

# FIGURSKI & HARRILL

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GERALD A. FIGURSKI, P.A.  
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October 30, 2008

HAND DELIVERED

John J. Gallagher  
County Administrator  
West Pasco Government Center  
7530 Little Road, Suite 340  
New Port Richey, FL 34654

**RECEIVED**

OCT 31 2008

RE: Greystar at Cypress Creek

Pasco Co. Attorney Office

Dear Mr. Gallagher:

This firm represents GS Tampa Apartments, LP. On behalf of my client, I hereby file the enclosed original Supplement and Appendix to Application for Appeal filed October 23, 2008

Respectfully,

  
GERALD A. FIGURSKI

GAF/mjp  
Enclosures

cc: Bruce E. Kennedy, P.E., Assistant County Administrator (w/enclosures)  
Cynthia M. Jolly, P.E., CFM, Development Director (w/enclosures)  
✓ Joseph Richards, Assistant County Attorney (w/enclosures)  
Peter Petricca, GS Tampa Apartments, LP (w/enclosures)  
Ashley Heggie, GS Tampa Apartments, LP (w/enclosures)

**SUPPLEMENT AND APPENDIX TO APPLICATION FOR APPEAL  
FILED OCTOBER 23, 2008**

1. Amendment to Statement of Relief Requested.

On October 23, 2008, GS Tampa Apartments, LP, (hereinafter "Greystar") submitted an Application for Appeal. In the "Statement of Relief Requested," Greystar requested a reduction in the impact fee so that "...Greystar is reimbursed by Pasco County \$154,693.00 plus any change to clubhouse impact fee." The specific amount requested as to a reduction for the clubhouse impact fees is \$3,390.00. Therefore, the total requested reduction would be \$154,693.00 plus \$3,390.00 for a total of \$158,083.00.

2. In further support of the Appeal, Greystar submits the following documents:

- |          |  |
|----------|--|
| 8/28/79  | Ordinance No. 79-11  |
| 8/28/79  | Ordinance No. 79-12  |
| 3/3/87   | Resolution No. 87-109  |
| 12/15/87 | Resolution No. 88-73   |
| 11/13/90 | Resolution No. 91-29   |
| 12/22/92 | Resolution 93-114  |
| 5/25/99  | Resolution No. 99-193  |
| 9/28/99  | Resolution No. 99-299  |
| 3/25/06  | Purchase and Sale Agreement between Greystar GP, LLC and James A. Scarpo and Sylvia Scarpo; Randall M. Sherman and Diane L. Sherman; and Carlyle M. Wolding and Judith Wolding (copies submitted to Pasco County on 9/27/07) |
| 7/13/06  | Annotated Agenda Development Review Committee meeting – Land Use Amendment   |
| 8/8/06   | Annotated Agenda Board of County Commissioners meeting – LPA (1:30 pm) and BCC (6:30 pm) considered Land use Amendment   |
| 9/11/06  | Annotated Agenda Board of County Commissioners meeting – Final Public Hearing Adoption of the Utilities Impact Fee Increases for Fiscal Year 2006 and Fiscal Year 2007 purportedly effective 90 days after adoption          |

- 12/5/06      Annotated Agenda Board of County Commissioners meeting Final Adoption by BCC of Land Use Amendment
  
- 2/8/07        Minutes of Development Review Committee meeting - continuance
  
- 2/22/07      Minutes of Development Review Committee meeting - continuance
  
- 3/5/07        Construction Contract between James A. Scarpo and Syvlia Scarpo; Randall M. Sherman and Diane L. Sherman; Carlyle M. Wolding and Judith Wolding and Greystar Development and Construction, L.P. (copies submitted to Pasco County on 10/4/07)
  
- 3/15/07      Minutes of Development Review Committee meeting MPUD recommendation for adoption to BCC
  
- 4/11/07      Agenda Planning Commission and staff memorandum approving MPUD
  
- 5/4/07        First Amendment to Purchase and Sale Contract between Greystar GP, LLC and James A. Scarpo and Sylvia Scarpo; Randall M. Sherman and Diane L. Sherman; and Carlyle M. Wolding and Judith Wolding (copies submitted to Pasco County on 9/27/07)
  
- 5/8/07        Annotated Agenda Board of County Commissioners meeting - continuance
  
- 5/22/07      Annotated Agenda Board of County Commissioners meeting and staff memorandum – MPUD approval
  
- 7/9/07        Second Amendment to Purchase and Sale Contract between Greystar GP, LLC and James A. Scarpo and Sylvia Scarpo; Randall M. Sherman and Diane L. Sherman; and Carlyle M. Wolding and Judith Wolding (copies submitted to Pasco County on 9/27/07)
  
- 7/12/07      Minutes of Development Review Committee meeting – continuance – MPUD Amendment
  
- 7/26/07      Minutes of Development Review Committee meeting – continuance – MPUD Amendment

- 8/8/07 Third Amendment to Purchase and Sale Contract between Greystar GP, LLC and James A. Scarpo and Sylvia Scarpo; Randall M. Sherman and Diane L. Sherman; and Carlyle M. Wolding and Judith Wolding (copies submitted to Pasco County on 9/27/07)
- 8/9/07 Minutes of Development Review Committee meeting – continuance – MPUD Amendment
- 8/23/07 Minutes of Development Review Committee meeting – approval of MPUD Amendment
- 8/23/07 Conditions of MPUD Approval signed by owners and to Pasco County on 9/21/07
- 9/11/07 Annotated Agenda Board of County Commissioners meeting and staff memorandum
- 9/14/07 Fourth Amendment to Purchase and Sale Contract between Greystar GP, LLC and James A. Scarpo and Sylvia Scarpo; Randall M. Sherman and Diane L. Sherman; and Carlyle M. Wolding and Judith Wolding (copies submitted to Pasco County on 9/27/07)
- 9/20/07 Receipts for Permit Numbers 95113; 95118; 95131; 95146; 95150; 95156; 95162; and 95177 (copies submitted to Pasco County on 9/27/07)
- 9/21/07 Receipts for Permit Numbers 95196; 95205; 95221; 95228; 95286; 95303; 95317; 95324; 95328; 95332; 95338; 95369; 95391; 95401; 95379; 95395; 95386; 95362; and 95373 (copies submitted to Pasco County on 9/27/07)
- 9/24/07 Receipts for Permit Numbers 95358; 95408; 95407; 95409; and 95406 (copies submitted to Pasco County on 9/27/07)
- 4/10/08 Minutes of Development Review Committee meeting - continuance Preliminary Site Plan; Variances; Alternative Standards Request
- 4/24/08 Draft Minutes of Development Review Committee meeting – continuance Preliminary Site Plan; Variances; Alternative Standards Request
- 5/15/08 Minutes of Development Review Committee meeting - Preliminary Site Plan; Variances; Alternative Standards Request – approved

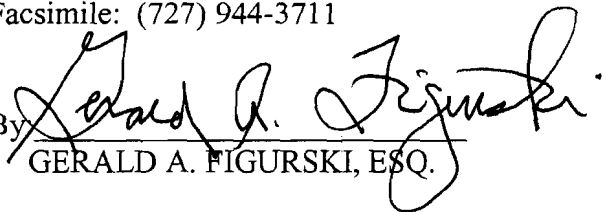


- 5/28/08 Letter from Pasco County with agenda memorandum of Preliminary Site Plan, Variance Requests and Alternative Standards Request approvals
- 6/17/08 Conditions of Approval of Preliminary Site Plan, Variance Requests and Alternative Standards Request executed by Greystar
- 8/14/08 Agenda Development Review Committee meeting - construction site plan approval
- 9/8/08 Conditions of Approval of MPUD Amendment executed by Greystar
- 9/11/08 Letter from Pasco County with agenda memorandum of construction site plan approval

Certificate of Filing

I HEREBY CERTIFY the foregoing Supplement and Appendix to Application for Appeal filed October 23, 2008, was hand delivered to John J. Gallagher, County Administrator, West Pasco Government Center, 7530 Little Road, Suite 340, New Port Richey, Florida 34654, and with copies to Bruce E. Kennedy, P.E., Assistant County Administrator, Public Works/Utilities Bldg., Suite 213, 7530 Little Road, New Port Richey, FL 34654; and Joseph Richards, Assistant County Attorney, 7530 Little Road, Suite 340, New Port Richey, Florida 34654; and a copy of the Supplement and Appendix to Application for Appeal filed October 23, 2008 without documents to Cynthia M. Jolly, P.E., CFM, Development Director, 7530 Little Road, Suite 230, New Port Richey, FL 34654; this 31<sup>st</sup> day of October, 2008.

FIGURSKI & HARRILL  
 Attorneys for GS Tampa Apartments,  
 LP, Appellant/Applicant  
 2550 Permit Place  
 New Port Richey, FL 34655  
 Telephone: (727) 942-0733  
 Facsimile: (727) 944-3711

By   
 GERALD A. FIGURSKI, ESQ.

## AN ORDINANCE TO BE ENTITLED

AN ACT RELATING TO PROVISION OF UTILITY SERVICE BY PASCO COUNTY, FLORIDA; PROVIDING DEFINITION; PROVIDING PURPOSE AND AUTHORITY; PROVIDING FOR ADOPTION OF PROCEDURES, RULES AND REGULATIONS REGARDING PROVISION OF WATER AND WASTEWATER SERVICE; PROVIDING FOR ADOPTION OF AND PROCEDURE FOR ADOPTION OF WATER AND WASTEWATER SERVICE RATES, FEES, AND CHARGES; PROVIDING FOR FINANCING EXTENSION OF WATER SUPPLY AND DISTRIBUTION AND WASTEWATER TREATMENT FACILITIES BY IMPOSING A DEVELOPMENT FEE, AND PROVIDING FOR ADOPTION OF SUCH FEE; PROVIDING FOR TIME OF PAYMENT OF SUCH DEVELOPMENT FEE; PROVIDING FOR USE OF PROCEEDS OF IMPOSITION OF SUCH DEVELOPMENT FEE; PROVIDING FOR ESTABLISHMENT OF TRUST FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA EMBRACED; PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida:

SECTION 1. PURPOSE AND AUTHORITY. In accordance with the Home Rule power granted by the Constitution of the State of Florida and those powers granted by Chapter 125, Florida Statutes, the Board of County Commissioners of Pasco County, Florida, finds that water and wastewater service is an essential service for the benefit of the health, safety and welfare of the public. In order to provide such services, it is necessary, among other actions, that the Board of County Commissioners: adopt procedures, rules, and regulations regarding provision of water and wastewater service; provide for adoption of, and procedure for adoption of water and wastewater service rates, fees and charges; and provide for financing extension of water supply and distribution and wastewater collection and treatment facilities by imposing a development fee, and provide for adoption of such fee.

SECTION 2. PROCEDURES, RULES AND REGULATIONS. For the purpose of carrying out the intent of this ordinance, the Board of County Commissioners shall have the power to establish by resolution procedures, rules, and regulations to govern the provision of water and wastewater services.

SECTION 3. WATER AND WASTEWATER SERVICE RATES, FEES, AND CHARGES; PROCEDURE FOR ADOPTION THEREOF. For the purpose of carrying out the intent of this ordinance, the Board of County Commissioners shall have the power to fix, alter, change, or

modify by resolution rates, fees, and charges for the use of any water and/or wastewater services furnished or to be furnished by the water and wastewater facilities created, established or acquired by the County. However, such rates, fees and charges shall not be fixed until after a public hearing at which all of the users and owners, tenants and occupants of property served or to be served and all others interested shall have an opportunity to be heard concerning the rates, fees and charges. Notice of such public hearing setting forth the schedule or schedules of rates, fees and charges to be considered by the Board shall be authorized by the Board and shall be given by one publication in a newspaper published in the county at least ten (10) days before the date fixed in said notice for the hearing, which said hearing may be adjourned from time to time. After such hearing such schedule or schedules, either as considered after publication or as modified or amended, shall be adopted by resolution and put into effect. The rates, fees and charges so fixed for any class of users or property served shall be extended to cover any additional property thereafter served which fall within the same class without the necessity of any hearing or notice. Any change or revision of any rates, fees and charges may be made in the same manner as such rates, fees and charges were originally established as hereinabove provided.

SECTION 4. FINANCING EXTENSION OF WATER SUPPLY AND DISTRIBUTION AND WASTEWATER COLLECTION AND TREATMENT FACILITIES BY IMPOSING A DEVELOPMENT FEE; DEVELOPMENT FEE IMPOSED. The Board of County Commissioners of Pasco County, Florida, finds that certain necessary improvements and expansion will have to be undertaken to provide water supply and wastewater collection and treatment for the influx of new residents and industrial and business establishments anticipated to occur in future years. Therefore, there is hereby imposed a charge, to-wit: a development fee, based on the equitable portion of the cost of financing the extension of the County's water and wastewater systems. The Board

of County Commissioners shall adopt by resolution a development fee schedule in accordance with the intent of this section.

SECTION 5. TIME OF PAYMENT OF DEVELOPMENT FEE. The Development Fee, for new construction, shall be due and payable at the time of the issuance of a building permit on the unit so assessed. Fees for all existing units will be collected prior to the approval of the application for water and wastewater service. The Development Fee is comprised of two (2) separate services, i.e., water and wastewater.

SECTION 6. USE OF PROCEEDS OF DEVELOPMENT FEE. The proceeds accumulated by reason of the establishment of a Development Fee can be used only for the expansion of the water or wastewater systems.

SECTION 7. DEVELOPMENT FEE TRUST FUNDS ESTABLISHED. There are hereby established two (2) trust funds to be designated as: (a) Development Fee Trust Fund for Water System Expansion; and (b) Development Fee Trust Fund for Wastewater System Expansion. All development fees paid to the County shall be deposited by the Clerk in the appropriate trust fund to be held in separate accounts and used only for the purposes of the expansion of the water and wastewater systems. Monies may be disbursed from these accounts in accordance with appropriate law with the added requirement that the disbursement of such monies shall require the prior approval of the County's Utilities Manager. Any monies on deposit may be invested by the Clerk in accordance with appropriate law.

SECTION 8. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SECTION 9. AREA EMBRACED. The area embraced by this ordinance is all of the unincorporated area of Pasco County, Florida, excluding that area included within the West Pasco Water and Sewer Unit as described in Pasco County Ordinance No. 78-02.

SECTION 10. EFFECTIVE DATE. Although notice of intent to consider this ordinance was given and a public hearing was held during a regular Board meeting, all in accordance with Section 125.66, Florida Statutes, and other applicable law including the Board's own rules of procedure, it is necessary that this ordinance become effective immediately rather than at such time as the County receives official acknowledgment from the Department of State that this ordinance has been filed with such Department. Therefore, it is hereby declared that an emergency exists and that immediate enactment of this ordinance is necessary, and therefore, this ordinance shall take effect when a copy hereof has been accepted by the postal authorities of the United States Government for special delivery by registered mail to the Department of State of the State of Florida.

ADOPTED THIS 28th DAY OF August, 1979.



BOARD OF COUNTY COMMISSIONERS OF  
PASCO COUNTY, FLORIDA

By: [Signature]  
K. M. Olson, Chairman

APPROVED AS TO FORM AND LEGALITY  
Office of the County Attorney

By: [Signature]  
Attorney

## AN ORDINANCE TO BE ENTITLED

AN ACT RELATING TO PROVISION OF UTILITY SERVICE WITHIN THE WEST PASCO WATER AND SEWER UNIT, PASCO COUNTY, FLORIDA; PROVIDING DEFINITION; PROVIDING PURPOSE AND AUTHORITY; PROVIDING FOR FINANCING EXTENSION OF WATER SUPPLY AND DISTRIBUTION AND WASTEWATER TREATMENT FACILITIES BY IMPOSING A DEVELOPMENT FEE, AND PROVIDING FOR ADOPTION OF SUCH FEE; PROVIDING FOR TIME OF PAYMENT OF SUCH DEVELOPMENT FEES; PROVIDING FOR USE OF PROCEEDS OF IMPOSITION OF SUCH DEVELOPMENT FEE; PROVIDING FOR ESTABLISHMENT OF TRUST FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA EMBRACED; PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, acting as the Governing Body of the West Pasco Water and Sewer Unit:

SECTION 1. PURPOSE AND AUTHORITY; FINANCING EXTENSION OF WATER SUPPLY AND DISTRIBUTION AND WASTEWATER COLLECTION AND TREATMENT FACILITY BY IMPOSING A DEVELOPMENT FEE. In accordance with the power granted by the Constitution of the State of Florida and those powers granted by Chapter 125, Florida Statutes, and Pasco County Ordinance No. 78-02, the Board of County Commissioners of Pasco County, Florida, acting as the Governing Body of the West Pasco Water and Sewer Unit, finds that certain necessary improvements and expansion will have to be undertaken to provide water supply and wastewater treatment for the influx of new residents, industrial and business establishments anticipated to occur in future years. The Board of County Commissioners further finds that in order to facilitate this expansion of the Unit's water supply and distribution system and wastewater collection and treatment system in an orderly fashion and to provide an additional method of finding such expansion, a charge, to-wit: a development fee should be imposed on those who benefit thereby which is reasonably commensurate with the burden currently imposed or reasonably anticipated to be imposed on these systems.

SECTION 2. DEVELOPMENT FEE IMPOSED. There is hereby imposed such charge, to-wit: a Development Fee, based on the equitable portion of the cost of financing the extension of the Unit's water and wastewater systems. The Board of County Commissioners

shall adopt by resolution a development fee schedule in accordance with the intent of this ordinance.

SECTION 3. TIME OF PAYMENT OF DEVELOPMENT FEE. The Development Fee, for new construction, shall be due and payable at the time of the issuance of a building permit on the unit so assessed. Fees for all existing units will be collected prior to the approval of the application for water and wastewater service. The Development Fee is composed of two (2) separate services, i.e., water and wastewater.

SECTION 4. USE OF PROCEEDS OF DEVELOPMENT FEE. The proceeds accumulated by reason of the establishment of a Development Fee can be used only for the expansion of the unit's water or wastewater systems.

SECTION 5. DEVELOPMENT FEE TRUST FUNDS ESTABLISHED. There are hereby established two (2) trust funds to be designated as: (a) Development Fee Trust Fund for Water System Expansion; and (b) Development Fee Trust Fund for Wastewater System Expansion. All development fees paid to the unit shall be deposited by the Clerk in the appropriate trust fund to be held in separate accounts and used only for the purposes of the expansion of the water and wastewater systems. Monies may be disbursed from these accounts in accordance with appropriate law with the added requirement that the disbursement of such monies shall require the prior approval of the County's Utilities Manager. Any monies on deposit may be invested by the Clerk in accordance with appropriate law.

SECTION 6. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SECTION 7. AREA EMBRACED. The area embraced by this Ordinance is all of that area included within the West Pasco Water and Sewer Unit as described in Pasco County Ordinance No. 78-02.

SECTION 8. EFFECTIVE DATE. Although notice of intent to consider this ordinance was given and a public hearing was held during a regular Board meeting, all in accordance with Section 125.66, Florida Statutes, and other applicable law including the Board's own rules of procedure, it is necessary that this ordinance become effective immediately rather than at such time as the unit receives official acknowledgment from the Department of State that this ordinance has been filed with such Department. Therefore, it is hereby declared that an emergency exists and that immediate enactment of this ordinance is necessary, and therefore, this ordinance shall take effect when a copy hereof has been accepted by the postal authorities of the United States Government for special delivery by registered mail to the Department of State of the State of Florida.

ADOPTED THIS 28th DAY OF August, 1979.

BOARD OF COUNTY COMMISSIONERS OF  
PASCO COUNTY, FLORIDA,  
ACTING AS THE GOVERNING BODY OF  
THE WEST PASCO WATER AND SEWER  
UNIT


[SEAL]

ATTEST:

By:

  
Jed Pittman, Clerk

By:

  
R. M. Olson, Chairman

APPROVED AS TO FORM AND LEGALITY  
Office of the County Attorney

By:

  
Gerald A. Fiquet  
Attorney



*7/10*

BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 82-109

RESOLUTION REVISING THE SCHEDULES FIXING AND CLASSIFYING THE IMPACT FEES AND CHARGES FOR WATER AND WASTEWATER SERVICES PROVIDED BY PASCO COUNTY, INCLUDING THAT AREA IN THE WEST PASCO WATER AND SEWER UNIT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR APPEAL OF CONFLICTING RESOLUTIONS.

WHEREAS, Article VIII of the State of Florida Constitution, Chapter 125, Florida Statutes, and Pasco County Ordinance Nos. 79-11 and 79-12, empower the Board of County Commissioners to revise water and sewer impact fees, whenever necessary; and

WHEREAS, the Board of County Commissioners of Pasco County, Florida, has considered certain changes in the water and sewer impact fees relating to all of Pasco County served by the Pasco County utilities and also for the West Pasco Water and Sewer Unit; and

WHEREAS, the law which governs the conduct of these rate hearings requires that the Board adopt a Resolution setting forth the proposed rates, fees and charges and that the same be advertised for at least ten (10) days before the date fixed for a public hearing; and

WHEREAS, such requirements have been fulfilled; and

WHEREAS, the Board held a public hearing on Tuesday, March 3, 1987, at the Pasco County Government Center, New Port Richey, Pasco County, Florida; and

WHEREAS, the Board of County Commissioners has been advised of the need for increased impact fees associated with the increase in development of Pasco County and the need for additional expansion of the water and wastewater systems as the result of such growth;

WHEREAS, the Board of County Commissioners has afforded the opportunity for public comments; and

WHEREAS, the Board of County Commissioners has heard and considered evidence presented for and against proposed rates, and based upon such evidence has determined that the impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein, are reasonable, necessary and justified.

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S.B.1.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled the said Board hereby adopts the schedules of water and sewer impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein;

BE IT FURTHER RESOLVED that the Board of County Commissioners of Pasco County adopts that Report entitled "Water and Wastewater Utility System Impact Fee Study" of February, 1987 by CH<sub>2</sub>M Hill, Inc., for the Pasco County Utility System, which Report details the determination and methods of application of the impact fee schedule set forth in Exhibit "A", and said Report is incorporated herein by reference as Exhibit "B".

BE IT FURTHER RESOLVED that the new impact fees and charges for water and sewer services set forth herein shall be effective and applied to all building permit applications submitted to the County after February 21, 1987, unless such permits were actually issued prior to the adoption of this Resolution, in which case the prior schedule would apply.

BE IT FURTHER RESOLVED unless otherwise provided by Ordinance, that in the event impact fees for any one project exceeds \$30,000, the Board of County Commissioners may, by separate utility service agreement, provide for installment payments of the impact fees between the time of building permit issuance and issuance of the certificate of occupancy; otherwise, impact fees are due and payable at the time of building permit issuance.

BE IT FURTHER RESOLVED that all prior Resolutions in conflict with this Resolution shall and are hereby repealed as of the effective date of this Resolution.

DONE AND RESOLVED this 3rd day of March, 1987.


BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

BY   
JED PRITMAN, Clerk

BY   
ANN HILDEBRAND, Chairman

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

BY   
Attorney

SS

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 SINGLE FAMILY RESIDENTIAL

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.072	\$ 113.00
*	0.70	32	0.127	200.00
*	1.00	45	0.181	284.00
*	1.22	55	0.222	348.00
3/4	1.50	68	0.272	427.00
1	2.50	113	0.435	684.00
1 1/4	3.50	158	0.634	997.00
1 1/2	5.00	225	0.905	1,422.00
2	8.00	1,720	1.448	2,276.00
3	15.00	8,300	2.715	4,267.00
4	25.00	17,700	4.525	7,113.00
6	50.00	41,200	9.050	14,227.00
8	80.00	69,400	14.480	22,762.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 MULTIFAMILY RESIDENTIAL

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.077	\$ 122.00
*	0.70	32	0.135	213.00
*	1.00	45	0.193	304.00
3/4	1.50	68	0.290	456.00
1	2.50	113	0.483	760.00
1 1/4	3.50	158	0.676	1,062.00
1 1/2	5.00	225	0.965	1,517.00
2	8.00	1,720	1.544	2,427.00
3	15.00	8,300	2.895	4,550.00
4	25.00	17,700	4.825	7,584.00
6	50.00	41,200	9.650	15,169.00
8	80.00	69,400	15.440	24,270.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 OFFICE/SINGLE; OFFICE/MULTIPLE;  
 RETAIL SALES AND SERVICE ESTABLISHMENTS  
 INCLUDING WAREHOUSES

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.115	\$ 181.00
*	0.70	32	0.201	316.00
*	1.00	45	0.287	451.00
3/4	1.50	68	0.431	677.00
1	2.50	113	0.718	1,128.00
1 1/4	3.50	158	1.005	1,580.00
1 1/2	5.00	225	1.435	2,256.00
2	8.00	1,720	2.296	3,609.00
3	15.00	8,300	4.305	6,767.00
4	25.00	17,700	7.175	11,279.00
6	50.00	41,200	14.350	22,557.00
8	80.00	69,400	22.960	36,091.00

\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 RECREATION FACILITIES

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.198	\$ 311.00
*	0.70	32	0.347	546.00
*	1.00	45	0.495	778.00
3/4	1.50	68	0.743	1,167.00
1	2.50	113	1.238	1,946.00
1 1/4	3.50	158	1.733	2,724.00
1 1/2	5.00	225	2.475	3,891.00
2	8.00	1,720	3.960	6,225.00
3	15.00	8,300	7.425	11,671.00
4	25.00	17,700	12.375	19,453.00
6	50.00	41,200	24.750	38,906.00
8	80.00	69,400	39.600	62,249.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WATER SYSTEM IMPACT FEE SCHEDULE  
RESTAURANTS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.358	\$ 563.00
*	0.70	32	0.626	984.00
*	1.00	45	0.894	1,405.00
3/4	1.50	68	1.341	2,108.00
1	2.50	113	2.235	3,513.00
1 1/4	3.50	158	3.129	4,918.00
1 1/2	5.00	225	4.470	7,026.00
2	8.00	1,720	7.152	11,243.00
3	15.00	8,300	13.410	21,079.00
4	25.00	17,700	22.350	35,133.00
6	50.00	41,200	44.700	70,266.00
8	80.00	69,400	71.520	112,426.00

\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 CLINICS AND HOSPITALS,  
 NURSING HOMES, LAUNDRIES, AND LAUNDROMATS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.604	\$ 949.00
*	0.70	32	1.057	1,661.00
*	1.00	45	1.510	2,374.00
3/4	1.50	68	2.265	3,561.00
1	2.50	113	3.775	5,934.00
1½	3.50	158	5.285	8,308.00
1½	5.00	225	7.550	11,868.00
2	8.00	1,720	12.080	18,990.00
3	15.00	8,300	22.650	35,604.00
4	25.00	17,700	37.750	59,341.00
6	50.00	41,200	75.500	118,682.00
8	80.00	69,400	120.800	189,891.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.



PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 EDUCATIONAL, CHURCH, AND OTHER USERS

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.274	\$ 431.00
*	0.70	32	0.480	754.00
*	1.00	45	0.685	1,076.00
3/4	1.50	68	1.028	1,616.00
1	2.50	113	1.713	2,693.00
1 1/4	3.50	158	2.398	3,769.00
1 1/2	5.00	225	3.425	5,384.00
2	8.00	1,720	5.480	8,614.00
3	15.00	8,300	10.275	16,151.00
4	25.00	17,700	17.125	26,920.00
6	50.00	41,200	34.250	53,839.00
8	80.00	69,400	54.800	86,142.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WATER SYSTEM IMPACT FEE SCHEDULE  
IRRIGATION

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.368	\$ 578.00
*	0.70	32	0.644	1,012.00
*	1.00	45	0.920	1,446.00
3/4	1.50	68	1.380	2,169.00
1	2.50	113	2.300	3,615.00
1 1/4	3.50	158	3.220	5,062.00
1 1/2	5.00	225	4.600	7,230.00
2	8.00	1,720	7.360	11,569.00
3	15.00	8,300	13.800	21,692.00
4	25.00	17,700	23.000	36,154.00
6	50.00	41,200	46.000	72,310.00
8	80.00	69,400	73.600	115,696.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
SINGLE FAMILY RESIDENTIAL

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0.053	\$ 374.00
*	0.70	32	0.093	656.00
*	1.00	45	0.133	938.00
*	1.22	55	0.162	1,144.00
3/4	1.50	68	0.200	1,410.00
1	2.50	113	0.333	2,348.00
1 1/4	3.50	158	0.466	3,285.00
1 1/2	5.00	225	0.665	4,688.00
2	8.00	1,720	1.064	7,501.00
3	15.00	8,300	-	-
4	25.00	17,000	-	-
6	50.00	41,200	-	-
8	80.0	69,400	-	-

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**\*Note:** Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

**Source:** Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
MULTIFAMILY RESIDENTIAL

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.055	\$ 388.00
*	0.70	32	0.097	684.00
*	1.00	45	0.138	973.00
3/4	1.50	68	0.207	1,459.00
1	2.50	113	0.345	2,432.00
1½	.50	158	0.483	3,405.00
1½	5.00	225	0.690	4,865.00
2	8.00	1,720	1.104	7,783.00
3	15.00	8,300	2.070	14,594.00
4	25.00	17,000	3.450	24,323.00
6	50.00	41,200	6.900	48,645.00
8	80.0	69,400	11.040	77,832.00

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**\*Note:** Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

**Source:** Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 OFFICE/SINGLE; OFFICE/MULTIPLE; RETAIL SALES  
 AND SERVICE ESTABLISHMENTS, INCLUDING WAREHOUSES

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.034	\$ 592.00
*	0.70	32	0.148	1,043.00
*	1.00	45	0.211	1,488.00
3/4	1.50	68	0.317	2,235.00
1	2.50	113	0.528	3,722.00
1 1/4	3.50	158	0.739	5,210.00
1 1/2	5.00	225	1.055	7,438.00
2	8.00	1,720	1.688	11,900.00
3	15.00	8,300	3.165	22,313.00
4	25.00	17,000	5.275	37,189.00
6	50.00	41,200	10.550	74,378.00
8	80.0	69,400	16.880	119,004.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
RECREATION FACILITIES

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.087	\$ 613.00
*	0.70	32	0.153	1,079.00
*	1.00	45	0.218	1,537.00
3/4	1.50	68	0.327	2,305.00
1	2.50	113	0.545	3,842.00
1½	3.50	158	0.763	5,379.00
1½	5.00	225	1.090	7,685.00
2	8.00	1,720	1.744	12,295.00
3	15.00	8,300	3.270	23,054.00
4	25.00	17,000	5.450	33,423.00
6	50.00	41,200	10.900	76,845.00
8	80.0	69,400	17.440	122,952.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
RESTAURANTS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0.302	\$ 2,129.00
*	0.70	32	0.529	3,729.00
*	1.00	45	0.755	5,323.00
3/4	1.50	68	1.133	7,988.00
1	2.50	113	1.808	13,310.00
1 1/4	3.50	158	2.643	18,633.00
1 1/2	5.00	225	3.775	26,614.00
2	8.00	1,720	6.040	42,582.00
3	15.00	8,300	11.325	79,841.00
4	25.00	17,000	18.875	133,069.00
6	50.00	41,200	37.750	266,138.00
8	80.0	69,400	60.400	425,820.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 CLINICS AND HOSPITALS,  
 NURSING HOMES, LAUNDRIES, AND LAUNDROMATS

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.562	\$ 3,962.00
*	0.70	32	0.984	6,937.00
*	1.00	45	1.405	9,905.00
3/4	1.50	68	2.108	14,861.00
1	2.50	113	3.513	24,767.00
1 1/4	3.50	158	4.918	34,672.00
1 1/2	5.00	225	7.025	49,526.00
2	8.00	1,720	11.240	79,242.00
3	15.00	8,300	21.075	148,579.00
4	25.00	17,000	35.125	247,631.00
6	50.00	41,200	70.250	495,263.00
8	80.0	69,400	112.400	792,420.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.



PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
EDUCATIONAL, CHURCH, AND OTHER USERS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0.213	\$ 1,502.00
*	0.70	32	0.373	2,630.00
*	1.00	45	0.533	3,758.00
3/4	1.50	68	0.800	5,640.00
1	2.50	113	1.333	9,398.00
1 1/4	3.50	158	1.866	13,155.00
1 1/2	5.00	225	2.665	18,788.00
2	8.00	1,720	4.264	30,061.00
3	15.00	8,300	7.995	56,365.00
4	25.00	17,000	13.325	93,941.00
6	50.00	41,200	26.650	187,883.00
8	80.0	69,400	42.640	300,812.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

Source: Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

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FIRE LINES NOT METERED

<u>Line Size</u>	<u>Impact Fee</u>
4"	1,435.00
6"	2,860.00
8"	4,578.00
10"	6,588.00
12"	12,309.00

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
IRRIGATION

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0	\$ 0
*	0.70	32	0	0
*	1.00	45	0	0
3/4	1.50	68	0	0
1	2.50	113	0	0
1 1/4	3.50	158	0	0
1 1/2	5.00	225	0	0
2	8.00	1,720	0	0
3	15.00	8,300	0	0
4	25.00	17,000	0	0
6	50.00	41,200	0	0
8	80.0	69,400	0	0

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**\*Note:** Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for customers with high demands requiring the capacity of a meter in excess of 2 inches may be determined on the basis of a fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association.

**Source:** Summary of Water Connections, October 1982 - September 1986, and System Operating Reports, Pasco County Utilities Division; 1986-96 Pasco County Utilities Division Capital Improvements Program.

BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 88-73

RESOLUTION REVISING THE SCHEDULES FIXING AND CLASSIFYING THE IMPACT FEES AND CHARGES FOR WATER AND WASTEWATER SERVICES PROVIDED BY PASCO COUNTY, INCLUDING THAT AREA IN THE WEST PASCO WATER AND SEWER UNIT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR APPEAL OF CONFLICTING RESOLUTIONS.

WHEREAS, Article VIII of the State of Florida Constitution, Chapter 125, Florida Statutes, and Pasco County Ordinance Nos. 87-09 and 87-10, empower the Board of County Commissioners to revise water and sewer impact fees, whenever necessary; and

WHEREAS, the Board of County Commissioners of Pasco County, Florida, has considered certain changes in the water and sewer impact fees relating to all of Pasco County served by the Pasco County utilities and also for the West Pasco Water and Sewer Unit; and

WHEREAS, the law which governs the conduct of these rate hearings requires that the Board adopt a Resolution setting forth the proposed rates, fees, and charges and that the same be advertised for at least ten (10) days before the date fixed for a public hearing; and

WHEREAS, such requirements have been fulfilled; and

WHEREAS, the Board held a public hearing on Tuesday, December 15, 1987, at the Pasco County Government Center, New Port Richey, Pasco County, Florida; and

WHEREAS, the Board of County Commissioners has been advised of the need for increased impact fees associated with the increase in development of Pasco County and the need for additional expansion of the water and wastewater systems as the result of such growth;

WHEREAS, the Board of County Commissioners has afforded the opportunity for public comments; and

WHEREAS, the Board of County Commissioners has heard and considered evidence presented for and against proposed rates, and based upon such evidence has determined that the impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein, are reasonable, necessary, and justified.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled the said Board hereby adopts the schedules of water and sewer impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein;

BE IT FURTHER RESOLVED that the Board of County Commissioners of Pasco County adopts that plan entitled "Utilities System Capital Improvement Plan 1988-1997" of November 1987 by the Pasco County Utility System, which Plan details the determination and methods of

application of the impact fee schedule set forth in Exhibit "A," and said Plan is incorporated herein by reference.

BE IT FURTHER RESOLVED that the new impact fees and charges for water and sewer services set forth herein shall be effective and applied to all building permit applications submitted to the County after December 18, 1987; provided, however, anyone seeking County utility service and filing a building permit application (or service request) on or before February 26, 1988, which includes a copy of a construction contract fully executed prior to December 15, 1987, along with an affidavit of at least one party attesting to the date of execution, shall be entitled to pay applicable water and sewer impact fees in existence as of December 14, 1987.

BE IT FURTHER RESOLVED unless otherwise provided by Ordinance, that in the event impact fees for any one project exceeds \$30,000, the Board of County Commissioners may, by separate utility service agreement, provide for installment payments of the impact fees between the time of building permit issuance and issuance of the certificate of occupancy; otherwise, impact fees are due and payable at the time of building permit issuance.

BE IT FURTHER RESOLVED that all prior Resolutions in conflict with this Resolution shall and are hereby repealed as of the effective date of this Resolution.

DONE AND RESOLVED this 15<sup>th</sup> day of December, 1987.



BY: Jed Pittman  
JED PITTMAN, CLERK  
Es: Rebecca S. Hawk

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Sylvia Young  
SYLVIA YOUNG, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

BY: Ben Harill  
Attorney

PASCO COUNTY, FLORIDA  
WATER SYSTEM IMPACT FEE SCHEDULE  
SINGLE FAMILY, MOBILE HOMES, MULTIFAMILY,  
AND RECREATIONAL VEHICLE  
RESIDENTIAL

Single Family	\$539 per unit
Mobile Homes	\$277 per unit
Multifamily	\$241 per unit
Recreational Vehicles	\$155 per unit

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

Note: Mobile home units are residential units as defined in the Pasco County Zoning Ordinance. Multifamily units are defined as residential units with more than one unit served by a single water meter.

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 RETAIL SALES AND SERVICE ESTABLISHMENTS  
 INCLUDING WAREHOUSES

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (<math>\\$</math>)</u>
*	0.40	17	0.165	\$ 249.00
*	0.70	32	0.289	435.00
*	1.00	45	0.413	622.00
3/4	1.50	68	0.620	932.00
1	2.50	113	1.033	1,554.00
1-1/4	3.50	158	1.446	2,175.00
1-1/2	5.00	225	2.065	3,108.00
2	8.00	1,720	3.304	4,973.00
3	15.00	8,300	6.195	9,323.00
4	25.00	17,700	10.325	15,539.00
6	50.00	41,200	20.650	31,078.00
8	80.00	69,400	33.040	49,725.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 OFFICE/SINGLE; OFFICE/MULTIPLE

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.78	\$ 118.00
*	0.70	32	0.137	206.00
*	1.00	45	0.196	295.00
3/4	1.50	68	0.294	442.00
1	2.50	113	1.490	737.00
1-1/4	3.50	158	0.686	1,032.00
1-1/2	5.00	225	0.980	1,475.00
2	8.00	1,720	1.568	2,360.00
3	15.00	8,300	2.940	4,425.00
4	25.00	17,700	4.900	7,375.00
6	50.00	41,200	9.800	14,749.00
8	80.00	69,400	15.680	23,598.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 RECREATION FACILITIES

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Water Capacity Requirements (x1,000 gals/day)	Water Impact Fee (\$)
*	0.40	17	0.344	\$ 517.00
*	0.70	32	0.601	905.00
*	1.00	45	0.859	1,293.00
3/4	1.50	68	1.289	1,939.00
1	2.50	113	2.148	3,232.00
1-1/4	3.50	158	3.007	4,525.00
1-1/2	5.00	225	4.295	6,464.00
2	8.00	1,720	6.872	10,342.00
3	15.00	8,300	12.885	19,392.00
4	25.00	17,700	21.475	32,320.00
6	50.00	41,200	42.950	64,640.00
8	80.00	69,400	68.720	103,424.00

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 \*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 RESTAURANTS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.554	\$ 834.00
*	0.70	32	0.970	1,460.00
*	1.00	45	1.386	2,086.00
3/4	1.50	68	2.079	3,129.00
1	2.50	113	3.465	5,215.00
1-1/4	3.50	158	4.851	7,301.00
1-1/2	5.00	225	6.930	10,430.00
2	8.00	1,720	11.088	16,687.00
3	15.00	8,300	20.790	31,289.00
4	25.00	17,700	34.650	52,148.00
6	50.00	41,200	69.300	104,297.00
8	80.00	69,400	110.880	166,874.00

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PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 CLINICS AND HOSPITALS,  
 NURSING HOMES, LAUNDRIES, AND LAUNDROMATS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.526	\$ 791.00
*	0.70	32	0.920	1,384.00
*	1.00	45	1.314	1,978.00
3/4	1.50	68	1.971	2,966.00
1	2.50	113	3.285	4,944.00
1-1/4	3.50	158	4.599	6,921.00
1-1/2	5.00	225	6.570	9,888.00
2	8.00	1,720	10.512	15,821.00
3	15.00	8,300	19.710	29,664.00
4	25.00	17,700	32.850	49,439.00
6	50.00	41,200	65.700	98,879.00
8	80.00	69,400	105.120	158,206.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
 WATER SYSTEM IMPACT FEE SCHEDULE  
 EDUCATIONAL, CHURCH, AND OTHER USERS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.339	\$ 510.00
*	0.70	32	0.594	893.00
*	1.00	45	0.848	1,276.00
3/4	1.50	68	1.272	1,914.00
1	2.50	113	2.120	3,191.00
1-1/4	3.50	158	2.968	4,467.00
1-1/2	5.00	225	4.240	6,381.00
2	8.00	1,720	6.784	10,210.00
3	15.00	8,300	12.720	19,144.00
4	25.00	17,700	21.200	31,906.00
6	50.00	41,200	42.400	63,812.00
8	80.00	69,400	67.840	102,099.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
WATER SYSTEM IMPACT FEE SCHEDULE  
IRRIGATION

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Water Capacity Requirements (x1,000 gals/day)</u>	<u>Water Impact Fee (\$)</u>
*	0.40	17	0.438	\$ 660.00
*	0.70	32	0.767	1,155.00
*	1.00	45	1.096	1,649.00
3/4	1.50	68	1.644	2,474.00
1	2.50	113	2.740	4,124.00
1-1/4	3.50	158	3.836	5,773.00
1-1/2	5.00	225	5.480	8,247.00
2	8.00	1,720	8.768	13,196.00
3	15.00	8,300	16.440	24,742.00
4	25.00	17,700	27.400	41,237.00
6	50.00	41,200	54.800	82,474.00
8	80.00	69,400	87.680	131,958.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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FIRE LINES NOT METERED

<u>Line Size</u>	<u>Impact Fee</u>
4"	1,435.00
6"	2,860.00
8"	4,578.00
10"	6,588.00
12"	12,309.00

0041

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
SINGLE FAMILY, MOBILE HOMES, MULTIFAMILY,  
AND RECREATIONAL VEHICLE  
RESIDENTIAL

Single Family	\$1,525 per unit
Mobile Home	\$ 846 per unit
Multifamily	\$ 798 per unit
Recreational Vehicle	\$ 648 per unit

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program.

PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 RETAIL SALES AND SERVICE ESTABLISHMENTS,  
 INCLUDING WAREHOUSES

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.112	\$ 882.00
*	0.70	32	0.195	1,544.00
*	1.00	45	0.279	2,205.00
3/4	1.50	68	0.419	3,307.00
1	2.50	113	0.698	5,513.00
1-1/4	3.50	158	0.977	7,717.00
1-1/2	5.00	225	1.395	11,024.00
2	8.00	1,720	2.232	17,639.00
3	15.00	8,300	4.185	33,074.00
4	25.00	17,000	6.975	55,124.00
6	50.00	41,200	13.950	110,247.00
8	80.0	69,400	22.320	176,395.00

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 \*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
OFFICE/SINGLE; OFFICE/MULTIPLE

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.048	\$ 382.00
*	0.70	32	0.085	670.00
*	1.00	45	0.121	956.00
3/4	1.50	68	0.182	1,434.00
1	2.50	113	0.303	2,390.00
1-1/4	3.50	158	0.424	3,347.00
1-1/2	5.00	225	0.605	4,782.00
2	8.00	1,720	0.968	7,651.00
3	15.00	8,300	1.815	14,344.00
4	25.00	17,000	3.025	23,906.00
6	50.00	41,200	6.050	47,813.00
8	80.0	69,400	9.680	76,501.00

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0044

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
RECREATION FACILITIES

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0.124	\$ 983.00
*	0.70	32	0.218	1,721.00
*	1.00	45	0.311	2,458.00
3/4	1.50	68	0.467	3,687.00
1	2.50	113	0.778	6,144.00
1-1/4	3.50	158	1.089	8,603.00
1-1/2	5.00	225	1.555	12,289.00
2	8.00	1,720	2.488	19,662.00
3	15.00	8,300	4.665	36,867.00
4	25.00	17,000	7.775	61,446.00
6	50.00	41,200	15.550	122,891.00
8	80.0	69,400	24.880	196,627.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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0045



PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
RESTAURANTS

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.306	\$ 2,421.00
*	0.70	32	0.536	4,238.00
*	1.00	45	0.766	6,054.00
3/4	1.50	68	1.149	9,081.00
1	2.50	113	1.915	15,134.00
1-1/4	3.50	158	2.681	21,188.00
1-1/2	5.00	225	3.830	30,269.00
2	8.00	1,720	6.128	46,418.00
3	15.00	8,300	11.490	90,806.00
4	25.00	17,000	19.150	151,343.00
6	50.00	41,200	38.300	302,685.00
8	80.0	69,400	61.280	484,296.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 CLINICS AND HOSPITALS,  
 NURSING HOMES, LAUNDRIES, AND LAUNDROMATS

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.314	\$ 2,485.00
*	0.70	32	0.550	4,348.00
*	1.00	45	0.786	6,212.00
3/4	1.50	68	1.179	9,318.00
1	2.50	113	1.965	15,529.00
1-1/4	3.50	158	2.751	21,741.00
1-1/2	5.00	225	3.930	31,059.00
2	8.00	1,720	6.288	49,694.00
3	15.00	8,300	11.790	93,177.00
4	25.00	17,000	19.650	155,294.00
6	50.00	41,200	39.300	310,588.00
8	80.0	69,400	62.880	496,941.00

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 \*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

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PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 EDUCATIONAL, CHURCH, AND OTHER USERS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\\$)</u>
*	0.40	17	0.159	\$ 1,258.00
*	0.70	32	0.279	2,202.00
*	1.00	45	0.398	3,146.00
3/4	1.50	68	0.597	4,718.00
1	2.50	113	0.995	7,864.00
1-1/4	3.50	158	1.393	11,009.00
1-1/2	5.00	225	1.990	15,727.00
2	8.00	1,720	3.184	25,163.00
3	15.00	8,300	5.970	47,181.00
4	25.00	17,000	9.950	78,635.00
6	50.00	41,200	19.900	157,270.00
8	80.0	69,400	31.840	251,632.00

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 \*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
IRRIGATION

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0	\$ 0
*	0.70	32	0	0
*	1.00	45	0	0
3/4	1.50	68	0	0
1	2.50	113	0	0
1-1/4	3.50	158	0	0
1-1/2	5.00	225	0	0
2	8.00	1,720	0	0
3	15.00	8,300	0	0
4	25.00	17,000	0	0
6	50.00	41,200	0	0
8	80.0	69,400	0	0

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
SINGLE FAMILY, MOBILE HOMES, MULTIFAMILY,  
AND RECREATIONAL VEHICLE  
RESIDENTIAL  
WITH DISPOSAL BY CUSTOMER

Single Family	\$1,102 per unit
Mobile Home	\$ 611 per unit
Multifamily	\$ 577 per unit,
Recreational Vehicle	\$ 468 per unit

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program.

WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 RETAIL SALES AND SERVICE ESTABLISHMENTS,  
 INCLUDING WAREHOUSES  
 WITH DISPOSAL BY CUSTOMER

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Waste Impact (
*	0.40	17	0.112	\$ 6
*	0.70	32	0.195	1,1
*	1.00	45	0.279	1,5
3/4	1.50	68	0.419	2,3
1	2.50	113	0.698	3,9
1-1/4	3.50	158	0.977	5,5
1-1/2	5.00	225	1.395	7,9
2	8.00	1,720	2.232	12,7
3	15.00	8,300	4.185	23,8
4	25.00	17,000	6.975	39,8
6	50.00	41,200	13.950	79,6
8	80.0	69,400	22.320	127,4

\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of pricing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. Impact fee for customers with low demands not requiring the capacity of minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and Service Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Connections and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
OFFICE/SINGLE; OFFICE/MULTIPLE  
WITH DISPOSAL BY CUSTOMER

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee ( <u>\$</u> )
*	0.40	17	0.048	\$ 277.00
*	0.70	32	0.085	484.00
*	1.00	45	0.121	691.00
3/4	1.50	68	0.182	1,036.00
1	2.50	113	0.303	1,727.00
1-1/4	3.50	158	0.424	2,418.00
1-1/2	5.00	225	0.605	3,455.00
2	8.00	1,720	0.968	5,527.00
3	15.00	8,300	1.815	10,364.00
4	25.00	17,000	3.025	17,273.00
6	50.00	41,200	6.050	34,546.00
8	80.0	69,400	9.680	55,273.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 RECREATION FACILITIES  
 WITH DISPOSAL BY CUSTOMERS

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0.124	\$ 710.00
*	0.70	32	0.218	1,243.00
*	1.00	45	0.311	1,776.00
3/4	1.50	68	0.467	2,669.00
1	2.50	113	0.778	4,439.00
1-1/4	3.50	158	1.089	6,215.00
1-1/2	5.00	225	1.555	8,879.00
2	8.00	1,720	2.488	14,207.00
3	15.00	8,300	4.665	26,636.00
4	25.00	17,000	7.775	44,395.00
6	50.00	41,200	15.550	88,791.00
8	80.0	69,400	24.880	142,065.00

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 \*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.



PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 RESTAURANTS  
 WITH DISPOSAL BY CUSTOMER

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0.306	\$ 1,749.00
*	0.70	32	0.536	3,061.00
*	1.00	45	0.766	4,374.00
3/4	1.50	68	1.149	6,561.00
1	2.50	113	1.915	10,935.00
1-1/4	3.50	158	2.681	15,308.00
1-1/2	5.00	225	3.830	21,869.00
2	8.00	1,720	6.128	34,991.00
3	15.00	8,300	11.490	65,608.00
4	25.00	17,000	19.150	109,346.00
6	50.00	41,200	38.300	218,693.00
8	80.0	69,400	61.280	349,909.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
CLINICS AND HOSPITALS,  
NURSING HOMES, LAUNDRIES, AND LAUNDROMATS  
WITH DISPOSAL BY CUSTOMER

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.41	17	0.314	\$ 1,796.00
*	0.70	32	0.550	3,142.00
*	1.00	45	0.786	4,488.00
3/4	1.50	68	1.179	6,732.00
1	2.50	113	1.965	11,220.00
1-1/4	3.50	158	2.751	15,709.00
1-1/2	5.00	225	3.930	22,441.00
2	8.00	1,720	6.288	35,905.00
3	15.00	8,300	11.790	67,321.00
4	25.00	17,000	19.650	112,201.00
6	50.00	41,200	39.300	224,403.00
8	80.0	69,400	62.880	359,045.00

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 EDUCATIONAL, CHURCH, AND OTHER USERS  
 WITH DISPOSAL BY CUSTOMER

System Water Meter Size (Inches)	AWWA Meter Equivalence (Ratio to 5/8" Meter)	Maximum Allowable Fixture Value	Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)	Wastewater Impact Fee (\$)
*	0.40	17	0.159	\$ 909.00
*	0.70	32	0.279	1,590.00
*	1.00	45	0.398	2,273.00
3/4	1.50	68	0.597	3,409.00
1	2.50	113	0.995	5,682.00
1-1/4	3.50	158	1.393	7,954.00
1-1/2	5.00	225	1.990	11,363.00
2	8.00	1,720	3.184	18,180.00
3	15.00	8,300	5.970	34,089.00
4	25.00	17,000	9.950	56,814.00
6	50.00	41,200	19.900	113,629.00
8	80.0	69,400	31.840	181,807.00

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 \*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

PASCO COUNTY, FLORIDA  
 WASTEWATER SYSTEM IMPACT FEE SCHEDULE  
 IRRIGATION  
 WITH DISPOSAL BY CUSTOMER

<u>System Water Meter Size (Inches)</u>	<u>AWWA Meter Equivalence (Ratio to 5/8" Meter)</u>	<u>Maximum Allowable Fixture Value</u>	<u>Expected Peak Day Wastewater Capacity Requirements (x1,000 gals/day)</u>	<u>Wastewater Impact Fee (\$)</u>
*	0.40	17	0	\$ 0
*	0.70	32	0	0
*	1.00	45	0	0
3/4	1.50	68	0	0
1	2.50	113	0	0
1-1/4	3.50	158	0	0
1-1/2	5.00	225	0	0
2	8.00	1,720	0	0
3	15.00	8,300	0	0
4	25.00	17,000	0	0
6	50.00	41,200	0	0
8	80.0	69,400	0	0

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\*Note: Meter sizes smaller than 3/4-inch are used only to reflect costs of providing service to meet hydraulic requirements of low demand customers. Calculations performed to second decimal place, rounded off to dollars. The impact fee for customers with low demands not requiring the capacity of the minimum size 3/4-inch meter may be determined on the basis of a fixture count provided by the customer. The impact fee for others will be determined on the basis of meter size and a corresponding fixture count provided by the customer and approved by the County. Fixture counts shall be determined in accordance with Manual M-22 of the American Water Works Association. In no case shall the fixture count or expected peak day water capacity requirements exceed those shown above for each meter size.

Source: Summary of Water Connections, October 1982 - September 1987, and System Operating Reports, Pasco County Utilities Division; 1988-97 Pasco County Utilities Division Capital Improvements Program; Sizing Water Service Lines and Meters, Manual M-22, American Water Works Association, 1975.

BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 91-29

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, FINDING THAT THE GARDENS OF BEACON SQUARE CONDOMINIUMS ASSOCIATIONS, INC. - ALL PHASES HAS MADE APPLICATION TO ACQUIRE CERTAIN REAL PROPERTY TO BE USED FOR COMMUNITY INTEREST AND WELFARE, DECLARING CERTAIN REAL PROPERTY AS SURPLUS AND AUTHORIZING THE SALE OF THE FEE SIMPLE INTEREST IN THE PROPERTY.

WHEREAS, The Gardens of Beacon Square Condominiums Associations, Inc. - All Phases is a nonprofit corporation formed under Florida laws for the purpose of promoting community interest and welfare; and,

WHEREAS, The Gardens of Beacon Square Condominiums Associations, Inc. - All Phases is desirous of obtaining fee simple title to the property described in Exhibit "A", attached hereto and made a part of this resolution, for the purpose of building and maintaining a common area to be used by residents of the Gardens of Beacon Square Community; and,

WHEREAS, The Gardens of Beacon Square Condominiums Associations, Inc. - All Phases has made application to the Board of County Commissioners of Pasco County, Florida, pursuant to F.S. 125.38 for a conveyance of the fee simple interest in the property described in Exhibit "A" in its letter dated November 1, 1990, a copy of which is attached hereto as Exhibit "B"; and,

WHEREAS, Pasco County is the fee simple owner of the property described in Exhibit "A", and said property is not needed for County purposes but is required by The Gardens of Beacon Square Condominiums Associations, Inc. - All Phases for a common area for multiple uses by residents.

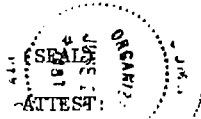
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled, that said Board declares the property described in Exhibit "A" to be surplus property.

BE IT FURTHER RESOLVED that the property described in Exhibit "A" shall be sold to The Gardens of Beacon Square Condominiums Associations, Inc. - All Phases for the total amount of Twelve Thousand Five Hundred Thirteen and 00/100 Dollars (\$12,513.00), provided

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that the property shall be used for multiple use, by the residents of the Gardens of Beacon Square Community in order to provide comprehensive community and social services in perpetuity or the property shall revert to Pasco County in fee simple ownership.

DONE AND RESOLVED this 13<sup>th</sup> day of NOVEMBER, 1990.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman  
JED PITTMAN, CLERK

BY: Curtis L. Law  
CURTIS L. LAW, CHAIRMAN

By: Lomalee Schmiedt lde

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

BY: Ben Harill  
Attorney

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BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 93-114

RESOLUTION REVISING THE SCHEDULES FIXING AND CLASSIFYING THE IMPACT FEES AND CHARGES FOR WATER AND WASTEWATER SERVICES PROVIDED BY PASCO COUNTY, INCLUDING THAT AREA IN THE WEST PASCO WATER AND SEWER UNIT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR APPEAL OF CONFLICTING RESOLUTIONS.

WHEREAS, Article VIII of the State of Florida Constitution, Chapter 125, Florida Statutes, and Pasco County Ordinance Nos. 87-09 and 87-10, empower the Board of County Commissioners to revise water and sewer impact fees, whenever necessary; and,

WHEREAS, the Board of County Commissioners of Pasco County, Florida, has considered certain changes in the water and sewer impact fees relating to all of Pasco County served by the Pasco County utilities and also for the West Pasco Water and Sewer Unit; and,

WHEREAS, the law which governs the conduct of these rate hearings requires that the Board adopt a Resolution setting forth the proposed rates, fees, and charges and that the same be advertised for at least ten (10) days before the date fixed for a public hearing; and,

WHEREAS, such requirements have been fulfilled; and,

WHEREAS, the Board held a public hearing on Tuesday, December 22, 1992, at the Pasco County Government Center, New Port Richey, Pasco County, Florida; and,

WHEREAS, the Board of County Commissioners has been advised of the need for adjusted impact fees associated with the increase in development of Pasco County and the need for additional expansion of the water and wastewater systems as the result of such growth; and,

WHEREAS, the Board of County Commissioners has afforded the opportunity for public comments; and,

WHEREAS, the Board of County Commissioners has heard and considered evidence presented for and against proposed rates, and based upon such evidence has determined that the impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein, are reasonable, necessary, and justified.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled the said Board hereby adopts the schedules of water and sewer impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Pasco County adopts that plan entitled "Pasco County 1992-2001 Utilities Capital Improvement Plan" by the Pasco County Utilities Services Branch, which Plan details the determination and methods

of application of the impact fee schedule set forth in Exhibit "A", and said Plan is incorporated herein by reference.

BE IT FURTHER RESOLVED that the new impact fees and charges for water and sewer services set forth herein shall be effective and applied to all building permit applications submitted to the County after December 24, 1992; provided, however, anyone seeking County utility service and filing a building permit application (or service request) on or before February 23, 1993, which includes a copy of a construction contract fully executed prior to December 22, 1992, along with an affidavit of at least one (1) party attesting to the date of execution, shall be entitled to pay applicable water and sewer impact fees in existence as of December 21, 1992.

BE IT FURTHER RESOLVED unless otherwise provided by Ordinance, that in the event impact fees for any one (1) project exceed Thirty Thousand and 00/100 Dollars (\$30,000.00), the Board of County Commissioners may, by separate utility service agreement, provide for installment payments of the impact fees between the time of building permit issuance and issuance of the certificate of occupancy; otherwise, impact fees are due and payable at the time of building permit issuance.

BE IT FURTHER RESOLVED that all prior Resolutions in conflict with this Resolution shall and are hereby repealed as of the effective date of this Resolution.

DONE AND RESOLVED this 20<sup>th</sup> day of DECEMBER, 19 92.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY:

Jed Pittman  
JED PITTMAN, CLERK

BY:

Ann Hildebrand  
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

BY: [Signature]  
ATTORNEY



BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 99-193

**A RESOLUTION FOR REVISING THE SCHEDULES FIXING AND CLASSIFYING THE IMPACT FEES AND CHARGES FOR WATER AND WASTEWATER SERVICES PROVIDED BY PASCO COUNTY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR APPEAL OF CONFLICTING RESOLUTIONS.**

WHEREAS, Article VIII of the State of Florida Constitution, Chapter 125, Florida Statutes, and Pasco County Code of Ordinances, Chapter 110, empower the Board of County Commissioners to revise water and sewer impact fees, wherever necessary; and,

WHEREAS, the Board of County Commissioners of Pasco County, Florida, has considered certain changes in the water and sewer impact fees relating to all of Pasco County served by the Pasco County Utilities; and,

WHEREAS, the law which governs the conduct of these rate hearings requires that the Board adopt a Resolution setting forth the proposed rates, fees, and charges and that the same be advertised for at least ten (10) days before the date fixed for a public hearing; and,

WHEREAS, such requirements have been fulfilled; and,

WHEREAS, the Board held a public hearing on Tuesday, May 25, 1999, at the West Pasco Government Center, 7530 Little Road, New Port Richey, Pasco County, Florida; and,

WHEREAS, the Board has been advised of the need for adjusted impact fees associated with the increase in development of Pasco County and the need for additional expansion of the water and wastewater systems as the result of such growth; and,

WHEREAS, the Board has afforded the opportunity for public comments; and,

WHEREAS, the Board has heard and considered evidence presented for and against proposed rates, and based upon such evidence has determined that the impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein, are reasonable, necessary, and justified.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that the said Board hereby adopts the schedules of water and sewer impact fees set forth in Exhibit "A" attached hereto and for all purposes incorporated herein.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Pasco County adopts that plan entitled, "Pasco County 1999-2008 Utilities Capital Improvement Plan," by the Pasco County Utilities Services Branch, which plan details the determination and methods of application of the impact fee schedule set forth in Exhibit "A" and said plan is incorporated herein by reference.

BE IT FURTHER RESOLVED that the new impact fees and charges for water and sewer services set forth herein shall be effective and applied to all water distribution and/or wastewater collection permit applications submitted to the County after June 1, 1999.

1999-002546 05/25/99

BE IT FURTHER RESOLVED unless otherwise provided by ordinance, that in the event impact fees for any one (1) project exceed Thirty Thousand and 00/100 Dollars (\$30,000.00), the Board may, by separate utility service agreement, provide for installment payments of the impact fees between the time of Building Permit issuance and issuance of the Certificate of Occupancy; otherwise, impact fees are due and payable at the time of Building Permit issuance.

BE IT FURTHER RESOLVED that all prior resolutions in conflict with this resolution shall and are hereby repealed as of the effective date of this resolution.

DONE AND RESOLVED this 25<sup>th</sup> day of May, 1999.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Jessam Hagen / Jc  
JED PITTMAN, CLERK

BY: Ann Hildebrand  
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

APPROVED  
MAY 25 1999

BY: Kate S. Owens  
ATTORNEY

BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 99-299

**RESOLUTION REVISING THE SCHEDULES FIXING AND CLASSIFYING WATER AND SEWER RATES, FEES, AND CHARGES FOR WATER AND SEWER SERVICES PROVIDED BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS**

WHEREAS, Article VIII of the Florida Constitution, Chapter 125, Florida Statutes, and the Pasco County Code of Ordinances empower the Board of County Commissioners to revise water and sewer rates, fees, and charges whenever necessary; and,

WHEREAS, the Board of County Commissioners of Pasco County, Florida, has considered certain changes in the water and sewer rates, fees, and charges relating to utility services provided by the County for that portion of the County served by Pasco County Utilities; and,

WHEREAS, the Board of County Commissioners adopted a Revenue Generation System and a User Charge System, which require a fair and equitable rate structure for all Pasco County water and wastewater utility customers; and,

WHEREAS, the law which governs the conduct of these rate hearings requires that the Board adopt a resolution setting forth the proposed rates, fees, and charges, and that the same be advertised at least ten (10) days before the date fixed for a public hearing; and,

WHEREAS, such requirements have been fulfilled; and,

WHEREAS, the Board held a public hearing on Tuesday, September 21, 1999, at the Historic Pasco County Courthouse, 37918 Meridian Avenue, Dade City, Florida; and,

WHEREAS, the Board of County Commissioners has been advised of the need to adjust certain rates, fees, and charges; and,

WHEREAS the Board of County Commissioners has afforded the opportunity for public comments; and,

WHEREAS the Board of County Commissioners has heard and considered evidence for and against the proposed rates and, based upon such evidence, has determined that the rates set forth in Exhibit A attached hereto and for all purposes incorporated herein, are reasonable, necessary, and justified, and satisfy the requirements of the Pasco County Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that the Board hereby adopts the schedules of water and sewer rates, fees, and charges set forth in Exhibit A attached hereto and for all purposes incorporated herein.

BE IT FURTHER RESOLVED that the new rates, fees, and charges shall be effective and applied as indicated in the attached Exhibit A except that bulk water and wastewater customers shall be granted a

ninety (90) day grace period to adjust their retail rates and pass through the adjusted rates as may be required or allowed by the Florida Public Service Commission or other such agency which controls retail customer rates, fees, and charges.

DONE AND RESOLVED this 28<sup>th</sup> day of September, 1999.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman JED PITTMAN, CLERK BY: Ann Hildebrand ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

BY: [Signature]  
ATTORNEY

APPROVED  
SEP 28 1999

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA  
A G E N D A  
JULY 13, 2006**

1:30 p.m. - West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598

DEVELOPMENT REVIEW COMMITTEE

- \* John J. Gallagher  
County Administrator
- \* Michael Nurrenbrock  
OMB Director
- \* Daniel R. Johnson  
Assistant County Administrator  
(Public Services)
- \* Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)
- \* Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)
- Ray Gádd  
District School Board of Pasco County

ADVISORY STAFF

- Cynthia M. Jolly, P.E., CFM  
Development Director
- \* Lee W. Millard  
Acting Zoning/Code Compliance  
Administrator
- \* Samuel P. Steffey II  
Growth Management Administrator
- \* James C. Widman, P.E.  
Engineering Services Director
- \* Representative of the Clerk  
of the Circuit Court
- \* Paul J. Montante  
Technical Specialist II
- \* Corelynn Burns  
Planner I

LEGAL COUNSEL

- Robert D. Sumner  
County Attorney
- \* David A. Goldstein  
Assistant County Attorney III

\* In Attendance

ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION, DEVELOPMENT REVIEW COMMITTEE, OR BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER, CONSIDERED AT ANY MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

OPENING

I. ROLL CALL

II. MINUTES

February 23, 2006

*Approved minutes with revision.*

III. PROOFS

A. Proof of Publication

B. Proof of Public Notice

IV. VARIANCE PETITIONS

The Development Review Committee may grant a variance from the terms of the Land Development Code when such variance will not be contrary to the public interest; where, owing to special conditions, a literal enforcement of the provisions of this code would result in unnecessary hardship or where improved or alternative technology would meet or exceed the development and construction standards set forth in this code. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of this code. Furthermore, such variance shall not be granted by the Development Review Committee unless and until a variance application is submitted demonstrating compliance with one or more of the following:

- A. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required improvements.

**\*UNOFFICIAL ANNOTATED AGENDA—FOR DEPARTMENT USE ONLY\***  
**July 13, 2006, Development Review Committee Meeting**

4. Memorandum No.: DR06-1809  
Project Name: Seven Oaks, Parcel S14A  
Commissioner: The Honorable Pat Mulieri, Ed.D.  
Location: On the southwest corner of the intersection of Mystic Oaks Boulevard and C.R. 581, Section 25, Township 26 South, Range 19 East.  
Acreage: 12.03 Acres, m.o.l.  
Proposed Development: 1) The developer has received approval to subdivide 12.03 acres into 98 single-family townhouse lots. 2) The applicant requests to amend Condition of Approval No. 57 of DR05-1198 regarding side-yard setbacks.
- RECOMMENDATION: Approval with conditions.

*Approved staff recommendation.*

5. Memorandum No.: DR06-1805  
Project Name: Tucker Woods Subdivision  
Commissioner: The Honorable Ted Schrader  
Location: On the southwest corner of the intersection of Tucker Road and Michelle Lane, Section 22, Township 26 South, Range 21 East.  
Acreage: 14.03 Acres, m.o.l.  
Proposed Development: The developer requests preliminary/construction site plan approval and Stormwater Management Plan and Report to subdivide 14.03 acres into 18 single-family detached lots.
- RECOMMENDATION: At the applicant's request, the Development Director recommends a continuance to the August 24, 2006, Development Review Committee meeting in New Port Richey.

*Continued to the August 24, 2006, Development Review Committee meeting in New Port Richey.*

6. Memorandum No.: GM06-1161  
Project Name: BCPA06-2(1)  
Commissioner: The Honorable Pat Mulieri, Ed.D.  
Location: In South Central Pasco County, on the east side of Cypress Creek Road between S.R. 56 and County Line Road, Section 34, Township 26 South, Range 19 East.  
Acreage: 29.88 Acres.  
Proposed Development: Future Land Use Amendment from a RES-3 (Residential - 3 du/ga) District to RES-24 (Residential - 24 du/ga) and CON (Conservation Lands) Districts.
- RECOMMENDATION: Approval.

*Approved staff recommendation.*

**BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA  
REGULAR MEETING/REZONINGS**

**ANNOTATED AGENDA  
PREPARED IN THE OFFICE OF  
JED PITTMAN, CLERK OF THE CIRCUIT COURT**

**AUGUST 8, 2006**

**HISTORIC PASCO COUNTY COURTHOUSE, BOARD ROOM 2<sup>ND</sup> FLOOR  
37918 MERIDIAN AVENUE, DADE CITY, FL 33525**

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<b>County Commissioners</b>	Chairman Steve Simon, District 4- <b>ABSENT</b> Vice-Chairman Ann Hildebrand, District 3 Ted J. Schrader, District 1 Pat Mulieri, Ed.D. District 2 Jack Mariano, District 5
<b>County Administrator</b>	John Gallagher- <b>ABSENT</b> – <b>MR. MIKE NURRENBROCK PRESENT.</b>
<b>County Attorney</b>	Robert D. Sumner
<b>Clerk to the Board</b>	Jed Pittman- <b>ABSENT</b> – <b>MS. LINDA DILLON PRESENT.</b>

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**CALL TO ORDER - 1:30 P.M.**

<b>INVOCATION</b> }	<b>MS. LINDA DILLON, DEPUTY CLERK</b>
<b>PLEDGE OF ALLEGIANCE</b> }	
<b>ROLL CALL</b> }	

**CHAIRMAN SIMON WAS ABSENT.**

**CONSENT AGENDA**

**AGENDA ITEM C 8 WAS PULLED BY THE COUNTY ATTORNEY; C 47 WAS WITHDRAWN; C 66 WAS PULLED BY THE COUNTY ADMINISTRATOR; AND C 72 WAS PULLED BY COMMISSIONER MARIANO.**

**COMMISSIONER SCHRADER MOVED APPROVAL OF THE CONSENT AGENDA WITH THE EXCEPTION OF THE PULLED PETITIONS; COMMISSIONER MULIERI SECONDED; MOTION CARRIED.**

- P 4. Vacation of Easement – Clifford W. and Sally A. Dorr – 37015 Lakota Court, Zephyrhills, Florida 33542, Section 10, Township 26 South, Range 21 East, REV06-025; Comm. Dist. 1  
Memorandum REA06-100

**COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.**

- P 5. **Local Planning Agency**, Proposed Biannual Comprehensive Plan Amendment (BCPA06-2[1]) – Scarpo, Sherman, and Wolding – Future Land Use Classification Change from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) and CON (Conservation Lands); Comm. Dist. 2  
Memorandum GM06-1355

**SITTING AS THE LOCAL PLANNING AGENCY, COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION TO INCLUDE MR. HELIE'S RECOMMENDATION REGARDING RES-3 AND THE RIGHT-OF-WAY. THERE WAS NO SECOND AND THE MOTION WAS NOT CALLED ON.**

**SITTING AS THE LOCAL PLANNING AGENCY, COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION; MS. KATHERYN STARKEY AND COMMISSIONER MARIANO SECONDED; MOTION CARRIED.**

#### **Miscellaneous Matters**

None Scheduled

#### **PUBLIC COMMENT**

**COMMISSIONER SCHRADER MOVED TO RECEIVE AND FILE A LETTER FROM MR. JOE PASQUALE REGARDING A ROAD IN ZEPHYRHILLS; COMMISSIONER MULIERI SECONDED; MOTION CARRIED.**

#### **RECESS**

**THE BOARD RECESSED AT 3:18 P.M. AND RECONVENED AT 3:31 P.M. ALL BOARD MEMBERS WERE PRESENT EXCEPT FOR CHAIRMAN SIMON WHO WAS ABSENT.**

**THE BOARD RECESSED AT 4:51 P.M. AND RECONVENED AT 6:30 P.M. ALL BOARD MEMBERS WERE PRESENT EXCEPT FOR CHAIRMAN SIMON WHO WAS ABSENT.**



COMMISSIONER MULIERI MOVED TO RECEIVE AND FILE A SURVEY PRESENTED BY MR. ADAM CARNEGIE; COMMISSIONER SCHRADER SECONDED; MOTION CARRIED.

COMMISSIONER SCHRADER MOVED APPROVAL OF STAFF'S RECOMMENDATION SUBJECT TO THE COUNTY ATTORNEY'S APPROVAL REGARDING THE EASEMENTS; COMMISSIONER MULIERI SECONDED; MOTION CARRIED.

- P 8. Application for Development Approval – Lennar Homes, Inc. - Epperson Ranch Development of Regional Impact; Comm. Dist. 1  
Memorandum GM06-1331  
(Continued from June 13, 2006)

COMMISSIONER MULIERI MOVED TO CONTINUE TO SEPTEMBER 11, 2006, 6:30 P.M., DADE CITY; COMMISSIONER MARIANO SECONDED; MOTION CARRIED WITH COMMISSIONER SCHRADER ABSTAINING DUE TO A CONFLICT OF INTEREST.

- P 9. Proposed Biannual Comprehensive Plan Amendment (BCPA06-2[1]) – Scarpo, Sherman, and Wolding – Future Land Use Map Classification Change from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) and CON (Conservation Lands); Comm. Dist. 2  
Memorandum GM06-1356

COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION; COMMISSIONER SCHRADER SECONDED; MOTION CARRIED.

**Public Hearings—Rezoning**

None Scheduled

BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA  
REGULAR MEETING/REZONINGS

ANNOTATED AGENDA  
PREPARED IN THE OFFICE OF  
JED PITTMAN, CLERK OF THE CIRCUIT COURT

SEPTEMBER 11, 2006

HISTORIC PASCO COUNTY COURTHOUSE, BOARD ROOM 2<sup>ND</sup> FLOOR  
37918 MERIDIAN AVENUE, DADE CITY, FL 33525

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County Commissioners	Chairman Steve Simon, District 4 Vice-Chairman Ann Hildebrand, District 3 Ted J. Schrader, District 1 Pat Mulieri, Ed.D. District 2 Jack Mariano, District 5
County Administrator	John Gallagher
County Attorney	Robert D. Sumner
Clerk to the Board	Jed Pittman – ABSENT – LINDA DILLON, PRESENT

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CALL TO ORDER - 1:30 P.M.

INVOCATION	}	
PLEDGE OF ALLEGIANCE	}	MS. LINDA DILLON, DEPUTY CLERK
ROLL CALL	}	

CONSENT AGENDA

AGENDA ITEMS C 8, C 9, C 10, AND C 14 WERE WITHDRAWN BY THE COUNTY ATTORNEY; AGENDA ITEMS C 26, C 29, C 30, C 35, AND C 52 WERE WITHDRAWN BY THE COUNTY ADMINISTRATOR. AGENDA ITEM C 15 WAS PULLED FOR A CONTINUATION.

COMMISSIONER SCHRADER MOVED APPROVAL OF THE CONSENT AGENDA WITH EXCEPTION OF THE NOTED ITEMS; COMMISSIONER MULIERI AND COMMISSIONER HILDEBRAND SECONDED; MOTION CARRIED.

PASCO COUNTY AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS;  
PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE; All  
Comm. Dists.  
Memorandum CAO06-2448

**COMMISSIONER HILDEBRAND MOVED APPROVAL OF STAFF'S  
RECOMMENDATION WITH THE CHANGES AS READ INTO THE RECORD;  
COMMISSIONER MULIERI SECONDED; MOTION CARRIED UNANIMOUSLY ON  
A ROLL CALL VOTE.**

- P 12. AN ORDINANCE AMENDING THE PASCO COUNTY CODE OF ORDINANCES  
CHAPTER 110, CREATING A NEW ARTICLE V, TO **ADOPT NEW WATER AND  
WASTEWATER SERVICE IMPACT FEES TO BE IMPOSED ON NEW SERVICE  
CONNECTIONS**; PROVIDING A PURPOSE AND INTENT; PROVIDING  
DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY;  
PROVIDING PROCEDURES FOR IMPOSITION, CALCULATION AND  
COLLECTION OF WATER AND WASTEWATER SERVICES IMPACT FEES;  
PROVIDING FOR THE ESTABLISHMENT OF THE WATER AND WASTEWATER  
SERVICES IMPACT FEE FUNDS, APPROPRIATION OF IMPACT FEE FUNDS,  
AND REFUNDS; AMENDING SECTIONS 110-33 AND 110-120 TO CONFORM TO  
THE NEW ARTICLE V; REPEALING SECTIONS 110-39(d) AND 110-124(b) AS  
REDUNDANT TO THE NEW ARTICLE V; AMENDING SECTION 110-119 TO  
EXTEND THE INSTALLMENT PAYMENT PROGRAM TO WASTEWATER  
COMMITMENT FEES TO BE CONSISTENT WITH THE WATER COMMITMENT  
FEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION INTO THE PASCO COUNTY CODE; PROVIDING  
AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE  
FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING. All  
Comm. Dists.

Memorandum CAO06-2849

**(Introduced on July 25, 2006)**

**(First Public Hearing on August 22, 2006)**

**(Final Public Hearing)**

**COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S  
RECOMMENDATION; COMMISSIONER MARIANO SECONDED; MOTION  
CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.**

BY THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 06-28

**AN ACT TO BE ENTITLED**

**AN ORDINANCE AMENDING THE PASCO COUNTY CODE OF ORDINANCES CHAPTER 110, CREATING A NEW ARTICLE V, TO ADOPT NEW WATER AND WASTEWATER SERVICE IMPACT FEES TO BE IMPOSED ON NEW SERVICE CONNECTIONS; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF WATER AND WASTEWATER SERVICES IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF THE WATER AND WASTEWATER SERVICES IMPACT FEE FUNDS, APPROPRIATION OF IMPACT FEE FUNDS, AND REFUNDS; AMENDING SECTIONS 110-33 AND 110-120 TO CONFORM TO THE NEW ARTICLE V; REPEALING SECTIONS 110-39(d) AND 110-124(b) AS REDUNDANT TO THE NEW ARTICLE V; AMENDING SECTION 110-119 TO EXTEND THE INSTALLMENT PAYMENT PROGRAM TO WASTEWATER COMMITMENT FEES TO BE CONSISTENT WITH THE WATER COMMITMENT FEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE PASCO COUNTY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.**

WHEREAS, the County is authorized to establish and impose Water and Wastewater Service Impact Fees on new Service Connections to finance new Water and Wastewater Facilities necessitated by such new Service Connections and adopted its first water and wastewater impact fees in 1992 and last updated the fees in 1999; and

WHEREAS, the County is experiencing rapid growth that is increasing the demand for water and wastewater services and resulting in the need to expand treatment facilities and transmission mains; and

WHEREAS, new service connections have generated, and will in the future generate, the need for Water and Wastewater Service Impact Fees that will assist the County in attempting to maintain existing levels of water and wastewater service and attempting to avoid future deficiencies in service; and

WHEREAS, the County has studied the necessity for and implications of the updating of Water and Wastewater Service Impact Fees; and

WHEREAS, the County has found and determined that the new Water and Wastewater Service Impact Fees are appropriate for funding Water and Wastewater Facilities; and

WHEREAS, the County has found and determined that most Water and Wastewater Service Impact Fees will have certain common characteristics and, therefore, the County will benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure and administration of the Water and Wastewater Service Impact Fees; and

WHEREAS, the new Water and Wastewater Service Impact Fees Ordinance created herein supersedes and makes the current impact fee code sections unnecessary and therefore those sections, Paragraphs 110-39(d) and 110-124(b), shall be repealed by this ordinance; and

WHEREAS, all moneys collected from Water and Wastewater Service Impact Fees will be deposited in the Water and Wastewater Service Impact Fee Funds which clearly identifies those moneys as Water and Wastewater Service Impact Fees; and

WHEREAS, on February 28, 2006, the Board extended and modified the water service commitment fee installment payment program of section 110-31 and now finds that a similar extension and modification is necessary for the wastewater service commitment fee installment payment program of section 110-119 and such change is necessitated by these impact fee amendments and are integrally related to these impact fees since the commitment fees may offset the impact fees due under this ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed ordinance in compliance with the Florida Impact Fee Act, F.S. 163.318(1); and

WHEREAS, this Ordinance is consistent with the Pasco County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, that the Pasco County Code of Ordinances, as amended, is hereby amended to create the following Water and Wastewater Service Impact Fees, procedures and implementation requirements.

#### ARTICLE I - GENERAL

##### 1.01 Purpose and Intent.

The purpose and intent of this Ordinance is:

- A. To continue uniform Water and Wastewater Service Impact Fees in the County and re-establish procedures for the imposition, calculation, collection, administration and expenditure of Water and/or Wastewater Service Impact Fees imposed on new Service Connections; and
- B. To facilitate the implementation of the goals, objectives and policies of the Pasco County Comprehensive Plan, Policy WAT 2.2.3 and Policy SEW 3:6.4 of the Public Facilities Element, relating to utilizing funding directly from new Service Connections to offset appropriate costs of serving new Service Connections with public facilities; and
- C. To ensure that new Service Connections are reasonably benefited by the provision of the public Water and Wastewater Service Facilities provided with the proceeds of Water and Wastewater Service Impact Fees; and
- D. To ensure that the Fees do not include any charges for the costs of collecting the Fees; and
- E. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures.

##### 1.02 Definitions.

The words or phrases used herein shall have the meaning prescribed in the current Pasco County Code of Ordinances or the Land Development Code except as otherwise indicated herein:

"Administrator" means the County Administrator or his designee.

"Applicant" shall mean any person who files an application for a Service Connection.

"Appropriation or to appropriate" shall mean an action by the County to identify specific Water and Wastewater Service Facilities for which the Water and/or Wastewater Service Impact Fees may be utilized pursuant to this Ordinance.

"Appeal" shall mean any appeal of a determination made by the Administrator as allowed by § 3.07 of this Ordinance.

"Board" shall mean the Board of County Commissioners of Pasco County, Florida.

"City or Cities" shall mean the incorporated areas of Pasco County including City of Dade City, City of New Port Richey, City of Port Richey, City of San Antonio, Town of St. Leo and City of Zephyrhills.

"Comprehensive Plan" shall mean the Pasco County Comprehensive Plan inclusive of all its elements, goals, objectives, policies, maps and official amendments which have been adopted by the Board of County Commissioners pursuant to Chapter 163.3184, Florida Statutes, which may be further amended by the Board of County Commissioners from time to time.

"County" shall mean Pasco County, a political subdivision of the State of Florida.

"County Attorney" shall mean the Person appointed by the Board to serve as its counsel, or the designee of such person.

"Dwelling Unit" shall mean a single unit providing complete independent living facilities for one (1) or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

"Equivalent Residential Unit" shall mean a unit of measurement representing the amount of water consumed and/or the amount of wastewater produced by a Single-family Dwelling Unit.

"Family" shall mean one (1) or more persons who live together in a Dwelling Unit and maintain a common household.

"Final Inspection" shall mean the last inspection performed by the County for structures or site improvements to assure that all improvements were completed in accordance with the applicable conditions of a permit for development.

"Land Development Code" shall mean the Pasco County Land Development Code, Ordinance No. 89-21, as amended, which is hereby incorporated by this reference.

"Master-meter" shall mean a single meter or series of meters that supply multiple units for a single customer.

"Meter Equivalents" shall mean those equivalents based on methodologies recommended by the American Water Works Association (AWWA) as follows:

**Meter Equivalents**

Meter Size*	ERU Equivalent
5/8", 3/4"	1.00
1"	2.50
1.5"	5.00
2"	8.00
3"	15.00
4"	25.00
6"	50.00
8"	80.00

\*based on displacement type meters, using standard maximum meter-flows capacity ratios per AWWA standards.

"Mobile Home" shall mean a structure, transportable in one or more sections, which is built upon an integral chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and are contained in a master-metered mobile home park.

"Multi-family" shall mean a master-metered Building or a portion of a Building, regardless of ownership, containing more than one Dwelling Unit designed for occupancy by one family, where the units are attached and not licensed by the Florida Department of Business and Professional Regulation Division of Hotels and Restaurants as a hotel or motel. Multi-Family Dwelling Unit includes attached apartments, condominiums and townhomes that are master-metered.

"Non-Residential Use" shall mean any use of property other than a Residential Use as defined by this Ordinance. Non-Residential Uses include, but are not limited to, commercial, office, institutional and industrial uses.

"Owner" shall mean the Person holding legal title to the real property upon which a new Service Connection is to be provided.

"Person" shall mean a corporation, company, association, society, firm, partnership, a joint stock company, as well as an individual, state, all political subdivisions of state, or an agency or instrumentality thereof.

"Rational Nexus Test" shall mean the legal test established by the Florida Supreme Court, upon which all impact fee ordinances in Florida are based. This complex test of constitutionality, which has been explained in greater detail by various court opinions, requires, in summary, that in order to be constitutional, an impact fee ordinance must provide that:

- a. the amount of impact fees charged bears a reasonable relationship to the cost of providing public facilities necessitated by new service connections; and
- b. the impact fees collected are earmarked and spent to construct public facilities reasonably benefiting the new service connections paying the fee.

"Recreational Vehicle" shall mean a recreational vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle and which can be connected to central water and wastewater utilities.

"Residential" or "Residential Use" shall mean multi-family dwelling units, mobile homes, recreational vehicles, and single-family dwelling units.

"Service Connection" shall mean a new connection to the Pasco County utility system to receive water and/or wastewater service or increased service demand at an existing connection that requires a larger meter or additional meters that occurs 90 days after the effective date of this Ordinance.

"Service Connection Application" shall mean a request for service installation, meter installation, service line installation, if necessary, wastewater service connection, or fire service connection.

"Single-Family" Dwelling Unit shall mean a structure designed for occupancy by a single family or household that is individually metered and includes mobile homes, townhomes or other dwelling units that are individually metered. Single-family dwelling units may be attached to one another as in row or townhouses, or detached from one another as by side yards. All single-family units are characterized by a ground floor entrance, except where flood regulations specify otherwise, and the absence of another dwelling unit above.

"Wastewater Service Facilities" shall mean those facilities owned or operated by the County which a need is created for by new Service Connections. The Wastewater Service Facilities include, but are not limited to:

- Wastewater Treatment facilities that generally consist of treatment, reclaimed water and effluent disposal, associated equipment and the land on which the facilities are located.
- Wastewater Transmission facilities that consist of interceptor (trunk) gravity lines, pumping stations, and selected force mains serving as the backbone piping transferring wastewater from localized collection facilities to the treatment facilities.

"Water Service Facilities" shall mean those facilities owned or operated by the County which a need is created for by new Service Connections. The Water Facilities include, but are not limited to:

- Water Treatment facilities that generally consist of source of supply, raw water transmission, treatment, storage, and high service pumping, associated equipment and the land on which the facilities are located.
- Water Transmission facilities that consist of selected water mains serving as the backbone piping providing services to the localized distribution facilities.

"Water and Wastewater Service Facilities" shall mean both Wastewater Service Facilities and Water Service Facilities. These Facilities do not include the distribution/collection facilities such as the localized piping and equipment that serve as a conduit for water and wastewater services between the customer's point of connection and the County's transmission facilities.

"Water and/or Wastewater Service Impact Fees" shall mean impact fees which are imposed on new Service Connections and which are calculated to defray all or a portion of the costs of the Water and/or Wastewater Service Facilities required to accommodate the impact to the Water and/or Wastewater Service Systems of those new Service Connections, and which fee is applied to Water and/or Wastewater Service Facilities which reasonably benefit the new Service Connections. An "Impact Fee" means any impact fee established pursuant to § 2.01 of this Ordinance or an independent fee calculated and approved pursuant to § 3.04 of this Ordinance.

"Water and Wastewater Service Impact Fees Funds" shall mean the separate special revenue funds or accounts created pursuant to § 4.01 of this Ordinance.

"Water and Wastewater Service Impact Fees Schedule" means the impact fee amounts due and payable pursuant to § 2.01.B, as may be amended from time to time.

"Water and Wastewater Service Impact Fee Study" shall mean the study by Tetra Tech HAI "Water/Wastewater Service Impact Fee Study", dated August 2008 and as supplemented pursuant to § 1.07 of this Ordinance.

**1.03 Rules of Construction.**

For the purpose of the administration and enforcement of this Ordinance, unless otherwise stated in this Ordinance, the following rules of construction shall apply:

- A. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- B. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.
- D. The phrase "used for" includes "arranged for," "designed for," "maintained for," and "occupied for."
- E. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- F. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- G. All time periods contained within this Ordinance shall be calculated on a calendar day basis, including Sundays and legal holidays.
- H. The terms owner, developer, builder, or applicant shall be used interchangeably in reference to the Person responsible for abiding by the provisions of this Ordinance as this Ordinance applies in a given situation.
- I. The definitions contained in sections 110-26 and 110-106 shall apply herein unless directly contradicted by the definitions in this Article V.

**1.04 Findings.**

It is hereby ascertained, determined and declared:



- A. That the County has determined that capital improvements to the Water and Wastewater Service Facilities are necessary in order to assist the County in attempting to maintain existing levels of water and wastewater service and attempting to avoid future deficiencies in service. The Comprehensive Plan contains minimum levels of service (215 gallons per day (gpd) for Water and 200 gpd for Wastewater) to maintain public health and safety. The current actual average daily demand by utility customers is 270 gpd/ERU for water and 237 gpd/ERU for wastewater, which demands are trending upwards. In the Impact Fee Study, the consultant recommended using a daily demand basis of 350 gpd for water and 300 gpd for wastewater considering anticipating increasing demand in the future and the fact that for Department of Environmental Protection permitting purposes, the Utilities Services Branch must plan for system capacity based on 350 gpd for water and 300 gpd for wastewater per ERU. An average daily demand per ERU of 300 gpd for water and 250 gpd for wastewater was used in calculating the impact fees for the Fiscal Year 2006-2007 contained herein.
- B. That the County has determined that currently available revenues will not be sufficient to provide the capital improvements to the Water and Wastewater Service Facilities that are necessary to accommodate growth resulting from new Service Connections.
- C. That Section 163.3177, Florida Statutes, requires the County to adopt a Comprehensive Plan containing a capital improvements element that considers the need and location of public facilities within its jurisdiction and the projected revenue source that will be utilized to fund these facilities.
- D. That the implementation of Water and Wastewater Service Impact Fees to require future growth to contribute its fair share of the cost of growth necessitated capital improvements to the Water and Wastewater Service Facilities is necessary and reasonably related to the public health, safety, and welfare of the people of Pasco County.
- E. That providing Water and Wastewater Service Facilities that are adequate for the needs of growth is in the general welfare of all residents of the County and constitutes a public purpose.
- F. That the projected capital improvements to the Water and Wastewater Service Facilities and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the Water and Wastewater Service Facilities needs of new Service Connections and Building Construction are presented in the Water and Wastewater Service Impact Fee Study, and such study is hereby approved and adopted by the County.
- G. That Water and Wastewater Service Impact Fees paid pursuant to this Ordinance will be earmarked to separate funds for the Water and Wastewater Service Impact Fees and expended only for water and wastewater facilities to accommodate growth resulting from new Service Connections.
- H. That the establishment of Water and Wastewater Service Impact Fees is consistent with and is necessary for implementing the Pasco County Comprehensive Plan Policy WAT 2.2.3 and Policy SEW 3.8.4 of the Public Facilities Element and necessary to ensure coordination of new Service Connections with the provision of the Water and Wastewater Service System.
- I. That periodically, this Ordinance may be subject to review pursuant to § 1.07 herein.
- J. That the Board considered the short and long term public and private costs and benefits of the proposed Water and Wastewater Service Impact Fee Ordinance and the Water and Wastewater Service Impact Fee Study and has determined that sufficient information has been provided to enable the Board to act.
- K. That the Board further finds that the provisions of this Ordinance are in compliance with the "Rational Nexus Test" established by the Florida Supreme Court, which is summarized in § 1.02.

**1.05 Adoption of Impact Fee Study.**

The Board hereby adopts and incorporates by reference the Study by Tetra Tech H&I entitled "Water/Wastewater Service Impact Fee Study", dated August 2006 and as supplemented pursuant to § 1.07 of this Ordinance and finds that this study is based on the most recent and localized data and is a sufficient factual basis for the imposition of the impact fees adopted herein with the exception of the actual final fees imposed for the first year.

The Board of County Commissioners finds that a staged implementation of increased impact fees will allow the fair transition to the increased fees. Increases in impact fees shall therefore occur on an annual basis up to the presently approved maximum following the initial increase imposed by this ordinance. The Board of County Commissioners also finds that limitation of the impact fees imposed is in the public interest and will serve to benefit the county's economy and quality of life, along with preserving the ability to secure affordable housing. Therefore, the total possible fees recommended by Tetra Tech is proportionately reduced to that imposed in section 2.01 hereof for the initial year of this ordinance after which the fees recommended by the Study shall take effect.

**1.06 Term.**

This Ordinance shall remain in effect unless and until repealed, amended or modified by the Board in accordance with applicable State law and County ordinances and resolutions.

**1.07 Review.**

- A. This Ordinance and the Water and Wastewater Service Impact Fee Study may be reviewed by the Board periodically in accordance with Florida Statutes. The purpose of this review is to demonstrate that the Water and Wastewater Service Impact Fees do not exceed reasonably anticipated costs associated with growth necessitated capital improvements. In the event the review of the Ordinance and Water and Wastewater Service Impact Fees Study required by this section alters or changes the assumptions, conclusions and findings of the Water and Wastewater Service Impact Fee Study accepted by reference in § 1.05, then such study shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the Water and Wastewater Service Impact Fees shall be amended in accordance therewith.
- B. The Administrator may be advised by the Impact Fee Advisory Committee as established by the Pasco County Board of County Commissioners pursuant to Resolution No. B3-245 or other advisory committee(s) in the review of the Water and Wastewater Service Impact Fees.
- C. The initial and each subsequent review shall include all of the following to be compiled into a report:
  - 1. Recommendations on amendments, if appropriate, to these procedures;
  - 2. Proposed changes to the Pasco County Comprehensive Plan and/or an applicable Capital Improvements Program, including the identification of Water and Wastewater Service Facilities projects anticipated to be funded wholly or partially with Water and Wastewater Service Impact Fees;
  - 3. Proposed changes to the Water and Wastewater Service Impact Fees Schedule;
  - 4. Proposed changes to level of service standards;
  - 5. Proposed changes in the Water and Wastewater Service Impact Fees calculation methodology; and
  - 6. Other data, analysis or recommendations as the Administrator may deem appropriate, or as may be requested by the Board.

- D. The Administrator shall submit the report to the Board, which shall receive the report and take such actions as it deems appropriate which may include, but is not limited to, requesting additional data or analyses and holding public workshops and/or public hearings.
- E. The failure to prepare or to submit a report as provided herein shall not affect the effectiveness or the administration of this Ordinance.

ARTICLE II - APPLICABILITY

2.01 Imposition.

A. Except as provided hereafter and except to the extent exempted by general or special law, all new Service Connections occurring within Pasco County shall be subject to the provisions of this Ordinance and the imposition of Water and Wastewater Service Impact Fees. It is hereby recognized that Water and Wastewater Service Impact Fees are currently in effect, have been in effect since 1979 and are imposed upon new service connections pursuant to sections 110-39 and 110-124, Pasco County Code and related resolutions. This Ordinance updates the amount of the fees to be paid after 90 days after the effective date of this Ordinance. Until such time, the water and wastewater service impact fees due pursuant to Pasco County Code sections 110-39 and 110-124 and related resolutions shall continue to be imposed on new service connections.

B. Water and Wastewater Impact Fee Schedule. 90 days after the effective date of this Ordinance, new Service Connections occurring within the County shall pay the following Water and/or Wastewater Service Impact Fees according to the following Water and Wastewater Service Impact Fee Schedule:

Residential Uses

Fiscal Year 2006/2007 (effective December 2006 through September 30, 2007)

	ERU	Water Impact Fee	Wastewater Impact Fee
Single Family	1.00	\$1,338	\$2,275
Single Family (w/reclaimed water)	1.00	1,004	2,275
Multi-Family	0.49	656	1,115
Multi-Family (w/reclaimed water)	0.49	492	1,115
Mobile Homes	0.60	303	1,365
Mobile Homes (w/reclaimed water)	0.60	602	1,365
Recreational Vehicles	0.33	442	751
Recreational Vehicles (w/reclaimed water)	0.33	331	751

Fiscal year 2007/2008 (effective October 1, 2007)

	ERU	Water Impact Fee	Wastewater Impact Fee
Single Family	1.00	\$1,561	\$2,730
Single Family (w/reclaimed water)	1.00	1,171	2,730
Multi-Family	0.49	769	1,345
Multi-Family (w/reclaimed water)	0.49	577	1,345
Mobile Homes	0.60	829	1,625
Mobile Homes (w/reclaimed water)	0.60	697	1,625
Recreational Vehicles	0.33	520	910
Recreational Vehicles (w/reclaimed water)	0.33	390	910

Notwithstanding the foregoing schedule, the Meter Equivalents of a Non-Residential Use shall be the basis for purposes of calculation of the Water and Wastewater Service Impact Fees for Residential Uses that utilize a one inch or greater meter size.

Non-Residential Uses shall pay the single family (1.00 ERU) fee listed above multiplied by the following meter equivalents:

Meter Equivalents

Meter Size	ERU Equivalents
5/8", 3/4"	1.00
1"	2.50
1.5"	5.00
2"	8.00
3"	15.00
4"	25.00
6"	50.00
8"	80.00

- C. The Meter Equivalents of a Non-Residential Use shall be the basis for purposes of calculation of the Water and/or Wastewater Service Impact Fees for Non-Residential Uses.
- D. The Water and/or Wastewater Service Impact Fees shall be determined and paid at the time an application for a Service Connection is submitted. Notwithstanding the foregoing, nothing in this Ordinance shall prevent the County from studying or adopting an alternate method of payment of the Water and Wastewater Service Impact Fees (e.g. payment over time through capacity assessment unit program). Furthermore, if any use does not meet a single defined use or meter equivalent as set forth herein then the Administrator or his designee shall assign the most analogous use classification or meter size based on the standards of the Water and Wastewater Service Impact Fee Study or the meter sizing standards of the American Water Works Association, to ensure that all new non-exempt Service Connections pay impact fees.
- E. Exemptions. An exemption must be claimed by the Applicant or it shall be waived. Payment of the 2006 revised Water and/or Wastewater Service Impact Fees shall not apply to the following situations if the Applicant clearly demonstrates with competent substantial evidence to the Administrator one of the following:
  1. New Service Connection for which a completed application for a service connection has been submitted, or where a meter has been installed and a customer account has been opened prior to 90 days after the effective date of this Ordinance.
  2. Other Uses. No Water and/or Wastewater Service Impact Fee shall be imposed on a use, development, project, structure, building, fence, sign or other Building Construction activity that cannot result in an increase in the demand for water and wastewater service facilities. An Applicant who requests an exemption pursuant to this subsection for an activity not specifically enumerated herein shall request a determination from the Administrator that the activity does not result in an increase in demand for Water and Wastewater Service Facilities. An Applicant may appeal such a determination pursuant to § 3.07 of this Ordinance.
  3. Service connections in existence prior to 90 days after the effective date of this Ordinance, provided that the demand for service and/or meter size or number is not increased.
  4. Residential Uses or Non-Residential Uses for which a signed contract for the construction of such Residential Use or Non-Residential Use to a buyer who will occupy the Residential Use or own the Non-Residential Use was executed prior to 90 days after the effective date of this Ordinance. Such contracts must be produced, and accompanied by sworn and notarized affidavits from both the buyer and the contractor stating that such contract was executed prior to 90 days after the effective date of this Ordinance, to the County Administrator within 120 days of the effective date of this Ordinance or the exemption shall be waived. A buyer shall not utilize this exemption more than once per Service Connection.
  5. Pursuant to Florida Statutes Section 1013.374, all public educational facilities and ancillary plants constructed by the District School Board of

Pasco County are exempt from the payment of impact fees, service availability fees and assessments. The Board of County Commissioners specifically prohibits the applicability of these fees and assessments to School District facilities and plants.

**F. Effect of Payment of Water and Wastewater Service Impact Fees on Other Applicable County Land Development Regulations or Utility Regulations:**

1. The payment of Water and Wastewater Service Impact Fees shall not entitle the Applicant to a Building Permit, Certificate of Occupancy, or a Final Inspection, or meter installation, service line installation, or establishment of a utility customer account, as such other requirements, standards and conditions are independent of the requirements for payment of Water and Wastewater Service Impact Fees.
2. Neither these procedures nor this Ordinance shall affect, in any manner, the permissible use of property, density or intensity of development, design and improvement standards or other applicable standards or requirements of the Pasco County Comprehensive Plan, the Pasco County Land Development Code, and the Pasco County Code of Ordinances which shall be operative and remain in full force and effect without limitation.

**G. Any new Service Connection which is determined to be exempt from the payment of Water and Wastewater Service Impact Fees but which, as a result of a change in circumstances, produces a Residential Use or Non-Residential Use or service demand not exempt pursuant to Subsection E hereto, shall pay the Water and/or Wastewater Service Impact Fees imposed by Subsection A according to the Impact Fee Schedule in effect at such time as the change in circumstances occurs.**

**2.02 Affected Area.**

- A. This Water and Wastewater Service Impact Fee Ordinance shall be applicable within all of Pasco County where the County provides or will provide water and/or wastewater services and not otherwise exempted pursuant to this Ordinance.
- B. Types of Development Affected. These procedures shall apply to all new Service Connections as herein defined that are not exempted, waived or subsidized pursuant to § 2.01.

