

City Of Brooksville

Community Development Department Steven Gouldman, Acting Director

CITY OF BROOKSVILLE PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers 201 Howell Avenue Brooksville, FL 34601

AGENDA

August 11, 2021 5:30 PM

- A. <u>CALL TO ORDER</u>
- B. <u>PLEDGE OF ALLEGIANCE</u>
- C. <u>APPROVAL OF MINUTES:</u> June 9, 2021

D. RZ 2021-05 – JULIAN EXCLUSA AND DALE SIEDEN PETITION REQUESTING REZONING FROM HERNANDO COUNTY R-1C TO CITY OF BROOKSVILLE PDP-RV

The petition is a request to rezone an approximately 9.40-acre tract from Hernando County R-1C to City of Brooksville PDP-RV (Planned Development Project-Recreational Vehicle). Located on the south side of East Jefferson Street and immediately west of Emerson Road, the subject parcel was annexed into the City on January 4, 2021 and a Comprehensive Plan Future Land Use designation of South Brooksville Planned Development District was assigned to the property in March 2021. The Comprehensive Plan Future Land Use designation allows for the consideration of a non-residential Floor Area Ratio (FAR) of 0.30. The requested PDP-RV zoning district is to allow for the property to be developed as a recreational vehicle park containing 53 RV lots, 1,500 square feet of convenience commercial floor space, a 1,500 square-foot manager's apartment, a 2,000 square-foot community center, a swimming pool and ball courts.

<u>RECOMMENDATION</u>: The Acting City Manager recommends the Planning and Zoning Commission find that the proposed rezoning is consistent with the City's Comprehensive Plan and compatible with the general development pattern in the area and recommend that City Council approve the rezoning of this property from Hernando County R-1C to City of Brooksville PDP-RV (Planned Development Project-Recreational Vehicle), subject to conditions.

E. <u>ADJOURNMENT</u>

Please be advised that two or more City Council Members may attend and participate in this meeting. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the City's Human Resource Administrator's Office no later than 48 hours in advance of the meeting at (352) 540-3810. Meeting agendas and supporting documentation are available from the City Clerk's office and on the City's website 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 a verbatim record of the proceedings is made.

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

- Disclosure of any ex parte communications by Commission 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 Commission and party-interveners, if they request.
- Testimony of party-interveners and their witnesses, with cross-examination by Commission 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 Chairperson, present information to the Commission, and may be questioned by the Commission but is not required to be subject to cross examination, and need not be sworn in.
- Close of public hearing.
- Commission deliberation/vote.

CITY OF BROOKSVILLE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Joseph E. Johnston, III Council Chambers, 201 Howell Avenue, Brooksville, Florida

June 9, 2021 5:30 PM

Attending were Chairman Joseph P. Quinn, Elmer Korbus, Gary Sutton, Ronald Lawson, and alternates Michael Dolan and John Redpath. (Board Member George Rodriguez was absent). Also present were Steven Gouldman, AICP, City Planner, John Cary, City Attorney and Concetta Cook, Recording Secretary.

The meeting was called to order at 5:35 p.m. by Chairman Quinn.

PLEDGE OF ALLEGIANCE

Those present stood for the Pledge of Allegiance.

APPROVAL OF MINUTES: February 10, 2021

Motion:

Motion was made by Dolan and seconded by Redpath to approve the February 10, 2021 minutes. Motion carried 5-0.

RZ 2021-04 – LANDBUILDER, LLC. PETITION REQUESTING REZONING FROM RPDP TO PDP-R

Chairman Quinn asked the Madame Clerk if this item was properly advertised. Recording Secretary, Concetta Cook responded yes, this item was properly advertised in the May 30, 2021 edition of the Tampa Bay Times.

Chairman Quinn asked if any Board member had a conflict of interest on this item. Board member Michael Dolan had a conflict of interest and submitted Form 8B to the recording secretary.

Chairman Quinn asked if any Board member has had any ex-parte communication to disclose any correspondence received, or observation of the site. Board member Sutton received emails from residents but did not open them. Remaining Board members had nothing to disclose.

Chairman Quinn asked if there are any individuals who intend to participate as an Intervenor in this matter. Intervenor forms were handed out by the recording secretary.

Chairman Quinn asked if there were any individuals who would like to be qualified as expert witnesses on behalf of the applicant at this time. Donald Lacey, Coastal Engineering Associates has a Master's in Urban and Regional Planning, 48+ years in Land Use Planning, would like to be considered as an expert witness.

Motion:

Motion was made by Redpath and seconded by Korbus to accept the expert witness. Motion carried 5-0.

Chairman Quinn stated the Board already has qualified Community Development Director Chris Anderson and City Planner Steven Gouldman as expert witnesses in the field of land use planning and development in the City of Brooksville and have reviewed copies of their respective resumes and asked if there was any objection to their participation as expert witnesses in this proceeding. No one did.

Recording Secretary, Cook swore in all who wished to speak or provide testimony during the public hearing.

Steve Gouldman, City Planner summarized the staff report which is included below in its entirety. Additionally, Mr. Gouldman advised in item #3 the Villa/Duplex Maximum height needs to be corrected to 35 feet.

INTRODUCTION & BACKGROUND INFORMATION:

The petition is a request to rezone an approximately 413-acre tract from RPDP (Residential Planned Development Project) to PDP-R (Planned Development Project-Residential). 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 PDP-R 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 an additional detached single-family unit. The area in which the villa/duplex use is proposed is currently identified for use by a model home center and the recreation center. The additional single-family unit is proposed to be located on a portion of an area that is presently platted for open space and drainage retention/detention.

<u>RECOMMENDATION</u>: 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-R (Planned Development Project-Residential), 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 926 single family detached dwelling units, 26 villa/duplex units, a recreation complex and model homes.
- 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 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.
- 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.

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.

