This ultimate pedicure begins with a warm hydrobath enriched with a hydrating and nourishing PH balance fluid, and is followed with a revitalizing sugar scrub. A clay masque is applied from knee to ankle. Legs are then wrapped with warm towels while the feet are dipped in a moisturizing paraffin treatment. A thorough foot massage using a luxurious, warm candle-lit cream that melts away tension. A polish application in your perfect shade.

THE ULTIMATE EXPERIENCE PEDICURE ................ $70
A signature pedicure plus much more! This divine experience includes a Footlogix callus treatment, the luxurious Pure Fiji sugar scrub and butter treatment, a hot paraffin on both hands and feet in addition to a clay mask with hot towels.

ADD-ONS FOR ANY HAND OR FOOT SERVICE

FRENCH MANICURE ........................................ $9

SHELLAC, OPI OR GELISH GEL POLISH ........ $15

FOOTLOGIX CALLOUS TREATMENT ............. $10

PARAFFIN
Hands .............................................................. $5
Feet ............................................................... $10

PINEAPPLE COCONUT BODY SCRUB AND BODY BUTTER TREATMENT
Hands ............................................................... $5
Feet ............................................................... $10

PURE FIJI SCRUB AND BODY BUTTER TREATMENT
Hands ............................................................... $5
Feet ............................................................... $10

PURE FIJI SCRUB
Fresh sugar cane crystals manually exfoliate while naturally occurring alpha hydroxyls gently buffs away aging skin cells, polishing your skin clean and unclogging pores. The deep moisturizing blend of oils nourish, moisturize and protect your beautiful skin leaving it gloriously healthy.

PURE FIJI BODY BUTTER
This super moisturizing cream will instantly revive dry skin. A unique blend of exotic nut extracts rapidly hydrates skin and locks in the moisture to keep your skin perfectly hydrated and nourished. Milk proteins provide an added benefit, soothing and softening skin. While soy and passionflower gently soothe and calm stressed skin. An excellent cream indulgence all year round.

GLITTER TATTOOS ............................................. $5 - $25
Glitter tattoos are the hottest body art form in the world today. It is a fun way to entertain guests in salons, parties and special events. They are non-toxic, hypoallergenic and last between 7 to 15 days (depending your skin type- oily vs dry).

NAIL ENHANCEMENTS

NATURAL NAIL OVERLAY (GEL) ..................... Starting at $40

NAIL ENHANCEMENTS (GEL) ......................... Starting at $50

NAIL REBALANCE (GEL) .......................... Starting at $30

ARTIFICIAL NAIL REMOVAL ....................... Starting at $25

POLISH CHANGE
Hands (no filing or cuticle care) ....................... $12
Feet (no filing or cuticle care) ......................... $15

NAIL ART ......................................................... $5 and up

NAIL REPAIR .................................................... Starting at $6
Facials by Cina Weed (Tuesdays - Saturdays)

VITA CURA 5 PHASE FIRMING FACIAL TREATMENT W/ ENZYME MICRO PEEL ...........$110
This ultimate skin firming treatment is like having Botox without the needle. All 5 phases work together, including the enzyme micro peel which gently removes the skin, leaving a new younger looking you. Treatment is finished with a tea blend peel-off mask, to calm the skin making you glow. You will see immediate results.

4 LAYER FACIAL ............................................$100
This luxurious European seaweed facial rejuvenates, tones and helps firm the skin. The seaweed filtrate layer softens lines, adds moisture and helps balance and tone skin tissues. The hydration layer includes a facial massage which improves circulation to blood vessels. The seaweed mask layer is a cool green aqua mask which adds moisture, eliminates toxins and nourishes the skin. The mineral mask layer is a thermal mask which creates a more even skin tone.

EUROPEAN FACIAL TREATMENT ...................$80
T-Zone Line (Combination Skin): This deep cleansing facial treatment monitors excess oils and replenishes skin moisture. Using a honey, almond exfoliate, pore cleanser and facial manipulations, you will leave with a clean, clear, balanced glow.

FREE RADICAL REPAIR FACIAL TREATMENT ...........$80
Hydra 4 Line (Environmentally Sensitized Skin): Cleanse away pollutants and smooth down sun damage with this luxurious facial.

ACNEIC FACIAL TREATMENT ..........................$80
Hydra Medic Line (Acne/Problem Skin): Antioxidant tea blends soothe inflamed skin while helping control problem causing bacteria. The pore penetrating serum stops breakouts leaving you on the road to healthy, clear skin.

MOISTURE RICH FACIAL TREATMENT ............$80
Hydra Dew Line (Dry/Flaky Skin): The unique blend of seaweed, sunflower, and water lily together along with other natural ingredients will restore the skin’s hydra-lipid layer to ensure long term hydration. The illuminating Mask is the final touch to lock in the moisture.

HYDRA REFINING FACIAL TREATMENT ..............$80
Hydra Refine Line (Oily Skin): See and feel the benefits with the blend of natural ingredients that eliminate pore-clogging oils without drying the skin. The freshness of lemongrass and the cooling benefits of cucumber leaves you feeling fresh and hydrated.

POSEIDON’S FACIAL TREATMENT .................$60
This relaxing treatment is for all you gentlemen. This treatment includes a deep cleanse, exfoliation and massage turning rough skin into healthy skin.

BACK TREATMENT ..........................................$60
This pleasurable treatment includes a deep cleanse, exfoliation, manipulations, pore extractions, mask and moisturizer, delivering all the benefits of a facial to your back.

MINI FACIAL ................................................... $50
Does not include extractions or shoulder massage.

PEEL OFF MASKS .............................................$15
Add to any facial. Each mask is customized for your specific skin type.

BROW/LIP/CHIN ..........................................$15
HALF LEG .........................................................$30
WHOLE LEG ...................................................$55
BIKINI ..........................................................$35
UNDERARM ...................................................$30
ARMS .......................................................... $30/$40
BACK ...........................................................$35 & UP

Skin Care Treatments continued...
Massages have been shown to lessen your stress, reduce your blood pressure, improve your circulation and balance your emotions.

CLASSIC SWEDISH
30 min .................................................. $35
60 min .................................................. $70
90 min .................................................. $100

BACK, NECK AND SHOULDER
30 min .................................................. $35

DEEP TISSUE
60 min .................................................. $80

COMBINATION
60 min .................................................. $75

HOT STONE 90 min ................................... $110
Heated stones are used to warm up your muscles and provide complete relaxation.

AROMATHERAPY
30 min .................................................. $60
60 min .................................................. $75
90 min .................................................. $105
Your therapist will help you choose essential oils for relaxation, detoxification or rejuvenation.

BODY POLISH ........................................ $60
Sea Salt/Sugar and your choice of aromatherapy are used in polishing your skin to complete softness! Includes use of detoxifying, eucalyptus steam room.

HAIRCUT AND STYLING SERVICES*
Women’s Haircut & Simple Style .................. $35
Men’s Haircut ........................................ $15
Children Under 12 ................................ $12
Shampoo and Simple Style ....................... $20
Up-do / Formal Style .................... starting at $45
Bang Trim ........................................... $8
Deep Conditioning Treatment ................... $15
Chemistry Shot Treatment ..................... $25

COLOR, TEXTURIZING AND TREATMENT SERVICES*
Color Retouch ...................................... $48
Full Color ........................................... $60
Organic Color ..................................... additional $5
Corrective Color ................................ by consultation only

Partial Foil Highlights ............................ $60
Full Foil Highlights ............................... $80
Per Foil (up to 10 max.) ........................ $5/each

Perms ................................................ $65
Makeup Application ............................. $25

*Service prices are starting prices and may vary based on the length or texture of hair, amount of colors used, etc. Final price will be given during consultation.
All include 18% Gratuities and Spa lunch

**LADIES’ BASIC TEE TIME**...............................$145
**GENTS’ BASIC TEE TIME**...........................$145
A full one hour Swedish massage, basic pedicure and basic manicure.

**BODY AND SOUL GLOW**............................$210
Body Polish, full one hour Swedish massage, basic pedicure and basic manicure.

**REVITALIZING PACKAGE**.........................$230
Facial, full one hour Swedish massage, basic pedicure and basic manicure.

**THE MINI PACKAGE**.............................$125
Mini facial, 30-minutes Swedish massage and basic manicure.

**A DAY AT THE SPA**...........................$295
Facial, full one hour Swedish massage, body scrub, basic pedicure and basic manicure.

**CREATE A PACKAGE** ...............................Choose up to 3 services of your choice and price will be given at time of consultation.
THE SPA AT
PLANTATION CLUB

352.277.5060
19858 Southern Hills Boulevard
Brooksville, Florida 34601
3 miles south of Brooksville on Route 41
Jennifer McCoskrie

From: Michael Dolan <mjolanski@gmail.com>
Sent: Monday, October 26, 2020 11:21 AM
To: Jennifer McCoskrie
cc: dmarieroth@gmail.com; Diana Russ; paulathompson01@gmail.com
Subject: Information on Proposed rezone
Attachments: Rezone Meeting at Clubhouse.docx

Jennifer,

Here is a report on a meeting held at the Cascades Clubhouse on the 20th with Devon Rushnell (Developer) and about 35 people from the community. Please share as you see fit.

Mike Dolan, Director
Cascades at Southern Hills Plantation HOA
360-359-0568

Hi All,

I'm in our Bunco group and have some VERY important info to pass along. A developer is petitioning to rezone property is located just before you enter our community on the right side where the Inland Homes sales trailers are high-density developments. He already has approval to build 925 single family homes, but wants to squeeze three-stories high. The closest buildings are two-stories high. Please read the petition for more details.
Rezone Meeting at Clubhouse - Summary
October 13, 2020

There were about 35 residents at the meeting. Devon attended via phone, Austin Rushnell, Neal Wittingham and myself were also in attendance. I opened the meeting at 1:05pm with introductions and explained that as a member of the P&Z Commission I would answer any procedural questions regarding how these hearings worked, then the meeting was turned over to Devon and Austin to answer questions about the rezone request.

There were several primary questions that were asked (in no particular order):

Q: Was the fountain and Cascades monument going to be removed to allow construction of the commercial office building?
A: The answer was no, the office building would be occupying the space where the sales trailers are now.

Q: Why does it need to be three stories?
A: It won't be three stories, two at most, no design has been finalized.

Q: Will there be access from the Villas to the office space?
A: No, there will be a buffer between the two residential and commercial spaces.

Q: What type of businesses will be allowed? Could there be any retail like a 7-11?
A: Devon suggested the possibility of a hair salon or other professional business. But use is limited to the types of business defined by the existing P1 Office zoning code.

Q: If the rezone is allowed as Mixed Use, will that allow additional commercial buildings to go up in the community?
A: No, at this time there is no possibility of additional commercial construction on any residential lot.

Q: Why was the entire Cascades community being changed from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project Mixed Use)?
A: The development in its entirety, all 413 acres (comprised of Phase I, II, III & IV) was given the original Zoning Code when the property was annexed by the City in 2004. Any change in zoning designation must apply to the entirety of the property. (Zoning Code Regulations)

Q: Would the 26 additional Villa's be part of Cascades?
A: Yes, the Villas are identified as an "Over 55" residential area. Owners will be bound by the same covenants, rules and regulations as current owners.

Q: When will the community reach the 90% level necessary to transition to an owner controlled board?
A: The current development than Devon controls is phase I and phase II of the plat known as Cascades at Southern Hills Plantation. The buildout number for these two phases is 392 single family homes, so at 90%, 353 homes would need to be sold to transition to owner control. If 26 Villas are added, an additional 23 would increase the sold number to 376. There are currently 106 homes sold and occupied with an additional 5 under construction or completed and for sale.