**ARTICLE III - PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF WATER AND WASTEWATER SERVICE IMPACT FEES**

**3.01 Imposition.**

The County shall calculate Water and Wastewater Service Impact Fees at the time of Service Connection Application. Water and Wastewater Service Impact Fees shall be paid by the Applicant at the time of Service Connection Application. Notwithstanding the foregoing, nothing in this Ordinance shall prevent the County from studying or adopting an alternate method of payment of the Water and Wastewater Service Impact Fee (e.g. payment over time through capacity assessment unit program).

**3.02 Calculation.**

- A. Upon receipt of a complete application for a Service Connection, the Administrator shall determine (a) whether it is a residential or non-residential use, and (b) the number of new Equivalent Residential Units.
- B. After making these determinations, the Administrator shall calculate the applicable Water and/or Wastewater Service Impact Fee in the following manner:
  1. Residential Uses. Multiply the number of Equivalent Residential Units created by the new Service Connection by the appropriate Water and

Wastewater Service Impact Fee amount pursuant to the Water and Wastewater Service Impact Fee Schedule, less any credits or service commitment fees that may have been paid pursuant to Article II or Article IV of this Chapter 110. The Meter Equivalents of a Non-Residential Use shall be the basis for purposes of calculation of the Water and/or Wastewater Service Impact Fees for Residential Uses that utilize a one inch or greater meter size.

2. Non-Residential Uses. Using the appropriate meter size equivalent, multiply the resulting number by the Single Family Water and/or Wastewater Service Impact Fees amount pursuant to the Water and Wastewater Service Impact Fee Schedule, less any credits or service commitment fees that may have been paid pursuant to Article II or Article IV of this Chapter 110.

C. An Applicant may request at any time a non-binding estimate of Water and Wastewater Service Impact Fees due for a particular development, however, such estimate is subject to change when a complete application for a Service Connection is made.

D. Water and Wastewater Service Impact Fees shall be calculated based on the Water and Wastewater Service Impact Fee Schedule, pursuant to § 2.01, in effect at the time of submittal of a Service Connection Application except where provided for in this Ordinance.

3.03 *Payment/Collection.*

A. Except as otherwise provided in this Ordinance, an Applicant shall pay the Water and/or Wastewater Service Impact Fees as set forth in § 2.01, Water and Wastewater Service Impact Fee Schedule, unless:

1. The Applicant is determined to not be subject to the payment of Water and Wastewater Service Impact Fees pursuant to § 2.01 D or E.

B. The Administrator shall collect the Water and Wastewater Service Impact Fees at the time of Service Connection Application.

C. Any Water and Wastewater Service Impact Fees collected by the County shall be held separate and distinct from all other revenues in the Water Service Impact Fee Fund and the Wastewater Service Impact Fee Fund, respectively.

D. The payment of the Water and/or Wastewater Service Impact Fees shall be in addition to all other fees, charges or assessments due for a new Service Connection.

E. The obligation for payment of the Water and/or Wastewater Service Impact Fees shall run with the land.

3.04 *Independent Fee Calculation.*

A. Applicant Fee Study. If an Applicant opts not to have the Water and/or Wastewater Service Impact Fee determined according to the Water and Wastewater Service Impact Fee Schedule, then the Applicant shall prepare and submit to the Administrator an Independent Fee Calculation Study for the new Service Connection.

B. The Applicant shall pay the County a fee of \$4,500.00 or an alternate fee as may be established by resolution of the Board of County Commissioners, for review and consideration of the Independent Fee Calculation.

C. The Independent Fee Calculation Study shall follow the prescribed methodologies and formats used in the Water and Wastewater Service Impact Fee Study by Tetra Tech HAI entitled "Water/Wastewater Service Impact Fee Study", dated August 2006 and as supplemented pursuant to § 1.07 of this Ordinance. The Water and Wastewater Service demand generation documentation submitted shall show the basis upon which the Independent Fee Calculation was made.

- D. The proposed Independent Fee Calculation Study shall be submitted to the Administrator. The Administrator shall mail a written determination to or request additional information from the Applicant within sixty (60) calendar days of a completed submital as to whether such calculation complies with the requirements of this section. Service Connections shall not be established in the interim.
- E. The Administrator shall consider the documentation submitted by the Applicant. The Administrator is not required to accept such documentation if it is deemed to be incomplete, inaccurate or unreliable. The Administrator may in the alternative, require the Applicant to submit additional or different documentation for consideration.
- F. If the Independent Fee Calculation Study is determined to be acceptable by the Administrator, then the Applicant shall pay the Independent Fee Calculation Water and Wastewater Service Impact Fee amount in lieu of an amount based upon the Water and Wastewater Service Impact Fee Schedule.
- G. If the Independent Fee Calculation Study is determined to be unacceptable, then the Independent Fee Calculation shall be rejected. Such rejection shall be in writing and set forth the reasons therefor and shall be provided to the Applicant by certified mail. The Applicant shall pay Water and/or Wastewater Service Impact Fee based upon the Water and Wastewater Service Impact Fee Schedule in effect at the time of rejection.
- H. The Applicant shall have thirty (30) calendar days from the receipt of written notification of rejection to request a hearing pursuant to § 3.07 of this Ordinance. A Service Connection shall not be made in the interim.

**3.05 Credits/Off-sets**

- A. A person may be allowed by prior utilities service agreement to construct a non-site related utility improvement listed in the Capital Improvement Program identified in the Schedules 2 and 2-3A of the Water and Wastewater Service Impact Fee Study which is in addition to his required site-related improvements as determined by the County Administrator and receive credits on a dollar basis against any Water and/or Wastewater Impact Fees due.
  - 1. Payment: Payment of Water and/or Wastewater Impact Fees credit shall be issued for projects identified in the County's CIP schedule.
  - 2. Application for Credits or Appeal: Application for credits or appeal from a decision by the County Administrator shall be made prior to the commencement of construction. No credits will be granted for construction except under the terms of a Board of County Commissioners' approved agreement.
- B. In addition to the foregoing, an Applicant may receive an off-set for any service commitment fees that the Applicant may have paid pursuant to Article II or Article IV of this Chapter 110. To receive an off-set for commitment fees paid by another party, the Applicant must present a valid assignment (original and notarized) from the person who paid the commitment fees.

**3.06 County Enforcement**

The Administrator is specifically authorized to take any and all steps and actions that are legally available to the County, including any court proceedings as are authorized by law, against any person who fails, neglects or refuses to pay a Water and/or Wastewater Service Impact Fee as required by § 2.01. Knowingly furnishing false information to the Administrator or other official in charge of the administration of this Ordinance on any matter relating to the administration of this Ordinance shall constitute a violation of this Ordinance. Any violation of this Ordinance is subject to the provisions of Pasco County Ordinance No. 00-05, as amended, and shall be considered a Class VI violation. Each act in violation of this Ordinance shall be considered a separate violation for the purpose of assessing penalties.

3.07 Appeals.

- A. An Applicant who is required to pay a Water and/or Wastewater Service Impact Fee pursuant to § 2.01 hereto shall have the right to request an appeal hearing before the Board of County Commissioners.
- B. Such appeal hearing shall include, but not be limited to, the review of the following:
  - 1. A determination by the County Administrator regarding the application of the Water and/or Wastewater Service Impact Fees pursuant to § 2.01 hereto or regarding a credit or offset pursuant to §3.05 hereto; or
  - 2. Denial of independent fee calculation.
- C. Except as otherwise provided in this Ordinance, the Applicant shall request such appeal hearing within thirty (30) days of the following, whichever is applicable:
  - 1. Payment of the Water and/or Wastewater Service Impact Fees; or
  - 2. Denial of an Independent Fee Calculation, offset or credit; or
  - 3. A change in circumstances that requires payment of the Water and/or Wastewater Service Impact Fees.
- D. Failure to request an appeal hearing within the time provided shall be deemed a waiver of such right.
- E. The request for an appeal hearing shall be filed with the Board through the Administrator. The request shall contain the following:
  - 1. The name and address of the Applicant or successor in interest; and
  - 2. The legal description of the property in question; and
  - 3. If paid, the date the Water and Wastewater Service Impact Fee was paid with a copy of the original receipt or cancelled check; and
  - 4. A statement of the reasons why the hearing is requested and supported by documentation and exhibits as to why the Water and Wastewater Service Impact Fee should not be paid; and
  - 5. A filing fee of \$250.00 or as amended by resolution by the Board from time to time.
- F. Upon receipt of such request, the Administrator shall schedule an appeal hearing as a Departmental Matter before the Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting such hearing and shall provide the Applicant written notice of the time and place of the hearing. The appeal hearing shall be held within forty-five (45) days of the date that the request for such hearing was properly filed.
- G. Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the appeal hearing shall be conducted in a fair and impartial manner with each interested party having an opportunity to be heard and to present information and evidence. The Board shall make the final determination. If possible, the Board shall make known its determination at the end of the hearing. A determination shall be in writing and issued within thirty (30) days of the hearing. All other appeal requirements, standards and procedures not specified herein shall be in accordance with Article 317 of the Land Development Code.



**ARTICLE IV - ESTABLISHMENT OF WATER AND WASTEWATER SERVICE IMPACT FEE FUNDS, APPROPRIATION OF IMPACT FEE FUNDS, AND REFUNDS**

**4.01 Water and Wastewater Service Impact Fee Funds.**

The County shall maintain Water and Wastewater Service Impact Fee Funds for Water and Wastewater Service Impact Fees. Such Funds shall clearly be identified as monies collected as Water and Wastewater Service Impact Fees. All Water and Wastewater Service Impact Fees collected by the County shall be deposited into the Water and Wastewater Service Impact Fee Funds.

**4.02 Appropriation of Water and Wastewater Service Impact Fee Funds.**

- A. In General. Water and Wastewater Service Impact Fees shall be appropriated for Water and Wastewater Service Facilities necessitated by new Service Connections and for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County to finance such Water and Wastewater Service Facilities.
- B. Water and Wastewater Service Impact Fees shall, upon receipt by the County, be deposited into the Water and Wastewater Service Impact Fee Funds.
- C. The Water and Wastewater Service Impact Fee monies shall be deposited into two separate and distinct accounts (one for water and one for wastewater) established by the Board and held and maintained separate from all other accounts of the Board.
- D. Water Service Impact Fee monies shall only be expended for Water Service Facilities within the County and Wastewater Service Impact Fee monies shall only be expended for Wastewater Service Facilities.
- E. All interest or investment income earned shall be available for appropriation or expenditure for Water and Wastewater Service Facilities.
- F. The monies from the Water and Wastewater Service Impact Fee Funds shall be used by the County solely to provide Water or Wastewater Service Facilities which are necessitated by new Services Connections, consistent with and as set forth in subsections G and H, below, and shall not be used for any expenditure that would be classified as an operating expense, routine maintenance or repair expense. The Board shall establish and implement necessary accounting controls to ensure that all Water and Wastewater Service Impact Fees are properly deposited, accounted for and appropriated in accordance with this Ordinance and any other applicable legal requirements.
- G. The Board shall use Water and Wastewater Service Impact Fees Funds' monies for the following components of those projects listed in the Capital Improvement Program identified in the Schedules 2 and 2-3A of the Water and Wastewater Service Impact Fee Study:
  - 1. design, permitting and building construction plan costs for the Water and Wastewater Service Facilities; and
  - 2. Water and Wastewater Service Facilities acquisition costs; and
  - 3. building construction costs, including all furnishings and equipment, of Water and Wastewater Service Facilities.
- H. Additionally, Water and Wastewater Service Impact Fee Funds' monies may be used for the following:
  - 1. repayment of monies borrowed from any budgetary fund of the County subsequent to the effective date of this Ordinance, where such borrowed monies were used to fund growth necessitated capital improvements to Water and Wastewater Service Facilities as provided herein;
  - 2. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to

fund growth-necessitated improvements to the Water and Wastewater Service Facilities subsequent to the effective date of this Ordinance.

**4.03 Refunds by the County.**

**A. Failure of the County to Use the Water and Wastewater Service Impact Fee Funds Within Time Limit.** The Applicant or a successor in interest may request a refund from the County of Water and Wastewater Service Impact Fees paid by an Applicant if the County has failed to use or appropriate the Water and Wastewater Service Impact Fees collected from the Applicant within the time limits as follows:

1. appropriated in the County's Ten Year Capital Improvement Program prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid; or
2. expended prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid.
3. for purposes of this section, fees collected shall be deemed to be spent or appropriated on the basis of "the first fee in shall be the first fee out."
4. for purposes of this section, all impact fees shall be deemed to be expended prior to the expenditure of any interest or investment income.
5. refunds shall be made only in accordance with the following procedure:
  - a. the Applicant or a successor in interest shall request the refund within one (1) year following the end of the calendar year immediately following ten (10) years from the date on which the fee was received; and
  - b. description and documentation of the County's non-use of the Water and Wastewater Service Impact Fees; and requests for a refund shall include all information required in § 4.03.B., as appropriate, and shall be submitted to the Board for approval.
6. for purposes of this section, any refund received shall not include interest or investment income while on deposit in the Impact Fee Funds.
7. The Administrator may request that the Board of County Commissioners grant a one (1) year extension to the time frames for appropriation and/or expenditure of the Water and Wastewater Service Impact Fees.

**B. Requests for refunds must be made by written request to the Administrator within the time limits as established herein. The Applicant, or successor in interest, shall submit:**

1. a notarized sworn affidavit stating that the individual requesting the refund is the Applicant or the successor in interest to the real property on which the Water and/or Wastewater Service Impact Fee was paid; and
2. name and address; and
3. the location of the property which was the subject of the Service Connection; and
4. the date the Service Connection was made; and
5. the amount of the Water and/or Wastewater Service Impact Fee paid and copies of original receipts or cancelled checks evidencing such payments; and

**C. Upon receipt of a completed request for a refund, the Administrator shall review the request and documentary evidence submitted by the Applicant as well as such other information and evidence as may be deemed relevant. After complete verification and satisfaction of the requirements, the County shall**

refund the Water and Wastewater Service Impact Fee from the County's Water and Wastewater Service Impact Fee Funds, as established pursuant to § 4.02.

4.04 Audits

Pursuant to Florida Statutes, Section 163.31801, audits of financial statements of local government entities and district school boards which are performed by a Certified Public Accountant pursuant to F.S. § 218.39 and submitted to the Auditor General shall include an affidavit signed by the Chief Financial Officer of the local government entity or district school board stating that the local government entity or district school board has complied with Florida Statutes, Section 163.31801.

ARTICLE V - EFFECT ON EXISTING DEVELOPMENT ORDERS OR DEVELOPMENT APPROVALS

The adoption of this Ordinance shall not invalidate the provisions of any Development Order or development approval requiring the developer to pay a fee for water or wastewater services as a part of the development approval process, unless the Development Order or development approval is specifically amended or modified by the Board. The payment of a fee, recording of a plat, or other development approval prior to the effective date of this Ordinance shall not exempt or vest any Person from the provisions of this Ordinance (unless such Person is exempt pursuant to the terms of this Ordinance). Nothing in this Ordinance shall affect the validity of fees imposed prior to the effective date of this Ordinance.

ARTICLE VI - CONFLICT AND CONSISTENCY

- A. To the extent of any conflict between any other County resolutions or ordinances including sections 110-39 and 110-124 and this Ordinance, this Ordinance shall be deemed to be controlling.
- B. Amendment To Sections 110-33 And 110-120 To make the current sections consistent with this ordinance the following changes are made to Sections 110-33(e) and (f) and 110-120(e) and (f) (deleted language is shown with strike through and new language is underlined):

Section 110-33 Service for Bulk Water Customers

(e) Impact fees. Appropriate impact fees for all existing flow at the time of connection will be determined by the board of county commissioners in accordance with subsection ~~(e)(1)~~ of this section Article V, and any new connections to the applicant's facility will pay impact fees in the amount equal to the retail impact fees as established for retail customers of the county's system pursuant ~~subsection 110-33(e)~~ to Article V.

(f) Existing customers. Bulk water customers presently connected to the county's utility system shall, where not otherwise precluded by law or specifically established by existing agreement, pay those impact fees established by the board of county commissioners for existing flow based upon a volume surcharge and shall further pay impact fees for any new connections or new flow in the same manner and amount as retail customers of the county's system established pursuant to ~~subsection 110-33(e)~~ Article V.

Sec.110-120 Service for bulk sewage customers

(e) Bulk impact fees. Appropriate impact fees for all flow at the time of connection will be determined by the board of county commissioners in accordance with subsection ~~(e)(1)~~ of this section Article V, and any new connections to the applicant's facility will pay impact fees in the amount equal to the retail impact fees as established for retail customers of the county's system pursuant to ~~subsection 110-124(b)~~ Article V.

(f) Existing bulk sewage customers. Bulk sewage customers connected to the county's utility system shall, where not otherwise precluded by law or specifically established by existing agreement, pay those impact fees established by the board of county commissioners for flow based upon a volume surcharge and shall further pay impact fees for any new connections or new flow in the same manner and amount as retail

customers of the county's system established pursuant to subsection 110-124(b) Article 6

- C. Repeal of Section Paragraphs 110-39(d) and 110-124(b). The sections of the Pasco County Code, Paragraphs 110-39(d) and 110-124(b), currently authorizing the imposition of impact fees are hereby repealed as of 90 days after the effective date of this ordinance.

**ARTICLE VII – EXTENSION AND MODIFICATION OF INSTALLMENT PROGRAM OF SECTION 110-119**

Section 110-119 of the Pasco County Code of Ordinances is hereby amended to read as follows (deleted language is shown stricken through and new language is underlined):

**Sec. 110-119. Service commitments.**

(a) *Existing service commitments.* All service commitments issued by the county prior to the effective date of the ordinance from which this article derives shall be automatically terminated if not used within one year from the date the ordinance from which this article derives takes effect unless the holder of the service commitments has renewed the service commitments by complying with subsection (b) of this section regarding new service commitments, including the payment of the service commitment fee.

(b) *New service commitments.* Upon receipt of a complete service application and a determination that service is available and a determination that service is available, the county will issue an intent to serve letter which grants conditional approval of service, subject to this article for a period of six months. The conditions under which the county grants such conditional approval and subsequent plan approval are summarized as follows:

- (1) Within six months of the issuance of the conditional approval, the applicant must submit construction drawings for the project to the county for review and approval. Upon approval of the construction drawings, the applicant is notified in writing that copies of the approved plans and state department of environmental protection permit forms are available for pickup upon receipt of the service commitment fee set forth in subsection (b)(3) of this section.
- (2) Construction plan approval by the utilities department is valid for a period of 12 months. If construction has not begun within 12 months, the applicant must reapply for service. If construction has not begun within six months and changes in the county's specifications have occurred, plans must be resubmitted for approval.
- (3) The service commitment fee is a nonrefundable payment equal to 100 percent of the impact fee in existence for the development or project at the time the service commitment is issued. Payment of the service commitment fee does not entitle the connection of the development to the project without paying impact fees in existence at the time of connection; however, the service commitment fee will be applied toward the impact fee in existence at the time the development is so connected to the system.
- (4) Only for single family detached residential developments with 25 or more units, the County may allow payment of the service commitment fee pursuant to the following installment program. Ten percent of the service commitment fee for a specific development or phase of development shall be due and payable at the time the county executes a sewer collection system permit application for the state department of environmental protection and 40 percent of the service commitment fee shall be due and payable either upon approval of construction plans by the county for the specific development or phase of development and upon issuance of the sewer collection system permit by the state department of environmental protection or within nine months after the county executes the sewer collection system permit application, whichever occurs first. The remaining 50 percent shall be due and payable either upon issuance of a building permit for a structure or unit which would exceed 50 percent of the development units

specified on the application executed by the county or 18 months after the initial ten percent service commitment fee payment, whichever occurs first. This subsection shall apply to any service commitments issued between September 26, 2005 and October 1, 2005.

**ARTICLE VIII - SEVERABILITY**

- A. If any section, subsection, sentence, clause, phrase or portion of these Procedures is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of these procedures shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of these procedures nor impair or nullify the remainder of such Procedures which shall continue in full force and effect.
- B. If the application of any provision of these procedures to any new Service Connections is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the Board is that such decision shall be limited to the specific new Service Connections immediately involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify these procedures as a whole or the application of any provision of these procedures to any other Service Connections.

**ARTICLE IX - INCLUSION IN CODE**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances in Chapter 110, as a new Article V., and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**ARTICLE X - EFFECTIVE DATE**

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption. This Ordinance shall take effect upon filing with the Department of State. Notwithstanding the foregoing, the timing of the imposition of the Water and Wastewater Service Impact Fees shall be governed by Article II of this Ordinance.

**ARTICLE XI - MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk of the Circuit Court pursuant to Article X.

**ARTICLE XII - RELATIONSHIP TO COMPREHENSIVE PLAN**

Pursuant to Section 163.3194(1), Florida Statutes, to the extent any portion of this ordinance is deemed to be inconsistent with the most recently adopted Comprehensive Plan, the provisions of the most recently adopted Comprehensive Plan shall govern any action taken in regard to an application for a development order until such time that the Comprehensive Plan and the inconsistent portion(s) of this ordinance are brought into conformity.

ADOPTED this 11<sup>th</sup> day of September 2006.

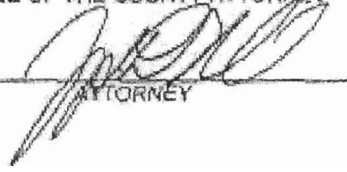


BOARD OF COUNTY COMMISSIONERS  
APPROVED  
SEP 11 2006

BY: [Signature] BY: [Signature]  
JED PITTMAN, CLERK STEVE SIMON, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
OFFICE OF THE COUNTY ATTORNEY

BY: \_\_\_\_\_



ATTORNEY

BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA  
REGULAR MEETING/REZONINGS

ANNOTATED AGENDA  
PREPARED IN THE OFFICE OF  
JED PITTMAN, CLERK OF THE CIRCUIT COURT

DECEMBER 5, 2006

HISTORIC PASCO COUNTY COURTHOUSE, BOARD ROOM 2<sup>ND</sup> FLOOR  
37918 MERIDIAN AVENUE, DADE CITY, FL 33525

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County Commissioners

Ted J. Schrader, District 1  
Pat Mulieri, Ed.D., District 2  
Ann Hildebrand, District 3  
Michael Cox, CFP, District 4  
Jack Mariano, District 5

County Administrator

John Gallagher

County Attorney

Robert D. Sumner

Clerk to the Board

Jed Pittman – ABSENT. Ms. Linda Dillon, Present.

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CALL TO ORDER - 1:30 P.M.

INVOCATION }  
PLEDGE OF ALLEGIANCE }  
ROLL CALL }

MS. LINDA DILLON, DEPUTY CLERK

CONSENT AGENDA

AGENDA ITEMS C 50, C 44, C 69, C 54, C 56, C 12 AND C 48 WERE PULLED FROM THE  
CONSENT AGENDA.

COMMISSIONER MULIERI MOVED APPROVAL OF THE CONSENT AGENDA WITH  
EXCEPTION OF THE NOTED ITEMS; COMMISSIONER COX SECONDED; MOTION CARRIED.

- P 15. AN ORDINANCE AMENDING ORDINANCE NO. 89-13, ADOPTING THE PASCO COUNTY COMPREHENSIVE PLAN, AS SUBSEQUENTLY AMENDED; PROVIDING FOR A **SMALL-SCALE DEVELOPMENT AMENDMENT TO THE FUTURE LAND USE MAP FROM RES-9 (RESIDENTIAL - 9 DU/GA) AND ROR (RETAIL/OFFICE/RESIDENTIAL) TO ROR (RETAIL/OFFICE/RESIDENTIAL) OVERLAY, AFFECTING 4.26 ACRES OF REAL PROPERTY OWNED BY TRINITY PLACE, LLC, IDENTIFIED AS PARCEL ID NO. 36-26-16-0000-00300-0110 (A PORTION OF); PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.** Comm. Dist. 3  
Memorandum GM07-142

**COMMISSIONER SCHRADER MOVED APPROVAL OF STAFF'S RECOMMENDATION OF ALTERNATIVE NUMBER ONE; COMMISSIONER MULIERI SECONDED; MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.**

- P 16. AN ORDINANCE AMENDING ORDINANCE NO. 89-13, ADOPTING THE PASCO COUNTY COMPREHENSIVE PLAN, AS AMENDED, PROVIDING FOR THE **PLAN AMENDMENT NO. 06-2(1), MODIFYING THE FUTURE LAND USE MAP FROM RES-3 (RESIDENTIAL - 3 DU/GA) TO RES-24 (RESIDENTIAL - 24 DU/GA), ON 28.27 ACRES, AND FROM RES-3 (RESIDENTIAL - 3 DU/GA) TO CON (CONSERVATION LANDS - 0 DU/GA) ON 1.61 ACRES, AFFECTING 29.88 ACRES, M.O.L., OWNED BY JAMES A. SCARPO II, RANDALL M. SHERMAN, AND CARLYLE M. WOLDING, IDENTIFIED AS PARCEL ID NOS. 34-26-19-0000-00800-0000, 34-26-19-0000-00500-0010, 34-26-19-0000-00500-0030, AND 34-26-19-0000-00500-0000, PROVIDING FOR A REPEALER, SEVERABILITY, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT THE PUBLIC HEARING AND AN EFFECTIVE DATE.**

**COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION OF ALTERNATIVE NUMBER ONE; COMMISSIONER MARIANO SECONDED; MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.**

AN ORDINANCE AMENDING ORDINANCE NO. 89-13, ADOPTING THE PASCO COUNTY COMPREHENSIVE PLAN, AS AMENDED, PROVIDING FOR THE **PLAN AMENDMENT NO. 06-2(2), MODIFYING THE FUTURE LAND USE MAP FROM CON (CONSERVATION LANDS - 0 DU/GA) TO RES-6 (RESIDENTIAL - 6 DU/GA), AFFECTING 194.42 ACRES, M.O.L., OWNED BY NG DEVELOPMENT CORPORATION, IDENTIFIED AS PARCEL ID NO. 27-25-17-0000-00400-0010; AND FROM RES-6 (RESIDENTIAL - 6 DU/GA) TO CON (CONSERVATION LANDS - 0 DU/GA), AFFECTING 358.45 ACRES, M.O.L., OWNED BY SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, IDENTIFIED AS**



**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**FEBRUARY 8, 2007**

**1:30 p.m. - Historic Pasco County Courthouse, Board Room, 2<sup>nd</sup> Floor,  
37918 Meridian Avenue, Dade City, FL 33525**

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**DEVELOPMENT REVIEW COMMITTEE**

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director

Daniel R. Johnson  
Assistant County Administrator  
(Public Services)

Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)

Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)

Ray Gadd – **Absent**  
District School Board of Pasco County

**LEGAL COUNSEL**

Robert Sumner  
County Attorney

**ADVISORY STAFF**

Cynthia M. Jolly, P.E., CFM  
Development Director  
Samuel P. Steffey II  
Growth Management  
Administrator  
James C. Widman

Engineering Services Director  
Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

Representative of the Clerk  
of the Circuit Court

Lee W. Millard – **Absent**  
Assistant Zoning/Code  
Compliance Administrator

Andy Alipour – **Absent**  
Technical Specialist II

Paul J. Montante – **Absent**  
Technical Specialist II

Ahsan K. Khalil  
Transportation Planner II

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**I. ROLL CALL**

Ms. Katie McCormick, Deputy Clerk, called the roll. All members were present except Mr. Gadd.

The applicant's representative agreed to the conditions.

**MR. NURRENBROCK MOVED** approval of the added condition.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Discussion followed regarding turn lanes for this development.

Mr. Ahsan Khalil, Growth Management, explained the turn-lane requirements.

The Committee and Mr. Millian discussed condition number 29 which related to proportionate share payment and the turn-lanes options.

**MR. NURRENBROCK MOVED** to eliminate condition 3.b.i.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**MR. NURRENBROCK MOVED** to eliminate condition 3.b.iii, subject to the preliminary plan showing private streets and an exit only lane.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Further discussion followed regarding the requirements for turn lanes. It was decided to determine at the time of preliminary plan any further changes to the turn-lane requirements.

**MR. NURRENBROCK MOVED** in accordance with the outcome of the discussion regarding turn lanes.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

There was no opposition to the request.

**MR. NURRENBROCK MOVED** approval of the remainder of the agenda item.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

5. Memorandum No.: ZN07-167  
Project Name: Scarpo MPUD Master Planned  
Unit Development

Commissioner: The Honorable Pat Mulieri, Ed.D.  
 Location: In South Central Pasco County, abutting the east side of the intersection of Cypress Creek Road, approximately 1,100 feet south of the intersection of Cypress Creek Road and S.R. 54, Section 34, Township 26 South, Range 19 East.

Acreage: 26.697 Acres, m.o.l.  
 Proposed Development: The applicants are proposing to rezone the subject property from E-R Estate-Residential and AR-1 Agricultural-Residential Districts to an MPUD Master Planned Unit Development for development of a maximum of 488 multifamily units.

RECOMMENDATION: Approval with conditions.

Ms. Dianne Naeyaert, Growth Management, clarified one condition of approval.

Discussion followed regarding paving issues and traffic.

**MR. NURRENBROCK AND MR. PARIKH MOVED** to repave Cypress Creek to a width of 24' and to refinish Cypress Creek from Laurel Ridge to Bald Cypress Lane.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Discussion followed regarding right-of-way, safety, and level of service issues.

Mr. Clark Hobby, representing King Ranch, said his purpose in attending this meeting was to ask for a continuance of 30 days so his client could work with the applicant in the matters of right-of-way and road improvements.

Mr. Jerry Figurski, applicant's representative, said that while his client would rather proceed immediately, he would agree to a two-week continuance.

Chairman Gallagher suggested a traffic study be done right away.

**MR. NURRENBROCK MOVED** for a two-week continuance.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**REGULAR MEETING**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**FEBRUARY 22, 2007**

**1:30 p.m. - West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598**

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**DEVELOPMENT REVIEW COMMITTEE**

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E. - **Absent**  
Assistant County Administrator  
(Development Services)  
Ray Gadd  
District School Board of Pasco County

**ADVISORY STAFF**

Cynthia M. Jolly, P.E.  
Development Director  
Debra Zampetti  
Zoning/Code Compliance  
Administrator  
Samuel P. Steffey II  
Growth Management Administrator  
James C. Widman, P.E.  
Engineering Services Director  
Representative of the Clerk  
of the Circuit Court

**LEGAL COUNSEL**

Robert D. Sumner  
County Attorney

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Chairman Gallagher called the meeting to order at 1:30 p.m.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

VIII. REGULAR AGENDA

A. Class II

None scheduled.

B. Class III

1. Memorandum No.: ZN07-212  
Project Name: Scarpo MPUD Master Planned Unit Development  
Commissioner: The Honorable Pat Mulieri, Ed.D.  
Location: In South Central Pasco County, abutting the east side of the intersection of Cypress Creek Road, approximately 1,100 feet south of the intersection of Cypress Creek Road and S.R. 54, Section 34, Township 26 South, Range 19 East.  
Acreage: 29.697 Acres, m.o.l.  
Proposed Development: The applicants are proposing to rezone the subject property from E-R Estate-Residential and AR-1 Agricultural-Residential to MPUD Master Planned Unit Development for development of a maximum of 488 multifamily units.  
RECOMMENDATION: Approval with conditions.

Chairman Gallagher noted that Staff had received additional information and it needed to be reviewed. He suggested the item be continued.

Mr. Jerry Figurski, representative, agreed to a continuance.

**MR. NURRENBROCK MOVED** to continue the item to March 15, 2006, 1:30 p.m., New Port Richey.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

C. Class IV

None scheduled.

IX. DEVELOPMENT ISSUES DISCUSSION

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**REGULAR MEETING**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**MARCH 15, 2007**

**1:30 p.m. – West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598**

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**DEVELOPMENT REVIEW COMMITTEE**

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)  
Ray Gadd  
District School Board of Pasco County

**LEGAL COUNSEL**

Robert Sumner,  
County Attorney

**ADVISORY STAFF**

Cynthia M. Jolly, P.E., CFM  
Development Director  
Samuel P. Steffey II  
Growth Management Administrator  
James C. Widman  
Engineering Services Director  
Debra M. Zampetti  
Zoning/Code Compliance  
Administrator  
Representative of the Clerk  
of the Circuit Court  
Andy Alipour  
Technical Specialist II  
Ahsan K. Khalil  
Transportation Planner II  
Paul J. Montante  
Technical Specialist II  
Dianne M. Naeyaert  
Planner I  
Patrick J. Olson  
Development Review Technician III

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**I. ROLL CALL**

Ms. Donalee Schmidt, Deputy Clerk, called the roll. All members were present.

Major White agreed with Mr. Nurrenbrock's suggestion regarding outside storage.

**MR. NURRENBROCK MOVED** to include an additional condition that there would be no outside storage of any retail material or display on site.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**MR. NURRENBROCK MOVED** approval of Staff's recommendation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

## V. REGULAR AGENDA

### A. Class III

1. **Memorandum No.:** ZN07-248  
**Project Name:** Scarpo MPUD Master Planned Unit Development  
(Continued from the February 22, 2007, Development Review Committee Meeting)

**Proposed Development:** The applicants are proposing to rezone the subject property from E-R Estate-Residential and AR-1 Agricultural-Residential to MPUD Master Planned Unit Development for the development of a maximum of 488 multifamily units.

**RECOMMENDATION:** Approval with conditions.

Mr. Jerry Figurski, representative, agreed with Staff's recommendation with the exception of three conditions. He spoke regarding the request.

### Condition 24, page 3 of 9

Mr. Figurski explained if a proportionate share payment was to be allowed, it would be for the turn lane and signalization improvements at S.R. 54. He noted this was a DOT funded project. The developer would make their proportionate share to those improvements. He requested Staff be authorized to change the conditions to allow the proportionate share as the item went to the Planning Commission and then to the Board.

Mr. Parikh explained the Cypress Creek Town Center pipeline would be a six lane project. Staff would ask the DOT to allow a light at the site. There had been some difference of opinion within the DOT regarding the light. He felt the light was needed as this was a major north-south road. It was his intent to include those improvements. The representative's request was acceptable.

**Condition 26, page 4 of 9**

Mr. Figurski spoke regarding the wording of the condition. He requested the language "unless otherwise approved by the DRC" be added at the end of the condition.

Ms. Naeyaert agreed with the revision.

Mr. Nurrenbrock asked if the light was not permitted by DOT would Staff's recommendation change.

Mr. Parikh said if the light was not approved it would be a very difficult project to approve. There may be options available.

Mr. Figurski said they would at least be able to come back to the DRC to discuss the issue rather than having to go back through the MPUD amendment process.

**MR. NURRENBROCK MOVED** to revise Condition 26 to add unless otherwise approved by the Development Review Committee.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**Cypress Creek Road Improvements**

Mr. Figurski referred to the diagram and spoke regarding problems with trees and utilities too close to the pavement. He referred to photographs of the area and spoke regarding the clear zone. He requested "room to move" within the context of those conditions. He accepted the fact they had to be done by the developer and noted the total cost of the improvements were estimated at \$442,000.00 of which the developer's portion was \$76,000.00. He requested at the beginning of paragraph C the words "unless otherwise approved by the DRC" be inserted. He knew the worst case scenario was that there would be litigation on the road right-of-way to the south. He spoke regarding the sharing of costs with the developer to the south. Another alternative was to have the developer complete C1 which involved the paving. He spoke further regarding possible alternatives, shielding with guardrails, and the possible removal of trees. He understood the improvements were needed for the developer to move forward.

Mr. Greg Ricks spoke in opposition to the request. Without the dedication required from the King Ranch, there was insufficient right-of-way to accommodate the paving



condition, the slope or the substandard clear zone. He spoke regarding the 3 million dollar proportionate share required of the King Ranch for the same type of project.

Mr. Figurski spoke regarding the possible use of guard rails. He noted this project was smaller than the King project.

Chairman Gallagher asked about expert testimony regarding the guard rails.

Mr. Michael Raysor noted the American Association of State and Highway Transportation Officials published a roadside design guide which listed six general design options, one of which was shielding with guard rails. He noted this was a general engineering practice.

Chairman Gallagher said Staff and the consultants had not reviewed that information.

**MR. NURRENBROCK MOVED** to receive and file guidelines submitted by Mr. Michael Raysor.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Mr. Figurski spoke regarding the substandard road conditions.

Chairman Gallagher asked about Condition 24 which required the developer to construct or bond improvements unless otherwise approved by the DRC.

Ms. Zampetti explained they could just pay. She noted language could be added which stated prior to the issuance of the first building permit the developer shall construct the following improvements with no bond option identified in Condition 24 a through 46.

Chairman Gallagher said for Condition 24, items 1, 2, and 3 could be bonded or the developer would pay a proportionate share.

Mr. Parikh stated that was correct. He did not object to the proportionate share payment.

Discussion followed regarding the language concerning the proportionate share.

**MR. NURRENBROCK MOVED** for Condition 24 to amend 1, 2, and 3 to insert the wording "or make a proposed proportionate share payment of".

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Chairman Gallagher clarified that items 4, 5 and 6 had to be done and spoke regarding the site access improvements. Site access improvements 1 and 2 had to be completed. Item C 1, 2, 3, 4, and 5 were safety issues that would need to be completed.

Mr. Nurrenbrock said Mr. Figurski had requested item C to read unless otherwise approved by the DRC.

Chairman Gallagher asked what would happen to have Staff change their mind about this section a substandard road. He did not want the DRC to approve something that would switch the liability to the County.

Mr. Parikh said Staff had not yet reviewed the guard rail issue.

Chairman Gallagher stated he wanted Staff and the outside consulting engineer to review the item.

Mr. Goldstein said if the DRC chose to use the language which read unless otherwise approved by the DRC they would need some kind of deadline for the approval such as preliminary plan approval.

Discussion continued regarding the language.

Chairman Gallagher suggested Condition 24C be revised to read unless approved by the DRC, the issue of barricades needed to be addressed prior to preliminary plan approval. If it was not, the continuance would stay.

Mr. Kennedy said the traffic study had been reviewed by Staff. He asked if the guard rail issue was included within the traffic study.

Mr. Raysor explained the developer thought they would have additional maintained right-of-way and not go down to the guard rail option. He spoke regarding design options. He noted they had not spent a lot of time on the guard rail option and would need to spend more time reviewing the issue with Staff.

**MR. NURRENBROCK MOVED** on item C, substandard road improvements, to include unless otherwise approved by the DRC prior to preliminary plan approval they must completed what was listed in item 1 through 5.

Mr. Kennedy asked if that would imply they would revise their traffic study to substantiate the proposed mitigation.

Chairman Gallagher felt they would need to.

Mr. Figurski agreed.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**Condition 17**

Mr. Johnson asked if this would be a gated community. If so, was there a provision for the interconnection.

Ms. Zampetti stated there would be an interconnection.

Ms. Naeyaert said the applicant had proposed a gated community and Staff requested an interconnection. The applicant requested the interconnect be a gated-type of interconnect.

Ms. Jolly said this project involved apartments and if they wanted a public interconnection they should address the issue now.

Discussion followed regarding past projects; grade separation; and apartment projects.

Chairman Gallagher clarified this would be a gated community with private streets and emergency access points that were barricaded.

Ms. Jolly noted any gates installed would have the SOS system for emergency services.

**MR. NURRENBROCK MOVED** approval of the remainder of the agenda item.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

2. **Memorandum No.:** ZN07-249  
**Project Name:** King Ranch MPUD Master Planned Unit Development  
**Proposed Development:** Applicants are proposing to rezone the subject property from A-C Agricultural to MPUD Master Planned Unit Development for development of a maximum of 548 multi-family units.  
**RECOMMENDATION:** Approval with conditions.

Mr. Sumner requested the item be continued for two weeks to allow him to review the consistency of the proposed MPUD with the Comprehensive Plan sub area policies that were adopted at the time this project was approved as an employment center designation.

**PASCO COUNTY PLANNING COMMISSION  
PUBLIC HEARING**

**APRIL 11, 2007**

**\*\*\*AGENDA\*\*\***

**WEST PASCO GOVERNMENT CENTER  
BOARD ROOM  
7530 LITTLE ROAD  
NEW PORT RICHEY, FL 34654  
1:30 P.M.**

1. CALL TO ORDER
  - A. Invocation
  - B. Pledge of Allegiance
2. MINUTES
  - A. February 7, 2007
3. OLD BUSINESS

None Scheduled
4. NEW BUSINESS
  - A. Rezoning Petitions/Special Exception Petitions

ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING WILL NEED A RECORD OF PROCEEDINGS AND MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE ZONING/CODE COMPLIANCE DIVISION, WEST PASCO GOVERNMENT CENTER, 7530 LITTLE ROAD, NEW PORT RICHEY, FL 34654; (727) 847-8110 (V) IN NEW PORT RICHEY; (352) 521-4274, EXT 8110 (V) IN DADE CITY; AND VIA 1-800-955-8771 IF YOU ARE HEARING IMPAIRED.

**PASCO COUNTY PLANNING COMMISSION**  
**April 11, 2007 – 1:30 PM**  
**REZONING RECOMMENDATIONS**  
**NEW PORT RICHEY**  
 West Pasco Government Center, Board Room  
 7530 Little Road, New Port Richey, FL 34654-5598

**\*\*CONSENT AGENDA**

<u>NUMBER</u>	<u>APPLICANT</u>	<u>SIZE</u>	<u>PRESENT</u>	<u>REQUEST</u>	<u>S/T/R</u>	<u>GROWTH MGMT/ZONING</u>	<u>PLANNING COMMISSION</u>	<u>OPPOSITION</u>	<u>DISTRICT &amp; TAZ</u>
**RZ-6635	R & R PROPERTY VENTURES, LLC ET AL. (Page 014)	4.6 acs.	A-C, R-MH & C-2	C-2	35-25-18	Approval with Conditions	_____	_____	2/150
**RZ-6636	R & R PROPERTY VENTURES, LLC (Page 021)	4.96 acs.	R-MH	PO-2	35-25-18	Approval with Conditions	_____	_____	2/150
RZ-6678	ENVIRONMENTAL WASTE CONTROL, INC. (Con't from 1/10/07 PC Mtg.) (Page 027)	1.17 acs.	C-3	I-1	27-25-16	Con't to 6/6/07 PC Mtg. 1:30 p.m. New Port Richey	_____	_____	4/24
RZ-6692	SYLVIA J. & JAMES A. SCARPO, II ET AL/SCARPO MPUD (Con't fr 3/14/07 PC Mtg.) (Page 042)	29.7 acs.	E-R & AR-1	MPUD	34-26-19	Approval of DRC Recommendation with Conditions	_____	_____	2/169
**RZ-6694	GULF COAST HARLEY DAVIDSON, INC (Page 065)	5.73 acs.	A-C & C-2	C-2	27-26-19	Approval with Conditions	_____	_____	2/176
RZ-6695	M.D. KING, LTD., ET AL./KING RANCH MPUD, PHASE 1 (Page 075)	42 acs.	A-C	MPUD	34-26-19	Con't to 5/9/07 PC Mtg. 1:30 p.m. Dade City	_____	_____	2/169



5. The surrounding area is characterized by residential and agricultural pursuits.
6. The Board of County Commissioners has approved several rezonings for portions of the subject property. They are as follows:
  - a. Petition No. 2586, on August 28, 1984, from an A-C Agricultural District to an E-R Estate-Residential District with conditions for ten acres of the subject request.
  - b. Petition No. 5188, on November 18, 1997, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for 10.04 acres of the subject request.
  - c. Petition No. 5441, on June 22, 1999, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for ten acres of the subject request.
7. On December 5, 2006, the BCC approved a land-use amendment for the subject property, Ordinance No. 06-42, amending the Future Land Use classification from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) on 28.27 acres and CON (Conservation Lands) on 1.61 acres.
8. Water and sewer are to be serviced by Pasco County.
9. On May 10, 2005, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
10. On February 8, 2007, the Development Review Committee continued the subject request to February 22, 2007, and then continued it again to March 15, 2007. Accordingly, the Planning Commission and Board of County Commissioners meetings must be continued.

STAFF RECOMMENDATION TO THE PLANNING COMMISSION:

Continue to the April 11, 2007, 1:30 p.m., Planning Commission Meeting, New Port Richey

PLANNING COMMISSION ACTION:

Continue to the April 11, 2007, 1:30 p.m., Planning Commission Meeting, New Port Richey

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Continue to the May 8, 2007, 1:30 p.m., Board of County Commissioners Meeting, Dade City

BOARD OF COUNTY COMMISSIONERS ACTION:

BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA  
REGULAR MEETING/REZONINGS

ANNOTATED AGENDA  
PREPARED IN THE OFFICE OF  
JED PITTMAN, CLERK OF THE CIRCUIT COURT

MAY 8, 2007

HISTORIC PASCO COUNTY COURTHOUSE, BOARD ROOM 2<sup>ND</sup> FLOOR  
37918 MERIDIAN AVENUE, DADE CITY, FL 33525

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County Commissioners	Chairman Ann Hildebrand, District 3 Vice-Chairman Ted J. Schrader, District 1 Pat Mulieri, Ed.D., District 2 Michael Cox, CFP <sup>®</sup> , District 4 Jack Mariano, District 5
County Administrator	John J. Gallagher
County Attorney	Robert D. Sumner
Clerk to the Board	Jed Pittman – Absent. Ms. Linda Dillon, Deputy Clerk, Present

\*\*\*\*\*

CALL TO ORDER - 10:00 A.M.

INVOCATION	}	
PLEDGE OF ALLEGIANCE	}	MS. LINDA DILLON, DEPUTY CLERK
ROLL CALL	}	

CONSENT AGENDA

AGENDA ITEMS C 55, C 58 AND C 5 WERE PULLED FROM THE CONSENT AGENDA.

COMMISSIONER COX MOVED APPROVAL; COMMISSIONER SCHRADER AND  
COMMISSIONER MARIANO SECONDED; MOTION CARRIED.

CONSTITUTIONAL OFFICERS

Minutes—Approval

- C 1. Board of County Commissioners  
Regular Meeting/Rezoning  
March 13, 2007



CONDITION REGARDING THE WETLAND AND TO ADDRESS IT AT SITE PLAN REVIEW; COMMISSIONER COX SECONDED; MOTION CARRIED.

COMMISSIONER COX DIRECTED STAFF TO LOOK AT A COMP PLAN AMENDMENT REGARDING THE WETLANDS; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.

RZ-6692 Sylvia J. and James A. Scarpo II, et al./Scarpo MPUD; Comm. Dist. 2

COMMISSIONER MULIERI MOVED TO CONTINUE TO MAY 22, 2007, 1:30 P.M., NEW PORT RICHEY; COMMISSIONER COX AND COMMISSIONER MARIANO SECONDED; MOTION CARRIED.

RZ-6695 M.D. King, Ltd., et al./King Ranch MPUD, Phase 1; Comm. Dist. 2

COMMISSIONER MULIERI MOVED TO CONTINUE TO JUNE 19, 2007, 1:30 P.M., NEW PORT RICHEY; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.

CU07-09 Sunshine Investments, LLC/Hambone and Tiny's Sports Bar; Comm. Dist. 2

COMMISSIONER MULIERI MOVED TO RECEIVE AND FILE A PETITION PRESENTED BY MR. GERALD RUNYONS; COMMISSIONER SCHRADER SECONDED; MOTION CARRIED.

COMMISSIONER SCHRADER MOVED APPROVAL OF STAFF'S RECOMMENDATION; COMMISSIONER MULIERI SECONDED; MOTION CARRIED.

**Miscellaneous Matters**

None Scheduled

**BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA  
REGULAR MEETING/REZONINGS**

**ANNOTATED AGENDA  
PREPARED IN THE OFFICE OF  
JED PITTMAN, CLERK OF THE CIRCUIT COURT**

**MAY 22, 2007**

**WEST PASCO GOVERNMENT CENTER, BOARD ROOM  
7530 LITTLE ROAD, NEW PORT RICHEY, FL 34654**

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**County Commissioners** Chairman Ann Hildebrand, District 3  
Vice-Chairman Ted J. Schrader, District 1  
Pat Mulieri, Ed.D., District 2  
Michael Cox, CFP®, District 4  
Jack Mariano, District 5

**County Administrator** John J. Gallagher

**County Attorney** Robert D. Sumner

**Clerk to the Board** Jed Pittman – Absent. Ms. Linda Dillon, Deputy Clerk, Present.

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**CALL TO ORDER - 10:00 A.M.**

**INVOCATION** }  
**PLEDGE OF ALLEGIANCE** } **MS. LINDA DILLON, DEPUTY CLERK**  
**ROLL CALL** }

**CONSENT AGENDA**

**AGENDA ITEMS C 68, C 73, C 17, C 49, AND C 18 WERE PULLED FROM THE CONSENT AGENDA AND AGENDA ITEM C 29 WAS WITHDRAWN.**

**COMMISSIONER MULIERI MOVED APPROVAL OF THE CONSENT AGENDA WITH EXCEPTION OF THE NOTED ITEMS; COMMISSIONER COX SECONDED; MOTION CARRIED.**

**CONSTITUTIONAL OFFICERS**

**Minutes—Approval**

- C 1. Board of County Commissioners  
Regular Meeting/Rezoning  
March 27, 2007

Location Maps

Board of County Commissioners Agenda

Regular-Rezonings

RZ-6558 Burcaw Development Group, Inc./Lake Patience  
MPUD Master Planned Unit Development; Comm.  
Dist. 2

**COMMISSIONER MULIERI MOVED TO RECEIVE  
AND FILE A PICTURE SUBMITTED BY MS.  
DEBBIE MOORE; COMMISSIONER MARIANO  
SECONDED; MOTION CARRIED.**

**COMMISSIONER MULIERI MOVED TO APPROVE  
THE PLANNING COMMISSION'S  
RECOMMENDATION, WHICH WAS TO DENY THE  
REQUEST; COMMISSIONER MARIANO  
SECONDED.**

**COMMISSIONER MULIERI WITHDREW HER  
MOTION; COMMISSIONER MARIANO WITHDREW  
HIS SECOND.**

**COMMISSIONER MULIERI MOVED TO REMAND  
THE PETITION BACK TO THE DRC IN ORDER TO  
MAKE SIGNIFICANT CHANGES; COMMISSIONER  
MARIANO SECONDED; MOTION CARRIED.**

RZ-6692 Sylvia J. and James A. Scarpo II, et al./Scarpo  
MPUD; Comm. Dist. 2

**COMMISSIONER MULIERI MOVED TO RECEIVE  
AND FILE DOCUMENTATION PRESENTED BY  
MR. JERRY FIGURSKI; COMMISSIONER  
MARIANO SECONDED; MOTION CARRIED.**

**COMMISSIONER MULIERI MOVED TO RECEIVE  
AND FILE DOCUMENTATION PRESENTED BY  
MR. LEE BERNARD; COMMISSIONER MARIANO  
SECONDED; MOTION CARRIED.**

**COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.**

CU07-13 Outlaw Ridge, Inc./Lago Verde Mine; Comm. Dist. 2

**COMMISSIONER MULIERI MOVED TO RECEIVE AND FILE DOCUMENTATION PRESENTED BY MR. ROBERT WILLIAMS; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.**

**COMMISSIONER MULIERI MOVED APPROVAL OF STAFF'S RECOMMENDATION; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.**

RZ-6668 Behnke Land Trust Number One/Legacy MPUD; Comm. Dist. 3

**COMMISSIONER SCHRADER MOVED TO CONTINUE TO JULY 24, 2007, 6:30 P.M., NEW PORT RICHEY; COMMISSIONER MULIERI SECONDED; MOTION CARRIED.**

RZ-6697 Wright Brothers Enterprises, LLC; Comm. Dist. 4

**COMMISSIONER MULIERI MOVED TO CONTINUE TO JUNE 19, 2007, 1:30 P.M., NEW PORT RICHEY; COMMISSIONER COX SECONDED; MOTION CARRIED.**

**Miscellaneous Matters**

None Scheduled



2. Presently, the subject site contains three single-family dwellings, a pole barn, and a portion of Cypress Creek (per the submitted survey) on the eastern boundary. The applicants propose to develop the property with a maximum of 488 multifamily units.
3. Access to the property is from Cypress Creek Road, a County-maintained road, which has 50 feet of right-of-way with 18 feet of pavement, and has been designated a two-lane collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
4. The subject property is located in Flood Zones "C," "B," and "A4," and development within these areas is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
5. The surrounding area is characterized by residential and agricultural pursuits.
6. The Board of County Commissioners has approved several rezonings for portions of the subject property. They are as follows:
  - a. Petition No. 2586, on August 28, 1984, from an A-C Agricultural District to an E-R Estate-Residential District with conditions for ten acres of the subject request.
  - b. Petition No. 5188, on November 18, 1997, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for 10.04 acres of the subject request.
  - c. Petition No. 5441, on June 22, 1999, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for ten acres of the subject request.
7. On December 5, 2006, the BCC approved a land-use amendment for the subject property, Ordinance No. 06-42, amending the Future Land Use classification from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) on 28.27 acres and CON (Conservation Lands) on 1.61 acres.
8. Water and sewer are to be serviced by Pasco County.
9. On May 10, 2005, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
10. On February 8, 2007, the Development Review Committee continued the subject request to February 22, 2007, and then continued it again to March 15, 2007. Accordingly, the Planning Commission and Board of County Commissioners meetings had to be continued.

