

ORDINANCE NO. 781

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

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

**Section 1.** That the following described property in the City of Brooksville, Florida is hereby zoned as Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development Project (CPDP), consisting of Highway Commercial and Residential (Combined PDP) - Referenced Exhibit "A" for a graphic view of the property:

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

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

AND

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

AND

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

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

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

1. The aforementioned property located within the City of Brooksville, Florida, is hereby assigned a zoning classification of PDP (Planned Development Project) with a Special Exception Use for a Combined Use Planned Development Project (PDP-CU) and the zoning map of the City of Brooksville shall be amended accordingly. The Special Exception Use consideration for a Combined Use Planned Development Project is subject to the following conditions:
  - a. Tracts A, B and C shall be located as generally shown on the site plan.
  - b. Uses permitted within Tract A shall be those of the C-2 zoning district, except that the following uses shall be prohibited:
    - Truck dealer establishments and truck sales and repair
    - Tractor trailer sales and repair
    - Building material establishments with outdoor storage
    - Construction service establishments with outdoor storage
    - Wholesale and storage establishments with outdoor storage
  - c. Uses permitted within Tract B shall include parking and traffic circulation associated with uses established in Tract A, retention and those of the C-2 zoning district, except that the following uses shall be prohibited:
    - Convenience goods stores
    - Drive-in restaurants
    - Motels and hotels
    - Gasoline service stations
    - Gasoline sales
    - Marine establishments with outdoor displays and/or outdoor storage
    - Automotive dealer establishments and automotive sales and repair
    - Truck dealer establishments and truck sales and repair
    - Tractor trailer sales and repair
    - Farm equipment and supplies establishments with outdoor displays and/or outdoor storage
    - Building material establishments with outdoor displays and/or outdoor storage
    - Construction service establishments with outdoor storage
    - Wholesale and storage establishments with outdoor displays and/or outdoor storage
  - d. Tract C shall be limited to residential uses and shall be developed in accordance with the R1C Single-Family Residential zoning district standards.

- e. Minimum building setbacks shall be as follows:

Tract A:

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

Tract B:

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

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

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

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

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

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

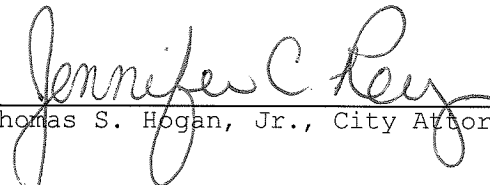
CITY OF BROOKSVILLE

Attest:   
Janice H. Peters, City Clerk

By:   
Joe Bernardini, Mayor

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

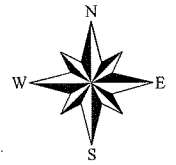
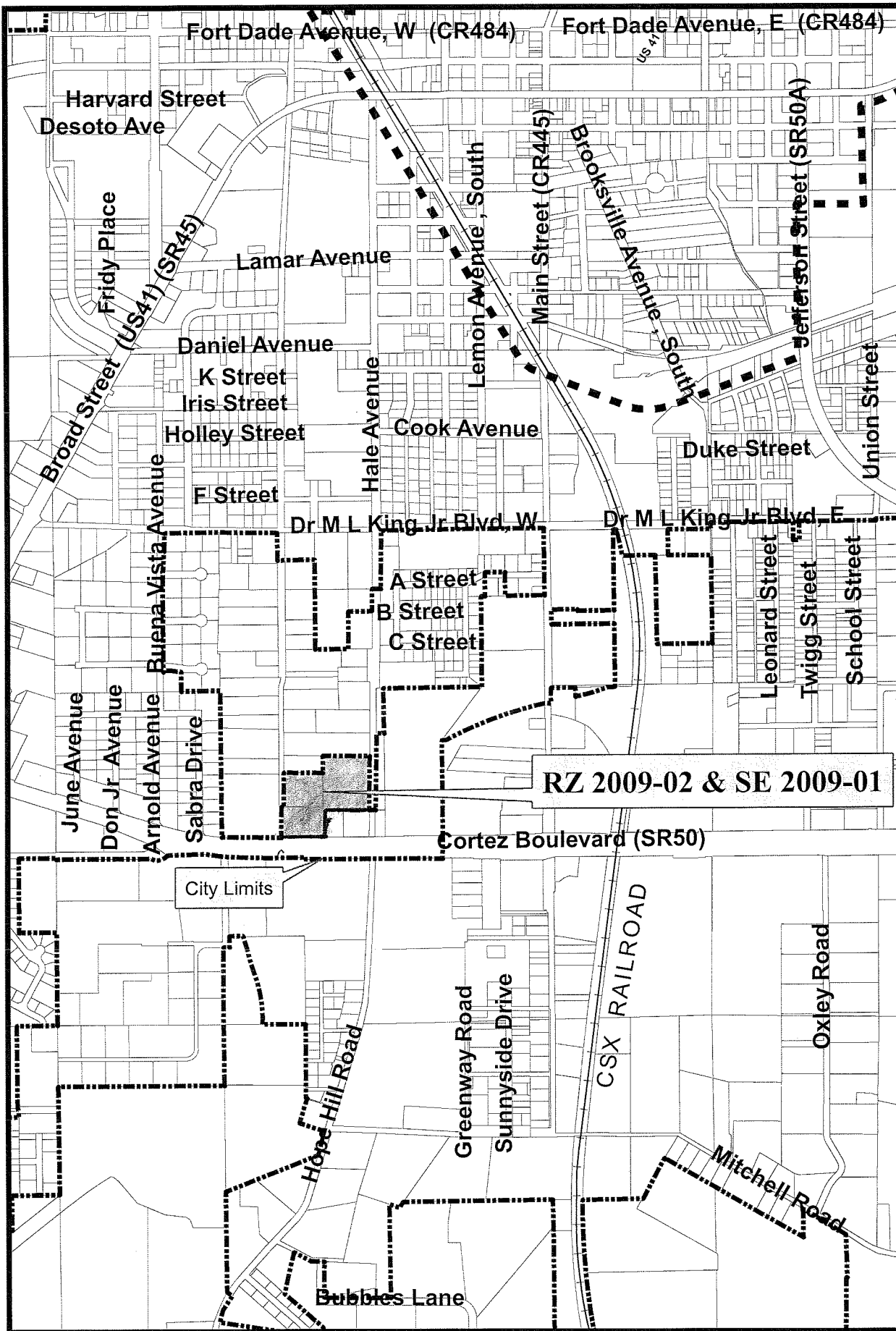
Approved as to form for the reliance of the City of Brooksville only:

  
Thomas S. Hogan, Jr., City Attorney

VOTE OF COUNCIL:

Bernardini	<u>AYE</u>
Bradburn	<u>AYE</u>
Johnston	<u>AYE</u>
Lewis	<u>ABS</u>
Pugh	<u>ABS</u>

EXHIBIT "A"



CITY OF  
BROOKSVILLE  
FLORIDA