### Cascades Turnover Schedule

<table>
<thead>
<tr>
<th>Phase</th>
<th>Anticipated Number of Lots</th>
<th>Cumulative Lots</th>
<th>Lots Conveyed for Turnover</th>
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</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td>191</td>
<td>191</td>
<td>172</td>
</tr>
<tr>
<td>Villas</td>
<td>26</td>
<td>217</td>
<td>196</td>
</tr>
<tr>
<td>Phase 2</td>
<td>192</td>
<td>409</td>
<td>369</td>
</tr>
<tr>
<td>Phase 3 &amp; 4</td>
<td>543</td>
<td>952</td>
<td>857</td>
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</tbody>
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There were several comments about noise, dust, loss of wildlife habitat, additional traffic on Southern Hills Blvd and Cotillion Blvd, etc. Devon recognized that these were valid observations but construction of the Villas would mostly impact users of the clubhouse and the commercial office space would be limited to the section of Southern Hills Blvd where the current sales office is located. (side note - there are still 80 homes to be constructed in the actual residential neighborhoods, which will impact residents more than construction of the villas.) Additionally there would be a buffer between the area where the Villas would be constructed and the clubhouse.
Mike announced the P&Z Commission hearing scheduled for October 14th, 5:30 at City Hall was rescheduled for November 19th.

The meeting broke up about 1:50pm.
October 14, 2020

To whom it may concern,

The proposed Cascade Villas, to be located east of the current Cascades Clubhouse and north of Cotillion Blvd., the product is intended to be sold to their respective builders within the following parameters:

- ‘For-sale’ and ‘fee simple’.
- As a 55+ area.
- Not ‘for-rent’.
- In accordance with the current Cascades HOA documents.

This is the proposed intent of the land developer, Devon S. Rushnell, signed below.

[Signature]
Devon S. Rushnell - LandBuilder
6522 Gunn Highway, Tampa, FL 33625
## Undeveloped Property Entitlements

### Legend
- Undeveloped Single Family Residential
- Undeveloped Multi-Family Residential
- Undeveloped Commercial
- Undeveloped Other

<table>
<thead>
<tr>
<th>Description</th>
<th>Acres</th>
<th>Required Huts &amp; Homes</th>
<th>Total (25%)</th>
<th>Owner (35%)</th>
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EXHIBIT 6b.
1. THIS DRAWING IS A PLANNING DOCUMENT AND IS NOT TO BE CONSIDERED A FINAL EXPANSION CONSTRUCTION PLAN AND SHOULD NOT BE CONSTRUCTED WITHOUT ADVISORY REVIEW AND APPROVAL.

2. UPLAND AND BELOW GRADE USES AS SHOWN ON THIS DRAWING WILL BE REQUIRED, IF REQUIRED.
EXHIBIT 6c.
TYPICAL LOTS - NOT TO SCALE

SINGLE FAMILY

SINGLE FAMILY

DUPLEX

SUL GAMA

APPLICANT: LANDFIELD N, LLC
85-275 GULF HIGHWAY
TAMPA, FL 33607

NUMBER OF LOTS 361
AREA: APPROX. 41.5 AC.
November 18, 2020

Mr. Steve Gouldman  
City of Brooksville  
Community Development  
201 Howell Avenue  
Brooksville, FL 34601

RE: LandBuilder, LLC - Cascade Villas Rezoning

Dear Mr. Gouldman:

In our original rezoning petition to the City of Brooksville regarding the subject project, the applicant requested to rezone parcel key 380554 retaining the current zoning of RPDP with a change in use from recreation to single family attached adding 26 units. The applicant also requested that the land use designation for the portion of the project adjacent to Southern Hills Plantation Boulevard, presently used for the sales center (approximately 2.4 acres), be modified to P1 to allow for professional offices and various other uses as listed in the City of Brooksville code. The maximum building height proposed for the P1 use was 45-feet. Due to community input, the applicant would like to revise this maximum building height to 35-feet. In addition, the developer has committed to reducing the total square footage of the P1 use to a maximum of 15,000 square feet.

We respectfully request these revisions be made to the applicants rezoning petition.

If you have any questions or need additional information, please do not hesitate to give us a call.

Thank you,

Donald R. Lacey, A.I.C.P.
EXHIBIT 8
LANDBUILDER, LLC
CASCADES VILLAS
PLANNED DEVELOPMENT PROJECT ZONING
NARRATIVE

PROJECT OVERVIEW

The area being considered for a zoning/master plan revision is the extreme northern portion of the Cascades at Southern Hills (Cascades) development, a 413 acre residential community presently in its first phase of development. Cascades is located Section(s) 9 and 16, Township 23 South, Range 19 East, within the limits of the City of Brooksville, Hernando County, Florida. The current zoning is PDP(R) Planned Development Project (Residential) and the City’s Comprehensive Plan Future Land Use Map shows the Cascades is located within a Suburban Residential 2.5 designation. The overall master plan was approved 10/18/2004 by City of Brooksville.

APPLICANT REQUEST

This application request is for a master plan modification for an approximate 8 ac. portion of the northern parcel in Cascades referred to by Hernando County Property Appraiser as parcel key number 380554.

The applicant is requesting to add a single family attached villa (duplex) product to the master plan, to be placed on approximately 5.6 undeveloped acres to the north of the present recreation center, which will add 26 dwelling units to Cascades (raising the dwelling unit total from 925 to 951). It should be noted that the Applicant may use one of the lots for models. The applicant is also requesting that the land use designation for the portion of the project adjacent to Southern Hills Plantation Boulevard presently used for the sales center (approximately 2.4 acres) be modified to P1 to allow for professional offices, and various other uses listed under this category in the City of Brooksville code. To accommodate this, portions of Parcel Key # 380554 are requested to be designated for single family attached (duplex) housing, drainage retention and P1 uses. No changes are being requested for the remaining areas within the Cascades (Phase 1 - developed with ongoing housing construction; Phase 2 - platted with pending development; Phases 3 & 4 - undeveloped). The density, 2.3 dwellings units/gross acre, is well within the 2.5 dwellings per acre allowed within the Suburban Residential comprehensive plan designation.

The revised master plan included in this submittal depicts the general location and configuration of the proposed Villas project, and the P1 Use(s) area. It also displays the remaining lands within Cascades. To provide a more detailed view of the proposed villa area, an additional exhibit for the Villas has been prepared and attached. A typical villa lot is 70’ x 120 with the 70’ width being achieved at the building setback line for lots where front footage is on a curve. Access to the villas from directly from a collector roadway (Cotillion Boulevard) via the existing entrance to the recreation center. The project will be served with City of Brooksville central water and sewer via existing infrastructure. As part of Cascades at Southern Hills Plantation, the proposed villas will be able to enjoy the adjacent Amenity Center. As the overall Cascades at Southern Hills Plantation community moves forward, an additional recreation area may be located in future phases.
Buffers: With no adjacent residential lots around the Cascades boundary a buffer is not needed or proposed.

Building Residential Setbacks (as previously approved with master plan):

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<th>Lot Type</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
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<tbody>
<tr>
<td>Villas (Duplex lots)</td>
<td>20'</td>
<td>5'/0'</td>
<td>15'</td>
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<tr>
<td>Single Family Detached</td>
<td>20'</td>
<td>5'</td>
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Maximum Height for Residential Buildings: 45' (as previously approved)

Building P1 setbacks:

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<th>Location</th>
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<th>Rear</th>
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<tr>
<td>From Southern Hills Blvd.</td>
<td>50'</td>
<td>10'</td>
<td>25'</td>
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<tr>
<td>Between Buildings</td>
<td>15'</td>
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I. Proposed Master Plan- Amended overall Zoning Master Plan and Cascades Villas - Rezoning are being submitted herewith.

II. Draft of Protective Covenants. Draft Protective Covenants has not yet been prepared for the villas but will be prepared prior to final platting.

III. Preliminary Engineering Report.

A. Topography & Drainage -- Topographical elevations on the villa site range from a low of approximately 92 m.s.l. to a high of approximately 102' m.s.l.

B. Floodplain -- F.I.R.M. 12053C 0193D indicates the villa site is within Zone X.

C. Soils -- Soils type for the villa site is: Nobleton fine sand 0 to 5% slopes

D. Environmental -- A preliminary site visit was conducted on April 20, 2020 related to the proposed Cascades Villas project. The following are the result of the site visit.

   - The subject project site is a forested parcel, comprised of a canopy of slash pine trees, with a subcanopy containing a mixture of oak tree species (laurel and live oak).
   - Ground cover is primarily pine straw and leaf litter.
   - No listed species were observed.
   - One wetland area, Wetland F-14 (0.14 acres) is located in the northwest corner of the proposed project site.

IV. Development Schedule. Development is anticipated to take place by early 2021.

V. Adequate Access. Access will be gained from U.S. Highway 41, via Southern Hills Boulevard and Cotillion Boulevard. All three roadways have capacity and an excellent level of service.

VI. Water and Sewer. The proposed villas will be served with central water and sewer by the City of Brooksville Utilities Department.

VII. Drainage. The existing DRA located to the southwest was designed to accommodate the proposed project. Stormwater runoff will be directed to the DRA.
VIII. Development of Regional Impact Thresholds.
The proposed development is below all DRI thresholds, and therefore is not subject to DRI review or comprehensive plan review for DRI size projects pursuant to Section 380.06(12), Florida Statutes.

IX. Previous approvals.
- Ordinance No. 675 (RZ204-02) – Passed on second and final reading on Oct. 18, 2004
  This ordinance and zoning classification for of Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP), including a recreation complex and model homes center.
REJECT NEIGHBORHOOD HIGH DENSITY REZONING

To: Jennifer McCoskrie

LandBuilder, LLC ("LBL"), has approval to build 925 detached single family homes on a 413 acre tract. Now this developer is petitioning to squeeze an additional 26 villa/duplex units, along with a 31,363 SF office/mixed use building on the same property, while keeping the preapproved 925 houses. Rezoning this pristine residential acreage would set a precedent and subsequently lead to the invitation of gradual "commercial creep" on what is currently a wooded, tranquil entryway known as Southern Hills Blvd. Please reject high density and commercial expansion by signing this petition.

Why is this important?

Villa/duplex units are multi-family residences and high density developments which will negatively impact the upscale developments of Southern Hills Plantation ("Southern Hills") and The Cascades at Southern Hills ("Cascades"). Of further concern is the close proximity of the proposed duplexes/villas to the proposed office building. These homes will likely be priced "affordably," since there's generally no desire to live near commercial property and will harm our property values. Like most homeowners, our houses are our single largest investment. We do not wish to see our investments jeopardized, which prompts this, our unified objection to LBL's rezoning petition.

LBL also requests approval to erect a 31,363 SF office/mixed use building on Southern Hills Blvd., yet another high density structure. The grand fountain, a beloved Cascades landmark we all appreciate, would be razed to accommodate the office building. We do not want our serene entryway to be marred with bright lights, more signage, asphalt parking lots, and other similar quality-of-life nuisances, including increased traffic. Residents of Southern Hills and the Cascades are rightly concerned about the morning and afternoon commutes of employees/tenants to the office building, not to mention the constant comings and goings of their patrons throughout the day and night since Southern Hills Blvd. is the only means of egress and ingress to our neighborhoods.

In addition, LBL's petition seeks approval to build all the proposed structures up to 45 feet tall (three stories). All nearby homes, including Southern Hills' own sales center and fitness complex, are no more than two-stories high. The Cascades' newly built recreation center is one-story in height. Three-story, high density, multi-family homes and an office building jutting above the existing structures do not belong anywhere in or near the Southern Hills' or Cascades' neighborhoods. Rezoning this pristine residential acreage would set a precedent and subsequently lead to the invitation of gradual "commercial creep" on what is currently our wooded, tranquil entryway known as Southern Hills Blvd. We appreciate seeing wildlife while driving to and from our respective neighborhoods on our undisturbed, winding entryway and believe we have a reasonable expectation it will remain unspoiled by upholding the RPDP zoning that's currently in place.

Granting LBL's rezoning petition is a lose-lose situation for us residents. It's a win-win for a clever developer-entity who, if its request is granted, can build and sell several homes on what was once a parcel meant for a single-family home, maximizing profits while drastically altering forever the characteristics of our neighborhoods and our shared entryway that exudes the serene country charm we love. To reiterate, Southern Hills Blvd. is the only way by which to enter and depart Southern Hills and the Cascades. This is not a small scale development meant to utilize unused or underutilized parcels, this is large scale development that is inappropriate for our neighborhoods.

For the reasons outlined above, the residents of Southern Hills and the Cascades jointly and respectfully urge you, as fellow Brooksville residents, and as our local leaders, to consider the negative impact multi-family, high density, commercial development will have on our peaceful enclave. Please find LBL's rezoning request incompatible with the surrounding zoning and neighboring land use by denying LBL's rezoning petition.
Thank you for your continued service and support of our communities.