DEVELOPMENT REVIEW COMMITTEE ACTION (3/15/07):

Approved with Amended Conditions

AMENDED CONDITIONS:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, the developers shall construct, or bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:
  - a. Off-Site Improvements:
    - (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
    - (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
    - (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

Prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper.
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper.
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet.

c. Substandard Road Improvements:

**Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:**

- (1) Repave Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00.
- (2) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.
- (3) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.
- (4) On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.
- (5) On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)

26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, **unless otherwise approved by the DRC.**

**STAFF RECOMMENDATION TO THE PLANNING COMMISSION:**

Approval of the Development Review Committee's Recommendation with Conditions

**PLANNING COMMISSION ACTION:**

Denial of Staff Recommendation:   4   Ayes;   4   Nayes

A motion to approve the applicants' request resulted in a 4-4 tie. Under Article 300, Administrative and Enforcement; Section 305, Waiver of Defects/Continuances/Tie Votes; Subsection 305.1(C):

For the purpose of this Code, a tie vote on any application before the Board of County Commissioners, Planning Commission, or Development Review Committee shall constitute a denial of that application.

Therefore, the Planning Commission is recommending denial.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Approval of Development Review Committee's Recommendation with Conditions

CONDITIONS:

See Attachment

BOARD OF COUNTY COMMISSIONERS ACTION:

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**SCARPO  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6692**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted October 30, 2006, unless otherwise stipulated or modified herein.

Open Space/Buffering

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. For Category II and Category III wetlands, there shall be a buffer around all preserved Southwest Florida Water Management District (SWFWMD) wetlands with an average width of 25 feet, but no less than 15 feet, unless otherwise accepted by the SWFWMD; Army Corp of Engineers wetlands do not require additional buffers. There shall be a 25-foot minimum buffer, not inclusive of any lots, around all postdevelopment Category I wetlands. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD.
4. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. Unless a nonfee simple, residential product is built, the homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
5. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
  - a. The developers shall establish a 50-foot buffer from the Cypress Creek Critical Linkage. No development activity shall occur within the critical linkage and the 50-foot buffer.
  - b. The applicant shall send a copy of the Florida Fish and Wildlife Conservation Commission (FFWCC) Gopher Tortoise Permit to the Development Review Division (DRD) for their project files prior to the issuance of the Site Development Permit.
  - c. The applicant shall send a copy of the SWFWMD Environmental Resource Permit to the DRD for their project files prior to the issuance of the Site Development Permit.
6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the FFWCC to the DRD.
7. Prior to construction plan/construction site plan approval, the developers shall submit to the DRD a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developers shall submit to the DRD a copy of the Environmental Resource Permit.
8. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on December 11, 2006. Although no archaeological sites eligible for the

National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

9. The developers shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developers shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes (F.S.), is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable. This condition shall not apply if a nonfee simple, residential product is built.
10. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Neighborhood Parks Ordinance. Specific review and approval of the neighborhood parks will be conducted at each preliminary plan/preliminary site plan review.

#### Ordinances

11. In addition to the MPUD Master Planned Unit Development conditions of approval, the developers shall comply with all Pasco County ordinances, including all impact fee ordinances.
12. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owners/developers shall be required to comply with such ordinances/resolutions.
13. School-concurrency requirements as may be adopted by the County in the future are not waived nor satisfied by this rezoning approval. The owners/developers shall be required to comply with all provisions of a subsequently adopted School-Concurrency Program and the requirements to provide for school capacity as mandated.

#### Transportation/Circulation

##### Access Management

14. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
15. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further intersection improvements along the internal road intersections and Cypress Creek Road.
16. Prior to preliminary plan/preliminary site plan submittal, the developers shall supply evidence that they have coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcels to the south to identify and provide the location of the required interconnecting roadway.
17. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable

to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

Dedication of Right-of-Way

18. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
19. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
20. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
21. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road, solely to the extent such right-of-way is owned by the developers (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developers shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developers' property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developers' property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developers' project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

Design/Construction Specifications

22. The applicants agree to discontinue and remove, at the applicants' sole expense, the interim uses in the Cypress Creek Road Transportation Corridor no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvements Element or the Florida Department of Transportation (FDOT) in the FDOT's Five-Year Transportation Improvement Program (Termination Date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension. The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.
23. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
24. The developers have submitted a traffic study which was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:
  - a. Off-Site Improvements:
    - (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).

- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

Prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper.
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper.
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet.

c. Substandard Road Improvements:

Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:

- (1) Repave Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00.
- (2) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.
- (3) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.
- (4) On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.
- (5) On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)

25. Prior to or concurrent with the approval of the first construction plan/construction site plan, the developers shall obtain Right-of-Way Use Permits for the construction of the improvements identified in Condition No. 24.
26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, unless otherwise approved by the DRC.
27. Prior to final plat or preliminary site plan/construction site plan approval occurring after December 31, 2009, the developers shall submit an updated traffic study utilizing a methodology approved by Pasco

County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.

28. The traffic study submitted by the applicants assumes the following land uses: 538 apartment dwelling units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developers shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicants or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicants or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicants or development based on the updated County-approved traffic study.
29. The Developers shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developers shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developers shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicants/developers and their successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
30. The developers may submit an overall pedestrian/bike path plan to the Zoning/Code Compliance Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County Land Development Code as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, F.S., or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the Land Development Code is required.

**Utilities: Drainage, Water Service, Wastewater Disposal**

31. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
32. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year-flood elevation data.
33. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
  - a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and nonpotable water lines, if applicable.

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- c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.
34. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
35. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developers/owners and its successors and assigns, agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developers/owners shall transfer to Pasco County any and all Water Use Permits or water-use rights the developers/owners may have to use or consume surface or ground water within Pasco County.
  - b. Prior to the developers/owners selling water, Water Use Permits, or water-use rights, the developers/owners shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

36. The residential design standards and uses shall be in accordance with regulations for MF-1 Multiple Family Medium Density of the Pasco County Land Development Code.
- a. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
  - b. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
  - c. The total aggregate number of dwelling units for Scarpo MPUD Master Planned Unit Development shall not exceed 488.
  - d. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
  - e. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
37. The developers shall submit and obtain BCC approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment (bubble) prior to any preliminary plan/preliminary site plan approval within such increment.
38. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.
39. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
40. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
41. The developers may designate, on the Master Development Plan, a site or sites which do not exceed a total of one acre to be used for recreational vehicle and boat storage for the exclusive use of Scarpo

MPUD Master Planned Unit Development residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners/property owners/condominium owners/merchants' association or CDD.

#### Procedures

42. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
43. If a complete preliminary plan or preliminary site plan for the first phase of the MPUD Master Planned Unit Development is not submitted and approved within five years after the rezoning approval, the conditions of approval and any density approved shall expire. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
44. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
45. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.
46. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan approval, and/or record plat approval.
47. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.
48. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Zoning Legislation as implemented by the Florida Department of Community Affairs and Pasco County.

49. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Zoning/Code Compliance Department after the BCC action.

OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

The owners/developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

\_\_\_\_\_  
(Date) JAMES A. SCARPO II

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) SYLVIA JOY SCARPO

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida; the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) CARLYLE M. WOLDING

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida; the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large



\_\_\_\_\_  
(Date)

\_\_\_\_\_  
JUDITH WOLDING

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
RANDALL M. SHERMAN

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
DIANE L. SHERMAN

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

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**INITIAL CERTIFICATE OF CAPACITY**

REQUIRED FOR DRIS, REZONINGS, PRELIMINARY SITE PLANS, PRELIMINARY PLANS,  
NON-RESIDENTIAL SUBDIVISION, RESIDENTIAL SUBDIVISION INTO MORE THAN  
ONE DWELLING UNIT PER LOT, AND PUBLIC SCHOOL COMPREHENSIVE PLAN CONSISTENCY REVIEW #6692  
To Be Completed By Department Responsible For Approval Sought; Completed Certificate Must Be Attached To the Agenda Item and Approval Document

Completed Application Received On (Date): \_\_\_\_\_ Certificate Form Completed By: P. Naeyaert

Parcel I.D. #'s: 34-26-19-0000-00800-0000, 34-26-19-0000-00500-0000, 34-26-19-0000-00300-0000, 34-26-19-0000-00500-0000 (attach survey if project includes portion of parcel)

Project Name: Scorpo Master Planned Unit Dev. Subdivision Name: \_\_\_\_\_

TAZ No.: 169, 177 TAZ Map Version: GIS

Applicant Name, Address, and Telephone Number: Sylvia + James Scorpo II et al

Job Site Address: \_\_\_\_\_

Project has direct connection (See 402.5.C.5.A.) to following collectors/arterials: Cypress Creek Road

Aggregated With Another Project?(See 402.5.C.5.B)  Yes  No (If yes, identify project name and I.D. No. \_\_\_\_\_)

Prior building(s) on or after January 1, 1985?  Yes  No (If yes, identify use and units/sq. ft. \_\_\_\_\_)

**Approval Sought (Check all that apply):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> DRI        | <input type="checkbox"/> Non-Residential Subdivision                                      |
| <input checked="" type="checkbox"/> Rezoning   | <input type="checkbox"/> Residential Subdivision Into More Than One Dwelling Unit Per Lot |
| <input type="checkbox"/> Preliminary Plan      | <input type="checkbox"/> Public School Comprehensive Plan Consistency Review              |
| <input type="checkbox"/> Preliminary Site Plan |   |

**TYPE OF DEVELOPMENT**

(Use TIS Exhibits for land use description and units of measurement and if not on Exhibits, use ITE land use codes and description)  
If not restricted by applicant, use maximum allowed by requested (rezoning or DRI) or approved (other approvals) zoning or land use, whichever is less:

Residential		Nonresidential	
<input type="checkbox"/> Single Family	D.U. _____	Specific Use _____	/ _____ sq. ft.
<input type="checkbox"/> Mobile Home Park	D.U. _____	_____	/ _____ sq. ft.
<input type="checkbox"/> Congregate/Care Facility	D.U. _____	_____	/ _____ (specify uni)
<input checked="" type="checkbox"/> Apartments	D.U. <u>488</u>	Storage/ Display Area _____	/ _____ sq. ft.
<input type="checkbox"/> Low-Rise Condo/Townhome	D.U. _____		
<input type="checkbox"/> Hi-Rise Condominium (3 or more stories)	D.U. _____		
<input type="checkbox"/> Other Residential	D.U. _____		

**EXEMPTIONS AND LIMITED EXEMPTIONS (Requires Authorized Signature)**

**EXEMPTIONS (See 402.6 and Concurrency Applicability):**

**1. ALL FACILITIES**

- Approved school consistency review or preliminary/construction plan prior to December 1, 2006
- Complete application prior to December 1, 2006 (Apply old 402 and TIS Guidelines)
- Unexpired Certificate of Level of Service Compliance
- Unexpired DRI approved prior to April 9, 1991
- Unexpired Initial Certificate of Capacity

**2. ROADS ONLY**

- Unexpired DRI applied for or approved prior to December 1, 2006
- Unexpired Traffic Study Completed After June 4, 1999
- Unexpired approved Traffic Study Methodology Prior to December 1, 2006 (Apply old TIS Guidelines)
- Unexpired approved Development Agreement exempt from transportation concurrency

Exemption Expires On: \_\_\_\_\_  
Exemption Revoked On: \_\_\_\_\_

**\*LIMITED EXEMPTIONS (See 402.7; requires signature from County Administrator or his designee):**

- Public School or School Required for School Concurrency
- Governmental Building or Use
- Target Business (requires letter from PEDC)
- Employment Center
- Affordable Housing (requires letter from Community Development)
- TND Development

**Exemptions (check all that apply):**

- Impact Fees or Interlocal Agreement As Proportionate Share (Roads Only)
- Traffic Study Waiver (Roads Only)
- 3 years committed capacity vs. 1 yr. (Roads Only)
- Extension of Certificate w/o Additional Review
- Other (requires CAO approval)

Authorized Signature \_\_\_\_\_

Authorized Growth Management Signature \_\_\_\_\_

**ISSUANCE DATE:**

(Use date of final zoning/development order approval)

Authorized Signature \_\_\_\_\_

**EXPIRATION (See 402.3.A.):**

All Facilities (other than roads): Certificate of Capacity

Expires (or subject to additional review) On: \_\_\_\_\_ (6 yrs from issuance) Revoked On: \_\_\_\_\_ Relinquished On: \_\_\_\_\_

Roads: Certificate of Capacity Expires (or subject to

additional review) On: \_\_\_\_\_ (GM to complete) Revoked On: \_\_\_\_\_ Relinquished On: \_\_\_\_\_

\*Completed Certificate of Capacity with limited exemptions or with exemptions for which no prior certificate of capacity has been issued must be distributed to the following: (1) Growth Management Administrator, (2) Engineering Services Director, (3) Parks and Recreation Director, (4) Transportation Manager, (5) Development Review Director, (6) MPO Transportation Planning Coordinator, (7) Assistant County Administrator for Development Services, (8) Assistant County Administrator for Utility Services, (9) OMB Director, and (10) BOCC as a noted item on agenda (excluding (3) and (8) if exemption is for roads only).

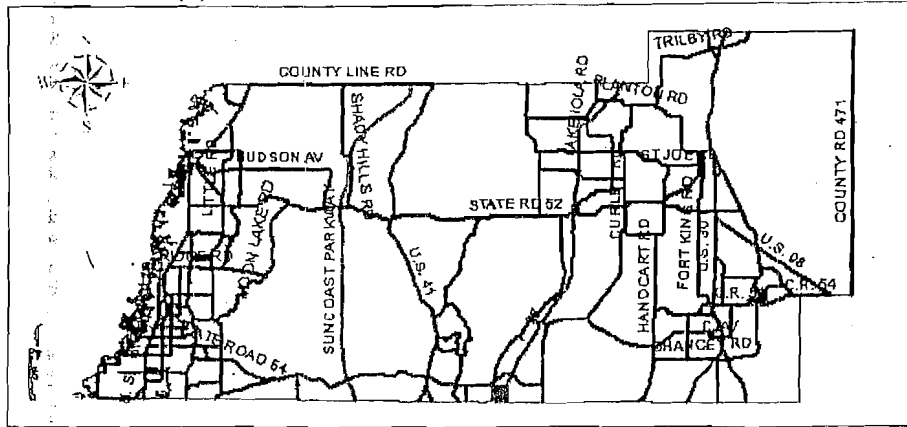
#6692

PETITION # RZ6692

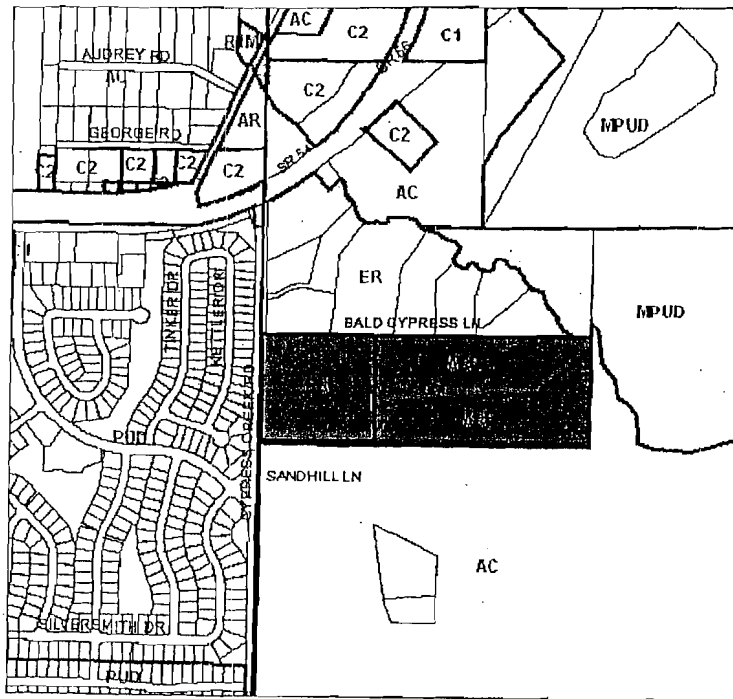
SECTION(S): 34

T. 26 S.

R. 19 E.



PASCO COUNTY, FLORIDA



TAZ: 169

COMMISSION DISTRICT: 2



**EX PARTE SIGN-IN/DISCLOSURE FORM**

\*THIS FORM MUST BE COMPLETED PRIOR TO OR DURING ANY MEETING OR DISCUSSION WITH A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS, DEVELOPMENT REVIEW COMMITTEE OR PLANNING COMMISSION ("LOCAL PUBLIC OFFICIAL") RELATING TO ANY QUASI-JUDICIAL MATTER THAT MAY BE CONSIDERED BY SUCH BODIES, INCLUDING REZONINGS, ZONING AMENDMENTS, VARIANCES, CONDITIONAL USES, SPECIAL EXCEPTIONS, DEVELOPMENTS OF REGIONAL IMPACT, PRELIMINARY OR CONSTRUCTION PLAN APPROVALS, AND APPEALS.

FAILURE TO COMPLETE THIS FORM, OR SUPPLY CORRECT INFORMATION, MAY RESULT IN THE LOCAL PUBLIC OFFICIAL'S REFUSAL TO CONDUCT THE MEETING OR DISCUSSION, OR FUTURE MEETINGS OR DISCUSSIONS.

JONATHAN D. MOODY  
PLANNING COMMISSIONER

Name of Local Public Official Attending Meeting/Discussion: \_\_\_\_\_  
 Date of Meeting/Discussion: 4/10/07 Location of Meeting/Discussion: 5837 MAIN ST NEW PORT RICHEY

Parties Attending Meeting/Discussion (additional parties provide information on back of this form):

Name	Phone Number	Organization/Client	Area of Expertise (if applicable)
JERRY FIGURSKI, ESQ.	(727) 942-0733	FIGRUSKI & HARRILL	ATTORNEY

Application/Matter Being Discussed (include name and public hearing date, if known):  
RZ-6692 (SCARPO MPUD) PLANNING COMMISSION HEARING DATE 4/11/07

County Staff Contact Person For Application: DEBRA ZAMPETTI

Specific Topics/Issues Being Discussed. Check all that apply:

<input checked="" type="checkbox"/>	Traffic/access/transportation mitigation	Noise/odor
<input type="checkbox"/>	Environmental/wetlands	Aesthetics/landscaping
<input type="checkbox"/>	Compatibility of uses	Legal
<input type="checkbox"/>	Density/intensity	Schools
<input type="checkbox"/>	Economic	Parks
<input type="checkbox"/>	Utilities	Libraries
<input type="checkbox"/>	Drainage/stormwater	Fire/EMS/police/public safety
<input type="checkbox"/>	Other:	Other:

Any written materials, diagrams, plans, or pictures presented to the Local Public Official will be (must check at least one):

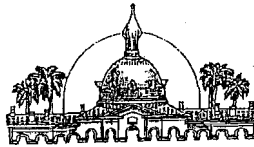
<input type="checkbox"/>	Provided in the same form to Zoning/Growth Management/Development Review Staff prior to the public hearing for inclusion in the record of the public hearing.
<input type="checkbox"/>	Provided to the Local Public Official and attached to this disclosure form for inclusion in the record of the public hearing.
<input checked="" type="checkbox"/>	Presented in the same form at the public hearing.
<input type="checkbox"/>	Written materials, diagrams, plans or pictures will not be presented to the Local Public Official.

TO BE COMPLETED BY LOCAL PUBLIC OFFICIAL:

Other Disclosures (Disclosure of the Information Below Using this Form is Optional; This Information May Also Be Disclosed by the Local Public Official at the Public Hearing).

<input type="checkbox"/>	Site Visit or Site Investigation.
<input type="checkbox"/>	Receipt of Written Correspondence, Diagrams, Plans, Pictures or E-mails Which Have Been Attached to Disclosure Form, Provided to Staff or Will Be Disclosed at Public Hearing.

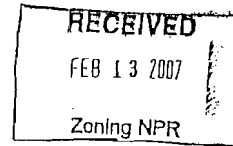
\*Note to Local Public Official or Administrative Staff of Local Public Official—Please provide a copy of completed disclosure forms (and any attachments) to the County Staff Contact Person identified above prior to the public hearing or provide the disclosure form (and any attachments) at the commencement of the public hearing for the application identified above.



Hillsborough County  
Florida

Office of the County Administrator  
Patricia G. Bean

February 2, 2007



Deputy County Administrator  
Wally Hill

Assistant County Administrators  
Kenneth C. Griffin  
Carl S. Hainess  
Marius J. O' Donnell

BOARD OF COUNTY COMMISSIONERS

Patricia G. Bean  
Rose V. Ferris  
Chris Huggins  
Al Higginbotham  
Jim Nottmeh  
Mark Sharpe  
Kevin White

Ms. Debra M. Zampetti, Zoning/Code Compliance  
Pasco County Growth Management  
7530 Little Road, Suite 320  
New Port Richey, FL 34654

RE: Rezoning; RI 07-R008

Dear Ms. Zampetti:

This letter is in regards to the proposed rezoning for property located on Cypress Creek Rd., north of Sandhill Lane.

As requested, the Hillsborough County Planning and Growth Management Department has reviewed the proposed rezoning for any potential issues and/or concerns. With regards to the rezoning petition under review, Hillsborough County Planning and Growth Management does not object.

Should you require any additional information, please contact Isabelle Audet of my staff at 813-276-8396.

Sincerely,

Paula Harvey, AICP, Director  
Planning & Zoning Services Division  
Planning and Growth Management

IA:su

cc: Joe Moreda, Executive Planner, Planning and Growth Management  
Brian Grady, Principal Planner, Planning and Growth Management

Post Office Box 1110 - Tampa, Florida 33601

Web Site: [www.hillsboroughcounty.org](http://www.hillsboroughcounty.org)

GAPlans\Isabelle\RI\Brian's RI\RI 07-R008 Pasco City.doc  
Hillsborough County, Florida  
Equal Opportunity Employer

RZ-6692

County Commissioners  
Members of Planning Commission  
Members of Development Review Committee  
Pasco County  
7530 Little Road  
New Port Richey, FL 34654

RE: Rezoning/Scarpo, Wolding and Sherman Site

Dear Sir or Madam,

We do not object to the Scarpo, Wolding and Sherman site rezoning presently being considered by Pasco County.

Edmund J. Ashton

Edmund J. Ashton

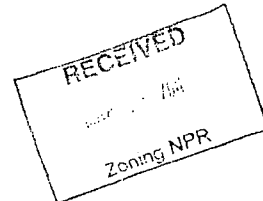
Date: 1-22-07

25101 BALD CYPRESS LN.

LOT 7, FL 33559

Address

Adjacent to the north



6692

County Commissioners  
Members of Planning Commission  
Members of Development Review Committee  
Pasco County  
7530 Little Road  
New Port Richey, FL 34654

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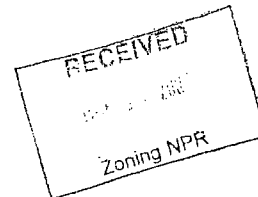
SCOTT CALDERAZZO

Date: 1-23-07

1909 Cypress Creek

Rd Tuttle FL 33559.  
Address

Adjacent to the north



10692



County Commissioners  
Members of Planning Commission  
Members of Development Review Committee  
Pasco County  
7530 Little Road  
New Port Richey, FL 34654

RE: Rezoning/Scarpo, Wolding and Sherman Site

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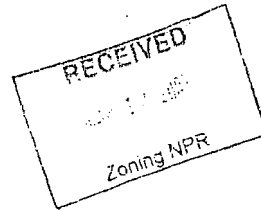
Virginia Lee

Date: 1/22/07

1912 Cypress Ck. Road

Lutz, FL 33559  
Address

220' North



6692

County Commissioners  
Members of Planning Commission  
Members of Development Review Committee  
Pasco County  
7530 Little Road  
New Port Richey, FL 34654

RE: Rezoning/Scarpo, Wolding and Sherman Site

Dear Sir or Madam,

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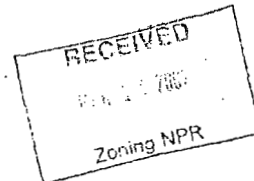
Shirley Jones  
Not FLN

Date: 1-23-07

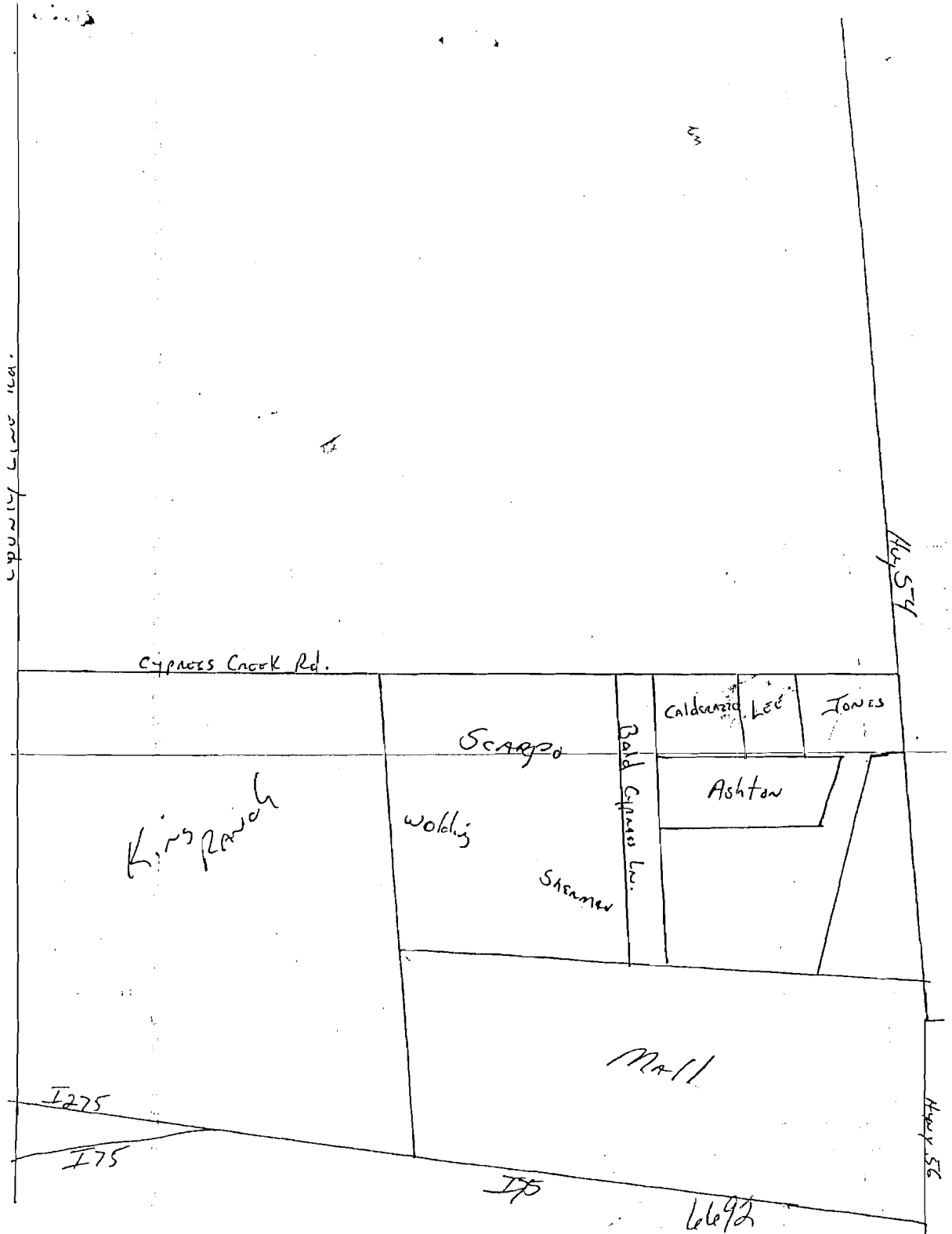
1936 Cypress Creek Rd.

Levy, Fl. 33559  
Address

450' North



6692



Allison R. Fogarty  
Hospitality Consulting Services



Facsimile Transmittal Sheet

12860 Ironwood Circle  
Bayonet Point, FL 34667  
Telephone: (727) 869-2719  
Email: Allison@afogarty.com

TO:	FROM:
Debra Zampetti	Allison Fogarty
COMPANY:	DATE:
Zoning/Code Compliance	4/24/2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
727 847 8191	2
RE:	
Letter received re: objection to proposed rezoning.	

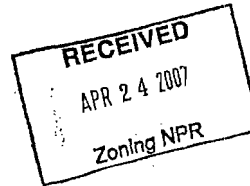
URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

NOTES/COMMENTS:

Debra:

I received this in the mail (postmarked April 19<sup>th</sup>), and was not sure if a) you had also received a copy, and b) if I was supposed to report it. Actually, I think we discussed this (at great length) and voted on it at the last Planning Commission meeting April 11<sup>th</sup>. Pity we didn't receive it ahead of time.

Many thanks & best regards,



RZ-6692

April 15, 2007

RECEIVED  
APR 24 2007  
Zoning NPR

Concerning the request for zoning designation from RES-3 to RES-24 on the properties owned by Scarpo, Wolding and Sherman located on the east side of Cypress Creek Road and south of Bald Cypress Lane, the progress of which has been recently reported in the newspapers: Please use the authority entrusted to you to say "NO" to this profit hungry group of individuals who are seeking to turn our section of gentle rural neighborhood on the banks of Cypress Creek into a high density apartment complex!

We have lived on our bit of rural paradise for 25 years, adjusting to the many changes taking place in Pasco County. The very nature of our side of the county has been transformed by developers, with the full consent of land planners and commissioners, in the interest of keeping pace with the influx of individuals who want to share in the failing dream of rural living.

Please do not think for one minute that we are in agreement with the proposal put forth by the "steamroller" that is Mr. Scarpo. To suggest 24 apartment units per acre for these joint properties, allowing only 1.61 acres for conservation on this environmentally sensitive land is totally inappropriate. The thought of the regional mall in our backyard has clouded their thinking but not ours. We have also been contacted by a company to sell our property for eventual development into an apartment complex but we have no interest in selling, only in living peacefully on the banks of this wonderful creek trying to co-exist with the natural environment.

You are probably bored to tears with the trite and repetitive responses reported by people, who are interested in protecting their rural lifestyle, but I cannot fault them nor can their arguments be improved. Lack of water is a problem, traffic is a problem, over commercialization is a problem, protecting wildlife is a problem, population density is a problem, etc. You have an opportunity now to control the antics of the King's and Scarpo's, etal.

Do we really need such a complex on the very banks of Cypress Creek? Let's see, 24 apartments per acre at approximately 29 acres equals roughly 696 units. Let's estimate 3 people per unit, that's 2088 individuals using resources. Let's estimate 2 cars per unit for 1392 vehicles now pouring out of the entrance onto little substandard Cypress Creek Road and jam-packed 54 as it intersects with 56. Tasty isn't it? Now let's suppose that at least some of those renters are not afraid of alligators, snakes and other wildlife and choose to access the creek? Hopefully they'll take their trash back to those colossal dumpsters every complex generates. Want to bet?

Sincerely and Hopefully,

*Jack and Kathleen R. Taylor*

Jack and Kathleen R. Taylor  
25231 Bald Cypress Lane  
Lutz, Fl 33559

*Joyce and Edward M. Ricks*

Joyce and Edward Ricks  
25211 Bald Cypress Lane  
Lutz, Fl 33559

Linda and Bill Ricks  
Brian and Heather Ricks  
25141 Bald Cypress Ln  
Lutz, Fl 33559

*Allison and Graham Taylor*

Allison and Graham Taylor  
1537 Cobble Drive  
Lutz, Fl 33549

*Robert & Barbara Caldwell*  
25127 BALD CYPRESS LANE  
LUTZ, FL 33559

*Robert L. Caldwell*  
*Barbara J. Caldwell*

*William E. Ricks*  
*Brian Ricks*  
*Heather Ricks*  
*Byron Ricks*

May 4, 2007

To: Commissioner Pat Mulieri

Re: Development of King and Scarfo Properties

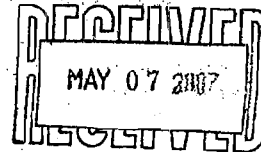
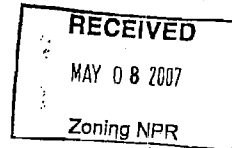
As a resident of Carpenters Run Development I have great concerns regarding the development of Scarfo and King Properties as currently presented to the staff of Planning/Zoning/Development Committee's.

1. Evacuation: We do not currently meet standards set for Evacuation for SR54.
2. Traffic Impact: Cypress Creek Road improvements should be completed before starting construction. Carpenters Run Blvd/ Cobbler have currently become a short-cut for traffic to Denham Oaks Elementary School and the Traffic Light on SR 54/ Oak Grove Development. Traffic currently accessing World Gym and the strip shopping center are causing deterioration to Carpenter's Run Blvd. Accidents at this intersection are frequent and the near misses numerous. The proposed roads need truck restriction. We don't need anymore through truck on our current roads, never mind any new ones.
3. Water Protection: Pollution from storm run-off to Cypress Creek. Paving for hundreds of vehicles will not allow ground water back into the aquifer. Drought conditions have caused our officials to tell us to conserve our water. WHO can provide water for all of this development currently approved and proposed?
4. Flooding: Sites proposed will be higher than our development. We have been working with PASOO COUNTY/DOT/SWIFTMUD for years to solve our flooding problems.
5. Infrastructure: Current residents do not have sufficient police, fire, school, water, sewer or roads.
6. Quality of Life: Apartments/ Town homes proposed are not compatible with current single family dwellings. Rental units have a transit population. Our quality of life will be severely impacted with proposed developments.
7. Observations: Attending recent meetings at the County Court House indicate private meetings of applicants with staff has predetermined the outcome of Hearings. Why not hold off approval of development until SR 54 is extended to County Line Road and Cypress Creek Mall has their project in place. PLEASE HELP!

Respectively,

*Norma Koebornik*  
Norma Koebornik

cc: John Gallagher, Administrator  
Cynthia M. Jolly, P.E., CFM  
Robert D. Sumner, County Attorney



*AZ-6692*

**FIGURSKI & HARRILL**

ATTORNEYS AT LAW  
THE OAKS AT PERRINE RANCH  
2550 PERMIT PLACE  
NEW PORT RICHEY, FLORIDA 34655  
www.flaw.net

GERALD A. FIGURSKI, P.A.  
J. BEN HARRILL, P.A.

TELEPHONE (813) 941-1111  
FAX (813) 941-1112

May 7, 2007

Debra M. Zampetti  
Zoning/Code Compliance Administrator  
7530 Little Road, Suite 323  
New Port Richey, Florida 34654

RECEIVED  
MAY 08 2007  
Zoning NPR

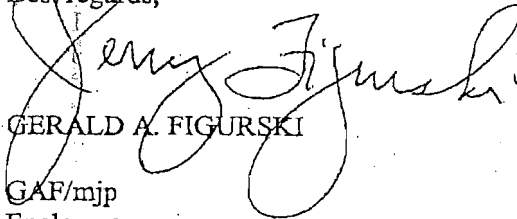
**RE: James A. Scarpo, II and Sylvia Joy Scarpo  
Carlyle M. Wolding and Judith Wolding  
Randall M. Sherman and Diane L. Sherman**

Dear Ms. Zampetti:

This firm represents James A. Scarpo, II and Sylvia Joy Scarpo, Carlyle M. Wolding and Judith Wolding, Randall M. Sherman and Diane L. Sherman. On behalf of my clients, I hereby request a continuance of this matter for two weeks to the Board of County Commission meeting of May 22, 2007.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Best regards,

  
GERALD A. FIGURSKI  
GAF/mjp

Enclosures

cc: Greystar GP, LLC  
Mr. and Mrs. James A. Scarpo, II  
Mr. and Mrs. Carylye M. Wolding  
Mr. and Mrs. Randall M. Sherman

RZ-6692

## REZONING ATTACHMENT

The Planning Commission disagrees with the staff report and recommendation for the following reasons:

- a. The proposed amendment (**would, would not**) be spot zoning.
- b. The proposed change (**is, is not**) inconsistent with the existing land use pattern in the area.
- c. The proposed change (**would, would not**) result in the possible creation of an isolated district unrelated to adjacent and nearby districts.
- d. The existing district boundaries (**are, are not**) illogically drawn in relation to existing conditions on the property proposed for the change.
- e. Changed or changing conditions make passage of the proposed amendment (**necessary, unnecessary**).
- f. The proposed change (**will, will not**) adversely affect living conditions in the immediate and surrounding neighborhoods.
- g. There is adequate access to the site and the proposed change (**will, will not**) create or excessively increase traffic congestion or otherwise affect public safety.
- h. The proposed change (**might, might not**) result in the reduction of light and air to adjacent properties or areas.
- i. The proposed change (**might, might not**) result in lower property values in adjacent areas.
- j. The property, as rezoned, (**could, could not**) be developed in a manner which would comply with other existing County and State regulations governing development.
- k. The proposed change (**would, would not**) result in or act as a deterrent to the improvement or development of adjacent property in accordance with the existing regulations.
- l. The property which is the subject of the proposed change (**is, is not**) a suitable site or location for the uses available under a proposed zoning district.
- m. Certain portions of the property (**are, are not**) suitable for development under the proposed zoning classification.
- n. Adequate public facilities (**are, are not**) available to the site, including, but not limited to, water and sewer facilities.
- o. The property is developable under the zoning classification (**with, without**) appropriate public facilities, including, but not limited to, water and sewer facilities.
- p. The site proposed for zoning change (**would, would not**) be subject to flooding and the effect of such flooding on the proposed or possible improvements on the site.
- q. The physical characteristics of the site and the degree of site alteration which (**would, would not**) be required to make the site usable for any of the range of potential uses under the proposed zoning classification.
- r. The proposed zoning change (**would, would not**) be consistent with the goals, objectives, policies, and recommendations set forth in adopted comprehensive plans or elements.
- s. Such other factors, or criteria which the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

The Planning Commission recommends \_\_\_\_\_ approval \_\_\_\_\_ denial of the application, based upon the foregoing reasons that constitute the report of the Planning Commission.

The recommendation and report of the Planning Commission are based upon study and consideration of the factors outlined in Section 303.2.E.1 of the Pasco County Land Development Code and the evidence presented at the public hearing on the application.

The Planning Commission's recommendation is hereby submitted to the Board of County Commissioners as required under Section 303.2.C of the Pasco County Land Development Code.

*Sandra Lee Werner*  
\_\_\_\_\_  
Planning Commission Chairman

4.11.07  
\_\_\_\_\_  
Date

Rezoning No. *RZ 16692*  
\_\_\_\_\_



## REZONING ATTACHMENT

The Board of County Commissioners disagrees with the Planning Commission's recommendation for the following reasons:

- a. The proposed amendment (**would, would not**) be spot zoning.
- b. The proposed change (**is, is not**) inconsistent with the existing land use pattern in the area.
- c. The proposed change (**would, would not**) result in the possible creation of an isolated district unrelated to adjacent and nearby districts.
- d. The existing district boundaries (**are, are not**) illogically drawn in relation to existing conditions on the property proposed for the change.
- e. Changed or changing conditions make passage of the proposed amendment (**necessary, unnecessary**).
- f. The proposed change (**will, will not**) adversely affect living conditions in the immediate and surrounding neighborhoods.
- g. There is adequate access to the site and the proposed change (**will, will not**) create or excessively increase traffic congestion or otherwise affect public safety.
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- r. The proposed zoning change (**would, would not**) be consistent with the goals, objectives, policies, and recommendations set forth in adopted comprehensive plans or elements.
- s. Such other factors, or criteria which the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

The Board of County Commissioners Action: \_\_\_\_\_ approval \_\_\_\_\_ denial of the application, based upon the foregoing reasons that constitutes the action of the Board of County Commissioners.

The action of the Board of County Commissioners is based upon study and consideration of the factors outlined in Section 303.2.E.1 of the Pasco County Land Development Code and the evidence presented at the public hearing on the application.

\_\_\_\_\_  
Board of County Commissioners Chairman

5-22-07  
\_\_\_\_\_  
Date

Rezoning No. RZ-6692

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**REGULAR MEETING**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**JULY 12, 2007**

**1:30 p.m. – West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598**

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DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)  
Chris Williams - **ABSENT**  
District School Board of Pasco County

LEGAL COUNSEL

David Goldstein,  
Assistant County Attorney

ADVISORY STAFF

Cynthia M. Jolly, P.E., CFM  
Development Director  
Samuel P. Steffey II  
Growth Management Administrator  
James C. Widman  
Engineering Services Director  
Debra M. Zampetti  
Zoning/Code Compliance  
Administrator  
Representative of the Clerk  
of the Circuit Court  
Michele L. Baker  
Chief Assistant County Administrator  
DiAnna L. Rawleigh  
Technical Specialist III  
Paul J. Montante  
Technical Specialist II  
Dawn M. Sutton  
Planner I

---

**I. ROLL CALL**

Ms. Donalee Schmidt, Deputy Clerk, called the roll. Mr. Chris Williams was absent.

**MR. NURRENBROCK MOVED** to continue the item to July 26, 2007, at 1:30 p.m. in Dade City.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

3. **Memorandum No.:** ZN07-415  
**Project Name:** Legacy MPUD Master Planned Unit Development  
(Continued from the May 24, 2007, Development Review Committee Meeting)  
**Proposed Development:** The applicant is requesting to rezone 534 acres from an A-C Agricultural District to an MPUD Master Planned Unit Development District to develop a maximum of 860 single-family detached dwellings and townhouses.  
**RECOMMENDATION:** Approval with conditions.

Ms. Jolly recommended the item be continued to July 26, 2007, at 1:30 p.m. in Dade City.

Mr. Ben Harrill, representative, agreed with the continuance.

There was no public comment.

**MR. NURRENBROCK MOVED** to continue the item to July 26, 2007, at 1:30 p.m. in Dade City.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

4. **Memorandum No.:** ZN07-416  
**Project Name:** Scarpo MPUD Master Planned Unit Development  
**Proposed Development:** Applicants are proposing to revise substandard road improvement conditions.  
**RECOMMENDATION:** Approval with conditions.

Mr. Steffey gave the location of the project, explained the request and distributed information to the DRC. He corrected the item to read a 29-foot pavement width.

Mr. Jerry Figurski, representative, explained their biggest concern was safety and spoke regarding meetings held with Staff.

Mr. Mike Raysor, representative, referred to the diagram, explained the item, and spoke regarding the prior conditions of approval which included tree removal. Items discussed included:

- The substandard clear zone.
- Prior conditions of removal required removal of trees within 6 feet of the edge of pavement to meet the clear zone requirements.
- An alternative solution to meet the clear zone requirements of the County.
- By widening Cypress Creek Road the alignment would be shifted away from the trees.
- 10.5 foot travel lanes would be desired for this location.
- Speed issues.
- Proper transitions would be introduced onto the road through the new pavement markings.
- Swales along the roadway.
- Drainage easements.

Discussion followed between the applicant, the DRC and Staff regarding: the requirements of paragraph C; Mr. King's property; and the maintained right-of-way lawsuit.

Chairman Gallagher felt the obligation of the development was being shifted to the County. He understood the developer was getting the needed right-of-way from Ms. Orsi.

Mr. Raysor explained the right-of-way from Ms. Orsi would accommodate the widening of the road; Mr. Figurski was referring to the repaving of the roadway. A portion of the road was currently on Mr. King's property. The developer could not repave the portion of the roadway located on Mr. King's property; however, the County had been maintaining the roadway for the past 10 years.

Mr. Parikh stated in light of the legal action against the County by Mr. King, the agenda item was withdrawn from the Board of County Commissioners meeting.

Mr. Henry King explained they were still waiting on discovery from the County.

Discussion continued regarding the issue.

Mr. King stated he objected to the approval of this change and the existing conditions of approval on the basis that the conditions of approval contain at least one provision which required the use of property he owned, and that neither the applicant nor the County had the right to use. He spoke regarding a possible cross connection to the north; the substandard road conditions; he was unable to convey land at this point because his zoning had been postponed; the structural number of the paving on Cypress Creek Road; the substandard road guidelines; the language of item 5 on page 3 of 3; the requirements of cross connections; frontage roads; and containment of runoff from the additional impervious surface.

Mr. Figurski requested the item be continued for two weeks to allow the applicant to address some of the concerns raised.

Mr. Goldstein asked when the condition was required to be completed; it stated they had to construct or pay but did not say when.

Mr. Figurski said the road had to be completed prior to site development permit.

Mr. Goldstein requested when the item came back, the requirement be clarified as to when the construction or payment needed to be made.

**MR. JOHNSON MOVED** to continue the item to July 26, 2007.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**C. Class IV**

None Scheduled

**IX. DEVELOPMENT ISSUES DISCUSSION**

**A. Discussion of Policy Issues**

None Scheduled

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**JULY 26, 2007**

**1:30 P.M. – Historic Pasco County Courthouse, Board Room, 2<sup>nd</sup> Floor  
37918 Meridian Avenue, Dade City, FL 33525**

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**DEVELOPMENT REVIEW COMMITTEE ADVISORY STAFF**

John J. Gallagher  
County Administrator

Michael Nurrenbrock - **Absent**  
OMB Director

Daniel R. Johnson  
Assistant County Administrator  
(Public Services)

Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)

Bipin Parikh, P.E. - **Absent**  
Assistant County Administrator  
(Development Services)

Chris Williams  
District School Board of Pasco County

Debra Zampetti  
Zoning/Code Compliance Administrator

Lee W. Millard  
Zoning/Code Compliance

Samuel P. Steffey II  
Growth Management Administrator

James C. Widman, P.E.  
Engineering Services Director

Michele Baker  
Chief Assistant County Administrator

Patrick J. Olson  
Development Review Technician III  
Representative of the Clerk of the  
Circuit Court

Diane Rawleigh  
Development Review Technician

Trina Dela Curva  
Development Review Technician

**LEGAL COUNSEL**

Robert Sumner, County Attorney

---

Chairman Gallagher called the meeting to order at 1:30 p.m.

**I. ROLL CALL**

Ms. Donalee Schmidt, Deputy Clerk, called the roll. Mr. Mike Nurrenbrock and Mr. Bipin Parikh were absent.

**II. MINUTES**

April 26, 2007

**MR. JOHNSON MOVED** approval of the Minutes.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**III. PROOFS**

**A. Proof of Publication**

substantial MPUD Master Planned Unit Development amendments for those neighborhoods internal to the Village II MPUD.

RECOMMENDATION: Approval with conditions.

Mr. Ben Harrill, the applicant's representative, agreed with Staff's recommendation.

There was no public comment.

**MR. JOHNSON MOVED** approval of Staff's recommendation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

2. Memorandum No.: GM07-1121  
Project Name: Scarpo MPUD Master Planned Unit Development  
(Continued from the July 12, 2001, Development Review Committee Meeting)  
Commissioner: The Honorable Pat Mulieri, Ed.D.  
Location: In South Central Pasco County, abutting the east side of the intersection of Cypress Creek Road, approximately 1,100 feet south of the intersection of Cypress Creek Road and S.R. 54, Section 34, Township 26 South, Range 19 East.  
Acreage: 29.697 Acres, m.o.l.  
Proposed Development: The applicants are proposing to revise substandard Road improvements conditions.  
RECOMMENDATION: Approval with conditions.

Ms. Zampetti requested the item be continued to August 9, 2007, 1:30 p.m., Dade City.

**MR. JOHNSON MOVED** to continue the item to August 9, 2007, 1:30 p.m., Dade City.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

3. Memorandum No.: ZN07-425  
Project Name: Boyette Road MPUD  
(Continued from the July 12, 2007, Development Review Committee Meeting)  
Commissioner: The Honorable Ted Schrader  
Location: On the southeast corner of Boyette Road and Overpass Road, Section 33, Township 25 South, Range 20 East.  
Acreage: 274 Acres, m.o.l.  
Proposed Development: The applicant is requesting to amend the previously approved master plan by changing an allowable use from single-family detached to a church and day-care center on a total of 25 acres of the 29.1-acre site. The remaining 4.1 acres remains as single-family detached.  
RECOMMENDATION: Approval with conditions.