Chairman Quinn asked if there are any questions from the Board to staff. There were none.

Chairman Quinn asked if the applicant has any expert witnesses to present testimony regarding this matter.

Don Lacey, Coastal Engineering Associates, Inc., representing the applicant, came forward. Mr. Lacey summarized the project by stating the Villas that will be put in and will be adjacent to the recreational area. They will provide a different housing product for seniors only and will access at the entrance to the recreational area. The number of units will generate one traffic trip every 4 minutes during the peak hours, therefore having minimal impact on the roads. The one unit that Steve indicated is a modular unit that will be replaced with a single family home. The others will all be 2 unit Villas. Mr. Lacey also indicated the Villas will be several hundred feet from the Southern Hills Plantation Boulevard and shouldn't have any impact. The developer has built a very nice recreation center recently and has other phases at that location to build and will make a very nice Cascades community.

Chairman Quinn asked if there are any questions from the Board to the expert witness.

Commissioner Sutton asked for clarification of the four phases. Mr. Lacey responded by breaking down the phases. The first phase has most of the units fully constructed. The second phase is immediately south of that as you go down Cotillion, has been platted but never constructed, which will be worked on next. The third and fourth phase further down toward south of Powell Avenue and Cotillion Boulevard will be extended with each of those phases.

Commissioner Sutton further asked if the proposed new units will be part of phase one. Mr. Lacey responded yes, they will be part of phase one and platted into that project.

Commissioner Sutton questioned what are the number of units of each phase? Mr. Lacey responded the total number of units is 925 and each phase is a couple of hundred per phase, give or take.

Party Interveners

The following submitted intervener forms and spoke:

Judith Ward, 19132 Pine Cabin Rd, spoke in opposition of the petition.

Jennifer McCoskrie, 6056 Summit View Dr., spoke in opposition of the petition. She submitted 3 pictures to the Commission Members.

Rob Nicholas, 5071 Endview Pass, spoke in opposition of the petition.

Tammy Cook, 19055 Pine Cabin Rd., spoke in opposition of the petition.

Henry McGibbon, 4844 Hickory Oak Dr., spoke in opposition of the petition.

Violet Langieri, 6128 Evening Ray Dr., spoke in opposition of the petition.

William Lotz, 19851 Tathall Way, spoke in opposition of the petition.

Thomas Kay, 19894 Tathall Way, spoke in opposition of the petition.

Debi Meinhardt, 5253 Oney Dr., spoke in opposition of the petition.

Kathleen Griffith-Zhang, 19646 Autumn Oak Lane, spoke in opposition of the petition.

Rebuttal

Donald Lacey came forward to address drainage concerns, there will be a drainage retention area that is going to be constructed right behind the recreational center that is going to be expanded to allow for drainage. The amount of traffic that's being generated is about one every four minutes. The level of service on those roads are excellent. The signalization will be done with a traffic study for the intersection of Cotillion and Southern Hills Blvd, the City would be involved whether or not there would be improvements. At US41, the Department of Transportation would determine whether or not there would be improvements at that intersection. There is no commercial in this project and the sales center is going to remain as is. The multi-family units are for seniors only 55 years and older.

Commissioner Sutton asked Mr. Lacey to discuss the ownership issue if his client only owns lots in phase 1. Mr. Lacey stated his client owns most of the remaining lots in phase 1 and owns some lots in phase 2. Bing Kerney owns a number of lots in phase 2. Therefore phase 2 has multiple ownerships even though it has not been developed yet. The owners of phases 3 and 4 is owned by a group headed by Matt Powerty. The owners of phases 3 and 4 have an easement that allows for Cotillion Blvd to be extended. Cotillion Blvd has to be built in phase 2 to get to phase 3 and 4. All the developers have some level of easement to allow the roadway to continue.

Commissioner Sutton further asked for clarification on who pays for the overall project commitment to extend the roadway all the way to Powell. Mr. Lacey responded that the developers of phases 2, 3 and 4 will pay and continue to develop the road. Whoever builds phase 2 will build Cotillion Blvd.

Commissioner Sutton also questioned how the traffic will flow before the approximately 400 units are built. Mr. Lacey responded when the units are built in phases 1 and 2, the developers in phases 3 and 4 are obligated to extend the road all the way to Powell. The road has been designed for the capacity of the units to be built.

Motion:

Motion was made by Sutton to deny but fails for lack of second.

Motion:

Motion was made by Redpath to approve the petition rezoning and the condition for the height of the villas from 45ft to 35ft and seconded by Lawson.

Motion carried 4-1.

Mr. Gouldman	added th	hat this	will be	heard	by City	Council	on Ti	uesday,	July 6	, 2021	in these
chambers											

ADJOURNMENT

Upon proper motion and there being no further business to come before the Commission, the meeting was adjourned at 6:59 PM.

Joseph P. Quinn, Chairman Planning and Zoning Commission Minutes Approved on:



AGENDA ITEM MEMORANDUM

TO: PLANNING AND ZONING COMMISSION

FROM: STEVE GOULDMAN, ACTING COMMUNITY DEVELOPMENT

DIRECTOR/CITY PLANNER

SUBJECT: ORDINANCE NUMBER 932-RZ 2021-05 - JULIAN EXCLUSA

AND DALE SIEDEN PETITION REQUESTING REZONING FROM HERNANDO COUNTY R-1C TO CITY OF BROOKSVILLE

PDP-RV

DATE: AUGUST 11, 2021

INTRODUCTION & BACKGROUND INFORMATION:

The petition is a request to rezone an approximately 9.40-acre tract from Hernando County R-1C to City of Brooksville PDP-RV (Planned Development Project-Recreational Vehicle). Located on the south side of East Jefferson Street and immediately west of Emerson Road, the subject parcel was annexed into the City on January 4, 2021 and a Comprehensive Plan Future Land Use designation of South Brooksville Planned Development District was assigned to the property in March 2021. The Comprehensive Plan Future Land Use designation allows for the consideration of a non-residential Floor Area Ratio (FAR) of 0.30. The requested PDP-RV zoning district is to allow for the property to be developed as a recreational vehicle park containing 53 RV lots, 1,500 square feet of convenience commercial floor space, a 1,500 square-foot manager's apartment, a 2,000 square-foot community center, a swimming pool and ball courts.