Signed by 220 people:

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ATTN: PLANNING AND ZONING COMMISSION
City of Brooksville
City Hall Council Chambers
201 Howell Avenue
Brooksville, FL 34601

RE: October 14, 2020 Meeting at 5:30pm
ORDINANCE NUMBER 923-RZ 2020-04
LAND BUILDER, LLC.'S PETITION REQUESTING REZONING FROM RPDP TO PDP-MU

Dear Planning and Zoning Commission Members:

As a residents of the Southern Hills Plantation (“Southern Hills”) neighborhood, we are objecting to Land Builder, LLC's, (“LBL”) petition to rezone a 413 acre tract from Residential Planned Development Project (RPDP) to Planned Development Project-Mixed Use (PDP-MU). Our City Council previously rezoned this tract under Ordinance No. 675 to allow for the building of 925 detached single-family homes, including model homes and a recreation complex.

Now LBL is petitioning to add 26 villa/duplex units, along with a 31,363 SF office/mixed use building, in addition to the preapproved 925 homes, model homes, and recreation facilities. Like most homeowners, our houses represent our biggest investment and we're certain you can appreciate we do not wish to see our investments jeopardized, which prompts this, our unified objection to LBL's petition for rezoning.

Villa/duplex units are multi-family residences and high density developments which will negatively impact Southern Hills, the most upscale development in Brooksville. Of further concern is the close proximity of the proposed duplexes/villas to the proposed office building. These homes will likely be priced “affordably,” since there's generally no desire to live near commercial property and will harm our property values.

LBL’s rezoning petition also requests approval to erect a 31,363 SF office/mixed use building, yet another high density structure. We do not want our serene entryway to be marred with bright lights, more signage, asphalt parking lots, and other similar quality-of-life nuisances, including increased traffic. We are rightly concerned about the influx of morning and afternoon employees/tenants to the office building, not to mention the constant comings and goings of clients/patrons throughout the day and night since Southern Hills Blvd. is the only means by which to access our neighborhood.

In addition, LBL’s petition seeks approval to build all the proposed structures up to 45 feet tall (three stories). All nearby homes, including Southern Hills’ own sales center and fitness complex, are no more than two-stories high. Three-story, high density, multi-family homes and an office building jutting above the existing structures do not belong near our Southern Hills neighborhood. Rezoning this pristine residential acreage would set a precedent and subsequently lead to the invitation of gradual “commercial creep” on what is currently a wooded, tranquil entryway to our neighborhood known as Southern Hills Blvd. We appreciate seeing wildlife while driving to and from our neighborhood on our undisturbed, winding entryway and believe we have a reasonable expectation it will remain unspoiled by upholding the RPDP zoning that’s currently in place.

Page 1 of 2
Granting LBL’s rezoning petition is a lose-lose situation for us residents. It’s a win-win for a clever developer-entity who, if its request is granted, can build and sell several homes on what was once a parcel meant for a single-family home, maximizing profits while drastically altering forever the characteristics of our neighborhood that exudes the country charm we love. This is not small scale development meant to utilize unused or underutilized parcels, this is large scale development that is inappropriate for this neighborhood.

For the reasons outlined above, we respectfully urge you as fellow Brooksville residents to please protect our property and find LBL’s rezoning request incompatible with the surrounding zoning and neighboring land use by denying said petition.

Thank you for your continued service and support of our communities.

Sincerely,
Resident of
SOUTHERN HILLS PLANTATION

Signature

Please print legibly:

Kevin Ham
Printed Name

608V Summit View Dr., Brooksville, FL
Address

352-442-2262
Telephone Number
ATTN: PLANNING AND ZONING COMMISSION
City of Brooksville
City Hall Council Chambers
201 Howell Avenue
Brooksville, FL 34601

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Now LBL is petitioning to add 26 villa/duplex units, along with a 31,363 SF office/mixed use building, in addition to the preapproved 925 homes, model homes, and recreation facilities. Like most homeowners, our houses represent our biggest investment and we’re certain you can appreciate we do not wish to see our investments jeopardized, which prompts this, our unified objection to LBL’s petition for rezoning.

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LBL’s rezoning petition also requests approval to erect a 31,363 SF office/mixed use building, yet another high density structure. We do not want our serene entryway to be marred with bright lights, more signage, asphalt parking lots, and other similar quality-of-life nuisances, including increased traffic. We are rightly concerned about the influx of morning and afternoon employees/tenants to the office building, not to mention the constant comings and goings of clients/patrons throughout the day and night since Southern Hills Blvd. is the only means by which to access our neighborhood.

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For the reasons outlined above, we respectfully urge you as fellow Brooksville residents to please protect our property and find LBL’s rezoning request incompatible with the surrounding zoning and neighboring land use by denying said petition.

Thank you for your continued service and support of our communities.

Sincerely,
Resident of
SOUTHERN HILLS PLANTATION

Signature

Please print legibly:

DAWNE G. HOM
Printed Name

6084 SUMMIT VIEW DR.
Address

(352) 585-5201
Telephone Number

Page 2 of 2
Sec. 2-2.1. - Generally.

No building, structure or land shall be used, nor shall any use be established unless it complies with the requirements of this ordinance.

(a) *Permitted principal uses.* The purpose of listing the permitted principal uses contained within Table 2-2, Table of Allowable Uses, is to identify all principal uses that may be permitted on properties within each zoning district.

(b) *Permitted accessory uses.* Accessory uses are those uses which are customarily subordinate to, integrated with, and clearly incidental to a principal use on the same property. The Table of Allowable Uses identifies certain accessory uses that may be permitted within the zoning districts.

(c) *Conditional Uses.* Conditional Uses are those uses which require additional design standards to ensure compatibility with adjacent uses and the surrounding neighborhood. The design standards supplement and are in addition to the standards and criteria otherwise required within this Code. Unless otherwise required herein, compliance with these supplemental standards shall be determined during development review and shall not require any additional procedural steps or review processes.

(d) *Special Exception Uses.* Special Exception Uses are uses and structures which may be permissible within each zoning district. The Special Exception Uses which are listed are considered to be uses which may be appropriate in a zoning district but require individual review as to their particular characteristics, impacts and location to determine if special conditions are necessary in order to protect the health, safety and general welfare of the City's residents. Requests for Special Exception Uses shall be reviewed by the Planning and Zoning Commission.

(e) *Special Uses.* Special Uses are uses and structures which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare. Requests for Special Uses shall be reviewed by the Planning and Zoning Commission and City Council.
Sec. 2-1.2. - Establishment of Zoning Districts.

(a) Zoning map. The City shall be divided by this Code into zoning districts, the boundaries and designations of which shall be shown on a map, covering in time the entire area of the City of Brooksville and identified as the City of Brooksville Zoning Map, hereafter referred to as the zoning map.

(b) Zoning boundary lines. Except where referenced on the zoning map to a street boundary line or other designated line by dimensions shown on such map, the zoning district boundary lines are intended to follow lot lines, stream and shore lines, and the center line of street or alleys or rights-of-way as they existed at the time of the adoption of the map or any amendments of the same.

(c) Zoning districts.

(1) Residential districts. Residential districts provide for detached and attached residential housing development on a variety of lot sizes in accordance with the City of Brooksville Comprehensive Plan. Accessory uses, compatible related support uses for residential development, Special Exception Uses, Special Uses and Conditional Uses may also be permitted.

a. R-1A residential district. The R-1A district is designed to permit and protect low-density single-family development.

b. R-1B residential district. This district is designed to allow and protect medium-density single-family development.

c. R-1C residential district. The R-1C district is designed primarily to permit the continued and new development of platted higher-density single-family residential areas.

d. R-1D residential district. The R-1D district is designed to permit higher-density single lot, principal building residential development consisting of conventional single-family dwellings.

e. R-2 residential district. The R-2 district is designed to permit medium-density residential development allowing both single-family and two-family dwellings.

f. R-3 residential district. The R-3 district is designed to permit higher-density single lot, principal building residential development allowing both single-family and multiple-family dwellings.

(2)
Office and commercial districts. The office districts provide for a combination of office, institutional and residential uses, compatible Special Exception Uses, compatible Special Uses and compatible related support uses under the provisions of this ordinance. The commercial districts provide for various retail sales, personal services, office and institutional uses, accessory uses as appropriate thereto and compatible supporting uses, as well as selected Special Uses and Special Exception Uses, all at appropriate intensities and in locations in accordance with the City of Brooksville Comprehensive Plan.

a. **PR professional office and residential district.** The PR district provides primarily for residential development and low intensity office uses compatible with existing residential areas. The district permits conversion of residential structures or the construction of new structures for office and related uses. In addition, this district may be used to provide a buffer between residential and more intensive office and commercial districts.

b. **P-1 professional office district.** This district is designed to encourage the compatible development of major professional and related office complexes in predominately developed areas which are suitable for such activities.

c. **C-1 general commercial district.** This district is designed to encourage and facilitate commercial activities intended to serve a relatively large trade area and include major shopping facilities and goods oriented to pedestrian shoppers in areas sufficiently large enough to meet the needs of several types and varieties of general commercial activities.

d. **C-2 highway commercial district.** The C-2 district is designed to permit the development of commercial areas at appropriate locations on major highways in predominately developed areas and is intended to meet the needs of motorists and other consumers through the provision of automobile-oriented commercial activities located in a desirable grouping rather than in a strip or linear fashion along the highway. All properties zoned C-3 prior to the adoption of this ordinance shall be considered to be zoned C-2.

e. **C-4 neighborhood commercial district.** The C-4 district is designed to permit the development of local commercial areas which are properly located in regard to both adjacent streets and surrounding residential areas and is intended to serve local neighborhood needs through the provision of easily accessible convenience goods and personal services.
(3) **Industrial districts.** The industrial districts provide primarily for manufacturing, processing, assembly, warehousing, storage and related uses at appropriate intensities and locations in accordance with the City of Brooksville Comprehensive Plan.

a. **CIS-1 commercial-industrial storage district.** The CIS-1 district is intended to permit the development of wholesale and storage activities located in predominately developed areas which are desirable for such uses.

b. **I-1 industrial district.** The I-1 district is designed to encourage the development of a coordinated and related industrial complex located in predominately developed areas where there are sites sufficiently large enough to meet the needs of limited types and varieties of industrial activities.

c. **I-2 industrial district.** The I-2 district is designed to encourage the development of a coordinated and related light industrial complex located in predominately developed areas where there are sites sufficiently large enough to meet the needs of limited types and varieties of light industrial activities.

(4) **PDP planned development project district.** The purpose of the planned development project district (PDP) is to allow the development of land uses that are in conformance with the adopted future land use element of the City of Brooksville Comprehensive Plan. PDPs shall encourage maximum land development opportunities and well-designed developments that are characterized by unique conditions or situations which other zoning districts cannot accommodate, including, but specifically not limited to, unusual physical or environmental features, transportation, access, and/or a mixture of appropriate land uses which may not otherwise be permitted in other districts.

(5) **AG agricultural district.** The agricultural district is designed to promote and encourage the conservation and utilization of prime and productive agricultural land as well as the preservation of the open character of certain lands, which, by virtue of their topography, soil types, natural resources or relationship to other land use areas should be carefully reviewed and evaluated prior to their possible development.

(6) **Special overlay districts.**

a. **HCBRD historic central business/residential overlay district.** The zoning overlay district and design standards implement the vision, principles and strategies of the City of Brooksville Comprehensive Plan's Community Redevelopment Plan.
b. *HCC historic and cultural conservation overlay district.* The overlay district is applicable to general areas having concentrations of structures of substantial historic, architectural or cultural significance, or for individual structures and premises designated as having such significance.

c. *PFS public facilities and services overlay district.* The PFS is a special purpose overlay district intended for locations at which facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities.
Sec. 2-2.2. - Allowable Uses.

The following table indicates the categories of uses which are allowable in each standard zoning district within the City of Brooksville. The categories of uses are arranged in the vertical column on the left side of the table and the zoning districts are listed across the top. "P" indicates that the use is permitted, subject to the standards of this Code. "C" indicates the use is a Conditional Use that may be allowed in the identified district pursuant to conformance with the design standards contained in Article IV. No public hearing is required for Conditional Uses. An "SE" designates uses as Special Exception Uses that may be established in the district, pursuant to a noticed public hearing as described in Article VIII and in conformance with the standards contained in Article IV. An "SU" designates uses as Special Uses that may be established in the district, pursuant to a noticed public hearing as described in Article VIII and in conformance with the standards contained in Article IV. A blank space indicates that the use is prohibited. All uses are subject to the development standards of the zoning district in which it is to be located as well as all other rules and regulations of this Code and the City of Brooksville. Properties with an overlay designation shall be governed by the underlying zoning district and may be permitted additional uses as indicated in the use matrix.