Ms. Leslie Ferman, the applicant's representative, agreed with Staff's recommendation to include the conditions.

There was no public comment.

**MR. JOHNSON MOVED** approval of Staff's recommendation

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**AUGUST 9, 2007**

**1:30 P.M. – Historic Pasco County Courthouse, Board Room, 2<sup>nd</sup> Floor  
37918 Meridian Avenue, Dade City, FL 33525**

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DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)  
Chris Williams  
District School Board of Pasco County

LEGAL COUNSEL

David A. Goldstein,  
Assistant County Attorney

ADVISORY STAFF

Michele L. Baker,  
Chief Assistant County Administrator  
Cynthia M. Jolly, P.E., CFM  
Development Director  
Samuel P. Steffey II  
Growth Management Administrator  
James C. Widman, P.E.  
Engineering Services Director/  
County Engineer  
Debra M. Zampetti  
Zoning/Code Compliance  
Administrator  
Representative of the Clerk of the  
Circuit Court  
Paul J. Montante  
Technical Specialist II  
Michael LaSala, AICP  
Senior Planner  
Matthew J. Armstrong, AICP  
Planner II  
Ahsan Khalil  
Transportation Planner II  
Jennifer M. Boham  
Planner I



**MR. NURRENBROCK MOVED** approval.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

- 4. Memorandum No.: GM07-1168**  
**Project Name: Scarpo MPUD Master Planned Unit Development**  
**(Continued from the July 26, 2007, Development Review Committee Meeting)**
- Proposed Development:** The applicants are proposing to revise substandard road improvements conditions.
- RECOMMENDATION:** Continue to the August 23, 2007, 1:30 p.m., Development Review Committee meeting in New Port Richey.

Ms. Jolly recommended the item be continued to August 23, 2007, at 1:30 p.m. in New Port Richey.

There was no public comment.

**MR. NURRENBROCK MOVED** to continue the item to August 23, 2007, at 1:30 p.m. in New Port Richey.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

- 5. Memorandum No.: ZN07-452**  
**Project Name: Ehren Cutoff MPUD Master Planned Unit Development**  
**(Continued from the June 7, 2007, Development Review Committee Meeting)**
- Proposed Development:** The applicant proposes to rezone 40 acres from an A-R Agricultural-Residential District to an MPUD Master Planned Unit Development for the purpose of developing a

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**REGULAR MEETING**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**AUGUST 23, 2007**

**1:30 p.m. – West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598**

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DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)  
Chris Williams  
District School Board of Pasco County

LEGAL COUNSEL

David A. Goldstein,  
Senior Assistant County Attorney

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Engineering Services Director  
Debra M. Zampetti  
Zoning/Code Compliance  
Administrator  
Ahsan K. Khalil  
Transportation Planner II  
Paul J. Montante  
Technical Specialist II  
Representative of the Clerk of the  
Circuit Court  
Lee Milliard  
Assistant Zoning/Code Compliance  
Administrator  
Corelynn Burns  
Planner I  
Rhonda R. Larsen  
Development Review Technician II  
Dianne M. Naeyaert  
Planner I  
Robert J. Tietz  
Biologist

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried with Mr. Nurrenbrock absent during the vote.

**MR. PARIKH MOVED** approval of the balance of the agenda item.

Mr. Richard Riley and Ms. Nancy Hazelwood spoke under public comment. Items discussed: guidelines were needed; different conservation subdivisions would have different directions; discussion regarding conservation subdivisions should stop until the ordinances were written and passed; green space was good, but more was better; people should have their own land and responsibilities; the developer had been very cooperative with the residents; Staff had been wonderful in working with the residents as well as Commissioner Schrader; and the wetlands were important.

Discussion followed that horses were not allowed on the individual lots and that the developer had proposed an equestrian facility.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried with Mr. Nurrenbrock absent during the vote.

2. **Memorandum No.:** GM07-1218  
**Project Name:** Scarpo MPUD Master Planned Unit Development  
(Continued from the August 9, 2007, Development Review Committee Meeting)  
**Proposed Development:** Applicants are proposed to revise substandard road improvement conditions.  
**RECOMMENDATION:** Approval with conditions.

Ms. Dianne Naeyaert corrected the item to read GM07-1218 instead of ZN07-433.

Mr. Steffey submitted ex parte forms into the record for Chairman Gallagher, Mr. Parikh and Commissioner Mulieri.

**COMMISSIONER PARIKH MOVED** to receive and file the forms.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried with Mr. Nurrenbrock absent during the vote.

Ms. Naeyaert explained the item.

**MR. JOHNSON MOVED** to receive and file the Scarpo PowerPoint presentation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried with Mr. Nurrenbrock absent during the vote.

Mr. Mike Raysor reviewed the PowerPoint presentation. Items discussed included:

- The surrounding area.
- The substandard road improvements were to widen Cypress Creek Road to the West and realign the roadway to address the safety issue related to the clear zone.
- A repavement/markings improvement would be completed.
- Road widening improvements.
- The need to obtain additional right-of-way on the southerly section.
- A variable widening to extend the shoulder.
- The maintained right-of-way was typically 5 feet.
- Mr. King's property.
- In order to address the trees located 2 to 6 feet adjacent to the edge of the travel way, the travel lanes would be moved to the west.
- The travel lanes would meet the clear zone requirements.
- The proximity of the trees to the travel lane.

Mr. Hank King spoke under public comment. Items discussed included: objection to the approval of the change in the substandard road conditions; the conditions of approval contained at least one provision of property owned by Mr. King which the applicant had no right to use; this matter was in Circuit Court; buffering requirements to private property; roadway safety; and the Board of County Commissioners were required to review any major change.

Discussion followed regarding paving requirements; obstructions into the clear zone; the County-owned maintained right-of-way; and the applicant was complying.

Mr. King explained the Staff write-up stated "Compliance Department Staff has determined that the proposed amendment does constitute a substantial change".

Ms. Naeyaert stated there was a typographical error and it should read "does not". Under the recommendation of the actual agenda item, it should read "does not".

**MR. PARIKH MOVED** approval as corrected by Ms. Naeyaert.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Mr. King continued to address his concerns. He spoke further regarding the condition of Cypress Creek Road and increased traffic on the roadway.

Mr. Joe Motter stated Hartline Buses were using Cypress Creek Road.

**MR. PARIKH MOVED** approval.

Mr. Raysor responded to Mr. King's comments regarding the traffic lanes and the transitions to the design for the roadway.

Discussion followed regarding the CIP.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**C. Class IV**

None Scheduled

**IX. DEVELOPMENT ISSUES DISCUSSION**

**A. Discussion of Policy Issues**

None Scheduled

**X. INFORMATION**

None Scheduled

**XI. NOTED ITEMS**

Agenda Items XI.A.1. through XI.F were noted.

**A. Class I Development Actions from July 18, 2007, to August 13, 2007:**

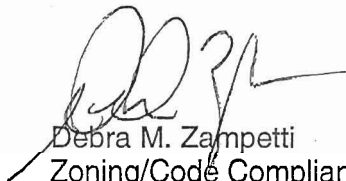
<b>1.</b>	<b>Memorandum No.:</b>	<b>DR07-1844</b>
	<b>Project Name:</b>	<b>ABC Fine Wine and Spirits, Store No. 108</b>
	<b>Applicant:</b>	<b>ABC Liquors, Inc.</b>
	<b>Proposed Development:</b>	<b>Retail liquor store.</b>
	<b>Type of Action:</b>	<b>Approved.</b>
	<b>Date of Action:</b>	<b>July 18, 2007</b>

8/23/07

ZONING PETITION REVIEW REPORT

TO: Pasco County Planning Commission

PETITION #6692



FROM: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

Commission District #2

Development Review Committee  
Meeting Date: 3/15/07

Planning Commission  
Hearing Date: 4/11/07

SUBJECT: Rezoning Request  
South Central Pasco County  
(Cont. from 2/8/07, DRC)  
(Cont. from 2/22/07, DRC)  
(Cont. from 3/14/07, PC)  
(Cont. from 4/10/07, BCC)  
(Cont. from 5/8/07, BCC)

Board of County Commissioners  
Hearing Date: 5/22/07, NPR

TAZ #169

APPLICANTS: **SYLVIA J. AND  
JAMES A. SCARPO II, ET AL./  
SCARPO MPUD**

PETITION SUMMARY:

Petition No. 6692 in the names of Sylvia J. and James A. Scarpo II, et al./Scarpo MPUD has been filed for a change in zoning from E-R Estate-Residential and AR-1 Agricultural-Residential Districts to an MPUD Master Planned Unit Development District. The property is located on the southeast corner of the intersection of Cypress Creek Road and Bald Cypress Lane, approximately 850 feet south of S.R. 54 (Parcel ID Nos. 34-26-19-0000-00500-0000, 34-26-19-0000-00500-0010, 34-26-19-0000-00500-0030, and 34-26-19-0000-00800-0000), and contains 29.7 acres, m.o.l.

Project Name:	Scarpo MPUD Master Planned Unit Development
Applicants' Names:	James A. Scarpo II, Sylvia Joy Scarpo, Carlyle M. Wolding, Judith Wolding, Randall M. Sherman, and Diane L. Sherman
Future Land Use Classifications:	RES-24 (Residential - 24 du/ga) and CON (Conservation Lands)
Water/Sewage:	Public/Public (Pasco)
No. of Dwelling Units:	488
Type of Dwelling Units:	Multifamily (Apartments)
Commercial Acres/Square Feet:	N/A

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	E-R Estate-Residential	Bald Cypress Lane; Single-Family Dwellings
East:	A-C Agricultural	Cypress Creek
South:	A-C Agricultural	Whip-O-Will Lane; Pasture- land; Single-Family Dwelling
West:	PUD Planned Unit Development	Cypress Creek Road; Single-Family Dwellings

FINDINGS OF FACT:

1. The subject request is exempt from the new Concurrency Management Ordinance as a completed application was submitted prior to December 1, 2006.

2. Presently, the subject site contains three single-family dwellings, a pole barn, and a portion of Cypress Creek (per the submitted survey) on the eastern boundary. The applicants propose to develop the property with a maximum of 488 multifamily units.
3. Access to the property is from Cypress Creek Road, a County-maintained road, which has 50 feet of right-of-way with 18 feet of pavement, and has been designated a two-lane collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
4. The subject property is located in Flood Zones "C," "B," and "A4," and development within these areas is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
5. The surrounding area is characterized by residential and agricultural pursuits.
6. The Board of County Commissioners has approved several rezonings for portions of the subject property. They are as follows:
  - a. Petition No. 2586, on August 28, 1984, from an A-C Agricultural District to an E-R Estate-Residential District with conditions for ten acres of the subject request.
  - b. Petition No. 5188, on November 18, 1997, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for 10.04 acres of the subject request.
  - c. Petition No. 5441, on June 22, 1999, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for ten acres of the subject request.
7. On December 5, 2006, the BCC approved a land-use amendment for the subject property, Ordinance No. 06-42, amending the Future Land Use classification from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) on 28.27 acres and CON (Conservation Lands) on 1.61 acres.
8. Water and sewer are to be serviced by Pasco County.
9. On May 10, 2005, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
10. On February 8, 2007, the Development Review Committee continued the subject request to February 22, 2007, and then continued it again to March 15, 2007. Accordingly, the Planning Commission and Board of County Commissioners meetings had to be continued.

DEVELOPMENT REVIEW COMMITTEE ACTION (3/15/07):

Approved with Amended Conditions

AMENDED CONDITIONS:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, the developers shall construct, ~~or~~ **or make a proportionate-share payment for** the following improvements unless otherwise approved by the DRC:
  - a. Off-Site Improvements:
    - (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
    - (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
    - (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

Prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper.
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper.
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements (must be constructed prior to the issuance of the first Building Permit):

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet.

c. Substandard Road Improvements:

**Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:**

- (1) Repave Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00.
- (2) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.
- (3) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.
- (4) On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.
- (5) On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)

26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, **unless otherwise approved by the DRC.**

**STAFF RECOMMENDATION TO THE PLANNING COMMISSION:**

Approval of the Development Review Committee's Recommendation with Conditions

**PLANNING COMMISSION ACTION:**

Denial of Staff Recommendation:   4   Ayes;   4   Nays



A motion to approve the applicants' request resulted in a 4-4 tie. Under Article 300, Administrative and Enforcement; Section 305, Waiver of Defects/Continuances/Tie Votes; Subsection 305.1(C):

For the purpose of this Code, a tie vote on any application before the Board of County Commissioners, Planning Commission, or Development Review Committee shall constitute a denial of that application.

Therefore, the Planning Commission is recommending denial.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Approval of Development Review Committee Recommendation with Conditions

CONDITIONS:

See Attachment

BOARD OF COUNTY COMMISSIONERS ACTION:

Approval of Development Review Committee Recommendation with Conditions

The Board of County Commissioners approval of this rezoning constitutes a finding by the Board of County Commissioners that the rezoning, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the Land Development Code that are applicable to this rezoning.

**SCARPO  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6692**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted October 30, 2006, unless otherwise stipulated or modified herein.

**Open Space/Buffering**

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. For Category II and Category III wetlands, there shall be a buffer around all preserved Southwest Florida Water Management District (SWFWMD) wetlands with an average width of 25 feet, but no less than 15 feet, unless otherwise accepted by the SWFWMD; Army Corp of Engineers wetlands do not require additional buffers. There shall be a 25-foot minimum buffer, not inclusive of any lots, around all postdevelopment Category I wetlands. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD.
4. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. Unless a nonfee simple, residential product is built, the homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
5. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
  - a. The developers shall establish a 50-foot buffer from the Cypress Creek Critical Linkage. No development activity shall occur within the critical linkage and the 50-foot buffer.
  - b. The applicant shall send a copy of the Florida Fish and Wildlife Conservation Commission (FFWCC) Gopher Tortoise Permit to the Development Review Division (DRD) for their project files prior to the issuance of the Site Development Permit.
  - c. The applicant shall send a copy of the SWFWMD Environmental Resource Permit to the DRD for their project files prior to the issuance of the Site Development Permit.
6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the FFWCC to the DRD.
7. Prior to construction plan/construction site plan approval, the developers shall submit to the DRD a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developers shall submit to the DRD a copy of the Environmental Resource Permit.
8. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on December 11, 2006. Although no archaeological sites eligible for the

to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

#### Dedication of Right-of-Way

18. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
19. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
20. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
21. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road, solely to the extent such right-of-way is owned by the developers (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developers shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developers' property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developers' property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developers' project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

#### Design/Construction Specifications

22. The applicants agree to discontinue and remove, at the applicants' sole expense, the interim uses in the Cypress Creek Road Transportation Corridor no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvements Element or the Florida Department of Transportation (FDOT) in the FDOT's Five-Year Transportation Improvement Program (Termination Date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension. The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.
23. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
24. The developers have submitted a traffic study which was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:
  - a. Off-Site Improvements:
    - (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).

- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

Prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper.
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper.
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements (must be constructed prior to the issuance of the first Building Permit):

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet.

c. Substandard Road Improvements:

Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:

- (1) Repave Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00.
- (2) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.
- (3) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.
- (4) On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.
- (5) On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)

25. Prior to or concurrent with the approval of the first construction plan/construction site plan, the developers shall obtain Right-of-Way Use Permits for the construction of the improvements identified in Condition No. 24.
26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, unless otherwise approved by the DRC.
27. Prior to final plat or preliminary site plan/construction site plan approval occurring after December 31, 2009, the developers shall submit an updated traffic study utilizing a methodology approved by Pasco

County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.

28. The traffic study submitted by the applicants assumes the following land uses: 538 apartment dwelling units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developers shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicants or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicants or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicants or development based on the updated County-approved traffic study.
29. The Developers shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developers shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developers shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicants/developers and their successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
30. The developers may submit an overall pedestrian/bike path plan to the Zoning/Code Compliance Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County Land Development Code as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, F.S., or other applicable law. **In the absence of an approved pedestrian/bike path plan, compliance with the Land Development Code is required.**

**Utilities: Drainage, Water Service, Wastewater Disposal**

31. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
32. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.
33. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
  - a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and nonpotable water lines, if applicable.



- c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.
34. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
35. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developers/owners and its successors and assigns, agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developers/owners shall transfer to Pasco County any and all Water Use Permits or water-use rights the developers/owners may have to use or consume surface or ground water within Pasco County.
  - b. Prior to the developers/owners selling water, Water Use Permits, or water-use rights, the developers/owners shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

#### Land Use

36. The residential design standards and uses shall be in accordance with regulations for MF-1 Multiple Family Medium Density of the Pasco County Land Development Code.
- a. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
  - b. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
  - c. The total aggregate number of dwelling units for Scarpo MPUD Master Planned Unit Development shall not exceed 488.
  - d. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
  - e. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
37. The developers shall submit and obtain BCC approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment (bubble) prior to any preliminary plan/preliminary site plan approval within such increment.
38. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.
39. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
40. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
41. The developers may designate, on the Master Development Plan, a site or sites which do not exceed a total of one acre to be used for recreational vehicle and boat storage for the exclusive use of Scarpo

MPUD Master Planned Unit Development residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

#### Procedures

42. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
43. If a complete preliminary plan or preliminary site plan for the first phase of the MPUD Master Planned Unit Development is not submitted and approved within five years after the rezoning approval, the conditions of approval and any density approved shall expire. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
44. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
45. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.
46. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan approval, and/or record plat approval.
47. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.
48. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Zoning Legislation as implemented by the Florida Department of Community Affairs and Pasco County.

49. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Zoning/Code Compliance Department after the BCC action.

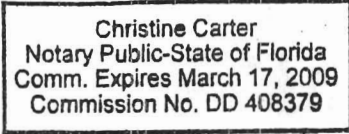
OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

The owners/developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

8/22/07  
(Date) *James A. Scarpo II*  
JAMES A. SCARPO II

I hereby certify on this 22 day of August, 2007, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.


Witness my hand and seal at *Livermore*, *Florida*  
County, Florida, the day and year aforesaid.

My commission expires: \_\_\_\_\_  
(Date)  *Christine Carter*  
Notary Public, State of \_\_\_\_\_ at Large

8/22/07  
(Date) *Sylvia Joy Scarpo*  
SYLVIA JOY SCARPO

I hereby certify on this 22 day of August, 2007, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

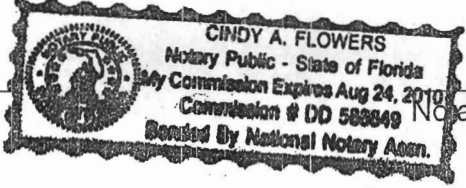
Witness my hand and seal at *Livermore*, *Florida*  
County, Florida, the day and year aforesaid.

My commission expires: \_\_\_\_\_  
(Date)  *Christine Carter*  
Notary Public, State of *Florida* at Large  
*-Tampa*

8/23/2007  
(Date) *Carlyle M. Wolding*  
CARLYLE M. WOLDING

I hereby certify on this 23 day of August, 2007, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at *Carlyle M. Wolding*, *Tampa, Florida*  
County, Florida, the day and year aforesaid.

My commission expires: \_\_\_\_\_  
8/23/07  
(Date)  *Cindy Flowers*  
Notary Public, State of *Florida* at Large



8-28-07  
(Date)

Judith Wolding  
JUDITH WOLDING

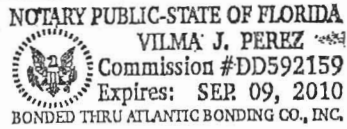
I hereby certify on this 28<sup>th</sup> day of August, 2007, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at Tampa Florida Hillsborough County  
County, Florida, the day and year aforesaid.

My commission expires:

September 9, 2010  
(Date)

8/23/07  
(Date)



Notary Public, State of \_\_\_\_\_ at Large  
Randall M Sherman  
RANDALL M. SHERMAN

I hereby certify on this 23 day of August, 2007, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at Randy M. Sherman - Tampa  
County, Florida, the day and year aforesaid.

My commission expires:

8/23/07  
(Date)

8/23/07  
(Date)



Notary Public, State of Florida at Large  
Diane Sherman  
DIANE L. SHERMAN

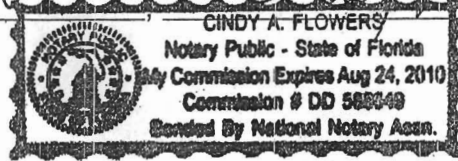
I hereby certify on this 23 day of August, 2007, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at Diane Sherman Cindy Flowers  
County, Florida, the day and year aforesaid.

My commission expires:

8/23/07  
(Date)

Notary Public, State of Florida at Large  
Tampa



**BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA  
REGULAR MEETING/REZONINGS**

**ANNOTATED AGENDA  
PREPARED IN THE OFFICE OF  
JED PITTMAN, CLERK OF THE CIRCUIT COURT**

**SEPTEMBER 11, 2007**

**HISTORIC PASCO COUNTY COURTHOUSE, BOARD ROOM 2<sup>ND</sup> FLOOR  
37918 MERIDIAN AVENUE, DADE CITY, FL 33525**

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<b>County Commissioners</b>	Chairman Ann Hildebrand, District 3 Vice-Chairman Ted J. Schrader, District 1 Pat Mulieri, Ed.D., District 2 Michael Cox, CFP <sup>®</sup> , District 4 Jack Mariano, District 5
<b>County Administrator</b>	John J. Gallagher
<b>County Attorney</b>	Robert D. Sumner
<b>Clerk to the Board</b>	Jed Pittman ABSENT. MR. JAY KOMINSKY, DEPUTY CLERK, PRESENT.

\*\*\*\*\*  
**CALL TO ORDER - 10:00 A.M.**

<b>INVOCATION</b>	}	
<b>PLEDGE OF ALLEGIANCE</b>	}	<b>MR. JAY KOMINSKY, DEPUTY CLERK</b>
<b>ROLL CALL</b>	}	<b>COMMISSIONER TED SCHRADER, ABSENT.</b>

**CHAIRMAN HILDEBRAND ASKED EVERYONE TO REMEMBER 9/11/2001, TO PRAY FOR PEACE FOR OUR COUNTRY AND FOR SAFETY FOR THE TROOPS.**

**CONSENT AGENDA**

**AGENDA ITEMS C 36 AND C 39 WERE PULLED FROM THE CONSENT AGENDA AND AGENDA ITEMS C 21 AND C 22 WERE WITHDRAWN.**

**COMMISSIONER MULIERI MOVED APPROVAL OF THE CONSENT AGENDA WITH EXCEPTION OF THE NOTED ITEMS; COMMISSIONER MARIANO SECONDED; MOTION CARRIED.**

**Engineering Services—Project Management**

- R 16. Resolution Adopting October 10, 2007, as "Put the Brakes on Fatalities Day®"; All Comm. Dists.  
Memorandum PMA07-193

**COMMISSIONER MULIERI MOVED ADOPTION; COMMISSIONER COX SECONDED; MOTION CARRIED.**

**Growth Management**

- R 17. Scarpo MPUD Master Planned Unit Development Amendment – Rezoning Petition No. 6692; Comm. Dist. 2  
Memorandum GM07-1269

**COMMISSIONER MULIERI MOVED APPROVAL OF STAFF RECOMMENDATION WITH AMENDED CONDITIONS; COMMISSIONER COX SECONDED; MOTION CARRIED.**

**Growth Management—Zoning/Code Compliance**

- R 18. 2008 Proposed Public Hearing Schedule – Rezoning, Special Exceptions, Conditional Uses, and Variances; All Comm. Dists.  
Memorandum ZN07-483

**COMMISSIONER MULIERI MOVED APPROVAL; COMMISSIONER COX SECONDED; MOTION CARRIED.**

**PUBLIC SERVICES BRANCH**

None Scheduled

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and  
Members of the Board of  
County Commissioners  
*M. Mand*

DATE: 8/29/07 FILE: GM07-1269

THRU: Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)

SUBJECT: Scarpo MPUD Master Planned  
Unit Development Amendment;  
Rezoning Petition No. 6692  
BCC: 9/11/07, 10:00 a.m., DC  
Recommendation: Approval  
with Conditions

FROM: *Samuel P. Steffey II*  
Samuel P. Steffey II  
Growth Management Administrator

REFERENCES: Land Development Code,  
Section 522.6, Modifications;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners (BCC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Scarpo MPUD Master Planned Unit Development
Developers' Names:	James A. Scarpo II, Sylvia Joy Scarpo, Carlyle M. Wolding, Judith Wolding, Randall M. Sherman, and Diane L. Sherman
Location:	On the southeast corner of the intersection of Cypress Creek Road and Bald Cypress Lane, approximately 850 feet south of S.R. 54, Section 34, Township 26 South, Range 19 East.
Parcel ID Nos.:	34-26-19-0000-00500-0000, 34-26-19-0000-00500-0010, 34-26-19-0000-00500-0030, and 34-26-19-0000-00800-0000
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classifications:	RES-24 (Residential - 24 du/ga) and CON (Conservation Lands)
Acreage:	29.7 Acres, m.o.l.
Water/Sewage:	Public (Pasco)/Public (Pasco)
No. of Dwelling Units:	488
Type of Dwelling Units:	Multifamily (Apartments)
Commercial Acres/Square Feet:	N/A
Other Land Uses	N/A

**BACKGROUND:**

1. On August 28, 1984, the BCC approved Rezoning Petition No. 2586, which rezoned ten acres of the subject property from A-C Agricultural to E-R Estate-Residential.
2. On November 18, 1997, the BCC approved Rezoning Petition No. 5188, which rezoned 10.04 acres of the subject property from A-C Agricultural to R-1 Rural Density Residential.
3. On June 22, 1999, the BCC approved Rezoning Petition No. 5441, which rezoned ten acres of the subject property from A-C Agricultural to AR-1 Agricultural-Residential.
4. On December 5, 2006, the BCC approved a land use amendment for the subject property, Ordinance No. 06-42, amending the Future Land Use classification from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) on 28.27 acres and CON (Conservation Lands) on 1.61 acres.
5. On May 22, 2007, the BCC approved the Scarpo MPUD Master Planned Unit Development, Petition No. 6692.

FINDINGS OF FACT:

The Zoning/Code Compliance Department has received a formal request from the developers of the Scarpo MPUD Master Planned Unit Development to amend the existing Conditions of Approval to allow the following:

Revise MPUD Master Planned Unit Development Condition No. 24 as follows:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. ~~Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan~~**Based thereon**, the developers shall construct, bond, or make a proportionate share payment for the following improvements unless otherwise approved by the Development Review Committee (DRC):

a. Off-Site Improvements:

**As to the following improvements\* identified in Condition Nos. 24.a.(1), (2), and (3), prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:**

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

**As to the following improvements\* identified in Condition Nos. 24.a.(4), (5), and (6), prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):**

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. **New pavement section shall match existing.**
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. **New pavement section shall match existing.**
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. **New pavement section shall match existing.**

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements ~~(must be constructed prior to the issuance of the first Building Permit):~~

**As to the following improvements identified in Condition Nos. 24.b.(1) and (2), prior to the issuance of the first Building Permit:**

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. **New pavement section shall match existing.**
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. **New pavement section shall match existing.**

c. Substandard Road Improvements:

**As to the following improvements identified in Condition Nos. 24.c.(1) and (2), prior to the issuance of the Site Development Permit, unless otherwise approved by the DRC, the developers shall:**

~~Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:~~

- ~~(1) **Widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width from County Line Road to Laurel Ridge Drive, and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides of Cypress Creek Road. New pavement shall match existing.**~~
- ~~(2) (1) **In lieu of repaving Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00, the developers shall provide a one-inch overlay of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.**~~
- ~~(2) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.~~
- ~~(3) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.~~
- ~~(4) On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.~~
- ~~(5) On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)~~

**ANALYSIS:**

MPUD Master Planned Unit Development amendments must be reviewed in accordance with Section 522.6, Modifications, of the Pasco County Land Development Code to determine if the proposed changes are substantial. A substantial change is deemed to exist where:

1. "There is a proposed increase of greater than five (5) percent in the total number of dwelling units proposed for the MPUD Master Planned Unit Development."

**FINDING:** There is no proposed increase.

2. "There is a proposed major redistribution of density within individual phases of the MPUD Master Planned Unit Development."

**FINDING:** There is no proposed major redistribution of density.

3. "There is a decrease of proposed preservation or conservation areas involving more than five (5) percent of the original area set forth in the MPUD Master Planned Unit Development Plan."

**FINDING:** There is no decrease of proposed preservation or conservation areas.

4. "There is an increase in the size of areas proposed for nonresidential uses of more than five (5) percent."

**FINDING:** There is no increase in the size of areas proposed for nonresidential uses.

5. "There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval."

**FINDING:** This amendment does not cause any adverse impact.

ALTERNATIVES:

1. Approve the proposed changes.
2. Approve the proposed changes with additional modifications or conditions.
3. Deny the proposed changes.
4. Direct staff as to other action desired by the BCC.

RECOMMENDATION:

The Zoning/Code Compliance Department recommends that the BCC approve Alternative No. 1. Based upon the foregoing and the criteria established within the Pasco County Land Development Code, Section 522.6, Modifications, the Zoning/Code Compliance Department staff has determined that the proposed amendment does not constitute a substantial change.

ATTACHMENTS:

1. Visuals
2. Scarpo MPUD Master Planned Unit Development Conditions of Approval, Rezoning Petition No. 6692

SPS/DMN/zn/scarpo01/04

DEVELOPMENT REVIEW COMMITTEE ACTION (8/23/07):

Approved with Amended Conditions

AMENDED CONDITIONS:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. Based thereon, the developers shall:

a. Off-Site Improvements:

As to the following improvements\* identified in Condition Nos. 24.a.(1), (2), ~~and~~ (3), and (4), prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).

- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developers shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.**

As to the following improvements\* identified in Condition Nos. 24.a.(4), (5), and (6), **and (7)**, prior to the issuance of the first Building Permit, the developers shall:

- (5)** ~~(4)~~—Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6)** ~~(5)~~—Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7)** ~~(6)~~—Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.~~(6)~~**(7)** above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements:

As to the following improvements identified in Condition Nos. 24.b.(1) and (2), prior to the issuance of the first Building Permit:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

c. Substandard Road Improvements:

As to the following improvements identified in Condition Nos. 24.c.(1), and (2), **and (3)**, prior to the issuance of the Site Development Permit, unless otherwise approved by the DRC, the developers shall construct:

- (1) The developers shall provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.**
- (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides. New pavement section shall match existing after the overlay.**
- (3) Final plans shall be approved by the County Engineer.**



- (1) ~~Widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29 foot pavement width from County Line Road to Laurel Ridge Drive, and revise the pavement markings to provide two 10½ foot travel lanes and minimum 4 foot paved shoulders on both sides of Cypress Creek Road. New pavement shall match existing.~~
- (2) ~~In lieu of repaving Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00, the developers shall provide a one inch overlay of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.~~

BOARD OF COUNTY COMMISSIONERS ACTION:

APPROVED AGENDA ITEM FOR

DATE SEP 11 2007

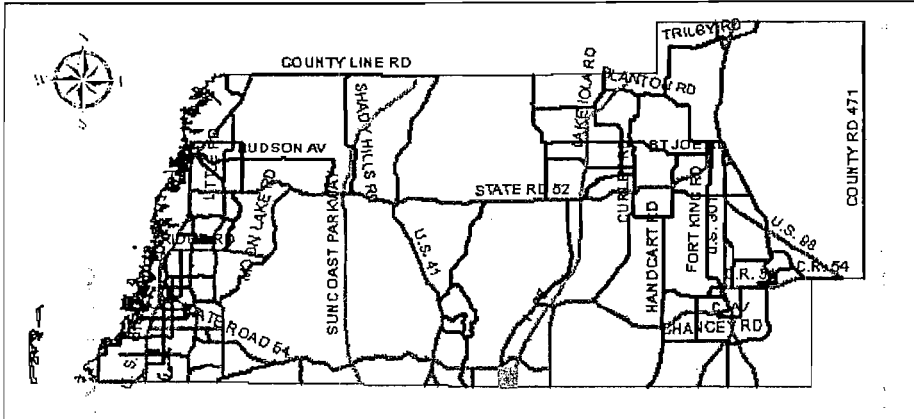
BY 

PETITION # RZ6692

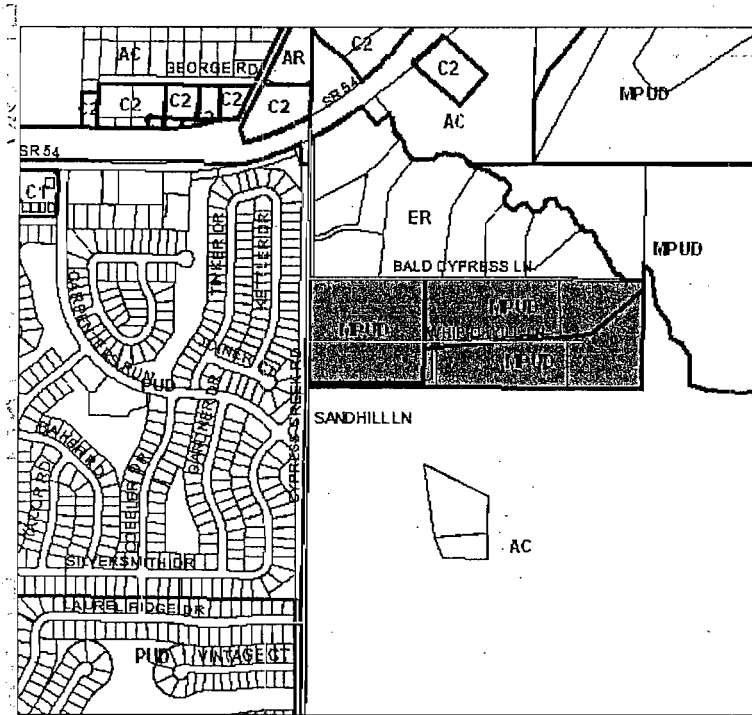
SECTION(S): 34

T. 26 S.

R. 19 E.



PASCO COUNTY, FLORIDA



TAZ: 169

COMMISSION DISTRICT: 2



**SCARPO  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6692**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted October 30, 2006, unless otherwise stipulated or modified herein.

**Open Space/Buffering**

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. For Category II and Category III wetlands, there shall be a buffer around all preserved Southwest Florida Water Management District (SWFWMD) wetlands with an average width of 25 feet, but no less than 15 feet, unless otherwise accepted by the SWFWMD; Army Corp of Engineers wetlands do not require additional buffers. There shall be a 25-foot minimum buffer, not inclusive of any lots, around all postdevelopment Category I wetlands. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD.
4. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. Unless a nonfee simple, residential product is built, the homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
5. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
  - a. The developers shall establish a 50-foot buffer from the Cypress Creek Critical Linkage. No development activity shall occur within the critical linkage and the 50-foot buffer.
  - b. The applicant shall send a copy of the Florida Fish and Wildlife Conservation Commission (FFWCC) Gopher Tortoise Permit to the Development Review Division (DRD) for their project files prior to the issuance of the Site Development Permit.
  - c. The applicant shall send a copy of the SWFWMD Environmental Resource Permit to the DRD for their project files prior to the issuance of the Site Development Permit.
6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the FFWCC to the DRD.
7. Prior to construction plan/construction site plan approval, the developers shall submit to the DRD a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developers shall submit to the DRD a copy of the Environmental Resource Permit.
8. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on December 11, 2006. Although no archaeological sites eligible for the

National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

9. The developers shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developers shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes (F.S.), is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable. This condition shall not apply if a nonfee simple, residential product is built.
10. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Neighborhood Parks Ordinance. Specific review and approval of the neighborhood parks will be conducted at each preliminary plan/preliminary site plan review.

#### Ordinances

11. In addition to the MPUD Master Planned Unit Development conditions of approval, the developers shall comply with all Pasco County ordinances, including all impact fee ordinances.
12. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owners/developers shall be required to comply with such ordinances/resolutions.
13. School-concurrency requirements as may be adopted by the County in the future are not waived nor satisfied by this rezoning approval. The owners/developers shall be required to comply with all provisions of a subsequently adopted School-Concurrency Program and the requirements to provide for school capacity as mandated.

#### Transportation/Circulation

##### Access Management

14. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
15. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further intersection improvements along the internal road intersections and Cypress Creek Road.
16. Prior to preliminary plan/preliminary site plan submittal, the developers shall supply evidence that they have coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcels to the south to identify and provide the location of the required interconnecting roadway.
17. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable

to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

#### Dedication of Right-of-Way

18. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
19. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
20. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
21. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road, solely to the extent such right-of-way is owned by the developers (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developers shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developers' property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developers' property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developers' project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

#### Design/Construction Specifications

22. The applicants agree to discontinue and remove, at the applicants' sole expense, the interim uses in the Cypress Creek Road Transportation Corridor no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvements Element or the Florida Department of Transportation (FDOT) in the FDOT's Five-Year Transportation Improvement Program (Termination Date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension. The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.
23. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
24. The developers have submitted a traffic study which was reviewed by the staff of the County. Based thereon, the developers shall:
  - a. Off-Site Improvements:

As to the following improvements\* identified in Condition Nos. 24.a.(1), (2), (3), and (4), prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developers shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.

As to the following improvements\* identified in Condition Nos. 24.a.(5), (6), and (7), prior to the issuance of the first Building Permit, the developers shall:

- (5) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(7) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements:

As to the following improvements identified in Condition Nos. 24.b.(1) and (2), prior to the issuance of the first Building Permit:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

c. Substandard Road Improvements:

As to the following improvements identified in Condition Nos. 24.c.(1), (2), and (3), prior to the issuance of the Site Development Permit, unless otherwise approved by the DRC, the developers shall construct:

- (1) The developers shall provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.
- (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides. New pavement section shall match existing after the overlay.
- (3) Final plans shall be approved by the County Engineer.

25. Prior to or concurrent with the approval of the first construction plan/construction site plan, the developers shall obtain Right-of-Way Use Permits for the construction of the improvements identified in Condition No. 24.
26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, unless otherwise approved by the DRC.
27. Prior to final plat or preliminary site plan/construction site plan approval occurring after December 31, 2009, the developers shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.
28. The traffic study submitted by the applicants assumes the following land uses: 538 apartment dwelling units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developers shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicants or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicants or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicants or development based on the updated County-approved traffic study.
29. The Developers shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developers shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developers shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicants/developers and their successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
30. The developers may submit an overall pedestrian/bike path plan to the Zoning/Code Compliance Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County Land Development Code as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, F.S., or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the Land Development Code is required.

**Utilities: Drainage, Water Service, Wastewater Disposal**

31. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
32. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.



33. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
- a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and nonpotable water lines, if applicable.
  - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.
34. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
35. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developers/owners and its successors and assigns, agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developers/owners shall transfer to Pasco County any and all Water Use Permits or water-use rights the developers/owners may have to use or consume surface or ground water within Pasco County.
  - b. Prior to the developers/owners selling water, Water Use Permits, or water-use rights, the developers/owners shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

#### Land Use

36. The residential design standards and uses shall be in accordance with regulations for MF-1 Multiple Family-Medium Density of the Pasco County Land Development Code.
- a. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
  - b. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
  - c. The total aggregate number of dwelling units for Scarpo MPUD Master Planned Unit Development shall not exceed 488.
  - d. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
  - e. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
37. The developers shall submit and obtain BCC approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment (bubble) prior to any preliminary plan/preliminary site plan approval within such increment.
38. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.

39. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
40. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
41. The developers may designate, on the Master Development Plan, a site or sites which do not exceed a total of one acre to be used for recreational vehicle and boat storage for the exclusive use of Scarpo MPUD Master Planned Unit Development residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

#### Procedures

42. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
43. If a complete preliminary plan or preliminary site plan for the first phase of the MPUD Master Planned Unit Development is not submitted and approved within five years after the rezoning approval, the conditions of approval and any density approved shall expire. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
44. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
45. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.
46. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan approval, and/or record plat approval.
47. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.
48. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Zoning Legislation as implemented by the Florida Department of Community Affairs and Pasco County.

49. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Zoning/Code Compliance Department after the BCC action.

OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

The owners/developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

\_\_\_\_\_  
(Date) JAMES A. SCARPO II

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) SYLVIA JOY SCARPO

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) CARLYLE M. WOLDING

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
JUDITH WOLDING

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
RANDALL M. SHERMAN

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
DIANE L. SHERMAN

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA

MINUTES

THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD

APRIL 10, 2008

1:30 P.M. – Historic Pasco County Courthouse, Board Room, 2<sup>nd</sup> Floor  
37918 Meridian Avenue, Dade City, FL 33525

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DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher  
County Administrator  
Michael Nurrenbrock - **ABSENT**  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E. - **ABSENT**  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)  
Chris Williams - **ABSENT**  
District School Board of Pasco County

ADVISORY STAFF

Cynthia M. Jolly, P.E.  
Development Director  
Samuel P. Steffey II  
Growth Management Administrator  
James C. Widman, P.E.  
Engineering Services Director  
Debra M. Zampetti - **ABSENT**  
Zoning/Code Compliance  
Administrator  
Representative of the Clerk  
of the Circuit Court

LEGAL COUNSEL

David A. Goldstein,  
Senior Assistant County Attorney

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**I. ROLL CALL**

Ms. Donalee Schmidt, Deputy Clerk, called the roll. Mr. Michael Nurrenbrock, Mr. Bruce Kennedy and Mr. Chris Williams were absent.

Ms. Schmidt swore in everyone who planned to present testimony.

**DEVELOPMENT SERVICES**

- P2 Class II, Greystar at Cypress Creek Apartments (IIPR07-116), Preliminary Site Plan and Variance Request-Greystar Development Group, LLC-On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54, Section 34, Twn 26 S, Rng 19 E  
Memorandum DR08-1102  
Recommendation: Withdraw  
Comm. Dist. 2**

Ms. Jolly stated the item was withdrawn due to insufficient public notice.

**DEVELOPMENT REVIEW SERVICES - DEVELOPMENT REVIEW**

- P3 Class II, New Business Center at Little Road and Citizens Drive (IIPR08-001), Preliminary/Construction Site Plan and Variance Requests-European Equities Corporation/Xenia Management Corporation-On the northeast corner of Little Road and Citizens Drive, Section 35, Twn 25 S, Rng 16 E  
Memorandum DR08-882  
Recommendation: Approval with conditions  
Comm. Dist. 4**

Ms. Jolly recommended the item be continued to April 24, 2008, at 1:30 p.m. in New Port Richey. She stipulated the item was contingent upon the applicant providing the affidavit regarding the mailing of the notice. Staff agreed with the continuance.

Mr. Steve Booth, representative, agreed to the continuance and stipulation outlined by Ms. Jolly.

There was no public comment.

**MR. JOHNSON MOVED** to continue the item to April 24, 2008, at 1:30 p.m. in New Port Richey.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**APRIL 24, 2008**

**1:30 P.M. – West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598**

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DEVELOPMENT REVIEW COMMITTEE

ADVISORY STAFF

John J. Gallagher

County Administrator

Michael Nurrenbrock

OMB Director

Daniel R. Johnson

Assistant County Administrator

Cynthia M. Jolly, P.E.

Development Director

Samuel P. Steffey II

Growth Management Administrator

James C. Widman, P.E.

Engineering Services Director

**Memorandum DR08-1161**

**Recommendation: Continuance Requested**

Ms. Cindy Jolly recommended the item be continued to May 15, 2008, at 1:30 p.m. in New Port Richey.

Mr. Andy Lassiter, representative, agreed with the continuance.

There was no public comment.

**MR. NURRENBROCK MOVED** to continue the item to May 15, 2008, at 1:30 p.m. in New Port Richey.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**P15 \*\*\*WITHDRAWN DUE TO PUBLIC NOTICE\*\*\* Class II, Greystar at Cypress Creek Apartments (IIPR07-116), Preliminary Site Plan and Variance Requests – Greystar Development Group, LLC – On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54, Section 34, Twn 26 S, Rng 19 E**



**Memorandum DR08-1189**

**Recommendation: Withdraw**

Ms. Cindy Jolly stated the item was withdrawn due to incorrect public notice.

**P16 Class II, New Business Center at Little Road and Citizen Drive (IIPR08-001), Preliminary/Construction Site Plan and Variance Requests (VAC08-386) – European Equities Corporation and Xenia Management Corporation – On the northeast corner of Little Road and Citizen Drive, Section 35, Twn 15 S, Rng 16 E**

**Memorandum DR08-1194**

**Recommendation: Approval with conditions**

Ms. Cindy Jolly explained the item. Originally the applicant had requested three variances concerning landscaping. Those variances were no longer being requested. Staff was in agreement with the variance request from Section 618.12, Cross-Access, to allow the eight handicapped parking spaces to remain along the 24-foot cross-access. Staff recommended approval of the project. She noted there were some neighbors in opposition to the request. She referred to the diagram and spoke regarding the “traveled path” that accessed Little Road. The applicant provided documentation which

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**MAY 15, 2008**

**1:30 P.M. – West Pasco Government Center, Board Room,  
7530 Little Road, New Port Richey, FL 34654-5598**

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DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)  
Chris Williams  
District School Board of Pasco County

LEGAL COUNSEL

David A. Goldstein,  
Senior Assistant County Attorney

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James C. Widman, P.E.  
Engineering Services Director  
Debra M. Zampetti  
Zoning/Code Compliance  
Administrator  
Ahsan Khalil  
Transportation Planner II  
Paul J. Montante  
Technical Specialist II  
Representative of the Clerk  
of the Circuit Court  
Frank Schlotter  
  
Michele Baker  
Chief Assistant County Administrator

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ROLL CALL

Ms. Donalee Schmidt, Deputy Clerk, called the roll. All members were present.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Discussion followed between the DRC Members, Staff and the applicant regarding the Mitchell Road intersection improvements; the need for two lanes going to the site east bound from the intersection; turning movements; there would be no through lane west bound; future improvements; Staff did not recommend the additional through lane away from the intersection because it would not carry cars initially; Mitchell Boulevard would ultimately extend to Starkey Boulevard; available the right-of-way; and future four laning.

Mr. Tew felt the applicant should be allowed to build the configuration approved by Staff. The configuration would accommodate future expansions. He spoke regarding the size of the site and felt it was not fair to require the applicant to construct the improvement, contemplating other development within the area. The traffic study did not require the additional two lanes. The additional lanes could be added when there was development that would justify the expansion.

Mr. Nurrenbrock stated he would be satisfied with a right turn lane, south of the through lane, to the first entrance.

Mr. Tew agreed with the additional requirement to provide the right turn movement. He noted the submitted traffic study did include the out parcels and the traffic load in the study not just the center.

**MR. NURRENBROCK MOVED** approval of Staff's recommendation including the additional requirement of a right turn lane from Little Road to the first entrance on Mitchell Boulevard eastbound.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**P3 Class II – Greystar at Cypress Creek Apartments (IIPR07-116), Preliminary Site Plan, Variance Requests, and Alternative Standards Request – Greystar Development Group, LLC, - Location: On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54; Section 34, Twn 26 S, Rng 19 E**  
**Memorandum DR08-1008**  
**Recommendation: Approval with conditions**

Ms. Cindy Jolly explained the request and gave the location of the project. She reviewed the three requested variances and alternative standards request.

Discussion followed between the Staff and the DRC Members regarding large trees located on the site; the location of the neighborhood parks; walking paths throughout the project; \$225,000.00 would be placed into the tree fund; the frontage road for the project; this would be a professional office site; the secondary entrance would allow an opportunity to provide an interconnect for a shared or emergency access; the dedication of Bald Cypress Lane; the entrance to the south should not be gated; and the location of the retention pond.

Mr. Peter Petricka, representative, agreed with Staff's recommendation of approval and conditions.

Mr. Jack Taylor spoke under public comment. Concerns included: single-family residential development in the area; access should not be allowed through Bald Cypress Lane; Bald Cypress Lane was a private, non-dedicated road for the ingress/egress of the residents of Alvarez Acres; the initial rezoning included a condition that Cypress Creek Road would be improved prior to the issuance of any site development permit; Greystar had a bond in place of completing the roadway improvement prior to site development; and when would Cypress Creek Road be improved.

Ms. Jolly explained Condition 29 was included in the original rezoning and stated "unless otherwise approved by the DRC, prior to preliminary plan approval, the developer shall construct.....the improvements to Cypress Creek Road". She recommended Condition 29 be revised to reflect Condition 25C of the rezoning. Condition 29 would state "To repave Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane to achieve a structural number of at least 3.0. On the east side of Cypress Creek Road, from County Line Road to approximately one-half mile north, relocate existing utility poles approximately eight feet outside of the clear zone and then on the east side of Cypress Creek Road, from County Line Road to approximately one-half mile north remove trees located within six feet of the edge of pavement and then on the east side of Cypress Creek Road, from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less, and on the east side of Cypress Creek Road, south of the project, install a guard rail estimated at 150 feet to protect deficient side slope or shoulder that could not otherwise be corrected". She explained the time of the site development permit was when the applicant actual broke ground and began construction.

Discussion followed regarding the improvements being required at the time the developer had broken ground; the bond was already in place; the time improvements should be completed on a commercial project; normally the pavement on the parking lot was the last thing done as they installed the fire sprinklers for an apartment building; as currently written, the improvements were required prior to the start of construction; and the need for the improvements to be installed.

Ms. Jolly recommended the condition read prior to the issuance of the first building permit the improvements would be completed.

Mr. Nurrenbrock clarified the improvements would not just be bonded, but would be completed.

Mr. Taylor spoke regarding the current condition of Cypress Creek Road; the applicant had indicated the improvements to Cypress Creek Road would be completed prior to site development; the improvements would be a 90 day project; three culverts located under Bald Cypress Lane which caused a natural flow to Cypress Creek; the proposed Type B boundary; what would happen with the natural flow of water once the pond filled; the buffering requirements; the location of the retention pond; and Cypress Creek Town Center.

Mr. Jolly explained the applicant was allowed to leave the area along the natural wetland. If the wetland was destroyed, then they would be required to install the buffer. She explained the revised condition would state prior to the issuance of the first building permit the applicant would make all of the improvements that mirrored the zoning conditions.

Chairman Gallagher requested Condition 29 be revised to indicate the road improvements were required to be made prior to the issuance of the first building permit.

**MR. NURRENBROCK MOVED** approval of the revision to Condition 29 as stated.

Discussion followed regarding construction of the roadway; construction traffic; and that the improvements could be done at the same time.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Mr. Hank King spoke under public comment. Concerns included: an objection to the request on the basis that the conditions of approval contained a provision requiring the use of property owned by Mr. King; the proposed road improvements; and moving the road over to achieve a minimum of 29 feet of pavement width.