COMPATIBILITY WITH SURROUNDING AREA:

As previously noted, the subject parcel is located on the south side of East Jefferson Street and immediately west of Emerson Road. Properties immediately east, west and south of the subject site have Hernando County zoning designations of R-1A, R-1B and R-1C. A property to the immediate north east at the intersection of Jefferson Street and Emerson Road has a Hernando County C-2 zoning designation. Properties to the north across Jefferson Street are in the City of Brooksville and are zoned C-2. Given the mixed characteristics of the general area, staff finds the proposed zoning and use compatible with the surrounding development pattern.

PUBLIC FACILITIES AND LEVEL OF SERVICE:

The subject properties will be served by City water and sewer services. Primary access to the parcel will be from East Jefferson Street and Emerson Road. Based on data assumptions contained within the City's Comprehensive Plan, the analysis below depicts the impacts associated with the proposed use.

Trip Generation:

The applicant has indicated the intent is to develop the 9.40-acre parcel as a Recreational Vehicle (RV) park containing 53 vehicle spaces as well as 1,500 square feet

RZ 2021-05 August 11, 2021 Page 2

of accessory convenience commercial floor space. According to the ITE Trip Generation Manual (8th Edition), a 53-space RV park (LUC 416) generates approximately 143 daily vehicle trips and 14 P.M. Peak Hour trips. The developer will not be required to submit a detailed traffic analysis to address the impact of new development on the level of service of the impacted road network.

Water:

If the property is developed as a 53-unit RV park, approximately 5,307 gallons of water per day would be consumed. Presently, the quantity of water required for the potential development of the facility 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:

Development of the subject site as a 53-unit RV park would generate 4,245 gallons of effluent per day. Presently, the addition of the quantity of sanitary sewer effluent generated by the potential development 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 majority of the subject parcels is located within Flood Zone X, which is defined as an area exhibiting minimal flood potential. A small portion in the southern part of the site is located with the AE Flood Zone. The AE Flood Zone is defined as an area inundated by 1% annual chance of flooding, for which the Base Flood Elevation has been determined. Future development will be required to meet Land Development Code regulations as well as the SWFWMD 40D-4 permitting requirements and all City Comprehensive Plan policies relating to floodplains, stormwater retention, and stormwater treatment and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in proximity to the subject site. No significant impact on the existing facilities is anticipated.

Public School Facilities:

The proposed project is not anticipated to generate any students.

NATURAL RESOURCES AND FEATURES:

According to the Soil Survey of Hernando County, the soil on the property consists of Nobleton Fine Sand (o to 5% slopes).

BUDGET STATEMENT:

Costs for processing rezoning petitions 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.

ACTING CITY MANAGER RECOMMENDATION:

The Acting City Manager recommends the Planning and Zoning Commission find that the proposed rezoning is consistent with the City's Comprehensive Plan and compatible with the general development pattern in the area and recommend that City Council approve the rezoning of this property from Hernando County R-1C to City of Brooksville PDP-RV (Planned Development Project-Recreational Vehicle), 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 project shall be permitted a maximum of 53 recreational vehicle spaces, 1,500 square feet of convenience commercial floor space, a 1,500 square-foot manager's apartment, a 2,000 square-foot community center, a swimming pool and ball courts. The location of the RV spaces, convenience commercial floor space, manager's apartment, community center, swimming pool, ball courts and parking areas shall be as generally shown on the site plan dated 12/21/20. The existing structures on the property shall be removed.
- 3. Lot size and dimensions:

Interior lots

Minimum lot size: 2,450 square feet

Minimum width: 35 feet Minimum depth: 70 feet

Perimeter lots

Minimum lot size: 2,800 square feet

Minimum width: 35 feet Minimum depth: 80 feet

4. Setbacks:

Minimum front yard: 20 feet

Minimum rear yard: 13 feet. The minimum rear yard setback for perimeter lots shall be measured from the interior required buffer area boundary, resulting in a 28-foot setback from the project boundary. Minimum side yard: 10 feet

5. Buffering and screening:

A buffer area 15 feet in width shall be provided along the entire western project boundary, and along the rear yard boundaries of the lots located to the south of the area designated for commercial, residential and recreational components. The buffer shall contain evergreen trees a minimum of 3 inches DBH spaced at 40 feet on-center at the time of planting, a hedge a minimum of three feet in height spaced 3 feet on center at the time of planting and an opaque fence six feet in height. The fence shall be located at the property boundary. No buffering and screening is required adjacent to the wetland area.

A buffer area 10 feet in width shall be provided along the northern project boundary adjacent to Jefferson Street and the southern project boundary adjacent to the detention/retention area. The buffer shall contain evergreen trees a minimum of 3 inches DBH spaced at 40 feet on-center at the time of planting, a hedge a minimum of three feet in height spaced 3 feet on center at the time of planting.

A buffer area 5 feet in width shall be provided along the eastern project boundary adjacent to the area designated for commercial, residential and recreational components and along the eastern project boundary adjacent to Emerson Road. The buffer shall contain evergreen trees a minimum of 3 inches DBH spaced at 40 feet on-center at the time of planting, a hedge a minimum of three feet in height spaced 3 feet on center at the time of planting. An opaque fence six feet in height shall be provided adjacent to the area designated for commercial, residential and recreational components. No fence is required on the project boundary adjacent to Emerson Road.