All uses are potentially permitted in planned development project (PDP) districts, subject to the policies of the comprehensive plan, the requirements of Article VIII of this Code and all other rules regulations and ordinances of the City of Brooksville. Land uses permitted in existing planned development project districts are specified in the PDP's conditions of approval. Requests for modifications to planned development projects are reviewed in accordance with Article VIII of this Code.

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**TABLE 2-2**

Page 8 of 13
### TABLE 2-2

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**Wedding chapel**

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<td>Walking and hiking trail</td>
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#### Neighborhood and general public service and emergency service uses

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**TABLE 2-2**
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<td>and utility trucks and equipment</td>
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**TABLE 2-2**
Page 12 of 13
<table>
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<tr>
<th>Resource recovery facilities</th>
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<td>Vehicle recycling, open</td>
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<td>Yard waste transfer facility</td>
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Notes:
(1) Requires alcoholic beverage use permit. See Article IV for applicable review process.

(Ord. No. 831, § 2, 8-6-2012)
**Street Level photos may not be available if structure is not visible from road.**

Parcels Key: 00380554  Parcel #: R09 223 19 1578 0000 000A

**Owner Information**

Owner: LANDBUILDER LLC
Mailing Address: 6222 GUNN HWY
Address: TAMPA FL 33623-4022

**Property & Assessment Values**

- Building: $0
- Features: $0
- Land: $0
- AG Land: $0
- Market: $0
- Assessed: $0
- Exempt: $0
- Capped: $0
- Excl Cap: $0
- Taxable: $0

**Property Information**

Site Address: 19790 SOUTHERN HILLS BLVD
Description: TRACT A AMENITY CENTER / DRA
DOR Code: (17) OFFICE BUILDINGS, 1 STORY
Subdivision: CASCADES AT SOUTHERN HILLS PLANTATION PH 1 REPLAT

**Tax Information**

- Ad Valorem: $0.00
- Total For 2019: $0.00
- Total For 2018: $0.00
- Total For 2017: $0.00
- Total For 2016: $0.00

**Land Breakdown**

- Land Use
- COMMON AREAS

- Units: 616,084.00 SQUARE FEET
- Value: 61,608

https://www.hernandocountygis-fl.us/PropertySearch/
<table>
<thead>
<tr>
<th>Date</th>
<th>Area (Base/Aux)</th>
<th>Current Value</th>
<th>Last Yr Val</th>
<th>2 Yrs Ago</th>
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<td>01/04/2002</td>
<td>1488/1621</td>
<td>$2,915,400</td>
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<td>03/01/1982</td>
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<td>01/01/1980</td>
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### Building Characteristics

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<tr>
<th>Bldg #</th>
<th>Description</th>
<th>Year Built</th>
<th>Area (Base/Aux)</th>
<th>Bed/Bath</th>
<th>Value</th>
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<tr>
<td>1</td>
<td>MANUFACTURED HOMES(02)</td>
<td>2005</td>
<td>1488/</td>
<td>2/2</td>
<td>$63,050</td>
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<td>2</td>
<td>MANUFACTURED HOMES(02)</td>
<td>2005</td>
<td>1488/</td>
<td>2/2</td>
<td>$63,050</td>
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**NOTE:** All S.F. Calculations are based on exterior building dimensions.

### Extra Features

<table>
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<tr>
<th>Bldg#</th>
<th>Description</th>
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<th>Dimensions</th>
<th>Current Value</th>
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<tbody>
<tr>
<td>1</td>
<td>PAVEMENT, ASPHALT COMMERCIAL (PV3)</td>
<td>2005</td>
<td>10,696 Square Feet</td>
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<td>1</td>
<td>WOOD DECK (WDK)</td>
<td>2005</td>
<td>100 Square Feet</td>
<td>$95</td>
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<tr>
<td>2</td>
<td>PAVEMENT, CONCRETE COMMERCIAL (PV4)</td>
<td>2005</td>
<td>105 Square Feet</td>
<td>$236</td>
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<td>2</td>
<td>WOOD DECK (WDK)</td>
<td>2005</td>
<td>100 Square Feet</td>
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### Addresses

- 19790 SOUTHERN HILLS BLVD
- 19796 SOUTHERN HILLS BLVD
- PINE CABIN RD
- PINE CABIN RD
- 5459 COTILLION BLVD

### Businesses

No Matching Records Found or the Information is Exempt per Florida Statute(s).
- Sales 2020
- DFIRM Panels
- FEMA DFIRM Base Flood Elevetation Breaklines
- FEMA DFIRM Special Flood Hazard Areas Zoning Split Zoning
- Special Use Zoning
- Zoning Airport Influence Zone
- Zoning Airport Height Notification Zone
- Zip Codes
- 2013 Aerials (Oct 2013)
- 2011 Aerials (Jan 2011)
- 2010 Aerials (Feb 2010)
- 2009 Aerials (Jan 2009)
- 2008 Aerials (Feb 2008)
- 2007 Aerials (Feb 2007)
Attending were Chairman Joseph P. Quinn, Elmer Korbus, George Rodriguez, Ronald Lawson, Gary Sutton and alternates Michael Dolan and John Redpath. Also present were Chris Anderson, Community Development Director, Steven Gouldman, AICP, City Planner, Nancy Stuparich, City Attorney (appeared telephonically) and Jennifer J. Battista, Recording Secretary.

The meeting was called to order at 5:30 p.m. by Commissioner Quinn.

PLEDGE OF ALLEGIANCE
Those present stood for the Pledge of Allegiance.

APPROVAL OF MINUTES: October 14, 2020

Motion: Motion was made by Rodriguez and seconded by Korbus to approve the October 14, 2020 minutes. Motion carried 5-0.

RZ 2020-03 - CROOM ROAD LAND HOLDINGS, LLC—REZONING PETITION REQUESTING REZONING FROM HERNANDO COUNTY AGRICULTURAL TO CITY OF BROOKSVILLE PDP-MU

RECOMMENDATION: Staff requests that the petition be continued to the December 9, 2020, Planning and Zoning Commission meeting at 5:30 PM.

ACTION: Motion to approve request or motion to deny.

Motion: Motion was made by Rodriguez and seconded by Sutton to continue this until the December 9, 2020 Planning and Zoning Commission Meeting, which will be held at 5:30 p.m. Motion carried 5-0.

RZ 2020-04 - LANDBUILDER, LLC. PETITION REQUESTING REZONING FROM RPDP TO PDP-MU

RECOMMENDATION: The City Manager recommends that the Planning & Zoning Commission find the request compatible with the surrounding zoning and land use and consistent with the City’s Comprehensive Plan and recommend that City Council approve the rezoning of this tract from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-MU), subject to conditions.
ACTION: Motion to approve request or motion to deny.

Conflicts of Interest
Alternate Member, Michael Dolan, advised that he is on the Board of Directors for the HOA for Cascades and would be refraining from voting. He was directed to fill out the Conflict of Interest form and file it with the Clerk within 15 days. [attached and incorporated into these minutes]

No other Planning and Zoning Commissioners voiced a conflict.

Ex-Parte Communications
Commissioner Gary Sutton advised he lives in Southern Hills and had received a request to sign a petition but he did not open it.

No other Planning and Zoning Commissioners voiced any ex-parte communications.

Intervenor Parties
Commission Chairman Quinn questioned if there were any parties who wanted to participate in the proceedings as an intervenor. The Chairman and the City Attorney explained that an intervenor is anyone who feels that they may be adversely affected greater than the general public.

Recess
A recess was called from 5:40 – 5:50 p.m. to allow the public time to complete and submit intervenor forms.

Acceptance of Credentials of City Experts
Motion:
There were no objections to accept the credentials of Chris Anderson, Community Development Director, and Steve Gouldman, City Planner.

Acceptance of Agenda backup material into evidence
Motion:
Motion was made by Rodriguez and seconded by Korbus to accept the agenda backup materials from staff into evidence. Motion carried 5-0.

Acceptance of Expert Witness
Motion:
Motion was made by Korbus and seconded by Lawson to approve accept expert witness, Don Lacey, Planner, Coastal Engineering, representative of the petitioner. Motion carried 5-0.

Sworn Oath
Recording Secretary Battista swore in all those who may speak on the petition.

Presentation by City Staff
City Planner, Steve Gouldman, read the staff report, which is included in these minutes in its entirety, as follows:
Staff's Presentation
City Planner, Steve Gouldman, went over the staff report, which is included in the minutes in its entirety, as follows:

INTRODUCTION & BACKGROUND INFORMATION:
The petition is a request to rezone an approximately 413-acre tract from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-Mixed Use). Located on the south side of Southern Hills Boulevard, north of Powell Road and approximately 2,250 feet east of the intersection of Broad Street and Southern Hills Boulevard, the subject tract was annexed into the City in May of 2003 and April of 2006. City Council adopted Ordinance Number 675 on October 18, 2004 rezoning the property to RPDP and allowing for the development of up to 925 detached single family units, a model home sales center and a recreation center. The petitioner requests the property be rezoned to PD-MU and allowed to maintain the previously approved 925 detached single family dwelling units, the recreation center and model homes, and to add 26 villa/duplex units along with up to 31,363 square feet of floor space for office and other uses allowed in the P-1 (Professional Office) zoning district. As proposed, the villa/duplex units and P-1 uses will be situated on the west side of Cotillion Boulevard immediately south of Southern Hills Boulevard. The area in which the villa/duplex and P-1 uses are proposed is currently identified for use by a model home center and the recreation center.

COMPATIBILITY WITH SURROUNDING AREA:
The development is located adjacent to the Southern Hills Plantation development to the north, west-northwest and east. A mix of large lot agricultural properties are located to the south across Powell Road and to the west and southwest of the subject tract. As previously noted, the parcels to be modified are located on the west side of Cotillion Boulevard immediately south of Southern Hills Boulevard. Development along Southern Hills Boulevard adjacent to and to the north of the proposed office site is anticipated to include commercial as well as residential uses. The villa/duplex units will be located immediately north of the recreation center and west of a retention pond and office facilities associated with Southern Hills Plantation. Based on the above, staff finds the request compatible with the development pattern in the general area.

PUBLIC FACILITIES AND LEVEL OF SERVICE:
The subject development is and will continue to be served by City water and sewer services and a Utility Service Agreement with the City is in effect. Primary access to the project is and will continue to be via Southern Hills Boulevard and Cotillion Boulevard. Based on data assumptions contained within the City’s Comprehensive Plan, the analysis below depicts the impacts associated with the proposed use.

Trip Generation:
As stated previously, the subject tract was previously approved for the development of 925 detached single family dwelling units. According to the ITE Trip Generation Manual (8th Edition), 925 detached single family dwellings (LUC 210) will generate approximately 8,852 daily vehicle trips with 934 P.M. Peak Hour trips. A detailed traffic analysis was submitted with the original rezoning and the required improvements are restated below. The ITE Trip Generation Manual (8th Edition), indicates the addition of 26 villa/duplex units (LUC 230) will generate approximately 151 daily vehicle trips and 14 P.M. Peak Hour trips. The ITE Trip Generation Manual (8th Edition) indicates 31,363 square feet of general office floor space (LUC 710) will generate approximately 3,453 daily vehicle trips and 467 P.M. Peak Hour trips. A detailed traffic analysis will be required prior to the development of the office floor space to ensure that all roadways impacted will continue to operate at acceptable levels of service.

Water:
In total, water consumption within the project would be an estimated 256,945 gallons per day. Specifically, the proposed office development of 31,363 square feet of floor space would result in...
the consumption of an estimated 5,881 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. Water consumption for the 26 villa/duplex units and the 925 single-family conventional units would be an estimated 251,064 gallons of water per day. The estimate is based on the Comprehensive Plan Level of Service for water consumption of 110 gallons per day per person and the 2010 U.S. Census average of 2.4 occupants per household in the City of Brooksville. Presently, the quantity of water required for the proposed development of this site is available and would not result in the City exceeding its allowable maximum consumption of 3.672 million gallons per day (current average daily use in the City is 1.129 MGD).