Discussion followed regarding the zoning conditions of approval.

Ms. Jolly clarified Staff had distributed a revised site plan; the variance application had the correct site plan attached. She spoke regarding the substandard road analysis and clarified she had read the incorrect information into the record.

**MR. NURRENBROCK MOVED** to reconsider the previous motion.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Ms. Jolly read the correct information into the record "to widen Cypress Creek a minimum of five feet to the west to achieve a minimum 28-foot pavement width from

County Line Road to Laurel Ridge Drive and revise the pavement markings to provide two, ten and a half foot travel lanes and a minimum of four feet paved shoulders on both sides of Cypress Creek Road. New pavement shall match the existing". The next revision would state "in lieu of repaving Cypress Creek Road from Laurel Drive to Bald Cypress Lane, approximately .4 miles to achieve a structural number of at least three, the developer shall provide a one inch overlay of S-3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to State Road 54".

**MR. NURRENBROCK MOVED** to amend the agenda item before the DRC to use the language read into the record by Ms. Jolly to supersede the language included in the agenda item.

Mr. Goldstein asked if the motion included the requirement that the improvements were required to be completed prior to the building permit.

Mr. Nurrenbrock clarified the motion included the requirement prior to building permit.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Mr. King continued with his presentation. Items discussed included: 5.9 feet of the 29 feet discussed was located on his property as stated in his lawsuit; no cross-access to the north; the zoning conditions of the property immediately to the north of the Greystar property; his requirement to include a cross-access; the 50-foot setback from the critical linkage; and the proposed new critical linkage line.

Ms. Jolly displayed a diagram showing the critical linkage line adopted by the Board of County Commissioners that was in effect and explained Staff was working on a revision to the critical linkage. A requirement was included in the conditions of approval to come back as near as possible to match the revised critical linkage to reserve an additional area.

Mr. Goldstein clarified that the condition required the applicant to show an additional conservation buffer adjacent to the critical linkage as approved by the County Biologist.

Mr. Bob Tietz, County Biologist, referred to the diagram and spoke regarding the existing critical linkage set by the 2002 study and the proposed line based upon additional refinements. He explained they had negotiated with the applicant to try to get as close as possible to the proposed line to increase the buffer area greater than 50 feet.

Ms. Jolly requested the Committee receive and file "Item A".

**MR. NURRENBROCK MOVED** to receive and file Item A into the record.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Discussion continued regarding the diagram.

**MR. NURRENBROCK MOVED** approval of the applicant's agreement as shown on the exhibit as the area cross-hatched to the west of the line adopted by the Board of County Commissioners, to include that additional property be held in conservation for a critical linkage corridor.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Mr. King continued to address his concerns with the wildlife corridor; the wetland line; the "blow up" used by the consultants showing the lines; the need for a workshop regarding the corridor; the science used; an e-mail from Mr. Bob Tietz regarding the corridor; different standards applied to different property owners; approval should be postponed until the workshop was held; the completed traffic study; the replacement trees should be situated on the border; the landscape buffering requirements; the location of the cross-access; fencing would defeat the wildlife corridor; and construction times and methods.

Chairman Gallagher asked Mr. Tietz who set the line in the Comp Plan.

Mr. Tietz explained that was determined by Glatting Jackson.

Ms. Baker noted a workshop had been scheduled for June 3, 2008, at 1:00 p.m. in New Port Richey to speak with all of the land owners regarding the critical linkage and to explain the shift of the corridor. Dr. Exum would also be present at the meeting.

Discussion followed regarding the location of the cross-access and secondary access to the site.

Mr. Clay Colson spoke under public comment. Items discussed included the proposed frontage road was an excellent idea; Cypress Creek Town Center; the critical linkage line; FEMA maps showing the flood plain; buffering from the retention pond; discharge directly into the wetlands; requirements to meet the Outstanding Florida Water Drainage criteria; stormwater management systems within the County; the need to move the pond back to create a French drain which would allow the water to be collected and treated by the ground and pond to help protect the creek; the Citizens for Sanity Settlement Agreement; and area flooding.

Ms. Jolly explained the construction plans and drainage plans had been submitted, but Staff had not yet finished their review. The applicant was required to meet the Outstanding Florida Water Drainage criteria.

Chairman Gallagher requested the final construction plans come back to the DRC.

Mr. Petricka explained the off-site construction permits had been approved; he was in agreement with Staff's recommended conditions; a six-foot solid fence would be installed along the north and south property lines as required; the applicant would not go onto Mr. King's property; the drainage and retention ponds would be addressed in their construction plans; and the buffering criteria.

Discussion followed regarding Cypress Creek; the diagram; stormwater ponds; and the existing flow of the site should not be obstructed going into Cypress Creek.

Ms. Jolly spoke regarding the buffering requirements and recommended on the south buffer the applicant install a ten-foot type B buffer which would provide a six-foot high visual screen rather than a visual screen only two-foot high. She recommended a condition be included to state exclusive of the critical linkage an additional area....the fence shall have openings as needed to convey runoff.

**MR. NURRENBROCK MOVED** approval of Ms. Jolly's recommended language.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**MR. NURRENBROCK MOVED** approval of the remainder of the agenda item and that the interconnection to the south would not be gated.

Chairman Gallagher requested each variance be voted on separately.

### **Neighborhood Parks**

**MR. JOHNSON MOVED** approval of Staff's recommendation regarding the neighborhood parks.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

### **Tree Replacement**

**MR. NURRENBROCK MOVED** approval of Staff's recommendation to allow the applicant to pay into the fund in lieu of total replacement.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.



### **Access Frontage Road**

**MR. NURRENBROCK MOVED** approval to require the road to the south, but that it not be gated.

Chairman Gallagher called on the motion; the motion carried with Chairman Gallagher voting nay.

Ms. Jolly explained behind the front gate where the interconnection was required, the applicant could allow privately maintained access.

**MR. NURRENBROCK MOVED** approval as stated by Ms. Jolly.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Chairman Gallagher requested the construction plans come back to the DRC.

Mr. Goldstein asked if the critical linkage would be a conservation easement.

Ms. Jolly stated Condition 2.K.4. required the applicant to show an additional conservation buffer adjacent to the critical linkage as shown as the cross-hatch area on Attachment A. A corresponding condition would be added to state prior to the first building permit.

**MR. NURRENBROCK MOVED** to require a conservation easement prior to the first building permit.

Mr. Harrill explained the applicant did not mind giving the land, but if a conservation easement was done they would be required to have an EMP on the property. He would prefer to give them fee title to the critical linkage area and reserve for drainage purposes anything that happened to be associated to the project.

Chairman Gallagher recommended the item come back with the construction plans to allow the applicant to work with Staff.

Mr. Goldstein stated Condition 15 stated prior to construction plans the applicant was required to obtain approval of an EMP. He recommended Condition 15 be modified to state "unless otherwise approved at the time of construction plan approval".

Mr. Harrill agreed with Mr. Goldstein's recommendation.

**MR. NURRENBROCK MOVED** approval of the modification of Condition 15 as stated.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**MR. NURRENBROCK MOVED** approval of the remainder of the agenda item and to require the construction plans to come back to the DRC.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**P4 Class I – Walgreen’s S.R. 54, (IPR05-062), Conceptual Variance Request (VAC08-397) – Sunnyside Properties Too, Inc. – Location: On the northeast corner of S.R. 54 and Dean Dairy Road; Section 09, TwN 26 S, Rng 21 E  
Memorandum DR08-1157  
Recommendation: Approval with conditions**

Ms. Cindy Jolly recommended the item be continued to June 26, 2008, at 1:30 p.m. in New Port Richey.

There was no public comment.

Mr. Ben Harrill, representative, agreed with the continuance.

**MR. PARIKH MOVED** to continue the item to June 26, 2008, at 1:30 p.m. in New Port Richey.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**P5 Class II, Grand Valley MHP Extension (IIIPR08-006), Preliminary/Construction Site Plan, Stormwater Management Plan and Report, and Variance Request (VAC08-400) – Grand Valley, Inc. – Location: On the east side of Osteen Road, approximately 600 feet north of Massachusetts Avenue; Section 35; TwN 25 S, Rng 16 E  
Memorandum DR08-1163  
Recommendation: Approval with conditions**

Ms. Cindy Jolly explained the item. Staff recommended approval. Condition 16 was corrected to read “construct Osteen Road to County standards from Massachusetts Avenue to approximately 740 feet north to the satisfaction of the County Engineer”. She spoke regarding the condition of Osteen Road and explained at the current time a sealant would be acceptable, but if the applicant did not construct right away, there could be additional items which would need to be corrected. She would review Osteen Road through a Right-of-Way Use Permit. She recommended Condition 17 be deleted



# PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274  
LAND O'LAKES (813) 929-6084  
NEW PORT RICHEY (727) 847-8142  
FAX (727) 815-7000

DEVELOPMENT REVIEW DIVISION  
WEST PASCO GOVERNMENT CENTER  
7530 LITTLE ROAD, SUITE 230  
NEW PORT RICHEY, FL 34654

May 28, 2008

Greystar Development Group  
1431 Greenway Drive, Ste. 100  
Irving, TX. 75038

RE: Greystar at Cypress Creek Apartment – Preliminary Site Plan, Variance Requests,  
and Alternative Standards Request (IIPR07-116)

Dear Sirs:

Please be advised that on May 15, 2008, the Development Review Committee, (DRC), reviewed and approved the above-referenced project as noted on the enclosed agenda memorandum DR08-1008. This approval is issued under the provisions of Section 306, Development Review Procedures, of the Pasco County Land Development Code.

The owner/developer is hereby notified that no activity shall commence on-site until both the completed notarized acknowledgment portion of the above-referenced agenda memorandum and receipt for payment of Pasco County utility impact fees (if applicable) are received by the Development Review Division. Any site specific conditions listed as requiring completion prior to Site Development Permit issuance must also be completed.

The owner's/developer's acceptance of the enclosed conditions constitutes a notice of authorization to perform all related work as allowed by Section 306, Development Review Procedures, of the Land Development Code, but **shall not** include the structure, septic tanks, signs, construction within County/State right-of-way, and all other construction activities requiring separate governmental permits. Should the owner/developer object to any condition of approval as stated on the attached, a written notice of rebuttal or request for administrative appeal shall be submitted within 30 days of this decision in accordance with Section 317, Administrative Appeals, of the Pasco County Land Development Code. The owner/developer may contact this office for information regarding corresponding application and fee requirements.

The Owner/developer shall obtain a hard-copy Site Development Permit prior to commencing any activity. **A stamped copy of the approved site plan shall be kept on the job site at all times.** No Certificate of Occupancy shall be issued until compliance with all requirements, including building and/or site inspection finals, are completed. **Deviations from the approved plan shall be approved by Pasco County prior to commencing construction.**

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 5/20/08

FILE: DR08-1008

SUBJECT: Class II, Commercial Development  
Review - Greystar at Cypress Creek  
Apartments Preliminary Site Plan,  
Variance Requests, and Alternative  
Standards Request  
(Project No. IIPR07-116)  
DRC: 5/15/08, 1:30 p.m., NPR

FROM:  Cynthia M. Jolly, P.E., CFM  
Development Director

REFERENCES: Land Development Code,  
Section 306, Development  
Review Procedures;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Greystar at Cypress Creek Apartments
Developer's Name:	Greystar Development Group, LLC
Location:	On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54, Section 34, Township 26 South, Range 19 East.
Parcel ID No.:	34-26-19-0000-00500-0000
Land Use Classifications:	RES-3 (Residential - 3 du/ga) and RES-24 (Residential - 24 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	Cypress Creek Road
Existing Right-of-Way:	25 Feet from Centerline
Required Right-of-Way:	135 Feet from the Western Edge of the Existing Right- of-Way
Flood Zones:	"A," "B," and "C"
Hurricane Evacuation Zone:	N/A
Acreage:	29.88 Acres, m.o.l.
Number of Units:	451
Type of Units:	Apartments
Size of Units:	N/A
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	169
Present Land Use:	Vacant
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Greystar at Cypress Creek Apartments is requesting approval of a preliminary site plan for a 451-unit apartment complex.

Variances: 1) Section 610.15, Neighborhood Parks: the developer is requesting to eliminate the 100' X 100' open-play area in the westernmost park in order to save approximately 543 inches of trees and to allow an alternate shape for the 100' X 100' open-play area in the easternmost park; 2) Section 602.7, Tree Replacement: the developer is requesting to make a contribution to the Tree Mitigation Fund in lieu of installing all required replacement inches; and 3) Section 618.12, Cross-Access/Frontage Road: the developer is requesting to eliminate the 24-foot, cross-access connection to the northern abutting property and gate the 24-foot access to the south.

Alternative Standards: Section 306.17, Dedication, in accordance with Condition No. 18 of Rezoning Petition No. 6692, to grant an alternative standards request from Section 306.17, Dedication, to allow private streets in an apartment complex.

BACKGROUND:

On May 22, 2007, the Board of County Commissioners (BCC) approved Petition No. 6692, rezoning 29.7 acres from E-R Estate-Residential and AR-1 Agricultural-Residential Districts to an MPUD Master Planned Unit Development District with 488 apartments.

FINDINGS OF FACT:

1. The preliminary site plan, variance requests, and alternative standards request have been reviewed by the Growth Management Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses and consistent with the density allowed within the RES-24 (Residential - 24 du/ga) Future Land Use Classification.
2. The preliminary site plan, variance requests, and alternative standards request for the above-subject project were prepared for Greystar Development Group, LLC, by Otero Engineering, and consist of 50 sheets dated September 10, 2007; the sheets were last revised on January 28, 2008. The plans were originally received by the Development Review Division (DRD) on October 22, 2007, and final revisions were received on March 4, 2008.
3. Access to the property is from Cypress Creek Road.

VARIANCE REQUEST:

The Development Director has reviewed the request for variances and has determined the following:

1. Section 610.15, Neighborhood Park  

There is no objection to the elimination of the 100' X 100' open-play area in the easternmost park.

There is no objection in the alternate shape of the open-play area in the easternmost park.

These variances will allow the developer to retain approximately 543 inches of trees, including several "unique clusters."
2. Section 602.7, Tree Replacement  

There are approximately 18,947 inches of trees on the site. Of the inches removed, 5,184 inches must be replaced. The developer is proposing to replace 2,531 inches, leaving a 2,653-inch deficit.

The contribution to the Tree Mitigation Fund is approximately \$225,500.00.
3. Section 618.12, Cross-Access/Frontage Road  

There is no objection to the elimination of the cross-access connection to the northern abutting property. The property to the north has a private, ingress/egress easement to a residential area, which restricts access to the residential owners only.

There is objection to the location of the 24-foot cross access to the south. This should be unobstructed and located along the project where it fronts Cypress Creek Road as a parallel, frontage road.

ALTERNATIVE STANDARDS REQUEST:

The Development Director has reviewed the request for alternative standards and has determined the following: Section 306.17, Dedication, there is no objection to private streets.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for a 451-unit apartment complex.

RECOMMENDATION:

The Development Director recommends approval of the preliminary site plan, variance requests, and alternative standards request with the following conditions:

General

1. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
2. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD:
  - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
  - b. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).
  - c. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
  - d. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the DRD. In the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.
  - e. National Pollutant Discharge Elimination System Permit/permit application.
  - f. Construction traffic route condition survey and videotape, if applicable.
  - g. Construction Traffic Restoration Bond, if applicable.
  - h. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.
  - i. A copy of a Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit shall be submitted to the DRD prior to the issuance of a Site Development Permit.
  - j. A Master Utility Plan.
  - k. Revised plans incorporating all changes required to show compliance with the conditions of approval including, but not limited to:
    - (1) Correct the number of parking spaces for Building 7 from eight to ten.
    - (2) Show individual building-perimeter landscaping calculation, not combined overall total.
    - (3) Provide a six-foot-high fence or wall along the north and south property line, except for the area of the critical linkage and buffer. The wall shall also allow for the passage of drainage.
    - (4) Provide a ten-foot-wide, Type B buffer along the south property line, THAT MEETS THE LANDSCAPE VISUAL SCREENING REQUIREMENTS OF A TYPE B BUFFER, PAP 6/11/08
    - (5) ~~(3)~~ Show the correct number and location(s) of the ADA parking spaces.
    - (6) ~~(4)~~ Show an additional conservation buffer adjacent to the critical linkage as approved by the County Biologists shown as cross-hatched "Attachment A."
    - (7) ~~(5)~~ Show the 24-foot cross access to the south on the east side of the perimeter buffer along Cypress Creek Road in front of the gate.
    - (8) ~~(6)~~ Remove incorrect parcel numbers.

- (9) ~~(7)~~—The developer shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the Infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.

No construction shall commence until the permit has been properly posted on the site.

3. Dedicate the critical linkage, associated buffers, and conservation easements prior to the issuance of the first Building Permit.
4. Any roadway construction required herein as a condition of development approval shall not be entitled to the TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
5. The owner/developer acknowledges that approval of the variance(s) as stated is based upon representation as set forth in the preliminary plan submittal dated September 10, 2007, and received by Pasco County on March 4, 2008. In the event that the preliminary plan is deemed void and/or approval is withdrawn, then the variance(s) shall be considered void and all future development shall thereafter comply with all regulations currently in effect and shall be reviewed and approved as provided therein. Preliminary plan approval is contingent upon approval of variance application(s).
6. The owner/developer or successors in interest are advised of the following restrictions:
  - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
7. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.
8. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with Pasco County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.

9. The owner/developer shall acknowledge that should Pasco County collect funds under a guarantee document, the developer shall authorize the County, or its designee, access to the property in question to complete the required work.
10. The owner/developer shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developer shall be responsible for attorney's fees and court costs incurred by the County in such action.
11. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
12. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.
13. The developer shall provide 4.5 acres of neighborhood parks in accordance with Ordinance No. 02-26 as amended. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26 as amended.
14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the Land Development Code (LDC), Section 403.

All conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

15. Prior to record plat or the issuance of the first Certificate of Occupancy (CO) where a record plat is not required, monies shall be contributed to the Tree Mitigation Fund for the caliper inches of replacement trees not planted as a result of this variance approval at a rate set by resolution of the BCC.



### Construction Plan

16. The construction plan shall be brought to the DRC for final action.
17. ~~Prior to~~ At the time of construction plan consideration by the DRC, the applicant shall provide an Environmental Management Plan for review and approval by the County Biologist.
18. Prior to final site/construction plan approval of any project taking access from a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.
19. No fill shall be placed within the 100-year floodplain designation unless compensating volume to mitigate the fill is provided on-site or off-site within the same basin and reviewed and approved by Pasco County.
20. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required in accordance with Resolution No. 93-304 as amended. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.
21. The owner/developer acknowledges that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, and retaining walls.
22. Prior to construction plan approval, the developer shall submit a stormwater-management plan in accordance with the LDC, Sections 306, 310, 605, and 606, to the DRD for review and final determination. The construction plan time frame for review shall not begin until the stormwater-management plan is submitted and passes content review.
23. Driveway, road, and intersection improvements requiring roadway widening and/or left-turn, storage lane construction shall also include an asphaltic concrete overlay of the entire limits of intersection improvement area to Pasco County specifications as approved by the County.
24. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with the LDC, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.  
  
All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the DRD's New Port Richey office.
25. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan, approved by the Utilities Services Branch, is required prior to final construction plan approval. The developer shall construct all water and wastewater facilities within and external to the development to current Pasco County standards. Design and construction standards and Master Utilities Plan outline may be obtained from the Utilities Services Branch.
26. Where reclaimed water is provided, the developer shall install a reclaimed (reuse) irrigation system, sufficient to supply lawn irrigation to all planned areas. The quality and quantity of reclaimed water provided by the County shall meet all Florida Department of Environmental Protection criteria for use of reclaimed water in public access areas per requirements of the Florida Administrative Code, Rules 17-6 and 17-610.
27. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:

- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the owner/developer may have to use or consume surface water or groundwater within Pasco County for the duration of the production failure or shortfall.
  - b. Prior to the owner/developer selling water, water-use permits, or water-use rights, the owner/developer shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.
28. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
29. Any gates located within gated communities shall be set back sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.
30. The applicant has submitted a Traffic Impact Study which requires the following improvements:

a. Off-Site Improvements:

Prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan; the developer shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 Intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developer shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.

Prior to the issuance of the first Building Permit, the developer shall:

- (5) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

b. Site-Access Improvements:

Prior to the issuance of the first Building Permit:

- (1) The developer shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developer shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

The improvements are required to be completed prior to the issuance of the first Building Permit.

31. The applicant has submitted a Substandard Roadway Analysis which requires the following Improvements:

- a. Prior to the issuance of the ~~Site Development~~ first Building Permit, ~~unless otherwise approved by the DRC,~~ the developer shall construct:
  - (1) ~~The developer shall~~ provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.
  - (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot, paved shoulders on both sides. New pavement section shall match existing after the overlay.
  - (3) Final plans shall be approved by the County Engineer.

~~The improvements are required to be completed prior to the issuance of the first Building Permit.~~

32. The traffic study submitted by the applicant assumes the following land use:

Multifamily Apartments - 488 Units

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office, executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

33. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.

34. Prior to platting, or where platting is not required prior to the issuance of the first CO, the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water

from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.

35. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owner/developer shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.
36. Unless otherwise approved by the Emergency Services Director, when the development is record platted, or where a plat is not required, prior to the issuance of the first Building Permit, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until such a petition has been received by the Emergency Services Director.

#### Hard-Copy Site Development Permit

37. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.
38. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to combustibles being brought on site (National Fire Protection Association, NFPA-1, 16.4.3.1.3).
39. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled. Further, all retention pond side slopes and associated swales shall be sodded to prevent soil erosion.
40. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Office) and Pasco County shall be notified within two working days of the resources found on the site.
41. If the site is identified on Map 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the DRD, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.
42. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.
43. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.
44. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the DRD.

The DRC's approval of this preliminary site plan, variance requests, and alternative standards request constitutes a finding by the DRC that the preliminary site plan, variance requests, and alternative standards request, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to preliminary site plan, variance requests, and alternative standards request approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

The developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

\_\_\_\_\_  
Date GREYSTAR DEVELOPMENT GROUP, LLC  
STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_  
Title \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date),  
by \_\_\_\_\_ (name of corporation  
acknowledging) a \_\_\_\_\_ (State or  
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or  
who has produced \_\_\_\_\_ (type of identification) as identification.

Seal: \_\_\_\_\_  
NOTARY

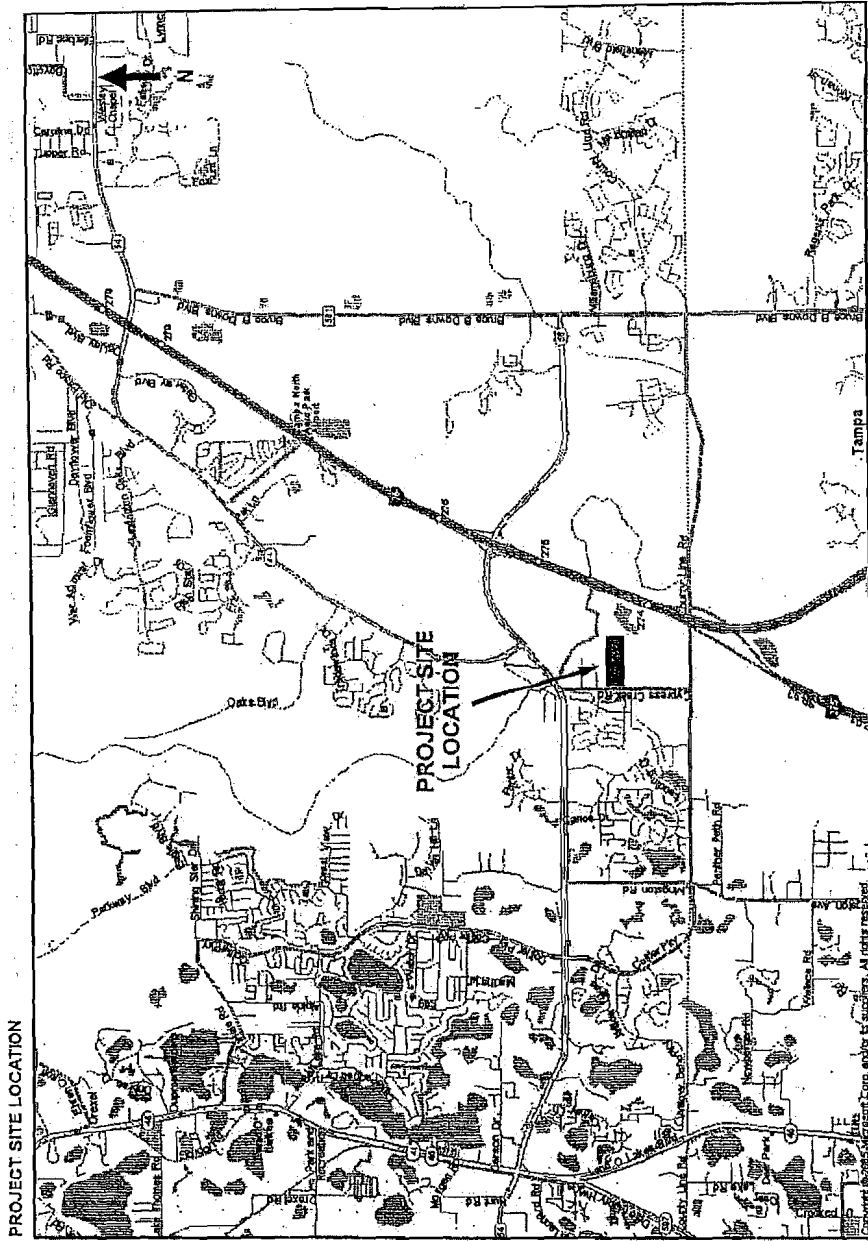
ATTACHMENTS:

- 1. Location Map
- 2. Site Plan
- 3. Variance Applications

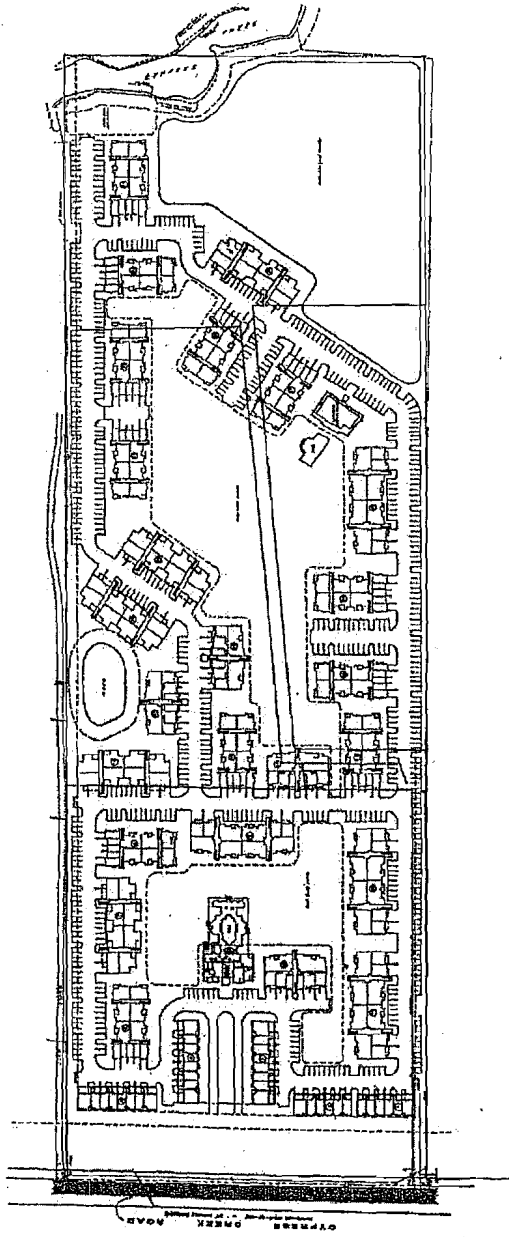
CMJ/DEM/dr/greystardr081008/08a

DEVELOPMENT REVIEW COMMITTEE ACTION (5/15/08):

Approved Staff Recommendation with Amendments



PRELIMINARY SITE PLAN



VARIANCE NO. \_\_\_\_\_

DATE \_\_\_\_\_

PASCO COUNTY  
APPLICATION FOR VARIANCE  
DEVELOPMENT REVIEW COMMITTEE  
VARIANCE BOARD

The undersigned owner(s) of the following legally described property have formally requested consideration of a variance in accordance with provisions of Florida Statutes and Section 316 of the Pasco County Land Development Code.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. **No application for review shall be deemed complete until all required information is provided.**

Name of Applicant GSTampa Apartment, LP, a Delaware Limited Partnership

Mailing Address 1431 Greenway Dr. Suite 100, Irving, TX 75038

Phone Number: Home (214) 228-1333 Business (469) 955-0054

Locational Description: Subdivision Name Project located on east side of Cypress Creek Rd., between S.R. 54 and County Line Road

Parcel Identification Number: See Below

Section 34, Township 26 South, Range 19 East, Block NA, Lot No. NA

Present Zoning District M/PD

- 34-26-19 - 0000 - 00500 - 0000
- 34-26-19 - 0000 - 00500 - 0010
- 34-26-19 - 0000 - 00500 - 0030
- 34-26 -19 - 0000 - 00800 - 0000



REASONS FOR REQUEST FOR VARIANCE:

Please note that the following questions must be answered completely, specifically 2a-2d. If additional space is needed, attach extra pages to the application.

1. Describe generally the nature of the Variance and specific sections of the Code which are affected.  
See attached Supplemental Information - Section 618.12  
(Access Connections to adjoining properties)
2. Describe how your request demonstrates compliance with the following criteria:
  - a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required subdivision improvements.  
See attached supplemental information
  - b. That a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.  
See attached supplemental information
  - c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance.  
See attached supplemental information
  - d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or required subdivision improvements under similar conditions.  
See attached supplemental information
3. To the best of your knowledge, can you affirm that the hardship described above was not created by the action of anyone having property interests in the land after the Pasco County Land Development Code or applicable part thereof became law? YES  NO . If "NO", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variances).
4. Are the conditions on your property the result of other manmade changes (such as the relocation of a road or highway)? No

If so, describe

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5. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirement

Change in lot coverage requirement.

Change in side yard requirement.

Change in parking requirement.

Change in area requirement.

Other - Describe 1) Eliminate access connection to residential property to the north;  
2) Allow parking & garages adjacent to the access connection serving the parcel  
to the south; 3) Allow the access connection points to be private & gated.

6. Are the conditions of hardship for which you request a Variance true only of your property? Yes  
If not, how many other properties are similarly affected?

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**ADDITIONAL ITEMS REQUIRED FOR VARIANCE:**

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application. attached
2. Copy of Warranty Deed attached
3. Copy of Last Year's Tax Bill attached
4. Notarized Agent of Record Letter (if applicable) attached
5. Is this Application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Four (4) copies of the site plan drawn to scale showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question. This plan should be clearly drawn and demonstrate the purpose of the variance request. attached
7. Two 8½ x 14 photocopies: one showing the site without the variance and one showing the site with the variance. attached
8. Variance Fee: \$100.00 (each major section). Check made payable to: Pasco County Board of County Commissioners. attached

The petitioner acknowledges that all variances are adjustments which allow minor changes of the Land Development Code requirements. All sites approved for variance are subject to site preliminary plan review in compliance with the Land Development Code.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE 3-3-08

APPLICANT'S SIGNATURE \_\_\_\_\_

APPLICANT'S REPRESENTATIVE Jose Kranzler, Otero Engineering, Inc

ADDRESS 14802 N. Dale Mabry, Ste 200

CITY, STATE, ZIP CODE Tampa, Fl. 33618

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### SUPPLEMENTAL INFORMATION

1. The applicant is seeking relief from Section 618.12 of the Code regarding requirements for "access connection drives to adjacent parcels".

The site is being developed in accordance with the conditions of re-zoning. The project proposes 451 units although 488 were approved. The site plan was developed with particular attention to preserving quality trees and unique clusters.

The site plan indicates the location of the access connection to the south parcel in the location approved in the MPUD. A connection to the north is not shown due to the fact that the property to the north consists of several residential properties that are served from Cypress Creek Road by a "Private Ingress/Egress Easement" that the applicant does not have legal access to. In addition during the re-zoning the property owner's to the north were opposed to access from an apartment compartment complex. The access drive connection to the south is shown with garages and parking adjacent to it.

Furthermore; the proposed plan indicates that the main entrance from Cypress Creek Road and the access connection to the south parcel will be private and gated.

- 2A. The project consists of multi story apartment buildings with some garage parking on the first level and the remainder of parking provided by surface spaces adjacent to the private drive aisles. The project has already reduced the zoning entitlements by 37 units to save trees and meet code parking requirements.
- 2B. Literal interpretation of the code would make it impossible to provide parking for the number of units proposed; and would result in a net loss of 124 additional units.
- 2c. The applicant did not cause the special conditions or circumstances. Literal interpretation of the code would deny the applicant 33 percent of the zoning entitlements.
- 2D. Granting of this variance would not convey special privileges on the applicant. The attached variance plan indicates the applicant's best efforts to provide a usable access connection to the property to the south and also retain most of the zoning entitlements.

**REASONS FOR REQUEST FOR VARIANCE:**

Please note that the following questions must be answered completely, specifically 2a-2d. If additional space is needed, attach extra pages to the application.

1. Describe generally the nature of the Variance and specific sections of the Code which are affected.  
1) Section 610.15 (Request to eliminate 100' x 100' play area to save trees)  
2) The applicant requests relief from the Land Development Code, Section 602.7, Tree Replacement Based on Trees Removed, which, if approved, would allow a monetary contribution to the Tree Mitigation Fund instead of the required tree replacements.
2. Describe how your request demonstrates compliance with the following criteria:
  - a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required subdivision improvements.  
1) Applicant would like to preserve 543 diameter inches of trees located in area that would necessarily be cleared to create open space. This site has been designed with three park areas. The remainder park areas will have at least 100' x 100' of open space each. 2) Site has a total of 18,947 diameter inches of trees; 5,184 caliper inches are required for mitigation; 2,531 inches are provided in the landscape plan; total diameter inches required for tree fund = 2,653 inches. Applicant is retaining 7,917 diameter inches of existing trees on this site and spending significant money for preservation efforts (pruning, spraying, protecting, etc.) for these trees.
  - b. That a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.  
1) The literal interpretation of this code would necessitate the removal of desirable, existing tree canopy which amounts to 543 diameter inches of trees. 2) The literal interpretation would so deprive the Applicant of such rights in that the property is heavily wooded and would necessitate the planting of 5,184 caliper inches of trees.
  - c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance.  
Existing trees on site prior to development
  - d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or required subdivision improvements under similar conditions.  
Applicant intends to conform with the intent of the tree ordinance by planting 2,531 caliper inches of trees and retaining 7,917 diameter inches of trees. Remaining tree replacement of deficit will be per resolution allowing \$50.00 per inch of replacement not to exceed \$500.00 for each residential unit.
3. To the best of your knowledge, can you affirm that the hardship described above was not created by the action of anyone having property interests in the land after the Pasco County Land Development Code or applicable part thereof became law? YES  NO . If "NO", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variances).
4. Are the conditions on your property the result of other manmade changes (such as the relocation of a road or highway)? No 46

dr/variapp

If so, describe

5. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirement

Change in lot coverage requirement.

Change in side yard requirement.

Change in parking requirement.

Change in area requirement.

Other – Describe Request for contribution of \$50 per inch to the tree mitigation fund and request to eliminate 100' x 100' play space as requested in item # 1

6. Are the conditions of hardship for which you request a Variance true only of your property?

If not, how many other properties are similarly affected?

Unknown, could affect other properties with similar conditions

**ADDITIONAL ITEMS REQUIRED FOR VARIANCE:**

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed \_\_\_\_\_
3. Copy of Last Year's Tax Bill \_\_\_\_\_
4. Notarized Agent of Record Letter (if applicable) \_\_\_\_\_
5. Is this Application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Four (4) copies of the site plan drawn to scale showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question. This plan should be clearly drawn and demonstrate the purpose of the variance request.
7. Two 8½ x 14 photocopies: one showing the site without the variance and one showing the site with the variance.
8. Variance Fee: \$100.00 (each major section). Check made payable to: Pasco County Board of County Commissioners.

dr/variapp

The petitioner acknowledges that all variances are adjustments which allow minor changes of the Land Development Code requirements. All sites approved for variance are subject to site preliminary plan review in compliance with the Land Development Code.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE FEBRUARY 15, 2008  
APPLICANT'S SIGNATURE \_\_\_\_\_  
APPLICANT'S REPRESENTATIVE Gerald A. Figurski  
GERALD A. FIGURSKI, ESQUIRE  
ADDRESS 2550 Permit Place  
CITY, STATE, ZIP CODE New Port Richey, FL 34655

REASONS FOR REQUEST FOR VARIANCE:

Please note that the following questions must be answered completely, specifically 2a-2d. If additional space is needed, attach extra pages to the application.

1. Describe generally the nature of the Variance and specific sections of the Code which are affected.  
See attached Supplemental information - Section 610.15.6  
(Neighborhood Parks)
2. Describe how your request demonstrates compliance with the following criteria:
  - a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required subdivision improvements.  
See attached supplemental information
  - b. That a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.  
See attached supplemental information
  - c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance.  
See attached supplemental information
  - d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or required subdivision improvements under similar conditions.  
See attached supplemental information
3. To the best of your knowledge, can you affirm that the hardship described above was not created by the action of anyone having property interests in the land after the Pasco County Land Development Code or applicable part thereof became law? YES  NO . If "NO", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variances).
4. Are the conditions on your property the result of other manmade changes (such as the relocation of a road or highway)? No



If so, describe

\_\_\_\_\_  
\_\_\_\_\_

5. Which of the following types of modifications will allow you a reasonable use of your land?

\_\_\_\_\_ Change in setback requirement

\_\_\_\_\_ Change in lot coverage requirement.

\_\_\_\_\_ Change in side yard requirement.

\_\_\_\_\_ Change in parking requirement.

\_\_\_\_\_ Change in area requirement.

X Other - Describe 1. Open play area in easternmost park to be 57' x 145' (8,625 sq

2. Eliminate open play area from westernmost park.

6. Are the conditions of hardship for which you request a Variance true only of your property? Yes  
If not, how many other properties are similarly affected?

\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application. attached
2. Copy of Warranty Deed attached
3. Copy of Last Year's Tax Bill attached
4. Notarized Agent of Record Letter (if applicable) attached
5. Is this Application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Four (4) copies of the site plan drawn to scale showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question. This plan should be clearly drawn and demonstrate the purpose of the variance request. attached
7. Two 8½ x 14 photocopies: one showing the site without the variance and one showing the site with the variance. attached
8. Variance Fee: \$100.00 (each major section). Check made payable to: Pasco County Board of County Commissioners. attached

The petitioner acknowledges that all variances are adjustments which allow minor changes of the Land Development Code requirements. All sites approved for variance are subject to site preliminary plan review in compliance with the Land Development Code.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE 11-13-07

APPLICANT'S SIGNATURE \_\_\_\_\_

APPLICANT'S REPRESENTATIVE Joel Kroner, Otero Engineering, Inc

ADDRESS 14802 N. Dale Mabry Hwy, Suite 200

CITY, STATE, ZIP CODE Tampa, Florida 33618

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### SUPPLEMENTAL INFORMATION

1. The applicant is seeking relief from Section 610.15B of the Code regarding requirements for "open play areas".

The site is being developed in accordance with the conditions of re-zoning and is approved for 451 apartment units. The site plan was developed with particular attention to preserving quality trees and unique clusters.

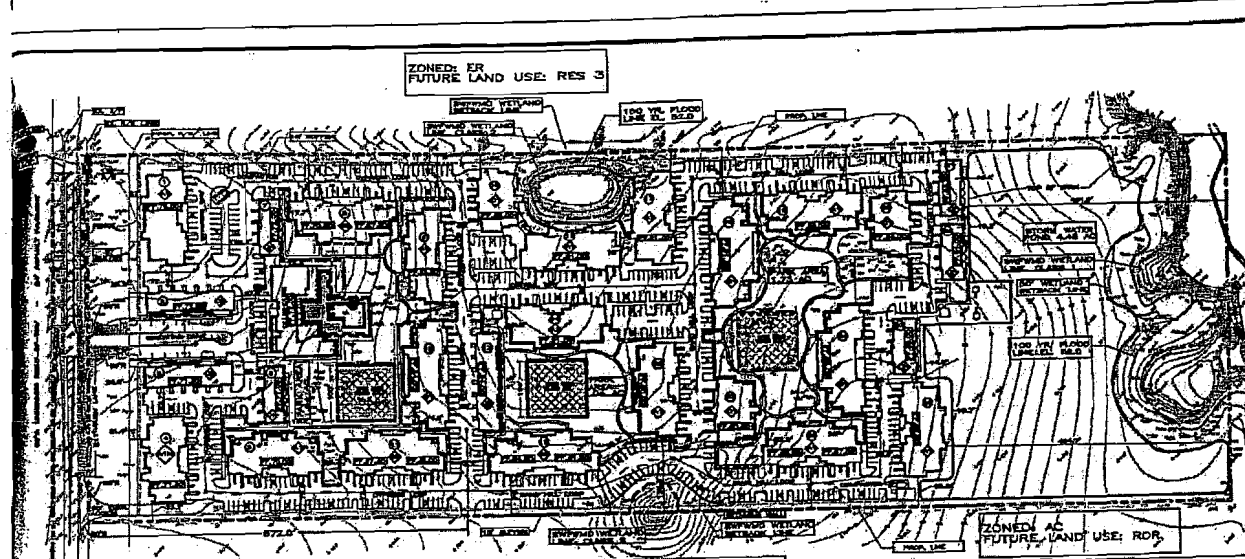
The landscape and tree preservation plans submitted with the "Preliminary Plan" indicate the extent of the applicant's efforts to save trees.

To provide the total park area required per the Code the applicant has provided three (3) separate areas. The westernmost includes the clubhouse with pool, and surrounding area. The middle area contains the 100 ft. by 100 ft. open play area required by Code.

The easternmost area includes a 57 ft. by 145 ft. open play area.

- 2a. The site is heavily treed and does not contain enough existing open space in which to provide tree (3) 100' x 100' open play areas without removal of existing trees; some of which are classified as "unique clusters", and develop the site in accordance with the MPUD entitlements.
- 2b. The applicant would need to give up some of the development rights granted in the re-zoning or destroy many quality trees and unique clusters.
- 2c. The applicant did not cause the special conditions or circumstances. Due to the amount of trees, literal interpretation of the code would deny the applicant the ability to preserve the special interest trees and develop the site in accordance with the zoning entitlements.
- 2d. The granting of this variance application will not convey special privileges on the applicant. The attached variance plan reflects the applicant's best efforts to preserve natural features while still providing open play areas for residents.





DATE	DESCRIPTION
11/15/11	PRELIMINARY PLAN
11/16/11	REVISIONS
11/17/11	REVISIONS
11/18/11	REVISIONS
11/19/11	REVISIONS
11/20/11	REVISIONS
11/21/11	REVISIONS
11/22/11	REVISIONS
11/23/11	REVISIONS
11/24/11	REVISIONS
11/25/11	REVISIONS
11/26/11	REVISIONS
11/27/11	REVISIONS
11/28/11	REVISIONS
11/29/11	REVISIONS
11/30/11	REVISIONS

ZONED: AC  
FUTURE LAND USE: ROR

**LEGEND**

BLDG. NUMBER	100
BLDG. TYPE	101
100 YR. FLOOD ELEV.	102
FLOOR COUNT	103
WETLAND LINE	104
100 YR. FLOOD LINE	105
PROP. BOUNDARY LINE	106
FLOW DIRECTION	107

**DEVELOPER**  
GREYSTAR DEVELOPMENT GROUP  
1431 GREENWAY, SUITE 100  
IRVING, TEXAS 75038

**OWNER/APPLICANT**  
GREYSTAR DEVELOPMENT GROUP  
1431 GREENWAY, SUITE 100  
IRVING, TEXAS 75038

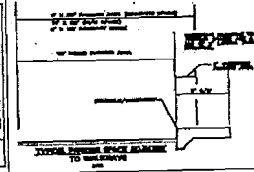
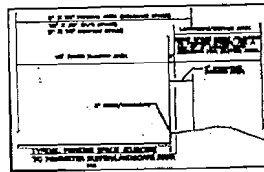
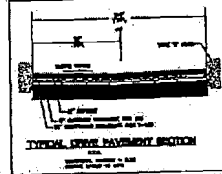
**ENGINEER**  
OTERO ENGINEERING  
1431 GREENWAY, SUITE 100  
IRVING, TEXAS 75038

**PLAN SET NOTE**  
REFER TO SHEET C-2 FOR PRELIMINARY PLAN WITH EXIST. TREES AND CONTOURS ON.  
REFER TO BOUNDARY SURVEY FOR EXIST. BUILDINGS DRIVES, EASEMENTS, ETC.  
REFER TO LANDSCAPE PLANS FOR TREE REMOVAL AND PLANTING DATA.

**SITE DATA**  
PARCEL ACREAGE = 28.8 AC  
POLD NUMBER 34-28-18-0000-0000-0000  
POLD NUMBER 34-28-18-0000-0000-0010  
POLD NUMBER 34-28-18-0000-0000-0030  
POLD NUMBER 34-28-18-0000-0000-0000  
CURRENT ADDRESS 1802 CYPRESS CREEK ROAD  
LAT/LE 31.25000  
SECTION/TOWNSHIP/RANGE 34/28S/19E  
CURRENT ZONING MP10D  
RECORDING AC-2885 DATED MAY 22, 2007  
MP10D AMENDMENT SEP. 11, 2007  
EXIST. LAND USED RESIDENTIAL  
FUTURE LAND USED RES-3 & RES-3A  
PROPOSED BUILDING USES APARTMENTS  
NUMBER OF STORIES 3  
TOTAL BLDG GROSS FLOOR AREA 18,13 AC  
FLOOR 0.81  
FIRE PROTECTION TYPE SPRINKLES AND HYDRANTS  
HURRICANE ZONE NON-CATEGORICAL  
PAVEMENT TYPE ASPHALT  
TREE REMOVAL SEE LANDSCAPE PLAN  
FLOOD ZONE 5, 8, AND 10  
100 YR. FLOOD ELEV. = 52.20 (CYPRUS CREEK STUDY)  
EXIST. IMPROVEMENT AREA 36.81 AC  
BLDG FOOTPRINTS 8.08 AC  
SIDEWALKS 0.82 AC  
WETLANDS 4.36 AC  
POND 4.48 AC  
PROP. IMPROVEMENT AREA 18.13 AC  
TOTAL IMPROVEMENT AREA 15.37 AC  
PERCENT IMPROVEMENT 53%  
OPEN PARK AREA 4.81 AC  
CLASS 1 WETLAND AREA 1.08 AC  
CLASS 2 WETLAND AREA 0.81 AC  
CUMULATIVE WETLAND AREA 1.89 AC  
ACREAGE OF WATER BODIES 4.48 AC  
ACREAGE OF CONSERVATION AREAS 1.90 AC  
DEVELOPABLE ACREAGE 22.38 AC  
LIMITED ACCESS DRIVE  
WATER, POND, CO. UTILITY  
WASTEWATER POND CO. UTILITY  
FIRE PROTECTION POND CO. EMER. SERVICES  
POWER, WIRE  
POND, VEHICLE

**BLDG./PARKING DATA**

BLDG. NO.	TYPE	FLOOR	AREA	PERCENT
101	APARTMENT	1	18,130	53%
102	APARTMENT	1	18,130	53%
103	APARTMENT	1	18,130	53%
104	APARTMENT	1	18,130	53%
105	APARTMENT	1	18,130	53%
106	APARTMENT	1	18,130	53%
107	APARTMENT	1	18,130	53%
108	APARTMENT	1	18,130	53%
109	APARTMENT	1	18,130	53%
110	APARTMENT	1	18,130	53%
111	APARTMENT	1	18,130	53%
112	APARTMENT	1	18,130	53%
113	APARTMENT	1	18,130	53%
114	APARTMENT	1	18,130	53%
115	APARTMENT	1	18,130	53%
116	APARTMENT	1	18,130	53%
117	APARTMENT	1	18,130	53%
118	APARTMENT	1	18,130	53%
119	APARTMENT	1	18,130	53%
120	APARTMENT	1	18,130	53%
121	APARTMENT	1	18,130	53%
122	APARTMENT	1	18,130	53%
123	APARTMENT	1	18,130	53%
124	APARTMENT	1	18,130	53%
125	APARTMENT	1	18,130	53%
126	APARTMENT	1	18,130	53%
127	APARTMENT	1	18,130	53%
128	APARTMENT	1	18,130	53%
129	APARTMENT	1	18,130	53%
130	APARTMENT	1	18,130	53%
131	APARTMENT	1	18,130	53%
132	APARTMENT	1	18,130	53%
133	APARTMENT	1	18,130	53%
134	APARTMENT	1	18,130	53%
135	APARTMENT	1	18,130	53%
136	APARTMENT	1	18,130	53%
137	APARTMENT	1	18,130	53%
138	APARTMENT	1	18,130	53%
139	APARTMENT	1	18,130	53%
140	APARTMENT	1	18,130	53%
141	APARTMENT	1	18,130	53%
142	APARTMENT	1	18,130	53%
143	APARTMENT	1	18,130	53%
144	APARTMENT	1	18,130	53%
145	APARTMENT	1	18,130	53%
146	APARTMENT	1	18,130	53%
147	APARTMENT	1	18,130	53%
148	APARTMENT	1	18,130	53%
149	APARTMENT	1	18,130	53%
150	APARTMENT	1	18,130	53%



**TRAFFIC CONTROL GENERAL NOTES**  
1. ALL TRAFFIC CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR INTERSECTION AND ROUNDABOUTS.  
2. ALL TRAFFIC CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR INTERSECTION AND ROUNDABOUTS.  
3. ALL TRAFFIC CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR INTERSECTION AND ROUNDABOUTS.  
4. ALL TRAFFIC CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR INTERSECTION AND ROUNDABOUTS.  
5. ALL TRAFFIC CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR INTERSECTION AND ROUNDABOUTS.