- 6. Two open space areas shown as "Enhanced Natural Area/Park" shall be provided and located as generally shown on the site plan.
- 7. Existing trees shall, to the greatest extent possible, be preserved.
- 8. The project shall be permitted a maximum of two access drives located as generally shown on the site plan.
- 9. The petitioner/developer shall obtain all permits and meet all applicable land development regulations for construction and use of the property.

RZ 2021--05 August 11, 2021 Page 5

10. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.

ATTACHMENTS:

- (1) Draft Ordinance No. 932 with Exhibit "A," Legal Description, Exhibit
- "B," Survey, Exhibit "C," Area Map and Exhibit "D," Site Plan
- (2) Rezoning Petition (as provided by ProCivil360, LLC., as agent)

ORDINANCE NO. 932

AN ORDINANCE APPROVING THE REZONING APPROXIMATELY \mathbf{OF} 9.4 ACRES PROPERTY BEARING HERNANDO COUNTY PROPERTY APPRAISER'S KEY NUMBER 357562 LOCATED ON THE SOUTH SIDE OF JEFFERSON STREET AND WEST OF EMERSON ROAD IN THE CITY OF BROOKSVILLE. FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1. FROM HERNANDO COUNTY ZONING DISTRICT CLASSIFICATION R₁C TO PDP-RV (PLANNED DEVELOPMENT PROJECT-RECREATIONAL VEHICLE); AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. ZONING. That the following described property in the City of Brooksville, Florida is hereby zoned as a PDP-RV (Planned Development Project-Recreational Vehicle).

Petitioner: Julian Exclusa and Dale Sieden

ProCivil 360, LLC. as Agent

Parcel Key #s: 357562. See Exhibit "A" for the complete Legal

Description

Location: This parcel is 9.4 acres in size and is located on the

south side of Jefferson Street and west of Emerson Road. Exhibit "C" provides a graphic view of the

property.

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

The aforementioned property located within the City of Brooksville, Florida, is hereby assigned a zoning classification of PDP-RV (Planned Development Project-Recreational Vehicle) 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 project shall be permitted a maximum of 53 recreational vehicle spaces, 1,500 square feet of convenience commercial floor space, a 1,500 square-foot manager's apartment, a 2,000 square-foot community center, a swimming pool and ball courts. The location of the RV spaces, convenience commercial floor space, manager's apartment, community center, swimming pool, ball courts and parking areas shall be as generally shown on the site plan dated 12/21/20. The existing structures on the property shall be removed.
- 3. Lot size and dimensions:

Interior lots

Minimum lot size: 2,450 square feet

Minimum width: 35 feet Minimum depth: 70 feet

Perimeter lots

Minimum lot size: 2,800 square feet

Minimum width: 35 feet Minimum depth: 80 feet

4. Setbacks:

Minimum front yard: 20 feet

Minimum rear yard: 13 feet. The minimum rear yard setback for perimeter lots shall be measured from the interior required buffer area boundary, resulting in a 28-foot setback from the project boundary.

Minimum side yard: 10 feet

5. Buffering and screening:

A buffer area 15 feet in width shall be provided along the entire western project boundary, and along the rear yard boundaries of the lots located to the south of the area designated for commercial, residential and recreational components. The buffer shall contain evergreen trees a minimum of 3 inches DBH spaced at 40 feet on-center at the time of planting, a hedge a minimum of three feet in height spaced 3 feet on center at the time of planting and an opaque fence six feet in height. The fence shall be located at the property boundary. No buffering and screening is required adjacent to the wetland area.

A buffer area 10 feet in width shall be provided along the northern project boundary adjacent to Jefferson Street and the southern project boundary adjacent to the detention/retention area. The buffer shall contain evergreen trees a minimum of 3 inches DBH spaced at 40 feet on-center at the time of planting, a hedge a minimum of three feet in height spaced 3 feet on center at the time of planting.

A buffer area 5 feet in width shall be provided along the eastern project boundary adjacent to the area designated for commercial, residential and recreational components and along the eastern project boundary adjacent to Emerson Road. The buffer shall contain evergreen trees a minimum of 3 inches DBH spaced at 40 feet on-center at the time of planting, a hedge a minimum of three feet in height spaced 3 feet on center at the time of planting. An opaque fence six feet in height shall be provided adjacent to the area designated for commercial, residential and recreational components. No fence is required on the project boundary adjacent to Emerson Road.

- 6. Two open space areas shown as "Enhanced Natural Area/Park" shall be provided and located as generally shown on the site plan.
- 7. Existing trees shall, to the greatest extent possible, be preserved.
- 8. The project shall be permitted a maximum of two access drives located as generally shown on the site plan.
- 9. The petitioner/developer shall obtain all permits and meet all applicable land development regulations for construction and use of the property.
- 10. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.

SECTION 2. FINDINGS. The City Council does hereby find that the proposed zoning of this property with a PDP designation is consistent with the City's Comprehensive Plan and is compatible with existing land uses in this area.

SECTION 3. EFFECTIVE DATE. This Ordinance and zoning of the property described herein shall take effect immediately upon its adoption.

CITY OF BROOKSVLLE, FLORIDA Ordinance No. 932

Attest:	By:	
Jennifer J. Battista, CMC City Clerk	Pat Brayton Mayor	
PASSED on First Reading:		
FIRST NOTICE published on:		

SECOND 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
Vose Law Firm, LLP City Attorney	Erhard Mayor Brayton

EXHIBIT "A"

LEGAL DESCRIPTION

The East ½ of the SE ¼ of the NW ¼; LESS road right of way for State Road No. 50; AND LESS the East 200.00 feet of the North 500.00 feet thereof; AND LESS that lot described in Official Records Book 139, Page 440, Public Records of Hernando County, Florida; AND LESS the South 450.00 feet thereof, ALL in Section 26, Township 22 South, Range 19 East, Hernando County, Florida.