Sewer:
Effluent generation for the project would be an estimated 90,840 gallons per day. The proposed office development of 31,363 square feet of floor space would result in the generation of an estimated 4,704 gallons of effluent per day. The estimate is based on the assumption that 0.150 gallons per day are needed for every square foot of non-residential floor space. Effluent generation for the 26 villa/duplex units and the 925 single-family conventional units would be an estimated 228,240 gallons per day. The estimate is based on the Comprehensive Plan Level of Service for effluent generation of 100 gallons per day per person and the 2010 U.S. Census average of 2.4 occupants per household in the City of Brooksville. Presently, the addition of the quantity of sanitary sewer effluent generated by the proposed development of this site can be accommodated by the City’s 1.9 million gallons per day sewer treatment system capacity (current average daily use in the City is .824 MGD). It must be noted that system’s capacity is sometimes exceeded during heavy and/or prolonged rain events. The City is and will continue to address the inflow and infiltration issue.

Drainage:
The land area of the subject tract is located within Flood Zone X and Flood Zone AE. Flood Zone X is defined as an area exhibiting minimal flood potential. The AE Flood Zone is defined as an area inundated by 1% annual chance flooding and in which Base Flood Elevations (BFEs) have been determined. Future development will be required to meet Land Development Code regulations for development in Flood Hazard Areas as well as the SWFWMD 40D-4 permitting requirements and all City Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:
A variety of City and County parks and recreation facilities are available to serve the subject site.

Public School Facilities:
The development is an age 55+ restricted community and will therefore have minimal impact on area schools.

NATURAL RESOURCES AND FEATURES:
A portion of the property is developed with single family residential uses, a recreation center complex and model homes. According to the Soil Survey of Hernando County, the soils on the property consist of Blichton Loamy Fine Sand (2 to 5% slopes), Flemington Fine Sandy Loam (2 to 5% slopes), Floridana Variant Loamy Fine Sand, Kendrick Fine Sand (0 to 5% slopes), Nobleton Fine Sand (0 to 5% slopes), Samsula Muck (0 to 1% slopes) and Wauchula Fine Sand (0 to 5% slopes).

BUDGET STATEMENT:
Costs for processing zoning requests are offset by applicable application fees.

LEGAL NOTE:
Section 163.3202(2)(b), Florida Statutes requires municipalities to regulate the use of land and water in accordance with land use categories included in the Comprehensive Future Land Use Element to ensure compatibility of adjacent uses and to provide for open space. Zoning districts are established throughout the City to accomplish these objectives. The City of Brooksville Zoning Map shows zoning categories assigned to individual parcels. If a rezoning is approved, the City of Brooksville Zoning Map is updated to show the change in use of the parcel. [City of Brooksville Land Planning and Zoning Commission Minutes - November 19, 2020]
Development Code, Article II, Part 2-1, Secs. 2-1.1 and 2-1.2(a). The proposed ordinance changing the zoning category for the parcels is legally sufficient as to form and has been properly advertised.

CITY MANAGER RECOMMENDATION:
The City Manager recommends that the Planning & Zoning Commission find the request compatible with the surrounding zoning and land use and consistent with the City's Comprehensive Plan and recommend that City Council approve the rezoning of this property from RPDP (Residential Planned Development Project) to PDP-MU (Planned Development Project-MU), subject to the following conditions:

1. Unless otherwise specified herein, the project shall be developed in accordance with the City of Brooksville Land Development Code as well as the rules and regulations of all applicable government entities.

2. The development shall be permitted a maximum of 925 single family detached dwelling units, 26 villa/duplex units, a recreation complex and model homes, and a maximum of 31,363 square feet of floor space for uses permitted in the P-1 (Professional Office) zoning district.

3. The uses shall be developed in accordance with the following standards:

   Single family detached:
   - Minimum lot size: 6,120 square feet
   - Minimum lot width: 51 feet at building line
   - Minimum front yard: 20 feet
   - Minimum rear yard: 15 feet
   - Minimum side yard: 5 feet (In areas where the fire flow design is less than 1,500 gpm, the minimum side setback shall be 5.5 feet).
   - Maximum height: 45 feet
   - Driveway location: Residential driveway access points to be located on private, minor streets located internal to the subdivision may be placed no closer than 5.5 feet to side lot lines, provided no safety issues or conflicts with infrastructure are apparent, as determined by the City's Departments of Public Works and Community Development.

   Villa/Duplex:
   - Minimum lot size: 4,200 square feet (per unit)
   - Minimum lot width: 35 feet (per unit) at building line
   - Minimum front yard: 20 feet
   - Minimum rear yard: 15 feet
   - Minimum side yard: 5 feet/0 feet
   - Maximum height: 45 feet

   P-1 Office property:
   - Minimum lot size: 7,500 square feet
   - Minimum lot width: 75 feet
   - Minimum front yard: 50 feet from Southern Hills Boulevard
   - Minimum rear yard: 25 feet
   - Minimum side yard: 25 feet from Cotillion Boulevard, 10 feet from western parcel boundary
   - Maximum height: 45 feet

4. Perimeter buffers around the project shall consist of a 25-foot building setback, including a fifteen-foot vegetative (natural or planted) buffer. Buffering and screening between the office parcel and the villa/duplex development shall be a Type "C" buffer as described in
5. The developer shall construct a collector road from Powell Road north to the East/West road (Southern Hills Plantation Boulevard). The road will have a minimum right-of-way width of 80 feet and be constructed to meet all applicable City construction standards for a public collector road. Individual residential driveways will not be permitted on the collector road.

6. The collector road shall be maintained by the developer as a private road facility within the community, subject to the conditions of the Development Agreement dated May 28, 2003 between the City and Hampton Ridge Developers LLC, as amended. This road must be constructed prior to the issuance of the 400th residential Certificate of Occupancy (CO) for this property. If the road is not constructed by the time the 400th residential unit's CO is issued, permit activity for new development in the community will cease until such time as when the internal collector road connection to Powell road is completed.

7. Cul-de-sacs may be approved up to a length of 1,300 feet as part of the subdivision platting process, provided said cul-de-sacs have a right-of-way diameter of 110 feet and a paved area of 80 feet, and all other safety issues or concerns are addressed, including enforcement of “No Parking” zones on the streets and cul-de-sacs.

8. The residential community entrance may incorporate appropriate signage and gating, consistent with community and Land Development Code standards.

9. Streets within the project area of the subdivision (behind the gates) shall be privately owned and maintained. All streets must be built consistent with the provisions of this zoning approval and meet City construction standards.

10. With the exception of the collector road (Cotillion Boulevard) from Powell Road to the East/West connector (Southern Hills Boulevard), all roads within the project shall be considered local roadways and may be accessed by residential lots. The local roads shall have a minimum 50-foot wide right-of-way containing two lanes each a minimum of 10 feet in width and sidewalks a minimum of 5 feet in width on at least one side of the right-of-way. The collector and all local roads shall be privately owned and maintained.

11. Provisions shall be included in the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15-foot wide easement must be provided for all single lines and 30-feet for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

12. The developer shall enter into a Utility Service Agreement with the City of Brooksville.

13. The developer shall 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.

**Applicant’s Presentation**

Don Lacey, planner with Coastal Engineering, who is the representative of the applicant, began by explaining the Cascades Development and the request to modify the zoning of a small portion of the overall development. The proposal includes three components: 1)
clean-up of existing drainage retention area behind the Cascades recreation facility and additional drainage areas to be added, 2) construction of villa units with new cul-de-sac, and 3) request to change the non-residential zoning use at the existing sales center location to another non-residential zoning allow office or personal service types of use. He commented that he agrees with staff’s recommendation for approval.

Commissioner Sutton questioned what brought about this petition and particularly questioned the revised request submitted on November 18, 2020 which reduced the square footage to 15,000 maximum. Mr. Lacey advised stated that in further looking at the proposal and after discussion with residents, it was decided to reduce the height and square footage.

**Interveners (given maximum about of 10 minutes each)**

**Barry Paulsen – 5107 Southern Valley Loop, Brooksville (submitted intervener form)**
Mr. Paulsen was not previously sworn in and was sworn in by Recording Secretary Battista. He voiced opposition to having to see the proposed 3 story building from his property, the impact to wildlife, potential traffic issues and bike traffic increases.

**Bernadette M. Alepin, 19716 Fort King Run, Brooksville (submitted intervener form)**
She felt this would be in opposition to the peace and serenity in her neighborhood, the impact to wildlife and traffic issues.

**Michael Dlouhy, 19108 Powell Road (on another paper submitted, address listed was 4040 Crum Road) (submitted intervener form)**
He cited flooding problems which he felt have continually occurred since the development of Southern Hills. He stated that culverts at the railroad tracts need to be improved to divert the water to lakes to stop the flooding. He felt the proposed Cascades development would make it worse.

Mr. Dlouhy submitted a picture of the flooding.

**Motion:**
Motion was made by Sutton and seconded by Korbus to accept the picture into evidence. Motion carried 5-0.

Commissioner Rodriguez asked for clarification that Mr. Dlouhy felt that the flooding is due to the Southern Hills development and that Mr. Dlouhy believes that the Cascades development would make it worse, to which Mr. Dlouhy confirmed.

**Judith Preuss, 19203 Pine Cabin Road, Brooksville (submitted intervener form)**
Ms. Preuss went over her concerns about flooding and she felt that more buildings will make it worse. She felt that the drainage problems need to be solved first.

**Phyllis D. Heisey, 4624 Southern Valley Loop, Brooksville (submitted intervener form)**
She requested the right to speak later.
Tod A. Stimpson, 5991 Summit View Drive, Brooksville (submitted intervener form)
Mr. Stimpson was not previously sworn in and was sworn in by Recording Secretary Battista. He stated he was a new resident and enjoyed the peace and quiet of the neighborhood. He voiced concern about development causing negative effects and he felt this was an opportunity to not repeat mistakes. He was concerned about traffic issues and asked Sergeant Lance Orop, a HCSO deputy attending the meeting at the City’s request, if law enforcement had been called to traffic accidents in that area. The deputy confirmed Mr. Stimpson’s statement that crashes have happened in the area. Mr. Stimpson went over the uses that would be allowed with the rezoning and voiced his opposition to the rezoning request.

William G. Lotz, 19851 Tattnall Way, Brooksville (submitted intervener form)
He felt the proposal will not benefit anyone other than the developer. He suggested that the developer could buy a separate piece of property, have it surveyed, identified as a separate plat, rezoned and annexed. He did not agree with the proposal to zone the entire 435-acre property if only a small portion is involved in this request. He cited traffic concerns and wanted to maintain what he felt was a quiet neighborhood.

Barbara Stetzko, 19734 Sterling Bluff Way, Brooksville (submitted intervener form)
She chose not to speak

Sue Simon, 4820 Southern Valley Loop, Brooksville (submitted intervener form)
She chose not to speak

Robert Seruga, 19530 Lily Pond Court, Brooksville (submitted intervener form)
Mr. Seruga voiced concern about flooding and traffic which he felt would get worse. He wondered what mixed use was and also how wide the proposal will be and how many streets will be added.

Diane Corbett, 19589 Lily Pond Court, Brooksville (submitted intervener form)
She chose not to speak

Violet Langieri, 6128 Evening Ray Drive, Brooksville (submitted intervener form)
Ms. Langieri asked a number of questions, including if the duplexes were meant to be sold or be rentals. **Note: A gentleman from audience, presumably the developer, Devon Rushnell, LandBuilder, LLC, stated that they would be for sale.**

She asked if the road in Southern Hills road is one lane or two lanes and if is two lanes, there needs to be a dividing line. Chairman Quinn stated that would need to be addressed by the City’s Public Works Department, which City Planner Gouldman confirmed, stating that it would need to be asked at the City Council meeting.