**EXHIBIT B**  
**WITHOUT VARIANCE**

**GREYSTAR DEVELOPMENT GROUP**  
1431 GREENWAY, SUITE 100  
IRVING, TEXAS 75038

**OTERO ENGINEERING**  
1431 GREENWAY, SUITE 100  
IRVING, TEXAS 75038

1/1

PASCO COUNTY  
APPLICATION FOR USE OF  
ALTERNATIVE STANDARDS

PROJECT NAME: Greystar at Cypress Creek

PROJECT NO. (FROM DEVELOPMENT REVIEW DIVISION): IIPR07-116

OWNER: GS Tampa Apartments, LP

NAME: c/o Gerald A. Figurski, Esquire/Attorney for Owner

ADDRESS: 2550 Permit Place

New Port Richey, FL 34655

TELEPHONE NO.: ( 727 ) 942-0733

DEVELOPER: Same as Owner

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO.: ( )

AUTHORIZED NAME: GERALD A. FIGURSKI, ESQUIRE

REPRESENTATIVE ADDRESS: 2550 Permit Place

New Port Richey, FL 34655

REPRESENTATIVE TITLE: Attorney for Owner/Developer

TELEPHONE NO.: ( 727 ) 942-0733

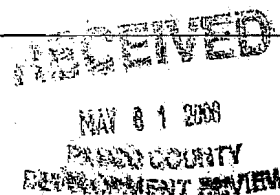
ENGINEER: Otero Engineering

NAME: Charlie Otero

ADDRESS: 14802 N. Dale Mabry Highway, Suite 200

Tampa, FL 33618

TELEPHONE NO.: ( 813 ) 908-3585



1. Location Description (Parcel ID No.): Section 34 Township 26 South Range 19 East Subdivision 0000 Block 00500 - 0000; 34-26-19-0000-00800-0000; 34-26-19-0000-00500-0010 and 34-26-19-0000-00500-0030
2. Nature of Request. Describe generally the nature of the request and specific section(s) of the Pasco County Land Development Code from which alternative standards are requested and the title of the section:

Condition number 18 of the Conditions of Approval (Petition No. 6692) requires all streets be public except in a case of an alternative standard.

3. Justification. In order for the alternative standards to be granted, the applicant must demonstrate that through improved or alternative technology, the development and construction standards set forth in this Land Development Code are met or exceeded.

The project is an apartment project which will be gated with private streets.

A subdivision shall not be approved unless the County finds, after full consideration of all pertinent data, that the proposed subdivision conforms to all the provisions of the Pasco County Land Development Code and the Pasco County Comprehensive Plan. It is the intent of this Land Development Code to ensure that all future developments are served adequately and economically by the County or developer with facilities and services as are necessary for the health, safety, and welfare of the residents of Pasco County.

I certify that the information contained in this application and its supplements is true and correct.

April 30, 2008  
Date

Gerald A. Figurski  
Applicant Gerald A. Figurski, Esquire  
Attorney for Owner/Developer 56

INITIAL CERTIFICATE OF CAPACITY

REQUIRED FOR DRIS, REZONING, PRELIMINARY SITE PLANS, PRELIMINARY PLANS, NON-RESIDENTIAL SUBDIVISION, RESIDENTIAL SUBDIVISION INTO MORE THAN ONE DWELLING UNIT PER LOT, AND PUBLIC SCHOOL COMPREHENSIVE PLAN CONSISTENCY REVIEW. To Be Completed By Department Responsible For Approval Sought; Completed Certificate Must Be Attached To the Agenda Item and Approval Document

Application Received On (Date): 11/2/07 Certificate Form Completed By: DORNA

I.D. #: 34 26 19 0000 00800 0000 (attach survey if project includes portion of parcel)

Site Name: Inequality at Cypress Creek Subdivision Name:

No.: 169 TAZ Map Version: G15

Grant Name, Address, and Telephone Number: Inequality Development Group 1431 Greenway, Ste 100, Spring 75083 TX

Site Address: Cypress Creek Rd

Site has direct connection (See 402.5.C.5.A.) to following collectors/arterials: Cypress Creek Rd

Regulated With Another Project? (See 402.5.C.5.B) Yes No (If yes, identify project name and I.D. No.)

Building(s) on or after January 1, 1985? Yes No (If yes, identify use and units/sq. ft.)

- Approval Sought (Check all that apply):
DRI
Rezoning
Preliminary Plan
Preliminary Site Plan
Non-Residential Subdivision
Residential Subdivision Into More Than One Dwelling Unit Per Lot
Public School Comprehensive Plan Consistency Review

TYPE OF DEVELOPMENT

(Use TIS Exhibits for land use description and units of measurement and if not on Exhibits, use ITE land use codes and description)
Not restricted by applicant, use maximum allowed by requested (rezoning or DRI) or approved (other approvals) zoning or land use, whichever is less

Table with columns for Residential and Nonresidential. Residential includes Single Family, Mobile Home Park, Congregate Care Facility, Apartments, Low-Rise Condo/Townhome, HI-Rise Condominium, Other Residential. Nonresidential includes Specific Use, Storage/Display Area.

EXEMPTIONS AND LIMITED EXEMPTIONS (Requires Authorized Signature)

- EXEMPTIONS (See 402.6 and Concurrency Applicability):
ALL FACILITIES
Approved school consistency review or preliminary/construction plan prior to December 1, 2008
Complete application prior to December 1, 2006 (Apply old 402 and TIS Guidelines)
Unexpired Certificate of Level of Service Compliance
Unexpired DRI approved prior to April 9, 1991
Unexpired Initial Certificate of Capacity

- \*LIMITED EXEMPTIONS (See 402.7; requires signature from County Administrator or his designee):
Public School or School Required for School Concurrency
Governmental Building or Use
Target Business (requires letter from PEDC)
Employment Center
Affordable Housing (requires letter from Community Development)
TND Development

- ROADS ONLY
Unexpired DRI applied for or approved prior to December 1, 2008
Unexpired Traffic Study Completed After June 4, 1999
Unexpired approved Traffic Study Methodology Prior to December 1, 2006 (Apply old TIS Guidelines)
Unexpired approved Development Agreement exempt from transportation concurrency

- Exemptions (check all that apply):
Impact Fees or Interlocal Agreement As Proportionate Share (Roads Only)
Traffic Study Waiver (Roads Only)
3 years committed capacity vs. 1 yr. (Roads Only)
Extension of Certificate w/o Additional Review
Other (requires CAO approval)

Exemption Expires On: 12/31/09
Exemption Revoked On:

Authorized Growth Management Signature (required for roads only)

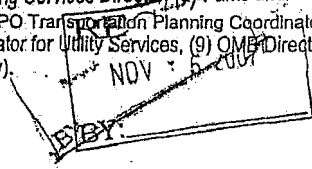
Authorized Signature

ISSUANCE DATE: 5/15/08
(Use date of final zoning/development order approval)

Authorized Signature

EXPIRATION (See 402.3.A.):
Facilities (other than roads): Certificate of Capacity
Expires (or subject to additional review) On: 5/15/2014 (6 yrs from issuance)
Revoked On:
Relinquished On:
Roads: Certificate of Capacity Expires (or subject to additional review) On: 12/31/2009 (GM to complete)
Revoked On:
Relinquished On: 57

\*Completed Certificate of Capacity with limited exemptions or with exemptions for which no prior certificate of capacity has been issued must be distributed to the following: (1) Growth Management Administrator, (2) Engineering Services Director, (3) Parks and Recreation Director, (4) Transportation Manager, (5) Development Review Director, (6) MPO Transportation Planning Coordinator, (7) Assistant County Administrator for Development Services, (8) Assistant County Administrator for Utility Services, (9) OMB Director, and (10) BOCC as a noted item on agenda (excluding (3) and (8) if exemption is for roads only).



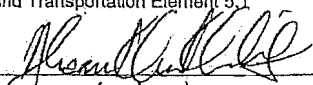


**CONCURRENCY REVIEW**

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

Plan Elements	Meets LOS Std.		Conditional Approval (attach conditions of approval or list below)	Review Standards
	Yes	No		
s (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
r/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 1.1 and 1.3
r (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 3.1
s/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B. and Recreation and Open Space Element 1.1
Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 4.1
Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Transportation Element 5.1

Approved by: Ahmed Khalil  
Trans. Planner II  
 Title

Authorized Signature:   
5/2/08  
 Date

\* SEE ATTACHED CONDITIONS OF APPROVAL.

Presently, the subject site contains three single-family dwellings, a pole barn, and a portion of Cypress Creek (per the submitted survey) on the eastern boundary. The applicants propose to develop the property with a maximum of 488 multifamily units.

Access to the property is from Cypress Creek Road, a County-maintained road, which has 50 feet of right-of-way with 18 feet of pavement, and has been designated a two-lane collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.

The subject property is located in Flood Zones "C," "B," and "A4," and development within these areas is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.

The surrounding area is characterized by residential and agricultural pursuits.

The Board of County Commissioners has approved several rezonings for portions of the subject property. They are as follows:

- a. Petition No. 2586, on August 28, 1984, from an A-C Agricultural District to an E-R Estate-Residential District with conditions for ten acres of the subject request.
- b. Petition No. 5188, on November 18, 1997, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for 10.04 acres of the subject request.
- c. Petition No. 5441, on June 22, 1999, from an A-C Agricultural District to an AR-1 Agricultural-Residential District with conditions for ten acres of the subject request.

On December 5, 2006, the BCC approved a land-use amendment for the subject property, Ordinance No. 06-42, amending the Future Land Use classification from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) on 28.27 acres and CON (Conservation Lands) on 1.61 acres.

Water and sewer are to be serviced by Pasco County.

9. On May 10, 2005, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
10. On February 8, 2007, the Development Review Committee continued the subject request to February 22, 2007, and then continued it again to March 15, 2007. Accordingly, the Planning Commission and Board of County Commissioners meetings had to be continued.

DEVELOPMENT REVIEW COMMITTEE ACTION (3/15/07):

Approved with Amended Conditions

AMENDED CONDITIONS:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, the developers shall construct, ~~or bond,~~ or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:
  - a. Off-Site Improvements:
    - (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
    - (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
    - (3) Extend the westbound, left-turn lane at the Intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

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Prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper.
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper.
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements (must be constructed prior to the issuance of the first Building Permit):

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet.

c. Substandard Road Improvements:

Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:

- (1) Repave Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00.
- (2) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.
- (3) On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.
- (4) On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.
- (5) On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)

26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, unless otherwise approved by the DRC.

STAFF RECOMMENDATION TO THE PLANNING COMMISSION:

Approval of the Development Review Committee's Recommendation with Conditions

PLANNING COMMISSION ACTION:

Denial of Staff Recommendation: 4 Ayes; 4 Nays

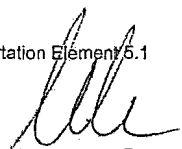
60

**CONCURRENCY REVIEW**

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

Comp. Plan Elements	Meets LOS Std.		Review Standards
	Yes	No	
Roads (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
Water/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 1.1 and 1.3
Sewer (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 3.1
Parks/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B. and Recreation and Open Space Element 1.1
Solid Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 4.1
Mass Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Transportation Element 5.1

Reviewed by: Cindy A. Zatorski  
 Development Review Tech I  
 Title

Authorized Signature:   
 Michael A. Kirkpatrick  
 Lead Utilities Inspector  
12/3/07  
 Date

**GREYSTAR @ CYPRESS CREEK**

**PID #34-26-19-0000-00800-0000 AND**

**#34-26-19-0000-00500-0000; 0010; 0030**

**PCU #00-245.28**

We have reviewed the referenced parcel and have determined that this parcel is within the existing/future areas where water, wastewater and/or solid waste service(s) may be provided by Pasco County Utilities. An Application for Service, per County codes and ordinances, for water, wastewater and/or solid waste service(s) to this property must be submitted and will be subject to the following conditions:

The provision of water and wastewater services is contingent upon the County obtaining adequate water supply from Tampa Bay Water; receiving all the necessary permits and approvals to implement and construct the County's planned system improvements and facility expansions needed to serve the development; and the Developer's, and its successors or assigns, compliance with the conditions of Pasco County Code Chapters 46 and 110, including but not limited to the obligation to execute and implement, as applicable, a Utility Services Agreement and a Master Utility Plan, both acceptable to the County, and the payment of water and/or wastewater impact fees).

Likely points of service connection to the County's existing water transmission and wastewater collection facilities may be located at **significant distances and off-site** of the project development area. Off-site facilities and any on-site facilities will be addressed, as applicable, through the development approval process and approval of a project specific Master Utility Plan (MUP). Furthermore, the County may, as a matter of standard utility service policy, require necessary line extensions by the developer in accordance with the provisions of a standard Utilities Service Agreement. This agreement must be executed between the County and Owner/Developer prior to construction approval of the project.

The provision of solid waste service is contingent upon the County receiving all permits and approvals necessary to implement and construct the County's planned disposal system improvements and facility expansions needed to serve the development; and the Developer's, and its successors or assigns, compliance with the conditions of Pasco County Code Chapter 30 and other applicable regulatory requirements.

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**RECEIVED**  
 DEC 04 2007  
 PASCO COUNTY  
 DEVELOPMENT REVIEW

**CONCURRENCY REVIEW**

(To Be Completed by Department Listed Below Only; Leave Blank If a 402.6 Exemption Applies)

Plan Elements	Meets LOS Std.		Conditional Approval (attach conditions of approval or list below)	Review Standards
	Yes	No		
ids (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
er/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 1.1 and 1.3
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d Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 4.1
s Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Transportation Element 5.1

Reviewed by: \_\_\_\_\_

Authorized Signature: *[Signature]*

Title

Date

*[Signature]*  
12/12/07

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**CONCURRENCY REVIEW**

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

No. Plan Elements	Meets LOS Std.			Review Standards
	Yes	No	Conditional Approval (attach conditions of approval or list below)	
ids (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
ler/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 1.1 and 1.3
ver (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 3.1
ks/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B. and Recreation and Open Space Element 1.1
id Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 4.1
ss Transit (Public Transportation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Transportation Element 5.1

Reviewed by: Thelma Williams  
Trans Admin Mgr  
 Title

Authorized Signature: Thelma Williams  
11-20-07  
 Date

**EX PARTE SIGN-IN/DISCLOSURE FORM**

\*THIS FORM MUST BE COMPLETED PRIOR TO OR DURING ANY MEETING OR DISCUSSION WITH A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS, DEVELOPMENT REVIEW COMMITTEE OR PLANNING COMMISSION ("LOCAL PUBLIC OFFICIAL") RELATING TO ANY QUASI-JUDICIAL MATTER THAT MAY BE CONSIDERED BY SUCH BODIES, INCLUDING REZONINGS, ZONING AMENDMENTS, VARIANCES, CONDITIONAL USES, SPECIAL EXCEPTIONS, DEVELOPMENTS OF REGIONAL IMPACT, PRELIMINARY OR CONSTRUCTION PLAN APPROVALS, AND APPEALS.

FAILURE TO COMPLETE THIS FORM, OR SUPPLY CORRECT INFORMATION, MAY RESULT IN THE LOCAL PUBLIC OFFICIAL'S REFUSAL TO CONDUCT THE MEETING OR DISCUSSION, OR FUTURE MEETINGS OR DISCUSSIONS.

Name of Local Public Official Attending Meeting/Discussion: Comm. Pat Mulieri, Michele Baker, Bipin Parikh  
 Date of Meeting/Discussion: 5/5/08 Location of Meeting/Discussion: Personnel Conf Room

Parties Attending Meeting/Discussion (additional parties provide information on back of this form):

Name	Phone Number	Organization/Client	Area of Expertise (if applicable)
<u>Ashley Hergley - Greystar</u>			
<u>Charlie Olen</u>			
<u>Jerry Figurski</u>			
<u>Comm. Pat Mulieri</u>		<u>847-8142</u>	<u>Admin</u>
<u>Michele Baker</u>			
<u>Bipin Parikh</u>		<u>Paco City</u>	<u>Development</u>
<u>Cindy Jolly</u>			
<u>Frank Schlotter</u>			
<u>Bob Tietz</u>			<u>Biologist</u>
<u>Dot Masumia</u>			<u>Development</u>

Application/Matter Being Discussed (include name and public hearing date, if known):

Greystar at Cypress Creek

County Staff Contact Person For Application: \_\_\_\_\_

Specific Topics/Issues Being Discussed. Check all that apply:

<input checked="" type="checkbox"/>	Traffic/access/transportation mitigation <u>24' cross-access</u>	Noise/odor
<input checked="" type="checkbox"/>	Environmental/wetlands <u>Critical Linkage</u>	Aesthetics/landscaping
<input type="checkbox"/>	Compatibility of uses	Legal
<input type="checkbox"/>	Density/intensity	Schools
<input type="checkbox"/>	Economic	Parks
<input type="checkbox"/>	Utilities	Libraries
<input type="checkbox"/>	Drainage/stormwater	Fire/EMS/police/public safety
<input type="checkbox"/>	Other:	Other:

Any written materials, diagrams, plans, or pictures presented to the Local Public Official will be (must check at least one):

<input type="checkbox"/>	Provided in the same form to Zoning/Growth Management/Development Review Staff prior to the public hearing for inclusion in the record of the public hearing.
<input type="checkbox"/>	Provided to the Local Public Official and attached to this disclosure form for inclusion in the record of the public hearing.
<input type="checkbox"/>	Presented in the same form at the public hearing.
<input type="checkbox"/>	Written materials, diagrams, plans or pictures will not be presented to the Local Public Official.

TO BE COMPLETED BY LOCAL PUBLIC OFFICIAL:

Other Disclosures (Disclosure of the Information Below Using this Form is Optional; This Information May Also Be Disclosed by the Local Public Official at the Public Hearing).

<input type="checkbox"/>	Site Visit or Site Investigation.
<input type="checkbox"/>	Receipt of Written Correspondence, Diagrams, Plans, Pictures or E-mails Which Have Been Attached to Disclosure Form, Provided to Staff or Will Be Disclosed at Public Hearing.

\*Note to Local Public Official or Administrative Staff of Local Public Official—Please provide a copy of completed disclosure forms (and any attachments) to the County Staff Contact Person identified above prior to the public hearing or provide the disclosure form (and any attachments) at the commencement of the public hearing for the application identified above.

PARTE SIGN-IN/DISCLOSURE FORM

\*THIS FORM MUST BE COMPLETED PRIOR TO OR DURING ANY MEETING OR DISCUSSION WITH A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS, DEVELOPMENT REVIEW COMMITTEE OR PLANNING COMMISSION ("LOCAL PUBLIC OFFICIAL") RELATING TO ANY QUASI-JUDICIAL MATTER THAT MAY BE CONSIDERED BY SUCH BODIES, INCLUDING REZONINGS, ZONING AMENDMENTS, VARIANCES, CONDITIONAL USES, SPECIAL EXCEPTIONS, DEVELOPMENTS OF REGIONAL IMPACT, PRELIMINARY OR CONSTRUCTION PLAN APPROVALS, AND APPEALS.

FAILURE TO COMPLETE THIS FORM, OR SUPPLY CORRECT INFORMATION, MAY RESULT IN THE LOCAL PUBLIC OFFICIAL'S REFUSAL TO CONDUCT THE MEETING OR DISCUSSION, OR FUTURE MEETINGS OR DISCUSSIONS.

Name of Local Public Official Attending Meeting/Discussion: BIPIN PARIKH

Date of Meeting/Discussion: 4/25/08 Location of Meeting/Discussion: Rm 'B'  
2nd FL

Parties Attending Meeting/Discussion (additional parties provide information on back of this form):

Name	Phone Number	Organization/Client	Area of Expertise (if applicable) DRD
<del>FRANK SCHLEIFER</del>	847-8142	PASCO CTY	
<del>Dot Masumisa</del>	847-8142	" "	
CLAY G. OLSON	(818) 996-5575	"CITIZENS"	COMPLAINT SETTLEMENT AGREEMENT DEVELOPER
HANK KING	813-967-4088	KING MUD	Biologist
Bob Tietz		P.C.	Dev Director
Cindy Jolly	847-8142	PC	

Application/Matter Being Discussed (include name and public hearing date, if known):  
Greystar at Cypress Creek Apartments II PRO7-116

County Staff Contact Person For Application: \_\_\_\_\_

Specific Topics/Issues Being Discussed. Check all that apply:

<input checked="" type="checkbox"/>	Traffic/access/transportation mitigation	Noise/odor
<input checked="" type="checkbox"/>	Environmental/wetlands	Aesthetics/landscaping
<input type="checkbox"/>	Compatibility of uses	Legal
<input type="checkbox"/>	Density/intensity	Schools
<input type="checkbox"/>	Economic	Parks
<input type="checkbox"/>	Utilities	Libraries
<input type="checkbox"/>	Drainage/stormwater	Fire/EMS/police/public safety
<input type="checkbox"/>	Other:	Other:

Any written materials, diagrams, plans, or pictures presented to the Local Public Official will be (must check at least one):

<input type="checkbox"/>	Provided in the same form to Zoning/Growth Management/Development Review Staff prior to the public hearing for inclusion in the record of the public hearing.
<input type="checkbox"/>	Provided to the Local Public Official and attached to this disclosure form for inclusion in the record of the public hearing.
<input type="checkbox"/>	Presented in the same form at the public hearing.
<input type="checkbox"/>	Written materials, diagrams, plans or pictures will not be presented to the Local Public Official.

**TO BE COMPLETED BY LOCAL PUBLIC OFFICIAL:**

Other Disclosures (Disclosure of the Information Below Using this Form is Optional; This Information May Also Be Disclosed by the Local Public Official at the Public Hearing).

<input type="checkbox"/>	Site Visit or Site Investigation.
<input type="checkbox"/>	Receipt of Written Correspondence, Diagrams, Plans, Pictures or E-mails Which Have Been Attached to Disclosure Form, Provided to Staff or Will Be Disclosed at Public Hearing.

\*Note to Local Public Official or Administrative Staff of Local Public Official—Please provide a copy of completed disclosure forms (and any attachments) to the County Staff Contact Person identified above prior to the public hearing or provide the disclosure form (and any attachments) at the commencement of the public hearing for the application identified above.



**FIGURSKI & HARRILL**

ATTORNEYS AT LAW

THE OAKS AT PERRINE RANCH  
2550 PERMIT PLACE  
NEW PORT RICHEY, FLORIDA 34655  
www.fhlaw.net

GERALD A. FIGURSKI, P.A.  
J. BEN HARRILL, P.A.

TELEPHONE: (727) 942-0733  
FAX: (727) 944-3711

May 8, 2008

Cindy Jolly, P.E., CFM  
Development Director  
Development Review Services Department  
Pasco County  
7530 Little Road, Suite 230  
New Port Richey, Florida 34654

RE: Greystar at Cypress Creek/Interconnect/Alvarez Acres

Dear Cindy:

We have reviewed the plat of Alvarez Acres and the legal right of Greystar to interconnect to "Bald Cypress Road." The language of the plat only dedicates "Cypress Road." The plat does show on the south an "easement for ingress and egress (60'wide)." However, the plat does not dedicate this easement for public use.

The law relating to interpretation of the scope of an easement focuses on the intent of the original grantor/plattor, specifically such intent at the time of execution of the plat, and the historical use of the easement concentrating on such use at the beginning. The fact that an easement for ingress and egress is shown on the plat does not tell you to whose benefit that easement goes. Was the intent that the easement was only for the benefit of those who live there and not anyone and everyone else?

I can not explain to you or rationalize the particular condition in the recent rezoning of the "office" property to the north requiring access to the offices from Bald Cypress. However, there are several matters that would clearly argue against Greystar's "right" to use this ingress/egress easement.

Cindy Jolly, P.E., CFM  
May 8, 2008  
Page Two

The first is the direct reference on the face of the plat to the dedication of Cypress Road. The language reads: "...do hereby dedicate to the perpetual use of the public right-of-way for Cypress Road." There is again no reference to the dedication of the easement on Bald Cypress.

The second is the dedication of Cypress Road specifically using the words right of-way and the ingress/egress being identified as an easement. They are as a matter of law different.

Third is the old legal maxim that when you specifically mention one road as being dedicated, you are excluding the other from such dedication. In this case, Cypress Road was specifically mentioned on the plat as being dedicated. If there had been an intent to dedicate to public use the ingress/egress easement, it would have been specifically mentioned.

Someone might argue that it is an easement and the public can use it. Again, the question is one of intent and history. As to intent, I would note that in the past, there was a "private" road sign nailed to a tree which would lead me to believe resident(s) believe this is a private road.

I would note that we checked the Property Appraiser's records as well as the deeds of the property owners along this easement area. There was no reference in these deeds to there being some sort of easement useable by the public.

If you have questions or want to talk, please do not hesitate to contact me. (Ext. 204.)

Best regards,

  
GERALD A. FIGURSKI

GAF/mjp  
cc: Peter Petricca

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ZONING PETITION REVIEW REPORT

TO:	Pasco County Planning Commission	PETITION #6664
		Commission District #2
FROM:	Debra M. Zampetti Zoning/Code Compliance Administrator	Planning Commission Hearing Date: 8/8/07
SUBJECT:	Rezoning Request South Central Pasco County	Board of County Commissioners Hearing Date: 9/25/07, NPR
APPLICANT:	SCOTT CALDERAZZO	TAZ #169

---

PETITION SUMMARY:

Petition No. 6664 in the name Scott Calderazzo has been filed for a change in zoning from an E-R Estate-Residential District to a PO-1 Professional Office District. The property is located on the east side of Cypress Creek Road, approximately 600 feet south of S.R. 54 extending southerly to Bald Cypress Lane (Parcel ID No. 34-26-19-0010-00000-0070) and contains 2.34 acres, m.o.l.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	E-R Estate-Residential	Mobile Home; Undeveloped
East:	E-R Estate-Residential	Single-Family Dwelling; Barn
South:	MPUD Master Planned Unit Development	Bald Cypress Lane; Single-Family Dwelling
West:	PUD Planned Unit Development	Cypress Creek Road; Single-Family Dwellings

FINDINGS OF FACT:

1. The subject request is exempt from the new Concurrency Management Ordinance as a completed application which was submitted prior to December 1, 2006.
2. Presently, the subject site contains a single-family dwelling, a detached garage, and a barn. The applicant proposes to develop the property with 13,600 square feet of office space in conformance with the PO-1 Professional Office District standards for development.
3. Access to the property is from Cypress Creek Road, a County maintained road, which has 50 feet of right-of-way, with 18 feet of pavement and has been designated a two-lane collector facility on Map 7-22, 2025, Future Number of Lanes, and Map 7-24, 2025, Future Roadway Functional Classification, of the Comprehensive Plan.
4. The subject property is located in Flood Zones "A" and "X" and development within this area designated Zone "A" is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
5. The surrounding area is characterized by residential development.
6. The subject area has been designated RES-3 (Residential - 3 du/ga) under the Comprehensive Plan.
7. On May 10, 2005, the Board of County Commissioners adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways. The tables require a corridor preservation width of 135 feet for Cypress Creek Road for future road improvements.

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8. On March 28, 1978, the Board of County Commissioners approved Rezoning Petition No. 537 from an A-C Agricultural District to an E-R Estate-Residential District for a large tract. The subject parcel was a portion of this action.
9. On May 22, 2007, the Board of County Commissioners approved Rezoning Petition No. 6692 for the Scarpo MPUD Master Planned Unit Development located adjacent to the south and to be developed with 488 apartments.
10. The subject parcel is a portion of the record plat of Alvarez Acres Subdivision. It contains a platted 60-foot-wide ingress and egress easement along its southern property line (Bald Cypress Lane) and a platted 30-foot-wide ingress and egress easement along its northern property line. This is the south one-half of a 60-foot easement. These easements are to provide ingress and egress for the other lots within Alvarez Acres.
11. According to the Growth Management Department, the subject proposed development and land use are exempt from the provisions of the Traffic Impact Study Guidelines. However, the proposed development is not exempt from and must comply with the Substandard Road provisions as it exceeds the minimum allowable size, Resolution No. 04-203, as it is under the threshold requirements.
12. The proposed request is consistent with Article 300, Subsection 303.2(E)1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, of the Pasco County Land Development Code and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

**STAFF RECOMMENDATION TO THE PLANNING COMMISSION:**

Approval with Conditions

**CONDITIONS:**

1. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 135 feet of right-of-way from the amended western edge of the existing right-of-way of Cypress Creek Road solely to the extent such right-of-way is owned by the developers (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

2. The right-of-way may be transferred by perpetual right-of-way easement, fee simple deed, or dedicated by plat. All conveyances shall occur at record plat, construction plan approval, or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
3. The owner/developer shall (either individually or with others) improve Cypress Creek Road to County standards prior to the issuance of a Site Development Permit.
4. The owners/developers shall repave to County standards the southern ingress and egress easement (Bald Cypress Lane) from the east property line westerly to Cypress Creek Road.

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5. All access to the property shall be via the southern easement (Bald Cypress Lane).

6. The landscape buffer along the north and south property lines shall not encroach into the ingress and egress easements and shall begin at the easement lines.
7. The owner/applicant acknowledges that any provisions of Pasco County ordinances not specifically waived shall be in full force and effect.
8. This property may be subject to review under the Pasco County Code which shall include Building and Building Regulations, Fire Prevention and Protection, and Health and Welfare at the time of site plan review.
9. The owner/applicant shall submit a preliminary/site plan for review and approval in accordance with all requirements of Article 300, Section 306, Development Review Procedures, of the Land Development Code prior to development or subdivision of the property.
10. At the time of site plan review, the applicant shall be required to comply with the Pasco County Comprehensive Plan, Conservation Element, Policy CON. 1.1.2, as follows:

1.1.2 Impacts to Listed Species

Pasco County shall require the evaluation and management and/or mitigation of impact to animals listed as endangered, threatened, or species of special concern by requiring that proposed development sites be examined for the presence of plant and animal species listed as threatened, endangered, or of special concern by the Florida Fish and Wildlife Conservation Commission, or the U.S. Fish and Wildlife Service.

Confirmation of an adequate review of potential habitat for listed species shall be provided during the development review process.

11. The development and land use of this site shall not exceed the thresholds established in the Traffic Impact Study and Substandard Road Guidelines, Resolution No. 07-53, unless a new or revised Traffic Impact Study and Substandard Road Analysis is reviewed and approved by Pasco County prior to submission of the preliminary/site plan. The Development Review Committee, Board of County Commissioners, or County Administrator or his designee may impose additional conditions on the applicant or development based on the County-approved traffic study.
12. Calculation of allowable density and intensity shall be in compliance with the land use category limitations set forth in the Pasco County Comprehensive Plan.
13. In addition to complying with the above conditions, no activity shall commence on-site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action.

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OWNER/APPLICANT ACKNOWLEDGMENT:

The owner/applicant acknowledges that he has read, understood, and accepted the above-listed conditions of approval. Do not sign until you receive a copy of this petition with the Board of County Commissioners results.

\_\_\_\_\_  
(Date)

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., before me personally appeared the owner/applicant, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_, \_\_\_\_\_ County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation: \_\_\_\_\_ Ayes; \_\_\_\_\_ Nays  
Denial of Staff Recommendation: \_\_\_\_\_ Ayes; \_\_\_\_\_ Nays

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

BOARD OF COUNTY COMMISSIONERS ACTION:

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## CRIT. LINKAGE

Peter Petricca

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**From:** Joe [joe@oteroengineering.com]  
**Sent:** Wednesday, May 14, 2008 1:12 PM  
**To:** Peter Petricca  
**Cc:** cotero@oteroengineering.com  
**Subject:** Critical Linkage Comparison  
**Attachments:** critical linkage line comparisons.pdf

Peter;

Here is the "Preliminary Plan" with the current critical linkage area shown, the additional area that you are offering, and the line that Pasco wants to get in the ordinance.

The existing ordinance gives them 29,395 s.f.  
The additional buffer you offer is 101,527 s.f. for a total of 130,922 s.f.

The line that they are proposing would involve a total of 154,520 s.f.





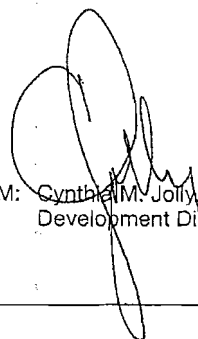
PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 5/20/08

FILE: DR08-1008

SUBJECT: Class II, Commercial Development  
Review - Greystar at Cypress Creek  
Apartments Preliminary Site Plan,  
Variance Requests, and Alternative  
Standards Request  
(Project No. IIPR07-116)  
DRC: 5/15/08, 1:30 p.m., NPR

FROM:  Cynthia M. Jolly, P.E., CFM  
Development Director

REFERENCES: Land Development Code,  
Section 306, Development  
Review Procedures;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Greystar at Cypress Creek Apartments
Developer's Name:	Greystar Development Group, LLC
Location:	On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54, Section 34, Township 26 South, Range 19 East.
Parcel ID No.:	34-26-19-0000-00500-0000
Land Use Classifications:	RES-3 (Residential - 3 du/ga) and RES-24 (Residential - 24 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	Cypress Creek Road
Existing Right-of-Way:	25 Feet from Centerline
Required Right-of-Way:	135 Feet from the Western Edge of the Existing Right- of-Way
Flood Zones:	"A," "B," and "C"
Hurricane Evacuation Zone:	N/A
Acreage:	29.88 Acres, m.o.l.
Number of Units:	451
Type of Units:	Apartments
Size of Units:	N/A
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	169
Present Land Use:	Vacant
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Greystar at Cypress Creek Apartments is requesting approval of a preliminary site plan for a 451-unit apartment complex.

Variations: 1) Section 610.15, Neighborhood Parks: the developer is requesting to eliminate the 100' X 100' open-play area in the westernmost park in order to save approximately 543 inches of trees and to allow an alternate shape for the 100' X 100' open-play area in the easternmost park; 2) Section 602.7, Tree Replacement: the developer is requesting to make a contribution to the Tree Mitigation Fund in lieu of installing all required replacement inches; and 3) Section 618.12, Cross-Access/Frontage Road: the developer is requesting to eliminate the 24-foot, cross-access connection to the northern abutting property and gate the 24-foot access to the south.

Alternative Standards: Section 306.17, Dedication, in accordance with Condition No. 18 of Rezoning Petition No. 6692, to grant an alternative standards request from Section 306.17, Dedication, to allow private streets in an apartment complex.

BACKGROUND:

On May 22, 2007, the Board of County Commissioners (BCC) approved Petition No. 6692, rezoning 29.7 acres from E-R Estate-Residential and AR-1 Agricultural-Residential Districts to an MPUD Master Planned Unit Development District with 488 apartments.

FINDINGS OF FACT:

1. The preliminary site plan, variance requests, and alternative standards request have been reviewed by the Growth Management Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses and consistent with the density allowed within the RES-24 (Residential - 24 du/ga) Future Land Use Classification.
2. The preliminary site plan, variance requests, and alternative standards request for the above-subject project were prepared for Greystar Development Group, LLC, by Otero Engineering, and consist of 50 sheets dated September 10, 2007; the sheets were last revised on January 28, 2008. The plans were originally received by the Development Review Division (DRD) on October 22, 2007, and final revisions were received on March 4, 2008.
3. Access to the property is from Cypress Creek Road.

VARIANCE REQUEST:

The Development Director has reviewed the request for variances and has determined the following:

1. Section 610.15, Neighborhood Park  

There is no objection to the elimination of the 100' X 100' open-play area in the easternmost park.

There is no objection in the alternate shape of the open-play area in the easternmost park.

These variances will allow the developer to retain approximately 543 inches of trees, including several "unique clusters."
2. Section 602.7, Tree Replacement  

There are approximately 18,947 inches of trees on the site. Of the inches removed, 5,184 inches must be replaced. The developer is proposing to replace 2,531 inches, leaving a 2,653-inch deficit.

The contribution to the Tree Mitigation Fund is approximately \$225,500.00.
3. Section 618.12, Cross-Access/Frontage Road  

There is no objection to the elimination of the cross-access connection to the northern abutting property. The property to the north has a private, ingress/egress easement to a residential area, which restricts access to the residential owners only.

There is objection to the location of the 24-foot cross access to the south. This should be unobstructed and located along the project where it fronts Cypress Creek Road as a parallel, frontage road.

ALTERNATIVE STANDARDS REQUEST:

The Development Director has reviewed the request for alternative standards and has determined the following: Section 306.17, Dedication, there is no objection to private streets.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for a 451-unit apartment complex.

RECOMMENDATION:

The Development Director recommends approval of the preliminary site plan, variance requests, and alternative standards request with the following conditions:

General

1. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
2. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD:
  - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
  - b. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).
  - c. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
  - d. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the DRD. In the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.
  - e. National Pollutant Discharge Elimination System Permit/permit application.
  - f. Construction traffic route condition survey and videotape, if applicable.
  - g. Construction Traffic Restoration Bond, if applicable.
  - h. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.
  - i. A copy of a Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit shall be submitted to the DRD prior to the issuance of a Site Development Permit.
  - j. A Master Utility Plan.
  - k. Revised plans incorporating all changes required to show compliance with the conditions of approval including, but not limited to:
    - (1) Correct the number of parking spaces for Building 7 from eight to ten.
    - (2) Show individual building-perimeter landscaping calculation, not combined overall total.
    - (3) Provide a six-foot-high fence or wall along the north and south property line, except for the area of the critical linkage and buffer. The wall shall also allow for the passage of drainage.
    - (4) Provide a ten-foot-wide, Type-B buffer along the south property line, THAT MEETS THE LANDSCAPE VISUAL SCREENING REQUIREMENTS OF A TYPE B BUFFER, PAB ut/108
    - (5) ~~(3)~~—Show the correct number and location(s) of the ADA parking spaces.
    - (6) ~~(4)~~—Show an additional conservation buffer adjacent to the critical linkage as approved by the County Biologists shown as cross-hatched "Attachment A."
    - (7) ~~(5)~~—Show the 24-foot cross access to the south on the east side of the perimeter buffer along Cypress Creek Road in front of the gate.
    - (8) ~~(6)~~—Remove incorrect parcel numbers.

- (9) ~~(7)~~ The developer shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.

No construction shall commence until the permit has been properly posted on the site.

3. **Dedicate the critical linkage, associated buffers, and conservation easements prior to the issuance of the first Building Permit.**
4. Any roadway construction required herein as a condition of development approval shall not be entitled to the TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
5. The owner/developer acknowledges that approval of the variance(s) as stated is based upon representation as set forth in the preliminary plan submittal dated September 10, 2007, and received by Pasco County on March 4, 2008. In the event that the preliminary plan is deemed void and/or approval is withdrawn, then the variance(s) shall be considered void and all future development shall thereafter comply with all regulations currently in effect and shall be reviewed and approved as provided therein. Preliminary plan approval is contingent upon approval of variance application(s).
6. The owner/developer or successors in interest are advised of the following restrictions:
  - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
7. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.
8. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with Pasco County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.

9. The owner/developer shall acknowledge that should Pasco County collect funds under a guarantee document, the developer shall authorize the County, or its designee, access to the property in question to complete the required work.
10. The owner/developer shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developer shall be responsible for attorney's fees and court costs incurred by the County in such action.
11. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
12. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.
13. The developer shall provide 4.5 acres of neighborhood parks in accordance with Ordinance No. 02-26 as amended. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26 as amended.
14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the Land Development Code (LDC), Section 403.

All conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

15. Prior to record plat or the issuance of the first Certificate of Occupancy (CO) where a record plat is not required, monies shall be contributed to the Tree Mitigation Fund for the caliper inches of replacement trees not planted as a result of this variance approval at a rate set by resolution of the BCC.

### Construction Plan

16. The construction plan shall be brought to the DRC for final action.
17. ~~Prior to~~ At the time of construction plan consideration by the DRC, the applicant shall provide an Environmental Management Plan for review and approval by the County Biologist.
18. Prior to final site/construction plan approval of any project taking access from a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.
19. No fill shall be placed within the 100-year floodplain designation unless compensating volume to mitigate the fill is provided on-site or off-site within the same basin and reviewed and approved by Pasco County.
20. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required in accordance with Resolution No. 93-304 as amended. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.
21. The owner/developer acknowledges that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, and retaining walls.
22. Prior to construction plan approval, the developer shall submit a stormwater-management plan in accordance with the LDC, Sections 306, 310, 605, and 606, to the DRD for review and final determination. The construction plan time frame for review shall not begin until the stormwater-management plan is submitted and passes content review.
23. Driveway, road, and intersection improvements requiring roadway widening and/or left-turn, storage lane construction shall also include an asphaltic concrete overlay of the entire limits of intersection improvement area to Pasco County specifications as approved by the County.
24. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with the LDC, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.  
  
All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the DRD's New Port Richey office.
25. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan, approved by the Utilities Services Branch, is required prior to final construction plan approval. The developer shall construct all water and wastewater facilities within and external to the development to current Pasco County standards. Design and construction standards and Master Utilities Plan outline may be obtained from the Utilities Services Branch.
26. Where reclaimed water is provided, the developer shall install a reclaimed (reuse) irrigation system, sufficient to supply lawn irrigation to all planned areas. The quality and quantity of reclaimed water provided by the County shall meet all Florida Department of Environmental Protection criteria for use of reclaimed water in public access areas per requirements of the Florida Administrative Code, Rules 17-6 and 17-610.
27. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:

- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the owner/developer may have to use or consume surface water or groundwater within Pasco County for the duration of the production failure or shortfall.
  - b. Prior to the owner/developer selling water, water-use permits, or water-use rights, the owner/developer shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.
28. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
29. Any gates located within gated communities shall be set back sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.
30. The applicant has submitted a Traffic Impact Study which requires the following improvements:

a. Off-Site Improvements:

Prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan; the developer shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developer shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.

Prior to the issuance of the first Building Permit, the developer shall:

- (5) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

b. Site-Access Improvements:

Prior to the issuance of the first Building Permit:

- (1) The developer shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developer shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

The improvements are required to be completed prior to the issuance of the first Building Permit.

31. The applicant has submitted a Substandard Roadway Analysis which requires the following improvements:
  - a. ~~Prior to the issuance of the Site Development~~first Building Permit, ~~unless otherwise approved by the DRC,~~ the developer shall construct:
    - (1) ~~The developer shall~~ provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.
    - (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot, paved shoulders on both sides. New pavement section shall match existing after the overlay.
    - (3) Final plans shall be approved by the County Engineer.

~~The improvements are required to be completed prior to the issuance of the first Building Permit.~~

32. The traffic study submitted by the applicant assumes the following land use:

Multifamily Apartments - 488 Units

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office, executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

33. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
34. Prior to platting, or where platting is not required prior to the issuance of the first CO, the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water



from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.

35. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owner/developer shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.
36. Unless otherwise approved by the Emergency Services Director, when the development is record platted, or where a plat is not required, prior to the issuance of the first Building Permit, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until such a petition has been received by the Emergency Services Director.

#### Hard-Copy Site Development Permit

37. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.
38. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to combustibles being brought on site (National Fire Protection Association, NFPA-1, 16.4.3.1.3).
39. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled. Further, all retention pond side slopes and associated swales shall be sodded to prevent soil erosion.
40. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Officer) and Pasco County shall be notified within two working days of the resources found on the site.
41. If the site is identified on Map 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the DRD, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.
42. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.
43. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.
44. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the DRD.

The DRC's approval of this preliminary site plan, variance requests, and alternative standards request constitutes a finding by the DRC that the preliminary site plan, variance requests, and alternative standards request, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to preliminary site plan, variance requests, and alternative standards request approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:


The developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

6/17/08  
Date

Peter A. Petricca  
GS TAMPA APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP BY: GREYSTAR DEVELOPMENT GROUP, L.P. - TAMPA DEVELOPMENT SERIES, A SEPARATE SERIES OF GREYSTAR DEVELOPMENT GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP, AS AUTHORIZED SIGNATORY  
Title VICE PRESIDENT

STATE OF ~~FLORIDA~~ Texas  
COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 17th day of June, 2008 (date), by Peter A. Petricca (name of corporation acknowledging) a \_\_\_\_\_ (State or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or who has produced Personally Known (type of identification) as identification.

Seal:  Kathryn L. Moore  
NOTARY

ATTACHMENTS:

- 1. Location Map
- 2. Site Plan
- 3. Variance Applications

CMJ/DEM/dr/greystardr081008/08a

DEVELOPMENT REVIEW COMMITTEE ACTION (5/15/08):

Approved Staff Recommendation with Amendments

**Development Review Committee** John J. Gallagher, County Administrator  
Michael Nurrenbrock, OMB Director  
Daniel R. Johnson, Assistant County Administrator (Public Services)  
Bruce E. Kennedy, P.E, Assistant County Administrator (Utilities Services)  
Bipin Parikh, P.E, Assistant County Administrator (Development Services)  
Chris Williams, District School Board of Pasco County

**Legal Counsel** Jeffrey N. Steinsnyder, County Attorney

**Advisory Staff** Cynthia M. Jolly, P.E, CFM, Development Director  
Samuel P. Steffey II, Growth Management Administrator  
James C. Widman, P.E, Engineering Services Director  
Debra M. Zampetti, Zoning/ Code Compliance Administrator

# Pasco County Development Review Committee Agenda August 14, 2008 1:30 p.m., Dade City

Historic Pasco County Courthouse, Board Room, 2<sup>nd</sup> Floor  
37918 Meridian Avenue, Dade City, FL. 33525

All cellular phones and pagers must be turned off while in the Board Room.

The Development Review Committee Agenda is comprised of two sections. Beginning at 1:30 p.m., the first section is called **PUBLIC HEARING**. Public Hearing items are advertised items for appeals, variances, preliminary plans/site plans and other final determinations by the DRC.

The Public Hearing section requires discussion, motions, and votes on an item-by-item basis. Comments by the public are allowed on Public Hearing items. Unless otherwise approved by the Development Review Committee, **each individual is limited to three minutes for such comments**. A timer will sound at two minutes to indicate that you have one minute remaining. Unless otherwise approved by the Development Review Committee, an individual is limited to one presentation per item.

The next section of the agenda is for **REGULAR**. Regular consists of Consent Items which may be publicly noticed items which are not requesting variances from the Land Development Code and ones where staff is not aware of any public opposition on the application. Prior to voting on a Consent Item, a Development Review Committee member, staff, developer, or a member of the public may request an item be removed from the Consent for discussion. All remaining items on Consent are approved by the Development Review Committee with a single motion and vote.

Regular also consists of items for consideration by the Development Review Committee that do not require public notice and upon which the Development Review Committee may have discussion.

With the exception of Discussion and Noted Items, regular items require motions, and votes on an item-by-item basis. Regular items include MPUDs, DRIs, Comprehensive Plan Amendments and Development Agreements (and amendments thereto) where the Development Review Committee makes recommendations to the Board of County Commissioners and non-substantial amendments to preliminary plans/site plans that fall under Section 306.18.F of the Land Development Code. Regular also allows for public comment with each individual limited to three minutes for such presentation per item, unless otherwise approved by the Development Review Committee.

Discussion allows the Development Review Committee an opportunity to discuss a policy matter in depth in a more informal manner and to receive lengthy presentations by staff or consultants. Noted Items contain a listing of those actions taken by staff in regard to matters not required to be presented to the Development Review Committee.

Memorandum PMA08-185  
Recommendation: Approval with conditions  
Comm. Dist. 2

**DEVELOPMENT REVIEW SERVICES - DEVELOPMENT REVIEW**

- P14 CONSENT - Class II, Henley Road Professional Center (IIPR07-049), Preliminary/Construction Site Plan-Henley Road Professional Center, LLC- Location: On the southwest corner of S.R. 54 and Henley Road (Land O'Lakes area); Section 27, Twn 26 S, Rng 18 E  
Memorandum DR08-1666  
Recommendation: Approval with conditions  
Comm. Dist. 2
- P15 Class II, Sunchaser G (IIPR07-083), Preliminary/Construction Site Plan and Stormwater Management Plan and Report-Sunchaser Corporation-Location: Off S.R. 52 and Bellamy Brothers Boulevard, approximately one-tenth mile south of S.R. 52 and 1.8 miles west of I-75; Section 12, Twn 25 S, Rng 19 E  
Memorandum DR08-1181  
Recommendation: Approval with conditions  
Comm. Dist. 2
- P16 Class II, Greystar At Cypress Creek Apartments (IIPR08-045), Construction Site Plan-Greystar Development, LLC-Location: On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54; Section 34, Twn 26 S, Rng 19 E  
Memorandum DR08-1733  
Recommendation: Approval with conditions  
Comm. Dist. 2
- P17 Class II, U.S. 41 and Morgan Road, Park of Commerce Charter School Project (IIPR07-072), Preliminary/Construction Site Plan and Stormwater Management Plan and Report-Morgan Road Park of Commerce, LLC-Location: On the north side of Morgan Road, approximately 260 feet west of U.S. 41; Section 25, Twn 26 S, Rng 18 E  
Memorandum DR08-1754  
Recommendation: Approval with conditions  
Comm. Dist. 2

\*\*\*\* END OF NON-VARIANCE PETITIONS \*\*\*\*

**REGULAR**

**GROWTH MANAGEMENT**

- R1 Starkey Ranch Development of Regional Impact/Application for Development Approval-Starkey Ranch Investment Company, LLC and Starkey Land Company, LLC-Location: South west and south central Pasco County. South of and abutting the J.B. Starkey Wilderness Park, extending south and west to the intersection of Starkey Boulevard and S.R. 54 and extending south and east to approximately .5 mile east of the intersection of Gunn Highway and S.R. 54  
Memorandum GM08-402  
Recommendation: Approve  
Comm. Dist. 3
- R2 Starkey Ranch DRI - Development Agreement-Starkey Ranch Investment Company, LLC and Starkey Land Company, LLC-Location: South west and south central Pasco County. South of and abutting the J.B. Starkey Wilderness Park, extending south and west to the intersection of Starkey Boulevard and S.R. 54, and extending south and east to approximately .5 mile east of the intersection of Gunn Highway and S.R. 54  
Memorandum GM08-407  
Recommendation: Approve  
Comm. Dist. 3
- R3 TO BE DISTRIBUTED - Pasco Town Centre - ADA-The Shailendra Group, LLC -Location: Central Pasco County, southeast corner of I-75 and S.R. 52  
Memorandum GM08-428

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 8/8/08

FILE: DR08-1733

SUBJECT: Class II, Commercial Development  
Review - Greystar at Cypress Creek  
Apartments Construction Site Plan  
(Project No. IIPR08-045)  
DRC: 8/14/08, 1:30 p.m., DC

FROM: Cynthia M. Jolly, P.E., CFM  
Development Director

REFERENCES: Land Development Code,  
Section 306, Development  
Review Procedures;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Greystar at Cypress Creek Apartments
Developer's Name:	Greystar Development Group, LLC
Location:	On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54, Section 34, Township 26 South, Range 19 East.
Parcel ID No.:	34-26-19-0000-00500-0000
Land Use Classifications:	RES-3 (Residential - 3 du/ga) and RES-24 (Residential - 24 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	Cypress Creek Road
Existing Right-of-Way:	25 Feet from Centerline
Required Right-of-Way:	135 Feet from the Western Edge of the Existing Right- of-Way
Flood Zones:	"A," "B," and "C"
Hurricane Evacuation Zone:	N/A
Acreage:	29.88 Acres, m.o.l.
Number of Units:	451
Type of Units:	Apartments
Size of Units:	N/A
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	169
Present Land Use:	Vacant
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Greystar at Cypress Creek Apartments is requesting approval of a construction site plan for a 451-unit apartment complex.