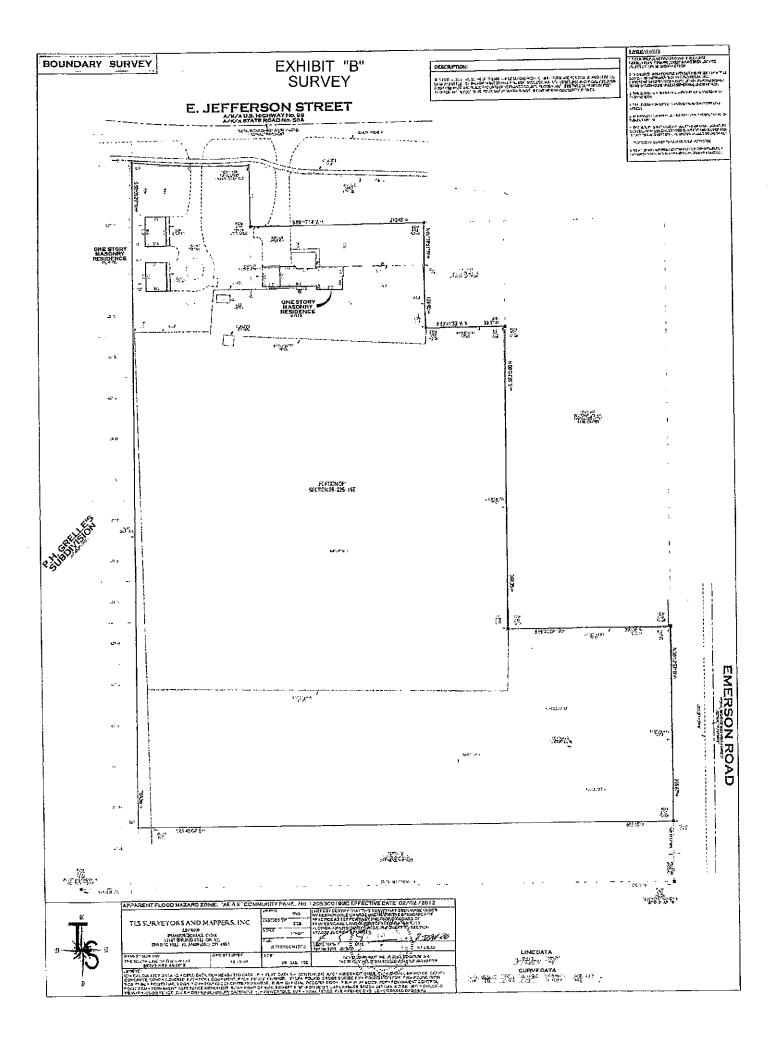
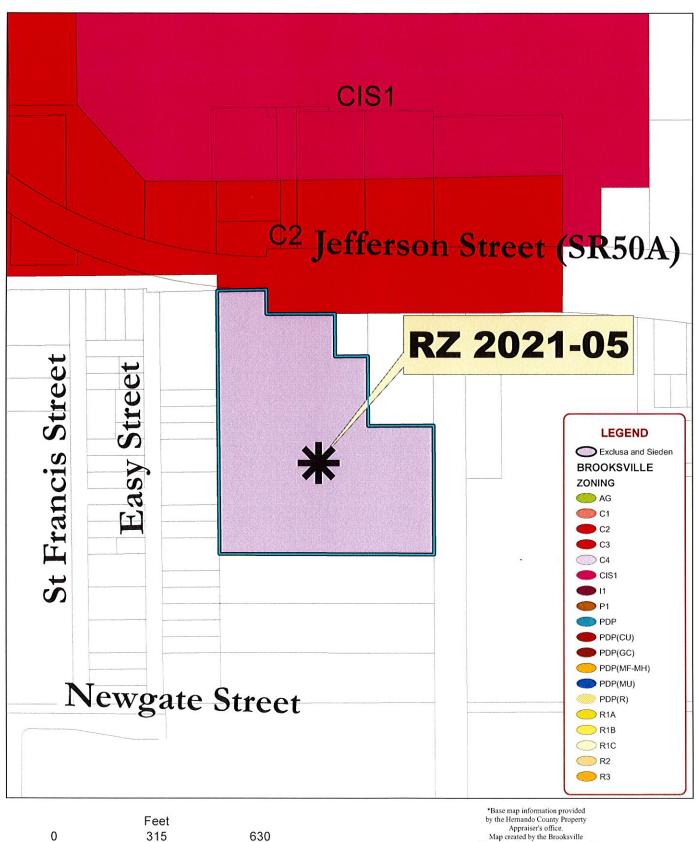