She questioned if a traffic study had been done to which Gouldman stated was done when the zoning was done initially for Cascades and Southern Hills. He went on to explain that when they submit for construction plan approval, another traffic analysis will be required. Whether a traffic light is warranted will depend on if meets certain volume...
Ms. Langieri expressed her understanding that after 400 units are built in the Cascades, then a new road will have to be constructed. She noted that there is no construction entrance into Southern Hills and all traffic use one road, which has resulted in damage to the road. She wondered if the neighborhood could expect that the road will be properly maintained instead of just patching. City Planner Gouldman stated that would be a question for Public Works. He went over the road maintenance as to relates to the City's and the private development's responsibilities. He stated City maintenance issues would need to be brought up to City Council.

Jennifer McCoskrie, 6056 Summit View Dr., Brooksville (submitted intervener form)
She distributed a packet of information to each Commissioner.

Motion:
Motion was made by Rodriguez and seconded by Korbus to accept this information into evidence. Motion carried 5-0.

Ms. McCoskrie voiced objection to the petition, citing peace and quiet that she felt would be disrupted. She did not think the developer could find tenants for the proposed commercial units as there are many nearby service-oriented businesses.

She went over her specific exhibits marked as 12, 13 and 15. She expressed concerns about traffic, the bad condition of Southern Hills Boulevard, and she called attention to the uses from the City code which would be allowed by the proposed rezoning and that there is not median cut for traffic.

Christine and Mike Hade, 19511 Lily Pond Court, Brooksville (submitted intervener form listing both names)
Mrs. Hade stated that they pay significantly more taxes to live there. She felt that the proposal would negatively impact the community and that it would impede the ability to grow. She stated that affluent people can pick up and move and she did not want to see that happen. She wondered who would pay for the road and maintain it. She questioned if heightened security would be needed and who would pay for that. Mrs. Hade brought up if there was any way to prevent certain uses. She felt that streets and traffic issues should be addressed before construction. She did not support short term decisions without looking at long term consequences.

Roy Scheulin, 5189 Jennings Trail, Brooksville (submitted intervener form)
Mr. Scheulin offered his opinion that the community should have been notified sooner of this proposal and he felt that a community meeting could have been held to discuss it. He wondered what the new buildings would be constructed of and what the facade would look like, adding that there have been no renderings of the new development. Looking at the legal description of the proposed development, he felt that this will necessitate the fountain having to be removed.

Nelida Robbins, 5392 Cappleman Loope, Brooksville (submitted intervener form)
She chose not to speak.
Maureen Coughlin, 19417 Fort King Run, Brooksville (submitted intervener form)
She chose not to speak.

Kimberly Stimpson, 5991 Summit View Dr., Brooksville (submitted intervener form)
She chose not to speak.

Scott Coates, 5432 Southern Valley Loop, Brooksville (submitted intervener form)
He chose not to speak.

Patricia J. Cole, 19735 Sterling Bluff Way, Brooksville (submitted intervener form)
She chose not to speak.

Kathleen Griffith-Zhang, 19646 Autumn Oak Lane, Brooksville (submitted intervener form)
She called attention to issues needing to be addressed by the City’s Department of Public Works as mentioned earlier in the meeting. She felt that all the information is needed before decisions are made. She voiced concern about flooding issues brought up by other residents. She was concerned about traffic and possible uses and the fact that she did not know what the building facades would look like. She wondered if the duplexes will be single story. She was opposed to noise, deforestation, and what she felt was ugly signage all over the county.

Tammy Cook, 19055 Pine Cabin Road, Brooksville (submitted intervener form)
She contributed that Pine Cabin Road and her front yard has significant flooding yet there are drainage retention areas in Southern Hills that are empty. She stated that she was told during the development of Southern Hills that neighboring properties would not be affected but they have been. They were told that their road would be paved with asphalt, which it was not. She stated that it can take a year for 3 feet of water in her yard to go down. Many times, her front driveway is not accessible, and she has to use the side yard which has deteriorated her property as well. She added her opinion that the swale was purposely put there to divert the water in an incorrect disbursement manner.

Ms. Cook offered pictures for the record, which she stated she took herself.

Motion:
Motion was made by Sutton and seconded by Korbus to accept the pictures into evidence. Motion carried 5-0.

Deborah Meinhardt, 5253 Oney Drive, Brooksville (submitted intervener form)
Ms. Meinhardt was not previously sworn in and was sworn in by Recording Secretary Battista. She addressed the flooding problems, especially on Pine Cabin Road, and that the roads in the area are not big enough for construction or dumpster trucks. She did not support additional commercial development. She expressed concern about mold at her residence which she stated is now a wetland due to the development. She expressed the desire that the Commission reconsider this due to the affect this would have.
Phyllis D. Heisey, 4624 Southern Valley Loop, Brooksville (submitted intervener form)
She requested that the request be denied until the developer addressed all the questions.

Speaker who did not fill out intervener form:
Margaret Bloomquist, City resident, suggested that the developers at Cascades and Southern Hills get together and try to jointly solve these problems. She went over her understanding of the CDD (Community Development District) involved, which she stated is CDD #1 - Main Boulevard and retention pond, CDD #2 - Cascades and CDD #3 - Southern Hills. She supported a way to have Cascades pay what she stated was owed to help maintain the main boulevard instead of Southern Hills having to pay it all.

Rebuttal from Applicant
Don Lacey addressed questions on drainage coming from Southern Hills by describing the water flow. He stated that he would not mind speaking to the residents on Pine Cabin Road on this further. He clarified that the applicant is Cascades and not Southern Hills.

Regarding the bridge at the railroad tracks on Powell Road, Mr. Lacey stated that those issues are not stemming from anything related to this petition.

Mr. Lacey addressed drainage related to the development of the villas. He explained that the sales center location presently has a non-residential use and the rezoning before the Commission is for a different non-residential use. He added that the applicant has no problem further restricting the type of uses. He went over what he and the applicant envision as uses for the commercial units. He addressed concerns expressed about traffic, contributing that the traffic will come from the neighborhood that will be using the commercial development.

Regarding wildlife issues, Mr. Lacey reminded all that Southern Hills is targeted to develop into 1,000 units and 900 plus units in Cascades and wildlife will be impacted as it will not be a rural area. He added however, that it can be beautiful and quiet. He went over what he considered to be an attractive improvement to the property once developed. Mr. Lacey reminded all that this development is not owned by the residents of Southern Hills. If it is reasonable, does not increase traffic significantly, and staff has recommended approval, he did not see any reason for the petition to not be approved.

Devon Rushnell, President, LandBuilder, LLC, stated that a traffic study will be done before development. He informed those present that this is a zoning hearing and is not the appropriate stage for detailed engineering. He stated that when they were approached by residents of Cascades who had questions, a meeting with the community was scheduled within a day. There is no intention to take the fountain out. It will stay intact. The development will be where the existing sales office trailer is located. He did not have any problem limiting the type of uses to a list of 10 or 12. He contributed that there are 900 units and 125 have been built. Southern Hills is targeted for 1,000. The traffic is negligible for this proposed compared to what is coming. Regarding drainage concerns brought up, Mr. Rushnell stated he was willing to look at that, adding that he is the fourth developer of Cascades. He stated that his development company paid for
milling stabilization when a concern was brought up by a resident on Pine Cabin Road. At that time, no one came to him regarding drainage issues. If they had, they would have looked at it. The duplex units will be single story.

Mr. Rushnell did not think this proposal is a detriment or different from what is already existing and to think it was, he felt, was counterintuitive.

**Discussion/questions from Commission**

Commissioner Sutton called attention to the reduced square footage request which then reduced the traffic impact. He wondered what assurances the developer could provide that Cascades will pay their fair share for maintenance and repair to additional streets as he felt that the residents in Southern Hills are currently shouldering the burden for the road improvements. He stated that his taxes have gone up 25% this year and if the streets are going to be messed up with more traffic, this petition request will not get his support.

Devon Rushnell stated that his company only owns lots in Phase I and does not own Phase II, III or IV and does not control the CDD but does sit on the CDD. He reiterated that there will be conditions that have to be met in the engineering and permitting process. He added that he owns 100 plus lots that he pays CDD fees on and, therefore, is contributing to road improvements.

Commissioner Sutton addressed the collector road that will be installed after the 400th unit receives its Certificate of Occupancy. Mr. Rushnell stated again that he does not own Phase II, III or IV and the 400th CO or the entire 900 units does not reflect his ownership. Mr. Lacey stated that the 400-unit requirement goes with the land, no matter who owns it. The proposed 26 villa units will count towards the 400-unit requirement.

Commissioner Sutton stated that based on what has been provided so far, he felt that more information is needed on what the villas are going to look like and what the commercial property would look like based on the 15,000 square feet requested. Mr. Rushnell stated that it is speculation at this point but it will meet Cascades architectural standards through the HOA. He stated that the 15,000 square feet structure is years in the future and the construction details are unknown at this point. Mr. Lacey reiterated a previous point that they are willing to remove uses that they would not be interested in.

Commissioner Sutton stated that he felt terrible for the residents suffering with flooding problems. He added that the those living in Southern Hills are not responsible for that problem. He further stated that if it wasn't for Southern Hills, the lights at City Hall probably would not be on today.

Commissioner Korbus wondered if the Planning and Zoning Commission postponed this request for a month, would the developer would be able to meet with this community to work it out. Mr. Lacey did not think that would be possible in one month's time. Commissioner Korbus strongly recommended that the developer announce at this meeting when a community meeting will be held so that all attending would be aware of
Chairman Quinn questioned the original intention of the area between the community center and Southern Hills Boulevard. Mr. Lacey stated that it was to be used for drainage if needed, community center and sales center. Once the community center was built and drainage was looked at, it was determined there was sufficient property for a cul-de-sac.

**Rebuttals from Interveners**
The following offered rebutting comments [note: comments inserted when a response from the Commission or staff was given or if from a speaker who did not speak previously]:

**Tammy Cook**

**Robert Seruga**

Roy Scheulin. Mr. Scheulin submitted a sales brochure from Cascades.

**Motion:**
Motion was made by Sutton and seconded by Korbus to accept this document into evidence. Motion carried 5-0.

**Phyliss Heisey.** She questioned how this rezoning would be for the entire parcel if LandBuilders, LLC, does not own it all. City Planner Gouldman stated that it is a requirement that the entire properties encompassed in this development of 900 plus units are one zoning district. To make a change to the zoning district, the entire property must be rezoned. The other owners play no part in this petition request.

**Jennifer McCoskrie.** She called attention to a petition she included in her exhibits.

**Barbara Stetzko,** who choose not to speak before, called attention to uses that are allowed in this zoning district, expressing concern that this would be the beginning of negative impact.

**Judith Preuss**

**Bernadette M. Alepin.** City Planner Gouldman advised her of the notification process for the hearing sent to adjacent property owners.

**William Lotz.** In response to a zoning question related to his specific property, City Planner Gouldman clarified that Mr. Lotz’s property is not getting rezoned to multi-use. There is a classification for each zoning district. In this instance, the overall development is a classification called “Planned Development Mixed Use”. The petitioner is now asking to add uses under a certain zoning classification on a specific piece of property referred to on the site plan.
Violet Langieri  
Tod Stimpson  

Deborah Meinhardt. She recalled a comment from the developer that he was the fourth owner and she requested his assurance that he would take on the burden of fixing the flooding issues. Mr. Rushnell advised he is willing to look at it, but it would involve engineering reviews and other components such as pictures.

Speakers who did not fill out intervener form but were offered rebuttal opportunity: Tom Kerns, 19734 Sterling Bluff Way, Brooksville, did not speak previously and was not previously sworn in. Mr. Kerns was sworn in by Recording Secretary Battista. He stated that more commercial buildings were not needed. He wondered if this developer restricts the uses, what would happen if it is sold. Once the area is rezoned, the other two owners will be able to put the new allowed uses on their property.

City Planner Gouldman stated if an agreement was reached on uses, the uses are made part of the conditions of approval, which becomes an ordinance. Subsequent owners will have to abide by those regulations. City Planner Gouldman stated that this request before the Commission for consideration at this meeting is for P-1 uses in a specific location. Regarding the current other owners of Cascades, Gouldman stated that if they wanted to do commercial, they would have to go through the rezoning process the same as this one.

City Planner Gouldman reminded all present that the Planning and Zoning Commission makes a recommendation to City Council.

Margaret Bloomquist  

Close public hearing and return to Commission discussion

Motion:
Motion was made by Sutton and seconded by Korbus to deny the zoning change.

