



October 18, 2022

To Whom It May Concern:

Subject: Ordinance No. 945 – Rezoning
Rossi Land Trust, LLC
Location: 18.42 acres, southeast corner of the intersection of
Cortez Blvd and Horse Lake Road

Please be advised that on October 17, 2022, the City of Brooksville adopted the enclosed Ordinance No. 945 rezoning property from C-3 (Highway Commercial) to PDP-MU (Planned Development Project-Mixed Use). A location map and legal description is included. Please amend your records accordingly.

Sincerely,

s/Jennifer J. Battista, CMC
City Clerk

Enclosure

cc: Distribution List

ORDINANCE NO. 945

AN ORDINANCE APPROVING THE REZONING OF APPROXIMATELY 18.42 ACRES OF PROPERTY BEARING HERNANDO COUNTY PROPERTY APPRAISER'S KEY NUMBERS 1237076, 1115377, 359837 AND 1303930 LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CORTEZ BOULEVARD AND HORSE LAKE ROAD IN THE CITY OF BROOKSVILLE, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION C-3 (HIGHWAY COMMERCIAL) TO PDP-MU (PLANNED DEVELOPMENT PROJECT-MIXED USE); 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-MU (Planned Development Project-Mixed Use) with commercial and multi-family residential uses.

Petitioner:	1740 Acquisition Associates, LLC. Colliers Engineering and Design, as Agent
Property Owner: Parcel Key #s:	Rossi Land Trust II 1237076, 1115377, 359837 and 1303930. See Exhibit "A" for the complete Legal Description
Location:	These parcels total 18.42 acres in size and is located at the southeast corner of the intersection of Cortez Boulevard and Horse Lake Road. Exhibit "B" provides a graphic view of the property. Exhibit "C" provides a detailed view of the proposed development.

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-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 project shall be permitted a maximum of 10,000 square feet of floor space for C-2 uses and 300 multi-family dwelling units with associated office/recreation building and associated recreation facilities. The final layout shall be substantially similar to the site plan accompanying the approved rezoning Ordinance.
3. Primary structure setbacks for the project shall be 125 feet from the northern property boundary along Cortez Avenue, 50 feet along the western project boundary adjacent to Horse Lake Road and 25 feet from the east and south project boundaries.
4. Maximum building height shall be 60 feet.
5. A Type "B" buffer area shall be provided along the north, east and west project boundaries. A fence or wall a maximum of six feet in height shall be allowed in the buffer area along the east boundary. A fence with a height of six feet may be provided allowed along the northern boundary adjacent to Cortez Boulevard and the west boundary adjacent to Horse Lake Road. The fence shall be wrought iron and shall contain brick, stone or architecturally-finished columns a minimum of two feet in width and spaced no more than 100 feet apart.
6. A frontage road across the entire parcel shall be constructed parallel to Cortez Boulevard, shall be constructed as a two lane urban roadway, may be private and shall be generally located as shown on the site plan of Ordinance Number 945.
7. Subject to Florida Department of Transportation (FDOT) approval, the project shall be permitted one access drive onto Cortez Boulevard, located as generally shown on the site plan and shared with the development immediately east of the subject site (Hernando County Property Appraiser Key Number 359873) and two access drives on Horse Lake Road. The shared access drive may be moved as required by FDOT. The developer shall enter into a shared access agreement with the owner of said property, and the agreement shall be filed with and recorded by the Hernando County Clerk of the Circuit Court. All access drive shall be located as shown or may be moved as required by FDOT.
8. The developer shall coordinate with the City Department of Public Works to properly plan for and address drainage and pedestrian improvements interior to and around the perimeter of the site. Sidewalks are to be installed along all roadways within and adjacent to the site, and design shall provide for crosswalks and underground drainage where appropriate.
9. All utilities serving this project shall be installed underground.
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.

11. A formal application for School Concurrency Analysis shall be submitted to the School District no less than thirty (30) days prior to submission for approval of the first construction plan. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as a condition of any such approval, a Capacity Improvement Agreement or a Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.
12. A detailed Traffic Analysis performed by a Florida-certified Professional Engineer utilizing the methodology agreed upon by the City of Brooksville and Hernando County shall be required. Upon receipt of a Traffic Analysis, a review may be coordinated with the Hernando/Citrus Metropolitan Planning Organization (MPO), Hernando County Department of Public Works, the City of Brooksville and the developer any additional transportation issues to be addressed as a result of the development's impacts
13. Prior to the City issuing a development permit 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, if any, shall be mitigated with agencies that provide and maintain infrastructure and services that directly serve the proposed development.
14. The wetlands located on the subject property shall be protected in accordance with the regulations of the Southwest Florida Water Management District (SWFWMD). Any wetland crossing will be permitted and mitigated in conformance with SWFWMD guidelines. There is to be no net loss of wetlands. The project will be developed in accordance with City of Brooksville LDC, Article V, Part 5-2.
15. The Developer will compensate for any areas reshaped and or filled for development in accordance with SWFWMD regulations.
16. No net encroachment into the floodplain, up to that encompassed by the 100-year event, which will adversely affect conveyance, storage, water quality or adjacent lands, will be allowed. Any required compensating storage shall be equivalently provided between the lowest level of encroachment and the 100-year flood level to allow storage function during all lesser flood events.
17. Flood elevations shall be determined using the most accurate information available in accordance with applicable regulations including SWFWMD ERP Information Manual Part B, Basis of Review, Section 4-4.1. as amended.
18. The project lies within the City of Brooksville first right to serve area and a Utilities Service Agreement shall be negotiated with the City of Brooksville Utilities Department prior to development.

SECTION 2. 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 this area.

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



**CITY OF BROOKSVILLE, FLORIDA
Ordinance No. 945**

Attest: Jennifer J. Battista
Jennifer J. Battista, CMC
City Clerk

By: Pat Brayton
Pat Brayton
Mayor

Denied
~~PASSED~~ on First Reading: 6/6/22
~~FIRST NOTICE~~ published on: 9/23/22
~~SECOND NOTICE~~ published on:
PASSED on Second and Final Reading: 10/17/22

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

John Cary
John Cary
Vose Law Firm, LLP
City Attorney

VOTE OF COUNCIL:

Battista	<u>Aye</u>
Bailey	<u>Aye</u>
Erhard	<u>Nay</u>
Vice Mayor Bell	<u>Aye</u>
Mayor Brayton	<u>Aye</u>