EXHIBIT "C' TO ORDINANCE NO. 932 JULIAN EXCLUSA AND DALE SIEDEN RZ 2021-05



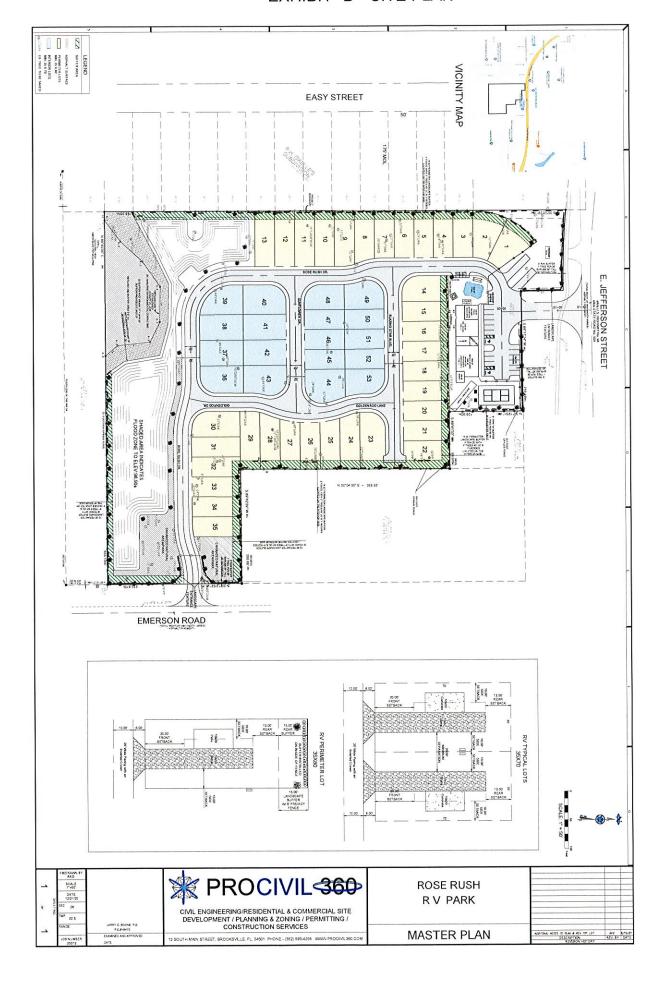


Agase map information provided by the Hernando County Property Appraiser's office.

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 thereon.

f/Esri-AreMap Projects/City Zoning 02192016.mxd

EXHIBIT "D" SITE PLAN





CITY OF BROOKSVILLE REZONING PETITION

Application for Public Hearing

Shaded Area For Official Use Only Application Number: <u>A72021-05</u> Intake Date: <u>6-4</u>	-2/ P & Z Hearing Date (tentative):	. : :
PROPERTY OWNER: Julian Exclusa and Dale Sieden		• • •
Mailing Address: 10352 Lightner Bridge Drive, Tampa, F	L 33626	
Daytime Telephone: 813-539-5382 FAX No:	E-Mail Address: jexclusa@icloud.com	
APPLICANT: Same		
Mailing Address:		
Daytime Telephone: FAX No:	E-Mail Address:	
REPRESENTATIVE: Alan K. Garman		
Paytime Telephone: 352-593-4255 FAX No:	E-Mail Address: agarman@procivil360.com	
Parcel(s) Key Number(s) 357562 / R26-422-19-0000-03		
Legal Description: Type below the complete legal description of the proper Township and Range; and If applicable, Subdivision Name, Lot, Block, and U	ty, including street address, if any, and the names of all owners. Include Section, nit Number. Attach additional sheet if necessary.	
See attached deed		
Size of Area Covered by Application: 9.4 acres		
Street Address: East Jefferson Street and Emerson Road		
Rezoning Requested: PDP		
Proposed Use of Property: RV Park		
las a public hearing been held on this property within the past twelve mo	onths? Yes	
ACK	NOWLEDGMENT	
This acknowledgment must be signed in the presence of a Notary Public.		
	by state and affirm that all information submitted within this petition is in all response	ects
I am the owner of the property covered under this application. I am the legal representative of the owner or lessee of the	ation. e property described, which is the subject matter of this application. Clar L Auma Signature of Owner, Applicant or Representative	
STATE OF FLORIDA COUNTY OF HERNANDO		
Sworm to (or offirmed) and subscribed before me by means of your who is personally known to me or w	physical presence or online notarization, this day of	102]

ZONING NARRATIVE

FOR

ROSE RUSH RV PARK

MASTER PLAN APPROVAL

APRIL 2021

Project Location: The property, 9.4 AC, is adjacent to Mason Tractor to the northeast. It is located on the South side of Martin Luther King Blvd / Jefferson Street, west of Emerson road, and east of Easy Street. A vicinity map is included on the submitted plan. The parcel was previously annexed into the City of Brooksville, and received Comprehensive Plan Amendment approval.

Present Zoning: The land is presently zoned R1C.

Present Land use: The land is within the South Brooksville Planned Development District.

Desired Land use: The applicant is desirous to utilize this property as an RV Park.

Buffers: From what we can research, the City ordinance requires buffers of **35'** from all property lines to include street rights-of-way. The entire RV lot area will be fenced and secured. Where lots abut adjacent property owners, on the west and south sides, a 15' buffer with opaque fencing is planned with landscaping on the Park's inside of the fence. Additional trees of three-inch caliper will be installed on the inside of the fence, to augment the existing trees along the perimeter.

The entry, store, and receiving area will be open to residents, and potential residents. That area will not be fenced. Recreational facilities will be within the secured areas.

Setbacks: We are requesting the setbacks to be reduced: Internal and Perimeter Lots

Internal Lots: Perimeter Lots:
Front: 20' Front: 20'

Front: 20' Front: 20' Sides: 10' Sides: 10'

Rear: 13' Rear: 13' + a 15' Buffer including a fence and trees and hedges inside property

This would give the perimeter lots a total of 28' of setback. To fit a RV on these lots the lots need to be longer so the typical $35' \times 70'$ would need to be expanded to $35' \times 80'$ minimum. All Proposed lots along the perimeter are proposed 80'+.

Access: The project will access to Jefferson Street and Emerson Road, with the entrance being on Jefferson Street. The connection there will require an FDOT connection permit. The lots will have access from internal driveways within the RV park.

Sanitary Sewer: Sewer service will be provided by the City of Brooksville. If approved, the Owner will construct a gravity collection system within the property. A transmission system will also be required to connect to existing gravity sewers on Easy Street.

Potable Water: Water service is to be provided by the City of Brooksville. The City will determine the point of connection.

ZONING NARRATIVE

FOR

ROSE RUSH RV PARK MASTER PLAN APPROVAL

APRIL 2021

Environmental: The existing soils and vegetation support habitat for gopher tortoise. The Developer will, prior to any construction, conduct a wildlife assessment. No other known endangered or threatened species live on the site.