Commissioner Lawson wondered if this motion would include a time frame for the developer to work out details such as 30 to 60 days, which Korbus stated he would agree to. After discussion, the City Attorney reminded all that the motion on the floor is to deny the petition and the motion could be withdrawn or amended. Commissioner Sutton stated that he would not be withdrawing his motion to deny. He added that if the motion for denial is approved, he felt the petitioner can always resubmit.

City Planner Gouldman advised that this recommendation would go to City Council at their December 7th meeting for First Reading of the Ordinance, with Second Reading on December 21st, whether it passes or not.
The motion was not withdrawn or amended. Upon roll call, motion carried 4-1 to recommend denial, as follows:

Commissioner Lawson    Aye
Commissioner Rodriguez  Aye
Commissioner Korbus     Aye
Commission Sutton       Aye
Chairman Quinn          Nay

ADJOURNMENT
There being no further business to come before the Commission, the meeting was adjourned at 8:21 PM.

Joseph P. Quinn, Chairman
Planning and Zoning Commission
Minutes Approved on:
**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

<table>
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<tr>
<th>LAST NAME—FIRST NAME—MIDDLE NAME</th>
<th>NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE</th>
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<tr>
<td>DOCKIN, MICHAEL JOSEPH</td>
<td>CITY OF BROOKSVILLE PLANNING &amp; ZONING COMM</td>
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**MAILING ADDRESS**

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<th>CITY</th>
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**DATE ON WHICH VOTE OCCURRED**

**WHO MUST FILE FORM 8B**

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael J. Dolan, hereby disclose that on 11/19/2020:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;
☐ inured to the special gain or loss of my business associate, ____________;
☐ inured to the special gain or loss of my relative, ____________;
☐ inured to the special gain or loss of ________, by whom I am retained; or
☐ inured to the special gain or loss of ________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Re zoning of property owned by developer Devon Rushnell, President of Landbuilder LLC and President of Cascades at Southern Hills HOA of which I am a Director.

Date Filed: 11/24/20
Signature: ____________________

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JENNIFER J. BATTISTA, CMC, CITY CLERK

VIA: MARK A. KUTNEY, CITY MANAGER

SUBJECT: RESOLUTION 2020-28

DATE: December 7, 2020

CITY MANAGER RECOMMENDATION:
Approve Resolution 2020-28 upon roll call vote to officially declare the results of the November 3, 2020 General Election.

REPORT IN BRIEF:

Section 30-12, of the Brooksville Code of Ordinances requires the City Council to declare what the results of an election are after the final votes are certified by the Hernando County Canvassing Board. The City received a copy of the Hernando County Canvassing Board’s certification on November 19, 2000. A copy of the certification is attached. This draft resolution satisfies the requirement for a declaration in Section 30-12 of the Brooksville Code of Ordinances.

DISCUSSION:

The results are as follows:

Ordinance No. 919 (With the approval of council any sum appropriated during a fiscal year within the various departments and funds of the city for a particular use(s), which are not required for such use(s), may be applied to other expenses of the department to which said sums are appropriated or to the fund from which it was appropriated.) Referendum question for the proposed charter amendment, are as follows:

Yes for Approval 3,339 votes
No for Rejection 628 votes
City Council Seat 2, are as follows:
   David A. Bailey  1,982 votes
   Joe Bernardini  1,895 votes

City Council Seat 3, are as follows:
   Blake E. Bell  2,980 votes
   Tom Dye  944 votes

**FISCAL IMPACT:** None

**ATTACHMENT:** Copy of Resolution 2020-28
   Copy of ***Official Results*** Certificate of County Canvassing Board Hernando County
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

<table>
<thead>
<tr>
<th>Name</th>
<th>Gretchen R.H. Vose, Esq.</th>
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<tbody>
<tr>
<td>Date of Meeting</td>
<td>December 7, 2020</td>
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<tr>
<td>Agenda Subject:</td>
<td>RESOLUTION 2020-28</td>
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<tr>
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<td>Yes</td>
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<tr>
<td>Questions/ Comments</td>
<td>Reviewed and approved for sufficiency and form.</td>
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</tbody>
</table>

Signature: [Signature]
RESOLUTION NO. 2020-28

A RESOLUTION OFFICIALLY DECLARING THE RESULTS OF THE CITY OF BROOKSVILLE GENERAL ELECTION HELD NOVEMBER 3, 2020; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 30-12(e) of the Code of Ordinances, the City Council shall officially declare the results of municipal elections, as certified by the Hernando County Canvassing Board, at its next regular council meeting; and

WHEREAS, on March 2, 2020, the Brooksville City Council adopted Ordinance No. 919, which set forth the form and language to amend Section 2.15(a) of the City of Brooksville City Charter related to appropriation of city funds in a department budget, which would appear on the November 3, 2020 General Election ballot, as required by the City of Brooksville City Charter, Code of Ordinances, Florida law, and the terms and conditions of the City’s agreement with the Hernando County Supervisor of Elections; and

WHEREAS, also on the November 3, 2020 General Election ballot, was City Council Group No. 2 seat, held by Joe Bernardini, and City Council Group No. 3 seat, held by William Kemerer, both of which expires December, 2020; and

WHEREAS, David Wayne Bailey and Joe Bernardini were qualified to appear on the general election ballot to fill the Group No. 2 seat, which will end in December 2024; and,

WHEREAS, Blake Bell and Thomas Glen Dye were qualified to appear on the general election ballot to fill the Group No. 3 seat, which will end in December 2024.

NOW THEREFORE, be it resolved by the City Council of the City of Brooksville, Florida, as follows:

SECTION 1. the General Election was held on November 3, 2020 and the results were certified by the Hernando County Canvassing Board on November 13, 2020 and received by the City Clerk’s office on November 19, 2020 (ATTACHMENT A TO RESOLUTION); and

SECTION 2. A referendum question for a proposed charter amendment, in English and Spanish, was included on the General Election ballot held on November 3, 2020 and read as follows:
CITY CHARTER AMENDMENT
CITY COUNCIL APPROVAL REQUIRED FOR
APPROPRIATION TRANSFERS WITHIN A
CITY DEPARTMENT’S BUDGET

Shall Section 2.15(a) of the Brooksville City Charter be amended to state that any transfer of appropriated funds within a city department’s budget requires the approval of the City Council?

___ Yes
___ No

MODIFICACIÓN DE LA CARTA ORGÁNICA DE LA CIUDAD
SE REQUIERE LA APROBACIÓN DEL CONSEJO DE LA
CIUDAD PARA LA TRANSFERENCIA DE APROPIACIONES
DENTRO DEL PRESUPUESTO DE UN DEPARTAMENTO
DE LA CIUDAD

¿SE ENMENDARÁ LA SECCIÓN 2.15 (A) DE LA CARTA ORGÁNICA DE LA CIUDAD DE BROOKSVILLE PARA INDICAR QUE CUALQUIER TRANSFERENCIA DE FONDOS APROPIADOS DENTRO DEL PRESUPUESTO DE UN DEPARTAMENTO DE LA CIUDAD REQUIERE LA APROBACIÓN DEL CONSEJO MUNICIPAL?

___ Sí
___ No

SECTION 3. The results of the vote tabulation, as certified by the Hernando County Canvassing Board on November 13, 2020, for the above referenced referendum question for the proposed charter amendment, are as follows:

Yes for Approval  3,339 votes
No for Rejection  628 votes

SECTION 4. Approval of this charter amendment on November 3, 2020, results in the following Section 2.15(a) of the Brooksville City Charter being amended to read as follows:

Sec. 2.15. - Appropriations amendments during the fiscal year.

(a) Budget Transfers: With the approval of council any sum appropriated during a fiscal year within the various departments and funds of the city for a particular use(s), which are not required for such use(s), may be applied to other expenses of the department to which said sums are appropriated or to the fund from which it
was appropriated.

SECTION 5. The results of the vote tabulation, as certified by the Hernando County Canvassing Board on November 13, 2020, for City Council Seat 2, are as follows:

David A. Bailey 1,982 votes
Joe Bernardini 1,895 votes

SECTION 6. The results of the vote tabulation, as certified by the Hernando County Canvassing Board on November 13, 2020, for City Council Seat 3, are as follows:

Blake E. Bell 2,980 votes
Tom Dye 944 votes

SECTION 7. A certified copy of this Resolution shall be submitted to the State of Florida, Department of State.

SECTION 8. Any resolution or policy of the City, or any portion thereof, in conflict with, or inconsistent with, the provisions of this Resolution, is hereby repealed to the extent of such conflict or inconsistency.

SECTION 9. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 10. ADOPTED by the City Council of the City of Brooksville, Florida, this 7th day of December, 2020.

CITY OF BROOKSVILLE
RESOLUTION NO. 2020-28

ATTEST:

By: _________________________
    Mayor

Jennifer Battista, City Clerk

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

_____________________________
Vose Law Firm, City Attorney

VOTE OF COUNCIL:

Council Member Bailey
Council Member Battista
Council Member Bell
Council Member Braytons
Council Member Erhard
We, the undersigned, KURT HITZEBMANN, County Judge, JOHN MITTEN, Chairman of Board of County Commissioners, SHIRLEY ANDERSON, Supervisor of Elections, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Thirteenth day of November, 2020 A.D., and proceeded, publicly to canvass the votes given for the several offices and persons herein specified at the General Election held on the Third day of November, 2020 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For Brooksville City Council, Seat 2, the whole number of votes cast was 3,877 of which

David W. Bailey received 1,982 votes
Joe Bernardini received 1,895 votes

For Brooksville City Council, Seat 3, the whole number of votes cast was 3,924 of which

Blake E. Bell received 2,980 votes
Tom Dye received 944 votes

BROOKSVILLE CITY ORDINANCE NO. 919

Brooksville City ORDINANCE NO. 919

Yes for Approval 3,339 votes
No for Rejection 628 votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

COUNTY JUDGE

CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS

SUPERVISOR OF ELECTIONS

11/13/2020 10:26:58 AM
AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: MARK A. KUTNEY, CITY MANAGER
FROM: JENNIFER J. BATTISTA, CMC, CITY CLERK

SUBJECT: 2021 HOLIDAY SCHEDULE & REGULAR COUNCIL MEETING SCHEDULE, POTENTIAL WORKSHOPS & TENTATIVE BUDGET HEARINGS

DATE: December 7, 2020

CITY MANAGER RECOMMENDATION:
Recommend approval of the attached 2021 employee holiday and meeting calendar.

REPORT IN BRIEF:
Pursuant to Section 7.00 of the Personnel Policy, the attached is the list of employee holidays for 2021.

Attached is also the Council Meeting calendar.

Staff has reviewed the Hernando County calendar approved for 2021 and the holidays are in line with their approved holidays as well.

DISCUSSION:
The Regular Council meetings have been scheduled on the first and third Mondays of the month, unless there is a conflict with a holiday in the month. The following months are modified to account for the holiday:

- January – One meeting
- February - One meeting with a potential special meeting on the 22nd.
- July – One meeting with a special meeting (budget) on the 26th.
- September - One Meeting on the 20th and the Budget Hearings on the 8th and 22nd at 5:01 PM

The meetings to discuss the budget are scheduled for April 12th, June 28th, July 26th and August 23rd are delineated as “Special Meetings” to allow votes to be taken, if necessary, rather than a workshop wherein only a consensus of Council can be taken.

FISCAL IMPACT:
Appropriate holiday pay and overtime compensation has been budgeted in accordance with City Personnel Policy and the proposed schedule.
CONCURRENCES:

REVIEW PROCESS
Autumn Sullivan, Finance
Vose Law Firm, City Attorney

ATTACHMENT:
1. 2021 Holiday Schedule
2. Personnel Policy Section 7.00 Holidays
3. Part I - Charter/Article II Legislative Procedures, Section 2.12 Procedure
4. 2021 Calendar with meeting & holiday dates
5. Memo from Vice Mayor Brayton
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

Name: Autumn Sullivan
Date of Meeting: December 7, 2020
Agenda Subject: Calendar
Approval yes or no: Yes
Questions/Comments: None.
Use this form to provide your approval or questions/comments and save under the appropriate agenda folder on the H drive

<table>
<thead>
<tr>
<th>Name</th>
<th>Gretchen R.H. Vose, Esq.</th>
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<tr>
<td>Date of Meeting</td>
<td>December 7, 2020</td>
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<td>Agenda Subject: (i.e. Art Gallery Coordinator)</td>
<td>2021 Holiday Schedules</td>
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[Signature]

12/7/20 Reg Council Agenda Packet
Page 229 of 241
2021 Holidays

City of Brooksville, FL

Friday, January 1, 2021 New Year’s Day

Monday, January 18, 2021 Martin Luther King Jr. Day

Monday, February 15, 2021 President’s Day

Friday, April 2, 2021 Good Friday

Monday, May 24, 2021 Memorial Day

Monday, July 5, 2021 Independence Day observed

Monday, September 6, 2021 Labor Day

Thursday, November 11, 2021 Veterans Day

Thursday, November 25, 2021 Thanksgiving Day

Friday, November 26, 2021 Thanksgiving Holiday

Thursday, December 23, 2021 Christmas Holiday

Friday, December 24, 2021 Christmas Eve
SECTION 7.00 HOLIDAYS

I. POLICY

The City provides a competitive paid time off benefit to Employees in recognition of certain Holidays. The City reserves the right to add or delete any days from the list of Holidays if it is determined to be in the best interest of the City.

II. DEFINITIONS

A. Full-time, Regular Employee is defined as an employee who is regularly scheduled to work thirty (30) or more hours per workweek.

B. Holiday Pay is defined as a paid time off benefit that is equal to the time/hours that the Employee would typically be scheduled to work/earn during his/her normal workday.

III. PROCEDURE

A. Eligibility.

1. Only Full-time, Regular Employees are eligible for Holiday Pay. Part-time Employees are not eligible for Holiday Pay.

2. To be eligible for Holiday Pay, an Employee must work the last regularly scheduled workday preceding the Holiday and the first regularly scheduled workday following the Holiday, unless the absence is approved in advance, or otherwise authorized, by the Department Director or designee.

3. An Employee who separates or commences an unpaid leave of absence (a) on the last regularly scheduled workday preceding a Holiday, (b) on a Holiday, or (c) on the first regularly scheduled workday following the Holiday will not receive Holiday Pay.

4. An Employee that is in a “no-pay” or unpaid leave status will not be eligible for Holiday Pay.

B. Recognized Holidays. The following days will be observed as Holidays and offices will be closed, except for those Departments who are normally required for continuous or emergency duty:

- New Year’s Day
- Dr. Martin Luther King Day
- President’s Day
- Good Friday
- Memorial Day

Approved by City Council 04/06/2009
Independence Day
Labor Day
Veteran’s Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

1. Annual approval of dates observed as Holidays shall be approved by the City no later than the first meeting in December of the preceding calendar year.

2. City paid Holidays which fall on Saturday may be observed on the preceding Friday, paid Holidays which fall on a Sunday may be observed on the following Monday.

3. Holidays shall be observed from 12:00 a.m. to 11:59 p.m.

C. Employees Required to Work on Holidays.

1. Exempt Employees. Holiday Pay for Exempt Employees is compensated as part of base pay. In the event that an Exempt Employee is either scheduled or called-in to work on a Holiday in which they would otherwise not be working, the Exempt Employee is granted an additional day of Vacation Leave in lieu of Holiday Pay. The additional day of Vacation Leave shall be added to the Exempt Employee’s Vacation Leave balance in the same pay period in which the Holiday occurs.

2. Non-Exempt Employees on Regular Work Schedule. When a Non-Exempt Employee’s regular work schedule requires the Employee to work on a Holiday, such Employee shall be compensated for all Hours Worked on the Holiday, at the Employee’s Regular Rate of Pay; and the Employee shall be compensated an equivalent amount of Holiday Pay. For Example: If an employee whose regular work schedule on the holiday is 4 hours, the employee receives pay for a total of 8 hours at the employee’s regular rate of pay.

3. Non-Exempt Employees Called In to Work on Holiday. A Non-exempt Employee called-in to work on a Holiday in which the Employee was not otherwise scheduled to work shall be compensated for all Hours Worked on the Holiday within a 24 hour period, or a minimum of four (4) hours, whichever is greatest, at time and one-half the Employee’s Regular Rate of Pay, and shall be compensated Holiday Pay at the Employee’s Regular Rate of Pay, for the hours that the Employee would have been regularly scheduled to work if the Holiday were not scheduled for observation. For Example: For an employee regularly scheduled to work an 8 hour day
Sec. 2.12. - Procedure.

(a) **Meeting:** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twenty-four (24) hours' notice to each member and the public. All meetings shall be public.

(b) **Rules in general:** The council shall determine its own rules and the mayor shall set the order of business for each meeting.

(c) **Voting:** Voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present, except as may be more specifically described in this charter.

# 2021
City of Brooksville Annual
City Council Meetings & Holiday Schedule

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**Employee Holiday**

Regular City Council Meetings First & Third Monday each Month at 7P (unless conflict)

Special Meetings & Budget Hearings

12/7/20 Reg Council Agenda Packet
Page 234 of 241
To: City of Brooksville Mayor and Council Members

From: Pat Brayton, Vice-Mayor

Subject: 2021 Holiday and Meeting Schedule

As more and more items come before the Council, I would like to suggest that we do our best to have two regular meetings each month. Normally, whenever a holiday falls on our regular meeting date, we just cancel that meeting which only gives us one meeting for that particular month.

In the year 2021 there are four months in which we would have only one scheduled regular meeting due to holidays falling on a Monday, those are: January (MLK Day), February (Presidents Day), July (Independence Day) and September (Labor Day).

I would like to propose that these four meetings, as previously listed, be scheduled for the following Tuesday after the holiday. Therefore our January meetings would be scheduled for the 4th and 19th, February meetings would be scheduled for the 1st and 16th, July meetings would be scheduled for the 6th and 19th and September meetings would be scheduled for the 7th and 20th.
CORRESPONDENCE TO NOTE
December 7, 2020

1. Letter dated 11/11/20 from Mayor – Groundbreaking of Chaplin’s Memorial
2. Email dated 11/16/20 from FDEP regarding citizen’s complaint on water quality concerns.
   [Attachments to email are lengthy and can be viewed by calling the City Clerk’s office at 352-540-3816]
Fw: City of Brooksville Water Complaint

Jennifer Battista <JBattista@cityofbrooksville.us>
Thu 12/3/2020 2:25 PM
To: Jennifer Battista <JBattista@cityofbrooksville.us>
From: Mark Kutney <mkutney@cityofbrooksville.us>
Sent: Monday, November 23, 2020 2:19 PM
To: jbernardini@cityofbrooksville.us <jbernardini@cityofbrooksville.us>; Pat Brayton City of Brooksville Council Member <pbrayton@cityofbrooksville.us>; Robert Battista <RBattista@cityofbrooksville.us>; Betty Erhard <BErhard@cityofbrooksville.us>; wkemerer@cityofbrooksville.us <wkemerer@cityofbrooksville.us>
Cc: Danny Brooks <dbrooks@cityofbrooksville.us>; Melissa Cosme <MCosme@cityofbrooksville.us>
Subject: Fw: City of Brooksville Water Complaint

Mayor and City Council:

FYI, this email relates to the continued complaints by Richard Howell regarding water in South Brooksville. Please refer to the fourth entry below, Maryn Jones, Environmental Specialist Compliance Assurance with DEP indicates: "The City of Brooksville is in-compliance with all regulated water quality parameters."

Best regards,
Mark

Mark A. Kutney, AICP, ICMA-CM
City Manager
City of Brooksville

201 Howell Avenue
Brooksville, FL 34601
(352) 540-3810
mkutney@cityofbrooksville.us

From: Jones, Maryn <Maryn.A.Jones@FloridaDEP.gov>
Sent: Monday, November 16, 2020 4:07 PM
To: sabeauty00 <sabeauty00@aol.com>
Cc: Brock, James <James.Brock@FloridaDEP.gov>; stefica.depovic@flhealth.gov <stefica.depovic@flhealth.gov>; Tim Downin <TDownin@cityofbrooksville.us>
Subject: RE: City of Brooksville Water Complaint

Good afternoon,

Please see the attached sampling documents from the City of Brooksville. The Department has reviewed all bacteriological reports (Bacte's) from the past year. As a reference, the maximum Chlorine limit for drinking water is 4.0 mg/L. The Chlorine Residual at this facility is kept at around 1.3 mg/L, ranges from 1.0 mg/L to 1.5 mg/L and
is well within the regulatory limits. The results were discussed with the operator of the facility, Tim Downin, via phone. During the conversation, Mr. Downin informed the Department there has not been a need to increase the amount of Chlorine in the system. The City of Brooksville is In-Compliance with all regulated water quality parameters. Even so, the City of Brooksville intends to increase flushing in areas with dead ends in response to an increase in disinfectant byproducts (DBPs) within the past few months.

Please let me know if you have any additional questions are concerns.

Best regards,
Maryn

Original message
From: "Jones, Maryn" <Maryn.A.Jones@FloridaDEP.gov>
Date: 11/16/20 12:35 PM (GMT-05:00)
To: sabeauty00@aol.com
Cc: "Brock, James" <James.Brock@FloridaDEP.gov>, Stefica.Depovic@flhealth.gov
Subject: City of Brooksville Water Complaint

Good afternoon,

The Florida Department of Environmental Protection has received your complaint on October 29, 2020 via the Florida Department of Health in Hernando County. Please be advised that the Department does not address issues regarding payments.

The Department has conducted an investigation based on the water quality concerns. After a file review and discussion with the City of Brooksville, the Department has found the facility is within State requirements for Drinking Water. The City of Brooksville is working on a plan to increase flushing maintenance as well.

Thank you for reaching out to the Department. Please let me know if you have any additional questions or concerns.

Best regards,
Maryn
November 11, 2020

TO: Chaplain Gabriella Hieb, SFO
And to all those attending this groundbreaking service at the VFW Post 10209 this morning

The City of Brooksville is happy to be a small part of your groundbreaking ceremony here today for the future site of the Chaplains Memorial. Veterans Day is a very important day to honor Veterans who have served in all branches of the military.

We thank you for the opportunity to share in this moment to honor Lieutenant Vincent Robert Capodanno, who was a United States Navy Chaplain assigned to a Marine Corp unit during the Vietnam War. Lieutenant Capodanno was a great servant of God and received the Medal of Honor for heroic actions posthumously after losing his life on September 4, 1967.

It is all together fitting that this Memorial will not only honor Lieutenant Capodanno but all Chaplains who have lost their lives serving the men and women of our Country.

Thank you to all who have worked so hard to make this Memorial a reality and we look forward to its completion in 2021.

Sincerely,

Joe Bernardini
Mayor
City of Brooksville
Re: Letter of Appreciation

Jennifer Battista <JBattista@cityofbrookville.us>
Tue 11/10/2020 1:31 PM
To: Gaye Hieb <paddlegirl54@gmail.com>

1 attachments (654 KB)
Letter dated 11-10-20 from Mayor - to be read at Chaplin Memorial Ground Breaking event 11-11-20.pdf;

Hello,
It is our pleasure to provide this letter from the Mayor to be read at the 11-11-20 Ground Breaking.

Jennifer J. Battista, CMC
City Clerk
City of Brooksville
201 Howell Ave.
Brooksville, Fl. 34601
352-540-3816
jbattista@cityofbrooksville.us
Visit us on the Web
https://www.cityofbrooksville.us/

PLEASE NOTE: Under Florida law, e-mail addresses and most written communication regarding public business are public records, available to the public and media upon request. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Gaye Hieb <paddlegirl54@gmail.com>
Sent: Thursday, November 5, 2020 11:36 AM
To: Jennifer Battista <JBattista@cityofbrookville.us>
Subject: Letter of Appreciation

Dear Jennifer,
It was delightful to speak with you regarding our upcoming memorial dedication.
We will be doing a ground breaking service on November 11, at 11 am at VFW Post 10209, Springhill Fl. This dedication and memorial is in memory and honor of Lt. Vincent R. Capodanno, MM who sacrificed his life in Vietnam on September 4, 1967.
In addition to his sacrifice we are honoring all Chaplains who lost their life in conflict. We appreciate your well wishes in this endeavor and look forward to your attendance in May 2021 for our grand unveiling.
Peace, Blessings and all good come your way!

Again many thanks,
Chaplain Gabriella Hieb, SFO

Sent from my iPhone