In addition, there is a known wetland/surface water on the south side of this project. The limits of the jurisdictional area have already been established and included with the survey of the project.

Floodplain: The project is partially within an "AE" flood zone as determined by FEMA. This floodplain is located on the south side of the project and has a base flood elevation of **98.9'.** RV units are portable. In the event of a catastrophic flooding event, the RV units can be moved out of harm's way.

The floodplain will have little effect on development. Since the units are above ground, the infrastructure below the units is not subject to flood plain considerations. As evidenced by the plan, the flood plain on the north side of he proposed driveway covers lots where the existing grade ranges from **98.1** to **98.9**. The only lot proposed south of the driveway is at elevation **98.4**. As one can see, no fill is necessary to provide achieve unit floor elevations above the **98.9** elevation. With development of a retention area to meet local and state regulations, the flood plain volume should be increased, not decreased. This will be proven with construction plans and permitting documents if the project is approved.

Drainage: As stated previously, the development of this project should improve the storage capacities of the 100-year event. All storm water regulations require no net loss of storage volume. All storm water regulations require no increase in the rate of flow to downstream receiving areas. All of this information will be engineered and included with the construction plans and permitting.

Traffic: Based on the latest tables from the ITE manual, the proposed project will generate less than 50 peak hour trips. The project should not be subject to a traffic study, but will comply with concurrency filings. Incoming trips will be primarily routed from Jefferson Street, but will that connection will also permit exit trips. The Emerson Road connection shall be primarily for exiting. (Fyi 53 units @ 0.46 = 24 peak hour trips)

FOR ROSE RUSH RV PARK MASTER PLAN APPROVAL APRIL 2021

HOW DOES THIS PROPOSED PARK AGREE OR DISAGREE WITH CURRENT CITY REGULATIONS?

CITY OF BROOKSVILLE RV PARK REGULATIONS

The following are the COB standards as we understand them, and how they compare, or differ from the plan for this development. The rule is in black, with our corresponding statement in red and bold. Requested variances to these standards are highlighted.

There are a few variance requests contained within the following.

- (1) All recreational vehicle parks shall include lots for at least 35 recreational vehicles. This plan proposes 53 Lots.
- (2) Each recreational vehicle lot shall be a minimum of 2,500 square feet in size. This plan proposes lots that are 35' x 70' for a minimum lot size of 2450 square feet.
- (3) The overall density of a recreational vehicle park shall not exceed 14 recreational vehicles or recreational vehicle lots per gross acre. The area set aside for parking/recreation/ and a retail store is 0.75 acres. Deducting this value from the overall acreage of 9.4 acres = 53 units / 8.65 or 6.12 units per acre.
- (4) One automobile parking space shall be provided on every recreational vehicle lot. In addition, one automobile parking space shall be provided in visitor common parking areas for every ten recreational vehicle lots provided in the recreational vehicle park. 1:10 = 5 additional spaces required over the ones one each lot. This plan provides in addition to the one space for every unit, 17 additional spaces for visitors, much greater than the 5 required. Now of course some of those can be attributed to the proposed retail store located in the Park, but that store is for residents, not non-residents. Even with the retail convenience store standard of 5 spaces / 1000 sf, that store would require 8 spaces, leaving 9 extra spaces which is still greater than 5.
- (5) All recreational vehicle parks shall front on a street for at least 300 feet. Frontage along main entrance on Jefferson Street is 353'. In addition, the project has 236 feet of frontage along Emerson Road.
- (6) All recreational vehicle park access points on a street shall be located at least 200 feet from the intersection of any street right-of-way lines. The commission shall require wider spacing between access points and intersection street rights-of-way when the recreational vehicle park has more than the minimum required frontage on a street. Along Jefferson Street, spacing between our entrance and the intersection of Jefferson and MLK to the west, exceeds 400 feet. The distance from this proposed entrance to Emerson Road or to the east, exceeds 500 feet. The distance from Emerson & Jefferson to the entrance/exit on Emerson is 576 feet.
- (7) All recreational vehicles shall be located at least 75 feet from all property lines and from the right-of-way line of any street serving the recreational vehicle park. All proposed units exceed the 75' setback from public rights-of-way. We are requesting the rear setback along property lines to be a total of 28' which includes an opaque fence on the property line with a 15' vegetative buffer with 3" trees every 40' on center with hedges, then a 13' rear setback on top of that. The landscaping being on the inside of the property would be more effective for future maintenance.
- (8) No recreational vehicle or attachment thereto shall be located closer than 25 feet to another recreational vehicle. The typical lot is 35' wide, with side setbacks of 10'. This would result in a minimum separation of 20 feet. The typical

ZONING NARRATIVE

FOR

ROSE RUSH RV PARK

MASTER PLAN APPROVAL APRIL 2021

RV unit is specified as 8.5 feet wide. With a pull-out room, the width may increase for a parked RV to approximately 13 feet. Typically, this separation would not be an issue. 35-13/2 = 24 between units. However, with the large trees we are attempting to save, the location of the RV unit from one side line may exceed the eight-foot minimum. We are requesting a variance from the 25' separation, to 20' separation.

- (9) An access road shall provide direct access to each recreational vehicle lot. No recreational vehicle shall be located any closer than ten feet to the edge of this access road. The area occupied by the access road shall not fulfill any part of the area requirements for any lot. All dead-end roads within the recreational vehicle park shall be designed to enable recreational vehicles to reverse direction without having to back more than one recreational vehicle length. We have a proposed 20' setback from the edge of paving of the "Access Driveway". There is only one dead-end area near Lots 20 & 21. That access termination has been designed with a "tee-turnaround".
- (10) A landscaped separation strip, at least 35 feet in width, shall be provided along all project property lines and streets serving the *recreational vehicle* park. Due to the size of this project, we are requesting this be reduced to 15' with landscaping and fence.
- (11) No recreational vehicle shall be connected to electric, gas, telephone, water, sewer or any other utility or service in, through or at another structure. All such utility and service connections shall be made directly to the recreational vehicle from regular utility service lines in the same manner that connections are provided to other structures within the area. Each unit will have individual Utility connections.
- (12) All recreational vehicle parks shall conform with all appropriate regulatory agency regulations which prescribe standards for water supply, sewage disposal and other facilities. Permitting of the collection, distribution, and transmission systems will be required through the City and FDEP.
- (13) One freestanding sign, not over 12 square feet in area, identifying the *recreational vehicle* park plus one attached sign not over four-square feet in area identifying each building on the premises, shall be permitted. The City Council may, however, permit additional unlighted freestanding signs not over 12 square feet in area identifying the *recreational vehicle* park on the premises when such signs are deemed necessary due to the size, location or nature of the *recreational vehicle* park. A sign permit will be requested at a later date. The Owner intends to meet every aspect of the City's sign ordinance.
- (c) Construction permit. The Chief Administrative Officer or his designee shall not issue a building permit for an approved recreational vehicle park until the applicant presents construction plans bearing state health Department approval serial numbers as required. If approved, the applicant will immediately begin the process of construction plans and permitting of such.
- (d) Operator's permit. The Chief Administrative Officer or his designee shall not issue a certificate of occupancy for an approved *recreational vehicle* park until the applicant presents a valid operator's permit from the State Health Department as required. So noted.
- (e) Off-site recreational vehicle parking.
 - (1) No person shall park any recreational vehicle on any street, alley, highway or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the City except as provided in this Part. All parking of units shall be within the park. Designated areas have even been planned for temporary spaces while registering at the office.

ZONING NARRATIVE

FOR

ROSE RUSH RV PARK

MASTER PLAN APPROVAL APRIL 2021

- (2) Emergency or temporary stopping or parking of *recreational vehicles* is permitted on any street, alley or highway for not longer than one hour, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street, alley or highway. **Understood.**
- (3) No person shall park or occupy a *recreational vehicle* on the premises of a property containing a dwelling or on any lot which is situated outside an approved *recreational vehicle* park, except that the parking of one unoccupied *recreational vehicle* in an accessory private garage building or in a rear yard in any zoning district is permitted; provided, that no living quarters shall be maintained, or any business practiced in such *recreational vehicle* while it is so parked or stored. **This is not applicable.**

APPOINTMENT OF AGENT

CITY OF BROOKSVILLE COUNTY OF HERNANDO STATE OF FLORIDA

appoint ProCivil360, LLC as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.
(Insert Legal Description Below)
See attached Deed
Signature of Owner Date
STATE OF FLORIDA COUNTY OF HERNANDO
Sworn to (or affirmed) and subscribed before me this 30 day of Mach, 2021,
by Julian Exclusion (Print Name), who is personally known to me X or
who has produced identification DL 12, Driver's License #: E242-420-69-331-0
Signature of Notary Public
PATTY S. ELLSWORTH MY COMMISSION # GG 252843 EXPIRES: August 27, 2022 Bonded Thru Notary Public Underwriters

APPOINTMENT OF AGENT

CITY OF BROOKSVILLE COUNTY OF HERNANDO STATE OF FLORIDA

I, <u>Dale Seiden</u> , the owner(s) in fee simple of the below described real property hereby appoint ProCivil360, LLC as my (our) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.
(Insert Legal Description Below)
See attached deed
Signature of Owner STATE OF FLORIDA COUNTY OF HERNANDO
Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this day of, 202_, by as identification.
NOTARIAL CENTIFICATE MV ARTAGRIED OLOVOZ-ZI
Signature of Notary Public Notary Seal

GOVERNMENT CODE § 8202 CALIFORNIA JURAT WITH AFFIANT STATEMENT ☑ See Attached Document (Notary to cross out lines 1-6 below) ☐ See Statement Below (Lines 1–6 to be completed only by document signer[s], not Notary) Signature of Document Signer No. 2 (if any) Signature of Document Signer No. 1 A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California Subscribed and sworn to (or affirmed) before me County of Los Angeles (and (2)_ Name(s) of Signer(s) MARLENE VALENCIA Notary Public - California Los Angeles County proved to me on the basis of satisfactory evidence Commission # 2251530 to be the person(s) who appeared before me. Comm. Expires Jul 28, 2022 Signature Signature of Notary Public Place Notary Seal Above OPTIONAL Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. **Description of Attached Document** Title or Type of Document: Howing or Document Date:

Signer(s) Other Than Named Above:

Number of Pages:

Prepared by and return to: Julian Exclusa 10352 Lightner Bridge Drive Tampa, FL 33628

(Space Above This Line For Recording Data)

Warranty Deed

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the helrs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said granter, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Hernando County, Florida, to-wit:

The East ½ of the SE ½ of the NW ½: LESS road right of way for State Road No. 50; and LESS the East 200 feet of the North 500 feet thereof; and LESS that lot described in Official Record Book 139, Page 440, Public Records of Hernando County, Florida; and LESS the South 450 feet thereof. All lying and being situate in Section 26, Township 22 South, Range 19 East, Hernando County, Florida.

Parcel ID # R26-422-19-0000-0370-0000

Grantor hereby certifies that the property described herein is not his homestead as made and provided by the laws of the State of Florida, and is not now and never has been contiguous to Grantors homestead

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully selzed of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 200.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

STATE OF FLORIDA

COUNTY OF HINSPOYCES

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 5 day of May, 2020, by Julian Exclusa.

PATTY S. ELLSWORTH
MY COMMISSION # GG 252843
EXPIRES: August 27, 2022
Bonded Thru Notary Public Underwriters

(Print, Type, or stamp Commissioned Name of Notary

Personally Known OR Produced Identification

Type of Identification Produced

Warranty Deed - Page 1