BACKGROUND:

1. On May 22, 2007, the Board of County Commissioners (BCC) approved Petition No. 6692, rezoning 29.7 acres from E-R Estate-Residential and AR-1 Agricultural-Residential Districts to an MPUD Master Planned Unit Development District with 488 apartments.
2. On May 15, 2008, the DRC approved a preliminary site plan with variance and alternative standards requests for Greystar at Cypress Creek (IIPR07-118) (DR08-1008).

FINDINGS OF FACT:

1. The construction site plan has been reviewed by the Zoning/Code Compliance Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses and consistent with the density allowed within the RES-24 (Residential-24 du/ga) Future Land Use Classification.
2. The construction site plan for the above-subject project was prepared for Greystar Development Group, LLC, by Otero Engineering, and consists of 66 sheets dated May 2, 2008; the sheets were last revised on July 3, 2008. The plans were originally received by the Development Review Division (DRD) on May 12, 2008, and final revisions were received on July 11, 2008.
3. Access to the property is from Cypress Creek Road.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity was issued for a 451-unit apartment complex.

RECOMMENDATION:

The Development Director recommends approval of the construction site plan with the following conditions:

General

1. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
2. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD:
  - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
  - b. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).
  - c. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
  - d. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the DRD. In the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.
  - e. National Pollutant Discharge Elimination System Permit/permit application.
  - f. Construction traffic route condition survey and videotape, if applicable.
  - g. Construction Traffic Restoration Bond, if applicable.
  - h. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.
  - i. A copy of a Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit shall be submitted to the DRD prior to the issuance of a Site Development Permit.
  - j. Revised plans incorporating all changes required to show compliance with the conditions of approval including, but not limited to:
    - (1) Indicating the 24-foot cross-access to the south as paved, not turf block.
    - (2) The developer shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations

plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.

- (3) Relocate the "no outlet" plaque to the south side of Greystar Drive.
- (4) Please show the correct permissible speed limit of 20 miles per hour.

No construction shall commence until the permit has been properly posted on the site.

3. Submit revised Florida Department of Environmental Protection (FDEP) plans to the Pasco County Utilities Services Branch, including a service jumper.
4. Dedicate the critical linkage, associated buffers, and conservation easements prior to the issuance of the first Building Permit.
5. Any roadway construction required herein as a condition of development approval shall not be entitled to the TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
6. The owner/developer or successors in interest are advised of the following restrictions:
  - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
7. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.
8. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with Pasco County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.
9. The owner/developer shall acknowledge that should Pasco County collect funds under a guarantee document, the developer shall authorize the County, or its designee, access to the property in question to complete the required work.

10. The owner/developer shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developer shall be responsible for attorney's fees and court costs incurred by the County in such action.
11. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
12. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.
13. The developer shall provide 4.5 acres of neighborhood parks in accordance with Ordinance No. 02-26 as amended. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26 as amended.
14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan, Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the Land Development Code (LDC), Section 403.

All conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

15. Prior to record plat or the issuance of the first Certificate of Occupancy (CO) where a record plat is not required, monies shall be contributed to the Tree Mitigation Fund for the caliper inches of replacement trees not planted as a result of this variance approval at a rate set by resolution of the BCC.

#### Construction Plan

16. The construction plan shall be brought to the DRC for final action.



17. At the time of construction plan consideration by the DRC, the applicant shall provide an Environmental Management Plan for review and approval by the County Biologist.
18. Prior to final site/construction plan approval of any project taking access from a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.
19. No fill shall be placed within the 100-year floodplain designation unless compensating volume to mitigate the fill is provided on-site or off-site within the same basin and reviewed and approved by Pasco County.
20. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required in accordance with Resolution No. 93-304 as amended. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.
21. The owner/developer acknowledges that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, and retaining walls.
22. Prior to construction plan approval, the developer shall submit a stormwater-management plan in accordance with the LDC, Sections 306, 310, 605, and 606, to the DRD for review and final determination. The construction plan time frame for review shall not begin until the stormwater-management plan is submitted and passes content review.
23. Driveway, road, and intersection improvements requiring roadway widening and/or left-turn, storage lane construction shall also include an asphaltic concrete overlay of the entire limits of intersection improvement area to Pasco County specifications as approved by the County.
24. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with the LDC, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.  
All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the DRD's New Port Richey office.
25. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan (MUP), approved by the Utilities Services Branch, is required prior to final construction plan approval. The developer shall construct all water and wastewater facilities within and external to the development to current Pasco County standards. Design and construction standards and MUP outline may be obtained from the Utilities Services Branch.
26. Where reclaimed water is provided, the developer shall install a reclaimed (reuse) irrigation system, sufficient to supply lawn irrigation to all planned areas. The quality and quantity of reclaimed water provided by the County shall meet all FDEP criteria for use of reclaimed water in public access areas per requirements of the Florida Administrative Code, Rules 17-6 and 17-610.
27. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:
  - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights

the owner/developer may have to use or consume surface water or groundwater within Pasco County for the duration of the production failure or shortfall.

b. Prior to the owner/developer selling water, water-use permits, or water-use rights, the owner/developer shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.

28. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.

29. Any gates located within gated communities shall be set back sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

30. The applicant has submitted a Traffic Impact Study which requires the following improvements:

a. Off-Site Improvements:

Prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developer shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developer shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.

Prior to the issuance of the first Building Permit, the developer shall:

- (5) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

b. Site-Access Improvements:

Prior to the issuance of the first Building Permit:

- (1) The developer shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.

- (2) The developer shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

The improvements are required to be completed prior to the issuance of the first Building Permit.

31. The applicant has submitted a Substandard Roadway Analysis which requires the following improvements:

- a. Prior to the issuance of the first Building Permit, the developer shall construct:

- (1) The developer shall provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.
- (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot, paved shoulders on both sides. New pavement section shall match existing after the overlay.
- (3) Final plans shall be approved by the County Engineer.

32. The traffic study submitted by the applicant assumes the following land use:

Multifamily Apartments - 488 Units

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

33. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
34. Prior to platting, or where platting is not required prior to the issuance of the first CO, the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.
35. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owner/developer shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or

phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.

36. Unless otherwise approved by the Emergency Services Director, when the development is record plated, or where a plat is not required, prior to the issuance of the first Building Permit, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until such a petition has been received by the Emergency Services Director.

#### **Hard-Copy Site Development Permit**

37. Prior to the issuance of the Site Development Permit, the owner shall submit the signed, notarized acknowledgment for Rezoning Petition No. 6692 approved on September 11, 2007.
38. Prior to the issuance of the Site Development Permit, the owner shall submit a copy of the Performance Guarantee with the approved agenda memorandum to the Zoning/Code Compliance Department.
39. Prior to the issuance of the Site Development Permit, the owner shall submit documentation showing compliance with MPUD Master Planned Unit Development Condition No. 24.a.(4).
40. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.
41. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to combustibles being brought on site (National Fire Protection Association, NFPA-1, 16.4.3.1.3).
42. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled. Further, all retention pond side slopes and associated swales shall be sodded to prevent soil erosion.
43. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Officer) and Pasco County shall be notified within two working days of the resources found on the site.
44. If the site is identified on Map 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the DRD, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.
45. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.
46. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.
47. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the DRD.

The DRC's approval of this construction site plan constitutes a finding by the DRC that the construction site plan, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to construction site plan approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

The developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

\_\_\_\_\_  
Date GREYSTAR DEVELOPMENT GROUP, LLC

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_  
Title \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date),  
by \_\_\_\_\_ (name of corporation  
acknowledging) a \_\_\_\_\_ (State or  
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or  
who has produced \_\_\_\_\_ (type of identification) as identification.

Seal: \_\_\_\_\_  
NOTARY

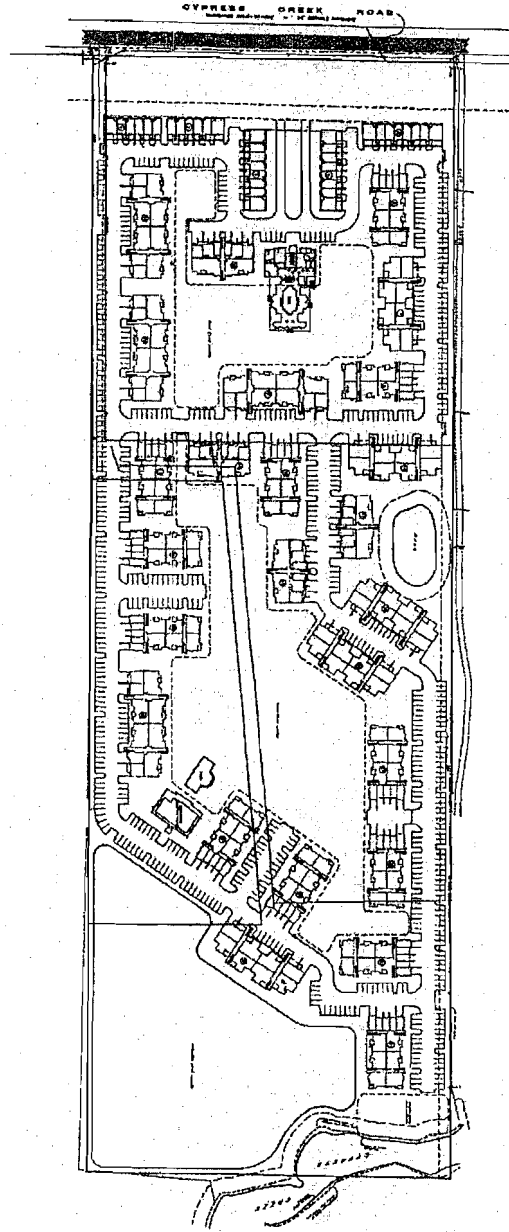
ATTACHMENTS:

- 1. Location Map
- 2. Site Plan

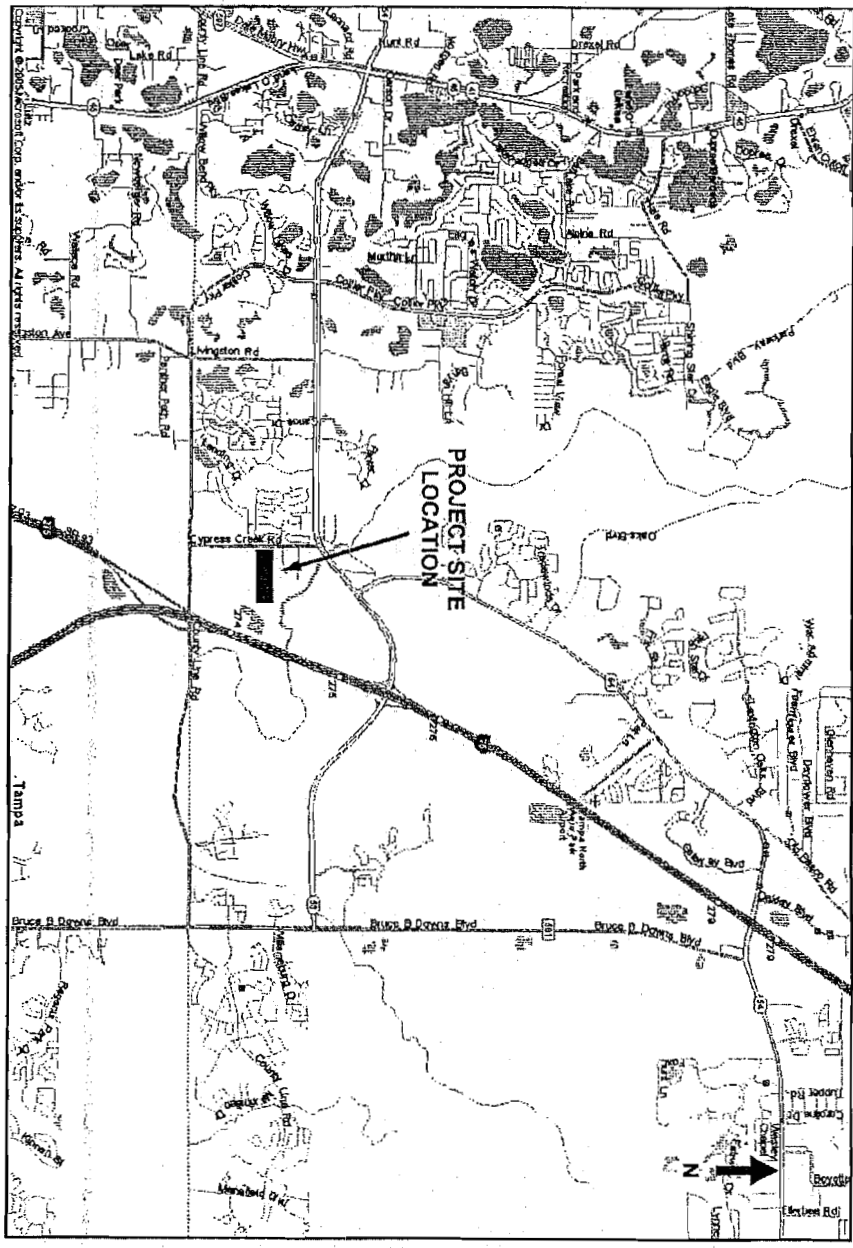
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DEVELOPMENT REVIEW COMMITTEE ACTION:

PRELIMINARY SITE PLAN



PROJECT SITE LOCATION



PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and  
Members of the Board of  
County Commissioners  
*M. Kink*

DATE: 8/29/07 FILE: GM07-1269

THRU: Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)

SUBJECT: Scarpo MPUD Master Planned  
Unit Development Amendment;  
Rezoning Petition No. 6692  
BCC: 9/11/07, 10:00 a.m., DC  
Recommendation: Approval  
with Conditions

FROM: *Samuel P. Steffey II*  
Samuel P. Steffey II  
Growth Management Administrator

REFERENCES: Land Development Code,  
Section 522.6, Modifications;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners (BCC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Scarpo MPUD Master Planned Unit Development
Developers' Names:	James A. Scarpo II, Sylvia Joy Scarpo, Carlyle M. Wolding, Judith Wolding, Randall M. Sherman, and Diane L. Sherman
Location:	On the southeast corner of the intersection of Cypress Creek Road and Bald Cypress Lane, approximately 850 feet south of S.R. 54, Section 34, Township 26 South, Range 19 East.
Parcel ID Nos.:	34-26-19-0000-00500-0000, 34-26-19-0000-00500-0010, 34-26-19-0000-00500-0030, and 34-26-19-0000-00800-0000
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classifications:	RES-24 (Residential - 24 du/ga) and CON (Conservation Lands)
Acreage:	29.7 Acres, m.o.l.
Water/Sewage:	Public (Pasco)/Public (Pasco)
No. of Dwelling Units:	488
Type of Dwelling Units:	Multifamily (Apartments)
Commercial Acres/Square Feet:	N/A
Other Land Uses	N/A

BACKGROUND:

1. On August 28, 1984, the BCC approved Rezoning Petition No. 2586, which rezoned ten acres of the subject property from A-C Agricultural to E-R Estate-Residential.
2. On November 18, 1997, the BCC approved Rezoning Petition No. 5188, which rezoned 10.04 acres of the subject property from A-C Agricultural to R-1 Rural Density Residential.
3. On June 22, 1999, the BCC approved Rezoning Petition No. 5441, which rezoned ten acres of the subject property from A-C Agricultural to AR-1 Agricultural-Residential.
4. On December 5, 2006, the BCC approved a land use amendment for the subject property, Ordinance No. 06-42, amending the Future Land Use classification from RES-3 (Residential - 3 du/ga) to RES-24 (Residential - 24 du/ga) on 28.27 acres and CON (Conservation Lands) on 1.61 acres.
5. On May 22, 2007, the BCC approved the Scarpo MPUD Master Planned Unit Development, Petition No. 6692.



FINDINGS OF FACT:

The Zoning/Code Compliance Department has received a formal request from the developers of the Scarpo MPUD Master Planned Unit Development to amend the existing Conditions of Approval to allow the following:

Revise MPUD Master Planned Unit Development Condition No. 24 as follows:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. ~~Prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan~~Based thereon, the developers shall construct, bond, or make a proportionate share payment for the following improvements unless otherwise approved by the Development Review Committee (DRC):

a. Off-Site Improvements:

As to the following improvements\* identified in Condition Nos. 24.a.(1), (2), and (3), prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).

As to the following improvements\* identified in Condition Nos. 24.a.(4), (5), and (6), prior to the issuance of the first Building Permit, the developers shall construct the following improvements\* identified in Condition Nos. 24.a.(4) through 24.a.(6):

- (4) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (5) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (6) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(6) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

- b. Site-Access Improvements ~~(must be constructed prior to the issuance of the first Building Permit):~~

As to the following improvements identified in Condition Nos. 24.b.(1) and (2), prior to the issuance of the first Building Permit:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

c. Substandard Road Improvements:

As to the following improvements identified in Condition Nos. 24.c.(1) and (2), prior to the issuance of the Site Development Permit, unless otherwise approved by the DRC, the developers shall:

~~Unless otherwise approved by the DRC, prior to preliminary plan approval, the developers shall construct the following:~~

- (1) Widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width from County Line Road to Laurel Ridge Drive, and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides of Cypress Creek Road. New pavement shall match existing.
- (2) ~~(1) — In lieu of repaving Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00, the developers shall provide a one-inch overlay of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.~~
- ~~(2) — On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, relocate existing utility poles (approximately eight) outside of the clear zone.~~
- ~~(3) — On the east side of Cypress Creek Road from County Line Road to approximately one-half mile north, remove trees located within six feet of the edge of the pavement.~~
- ~~(4) — On the east side of Cypress Creek Road from County Line Road to approximately 200 feet north, excavate the embankment to achieve a side slope of one to four or less.~~
- ~~(5) — On the east side of Cypress Creek Road, south of the project, install a guardrail (estimated 150 feet) to protect deficient shoulder/side slope that cannot otherwise be corrected. (This condition may be eliminated if it is corrected by others.)~~

ANALYSIS:

MPUD Master Planned Unit Development amendments must be reviewed in accordance with Section 522.6, Modifications, of the Pasco County Land Development Code to determine if the proposed changes are substantial. A substantial change is deemed to exist where:

1. "There is a proposed increase of greater than five (5) percent in the total number of dwelling units proposed for the MPUD Master Planned Unit Development."

FINDING: There is no proposed increase.

2. "There is a proposed major redistribution of density within individual phases of the MPUD Master Planned Unit Development."

**FINDING:** There is no proposed major redistribution of density.

3. "There is a decrease of proposed preservation or conservation areas involving more than five (5) percent of the original area set forth in the MPUD Master Planned Unit Development Plan."

**FINDING:** There is no decrease of proposed preservation or conservation areas.

4. "There is an increase in the size of areas proposed for nonresidential uses of more than five (5) percent."

**FINDING:** There is no increase in the size of areas proposed for nonresidential uses.

5. "There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval."

**FINDING:** This amendment does not cause any adverse impact.

ALTERNATIVES:

1. Approve the proposed changes.
2. Approve the proposed changes with additional modifications or conditions.
3. Deny the proposed changes.
4. Direct staff as to other action desired by the BCC.

RECOMMENDATION:

The Zoning/Code Compliance Department recommends that the BCC approve Alternative No. 1. Based upon the foregoing and the criteria established within the Pasco County Land Development Code, Section 522.6, Modifications, the Zoning/Code Compliance Department staff has determined that the proposed amendment does not constitute a substantial change.

ATTACHMENTS:

1. Visuals
2. Scarpo MPUD Master Planned Unit Development Conditions of Approval, Rezoning Petition No. 6692

SPS/DMN/zn/scarpo01/04

DEVELOPMENT REVIEW COMMITTEE ACTION (8/23/07):

Approved with Amended Conditions

AMENDED CONDITIONS:

24. The developers have submitted a traffic study which was reviewed by the staff of the County. Based thereon, the developers shall:

a. Off-Site Improvements:

As to the following improvements\* identified in Condition Nos. 24.a.(1), (2), ~~and (3)~~, and (4), prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).

- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developers shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.**

As to the following improvements\* identified in Condition Nos. 24.a.(4), (5), and (6), and (7), prior to the issuance of the first Building Permit, the developers shall:

- (5) ~~(4)~~—Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6) ~~(5)~~—Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7) ~~(6)~~—Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.~~(6)~~(7) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements:

As to the following improvements identified in Condition Nos. 24.b.(1) and (2), prior to the issuance of the first Building Permit:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

c. Substandard Road Improvements:

As to the following improvements identified in Condition Nos. 24.c.(1), ~~and (2)~~, and (3), prior to the issuance of the Site Development Permit, unless otherwise approved by the DRC, the developers shall construct:

- (1) The developers shall provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.**
- (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides. New pavement section shall match existing after the overlay.**
- (3) Final plans shall be approved by the County Engineer.**

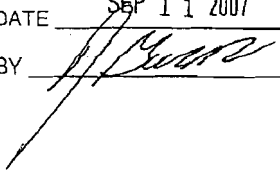
- (1) ~~Widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 20-foot pavement width from County Line Road to Laurel Ridge Drive, and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides of Cypress Creek Road. New pavement shall match existing.~~
- (2) ~~In lieu of repaving Cypress Creek Road from Laurel Ridge Drive to Bald Cypress Lane (approximately 0.40 mile) to achieve a structural number of at least 3.00, the developers shall provide a one-inch overlay of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.~~

BOARD OF COUNTY COMMISSIONERS ACTION:

BCC  
SEP 11 2007  
APPROVED

APPROVED AGENDA ITEM FOR

DATE SEP 11 2007

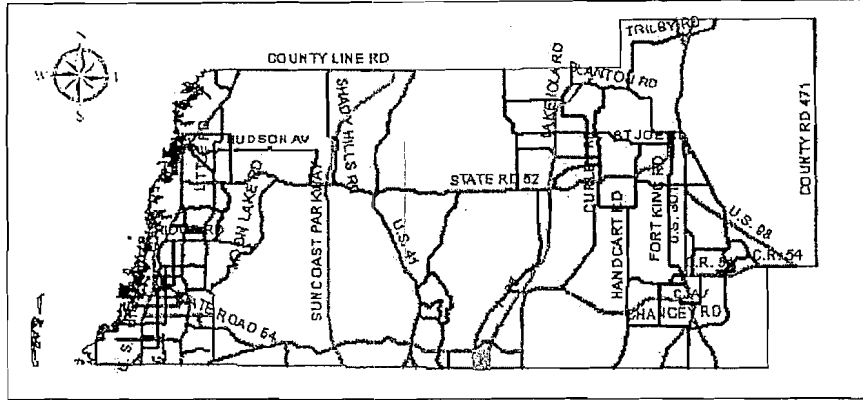
BY 

PETITION # RZ6692

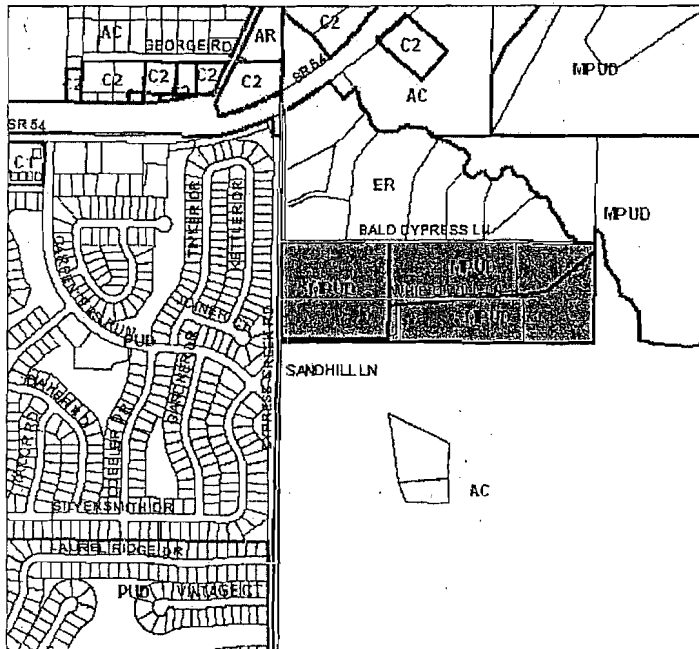
SECTION(S): 34

T. 26 S.

R. 19 E.



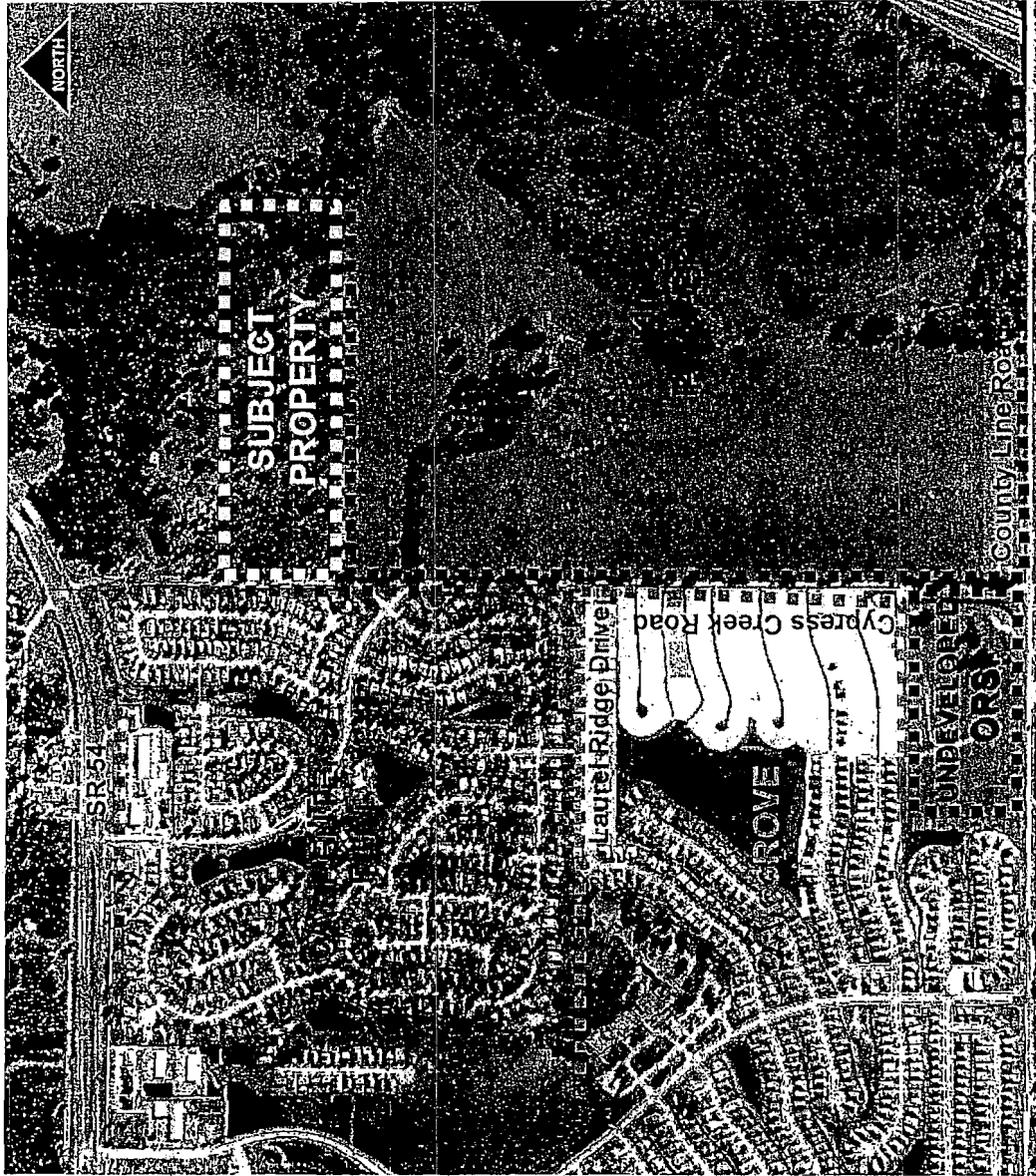
PASCO COUNTY, FLORIDA



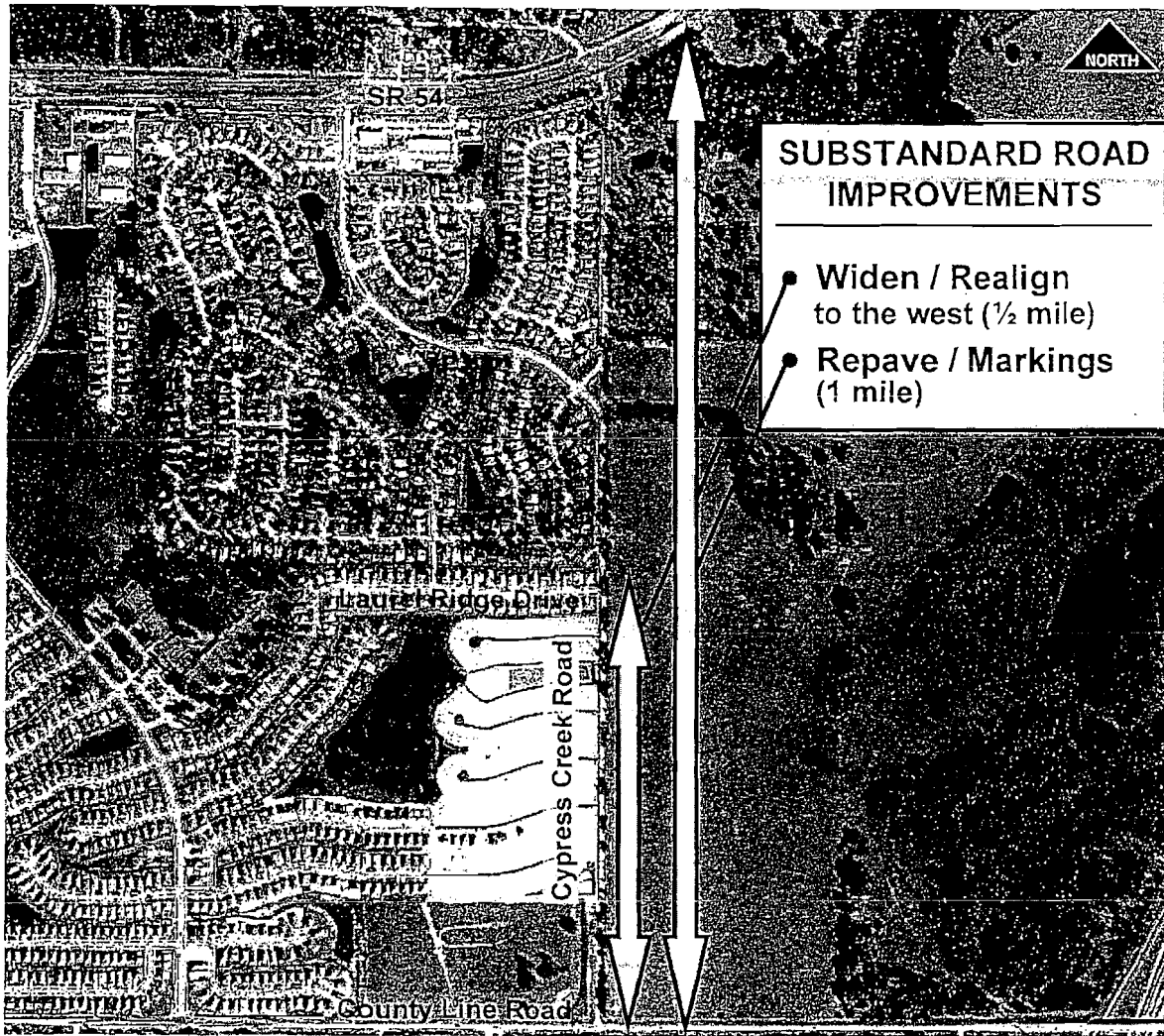
TAZ: 169

COMMISSION DISTRICT: 2









**SCARPO  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6692**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted October 30, 2006, unless otherwise stipulated or modified herein.

Open Space/Buffering

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. For Category II and Category III wetlands, there shall be a buffer around all preserved Southwest Florida Water Management District (SWFWMD) wetlands with an average width of 25 feet, but no less than 15 feet, unless otherwise accepted by the SWFWMD; Army Corp of Engineers wetlands do not require additional buffers. There shall be a 25-foot minimum buffer, not inclusive of any lots, around all postdevelopment Category I wetlands. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD.
4. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. Unless a nonfee simple, residential product is built, the homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
5. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
  - a. The developers shall establish a 50-foot buffer from the Cypress Creek Critical Linkage. No development activity shall occur within the critical linkage and the 50-foot buffer.
  - b. The applicant shall send a copy of the Florida Fish and Wildlife Conservation Commission (FFWCC) Gopher Tortoise Permit to the Development Review Division (DRD) for their project files prior to the issuance of the Site Development Permit.
  - c. The applicant shall send a copy of the SWFWMD Environmental Resource Permit to the DRD for their project files prior to the issuance of the Site Development Permit.
6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the FFWCC to the DRD.
7. Prior to construction plan/construction site plan approval, the developers shall submit to the DRD a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developers shall submit to the DRD a copy of the Environmental Resource Permit.
8. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on December 11, 2006. Although no archaeological sites eligible for the

National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

9. The developers shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developers shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes (F.S.), is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable. This condition shall not apply if a nonfee simple, residential product is built.
10. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Neighborhood Parks Ordinance. Specific review and approval of the neighborhood parks will be conducted at each preliminary plan/preliminary site plan review.

#### Ordinances

11. In addition to the MPUD Master Planned Unit Development conditions of approval, the developers shall comply with all Pasco County ordinances, including all impact fee ordinances.
12. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owners/developers shall be required to comply with such ordinances/resolutions.
13. School-concurrency requirements as may be adopted by the County in the future are not waived nor satisfied by this rezoning approval. The owners/developers shall be required to comply with all provisions of a subsequently adopted School-Concurrency Program and the requirements to provide for school capacity as mandated.

#### Transportation/Circulation

##### Access Management

14. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
15. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further intersection improvements along the internal road intersections and Cypress Creek Road.
16. Prior to preliminary plan/preliminary site plan submittal, the developers shall supply evidence that they have coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcels to the south to identify and provide the location of the required interconnecting roadway.
17. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable

to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

Dedication of Right-of-Way

18. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
19. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
20. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
21. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road, solely to the extent such right-of-way is owned by the developers (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developers shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developers' property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developers' property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developers' project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

Design/Construction Specifications

22. The applicants agree to discontinue and remove, at the applicants' sole expense, the interim uses in the Cypress Creek Road Transportation Corridor no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvements Element or the Florida Department of Transportation (FDOT) in the FDOT's Five-Year Transportation Improvement Program (Termination Date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension. The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.
23. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
24. The developers have submitted a traffic study which was reviewed by the staff of the County. Based thereon, the developers shall:
  - a. Off-Site Improvements:

As to the following improvements\* identified in Condition Nos. 24.a.(1), (2), (3), and (4), prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

- (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
- (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
- (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
- (4) Within ten days of receipt of a request by the County, the developers shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.

As to the following improvements\* identified in Condition Nos. 24.a.(5), (6), and (7), prior to the issuance of the first Building Permit, the developers shall:

- (5) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
- (6) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
- (7) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

\*To the extent any of the improvements identified in Condition Nos. 24.a.(1) through 24.a.(7) above are committed in the first three years of the County's CIP/Capital Improvements Element, and/or secured through an enforceable, developer performance guarantee, or constructed at the time the improvement or proportionate-share amount is due, the improvement or proportionate-share amount shall be reduced.

b. Site-Access Improvements:

As to the following improvements identified in Condition Nos. 24.b.(1) and (2), prior to the issuance of the first Building Permit:

- (1) The developers shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developers shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

c. Substandard Road Improvements:

As to the following improvements identified in Condition Nos. 24.c.(1), (2), and (3), prior to the issuance of the Site Development Permit, unless otherwise approved by the DRC, the developers shall construct:

- (1) The developers shall provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.
- (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot paved shoulders on both sides. New pavement section shall match existing after the overlay.
- (3) Final plans shall be approved by the County Engineer.

25. Prior to or concurrent with the approval of the first construction plan/construction site plan, the developers shall obtain Right-of-Way Use Permits for the construction of the improvements identified in Condition No. 24.
26. No Site Development Permits shall be issued until the FDOT determines if a signal will be permitted at the intersection of Cypress Creek Road and S.R. 54, unless otherwise approved by the DRC.
27. Prior to final plat or preliminary site plan/construction site plan approval occurring after December 31, 2009, the developers shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.
28. The traffic study submitted by the applicants assumes the following land uses: 538 apartment dwelling units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developers shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicants or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicants or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicants or development based on the updated County-approved traffic study.
29. The Developers shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developers shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developers shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicants/developers and their successors shall not refuse the PCPT, or any other transit authority or any of its users/patrons access to such facilities.
30. The developers may submit an overall pedestrian/bike path plan to the Zoning/Code Compliance Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County Land Development Code as amended; or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, F.S., or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the Land Development Code is required.

**Utilities: Drainage, Water Service, Wastewater Disposal**

31. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
32. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.

33. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
- a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and nonpotable water lines, if applicable.
  - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.
34. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
35. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developers/owners and its successors and assigns, agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developers/owners shall transfer to Pasco County any and all Water Use Permits or water-use rights the developers/owners may have to use or consume surface or ground water within Pasco County.
  - b. Prior to the developers/owners selling water, Water Use Permits, or water-use rights, the developers/owners shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

#### Land Use

36. The residential design standards and uses shall be in accordance with regulations for MF-1 Multiple Family Medium Density of the Pasco County Land Development Code.
- a. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
  - b. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
  - c. The total aggregate number of dwelling units for Scarpo MPUD Master Planned Unit Development shall not exceed 488.
  - d. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
  - e. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
37. The developers shall submit and obtain BCC approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment (bubble) prior to any preliminary plan/preliminary site plan approval within such increment.
38. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.

39. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
40. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
41. The developers may designate, on the Master Development Plan, a site or sites which do not exceed a total of one acre to be used for recreational vehicle and boat storage for the exclusive use of Scarpo MPUD Master Planned Unit Development residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

#### Procedures

42. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
43. If a complete preliminary plan or preliminary site plan for the first phase of the MPUD Master Planned Unit Development is not submitted and approved within five years after the rezoning approval, the conditions of approval and any density approved shall expire. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
44. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
45. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.
46. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan approval, and/or record plat approval.
47. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.
48. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Zoning Legislation as implemented by the Florida Department of Community Affairs and Pasco County.



49. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Zoning/Code Compliance Department after the BCC action.

OWNERS/DEVELOPERS' ACKNOWLEDGMENT:

The owners/developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval. Do not sign until you receive a copy of this petition with the Board of County Commissioners results.

\_\_\_\_\_  
(Date) JAMES A. SCARPO II

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) SYLVIA JOY SCARPO

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) CARLYLE M. WOLDING

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) JUDITH WOLDING

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) RANDALL M. SHERMAN

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

\_\_\_\_\_  
(Date) DIANE L. SHERMAN

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

9/8/08

(Date)

*Peter A. Petricca*

PETER A. PETRICCA - VICE PRESIDENT  
GS TAMPA APARTMENTS, LP A DELAWARE LIMITED PARTNERSHIP  
BY: GREYSTAR DEVELOPMENT GROUP, LP - TAMPA DEVELOPER SERIES,  
A SEPARATE SERIES OF GREYSTAR DEVELOPMENT GROUP, LP, A  
DELAWARE LIMITED PARTNERSHIP, AS AUTHORIZED SIGNATORY  
AS SUCCESSOR IN INTEREST TO JAMES A. SCARPO III, SYLVIA JOY  
SCARPO, CARLYLE M. WOLDING, JUDITH WOLDING, RANDALL M.  
SHERMAN, AND DIANE L. SHERMAN

I hereby certify on this 8th day of September, 2008, A.D., before me personally appeared the owners/developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at Wading, Tarrant  
County, ~~Florida~~ Texas, the day and year aforesaid.

My commission expires:

12/8/10  
(Date)



*Kathryn L. Moore*  
Notary Public, State of Texas at Large



## PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274  
LAND O'LAKES (813) 929-6084  
NEW PORT RICHEY (727) 847-8142  
FAX (727) 815-7000

DEVELOPMENT REVIEW DIVISION  
WEST PASCO GOVERNMENT CENTER  
7530 LITTLE ROAD, SUITE 230  
NEW PORT RICHEY, FL 34654

September 11, 2008

GS Tampa Apartments, LP  
18 Broad Street, 3rd Floor  
Charleston, SC 29401-3003

RE: Greystar at Cypress Creek Apartments – Construction Site Plan (IIPR08-045)

Dear Sirs:

Please be advised that on August 14, 2008, the Development Review Committee, (DRC), reviewed and approved the above-referenced project as noted on the enclosed agenda memorandum DR08-1733. This approval is issued under the provisions of Section 306, Development Review Procedures, of the Pasco County Land Development Code.

The owner/developer is hereby notified that no activity shall commence on-site until both the completed notarized acknowledgment portion of the above-referenced agenda memorandum and receipt for payment of Pasco County utility impact fees (if applicable) are received by the Development Review Division. Any site specific conditions listed as requiring completion prior to Site Development Permit issuance must also be completed.

The owner's/developer's acceptance of the enclosed conditions constitutes a notice of authorization to perform all related work as allowed by Section 306, Development Review Procedures, of the Land Development Code, but **shall not** include the structure, septic tanks, signs, construction within County/State right-of-way, and all other construction activities requiring separate governmental permits. Should the owner/developer object to any condition of approval as stated on the attached, a written notice of appeal shall be submitted within 30 days of this decision in accordance with Section 317, Administrative Appeals, of the Pasco County Land Development Code. The owner/developer may contact this office for information regarding corresponding application and fee requirements.

The Owner/developer shall obtain a hard-copy Site Development Permit prior to commencing any activity. **A stamped copy of the approved site plan shall be kept on the job site at all times.** No Certificate of Occupancy shall be issued until compliance with all requirements, including building and/or site inspection finals, are completed. **Deviations from the approved plan shall be approved by Pasco County prior to commencing construction.**

The owner/developer shall provide for final distribution purposes: Nine (9) complete sets of signed/sealed plans. Please submit these directly to the attention of Dorothy Masumian, Development Review Technician III.

You may now submit, where applicable, four (4) complete sets of signed/sealed plans for Right-of-Way Use Permits.

Any person failing to implement or carry out developments in accordance with all applicable requirements, conditions, or approved plans shall be subject to penalties as stated in the Development Review Procedures.

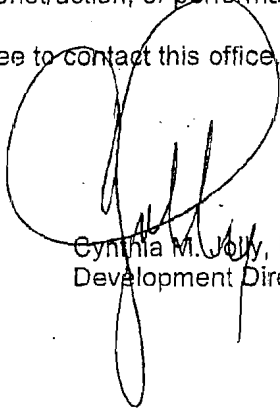
With regard to the Pasco County National Pollutant Discharge Elimination System program, information on the Florida Stormwater, Erosion and Sedimentation Control Training and Certification Program is available on the Internet at [www.dep.state.fl.us/water/stormwater/erosion](http://www.dep.state.fl.us/water/stormwater/erosion).

By issuance of this permit, Pasco County, its employees, and representatives, assume no responsibility and/or liability in regard to either the design, construction, or performance of the permitted facilities.

Should you have any questions, please feel free to contact this office.

Sincerely,

Dorothy E. Masumian  
Development Review  
Technician III



Cynthia M. Jolly, P.E., CFM  
Development Director

CMJ/DEM/td

Enclosures

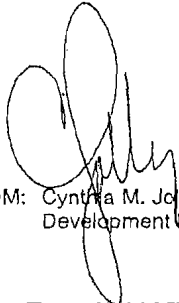
cc: Otero Engineering, Inc.  
14802 N. Dale Mabry Hwy.  
Tampa, FL. 33618

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 9/2/08

FILE: DR08-1733



FROM: Cynthia M. Joly, P.E., CFM  
Development Director

SUBJECT: Class II, Commercial Development  
Review - Greystar at Cypress Creek  
Apartments Construction Site Plan  
(Project No. IIPR08-045)  
DRC: 8/14/08, 1:30 p.m., DC

REFERENCES: Land Development Code,  
Section 306, Development  
Review Procedures;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulierl, Ed.D.
Project Name:	Greystar at Cypress Creek Apartments
Developer's Name:	Greystar Development Group, LLC
Location:	On the east side of Cypress Creek Road, approximately 1,450 feet south of S.R. 54, Section 34, Township 26 South, Range 19 East.
Parcel ID No.:	34-26-19-0000-00500-0000
Land Use Classifications:	RES-3 (Residential - 3 du/ga) and RES-24 (Residential - 24 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	Cypress Creek Road
Existing Right-of-Way:	25 Feet from Centerline
Required Right-of-Way:	135 Feet from the Western Edge of the Existing Right- of-Way
Flood Zones:	"A," "B," and "C"
Hurricane Evacuation Zone:	N/A
Acreage:	29.88 Acres, m.o.i.
Number of Units:	451
Type of Units:	Apartments
Size of Units:	N/A
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	169
Present Land Use:	Vacant
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Greystar at Cypress Creek Apartments is requesting approval of a construction site plan for a 451-unit apartment complex.

BACKGROUND:

1. On May 22, 2007, the Board of County Commissioners (BCC) approved Petition No. 6692, rezoning 29.7 acres from E-R Estate-Residential and AR-1 Agricultural-Residential Districts to an MPUD Master Planned Unit Development District with 488 apartments.
2. On May 15, 2008, the DRC approved a preliminary site plan with variance and alternative standards requests for Greystar at Cypress Creek (IIPR07-118) (DR08-1008).

FINDINGS OF FACT:

1. The construction site plan has been reviewed by the Zoning/Code Compliance Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses and consistent with the density allowed within the RES-24 (Residential-24 du/ga) Future Land Use Classification.
2. The construction site plan for the above-subject project was prepared for Greystar Development Group, LLC, by Otero Engineering, and consists of 66 sheets dated May 2, 2008; the sheets were last revised on July 3, 2008. The plans were originally received by the Development Review Division (DRD) on May 12, 2008, and final revisions were received on July 11, 2008.
3. Access to the property is from Cypress Creek Road.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity was issued for a 451-unit apartment complex.

RECOMMENDATION:

The Development Director recommends approval of the construction site plan with the following conditions:

General

1. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
2. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD:
  - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
  - b. The owner/developer shall execute a hold harmless agreement and shall defend, indemnify, and hold Pasco County harmless from any claims, damages, appeals, or challenges resulting directly or indirectly from any County approvals relating to this project.
  - c. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).
  - d. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
  - e. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the DRD. In the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.
  - f. National Pollutant Discharge Elimination System Permit/permit application.
  - g. Construction traffic route condition survey and videotape, if applicable.
  - h. Construction Traffic Restoration Bond, if applicable.
  - i. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.
  - j. A copy of a Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit shall be submitted to the DRD prior to the issuance of a Site Development Permit.
  - k. Revised plans incorporating all changes required to show compliance with the conditions of approval including, but not limited to:

- (1) Indicating the 24-foot cross-access to the south as paved, not turf block.
- (2) The developer shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
- (3) Relocate the "no outlet" plaque to the south side of Greystar Drive.
- (4) Please show the correct permissible speed limit of 20 miles per hour.

No construction shall commence until the permit has been properly posted on the site.

3. Submit revised Florida Department of Environmental Protection (FDEP) plans to the Pasco County Utilities Services Branch, including a service jumper.
4. Dedicate the critical linkage, and associated buffers, and by conservation easements or deeds, as determined by the County, prior to the issuance of the first Building Permit.
5. Any roadway construction required herein as a condition of development approval shall not be entitled to the TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
6. The owner/developer or successors in interest are advised of the following restrictions:
  - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
  - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
7. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.
8. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with Pasco County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.



9. The owner/developer shall acknowledge that should Pasco County collect funds under a guarantee document, the developer shall authorize the County, or its designee, access to the property in question to complete the required work.
10. The owner/developer shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developer shall be responsible for attorney's fees and court costs incurred by the County in such action.
11. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
12. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.
13. The developer shall provide 4.5 acres of neighborhood parks in accordance with Ordinance No. 02-26 as amended. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26 as amended.
14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 135 feet of right-of-way from the western edge of the existing right-of-way of Cypress Creek Road (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Cypress Creek Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Cypress Creek Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the Land Development Code (LDC), Section 403.

All conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

15. Prior to record plat or the issuance of the first Certificate of Occupancy (CO) where a record plat is not required, monies shall be contributed to the Tree Mitigation Fund for the caliper inches of replacement trees not planted as a result of this variance approval at a rate set by resolution of the BCC.





Construction Plan

16. The original construction plan shall be brought to the DRC for final action any substantial changes in accordance with the LDC, Section 306.18.
- ~~17. At the time of construction plan consideration by the DRC, the applicant shall provide an Environmental Management Plan for review and approval by the County Biologist.~~
17. Prior to final site/construction plan approval of any project taking access from a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.
18. No fill shall be placed within the 100-year floodplain designation unless compensating volume to mitigate the fill is provided on-site or off-site within the same basin and reviewed and approved by Pasco County.
19. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required in accordance with Resolution No. 93-304 as amended. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.
20. The owner/developer acknowledges that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, and retaining walls.
21. Prior to construction plan approval, the developer shall submit a stormwater-management plan in accordance with the LDC, Sections 306, 310, 605, and 606, to the DRD for review and final determination. The construction plan time frame for review shall not begin until the stormwater-management plan is submitted and passes content review.
22. Driveway, road, and intersection improvements requiring roadway widening and/or left-turn, storage lane construction shall also include an asphaltic concrete overlay of the entire limits of intersection improvement area to Pasco County specifications as approved by the County.
23. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with the LDC, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.  
  
All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the DRD's New Port Richey office.
24. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan (MUP), approved by the Utilities Services Branch, is required prior to final construction plan approval. The developer shall construct all water and wastewater facilities within and external to the development to current Pasco County standards. Design and construction standards and MUP outline may be obtained from the Utilities Services Branch.
25. Where reclaimed water is provided, the developer shall install a reclaimed (reuse) irrigation system, sufficient to supply lawn irrigation to all planned areas. The quality and quantity of reclaimed water provided by the County shall meet all FDEP criteria for use of reclaimed water in public access areas per requirements of the Florida Administrative Code, Rules 17-6 and 17-610.



26. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the owner/developer may have to use or consume surface water or groundwater within Pasco County for the duration of the production failure or shortfall.
  - b. Prior to the owner/developer selling water, water-use permits, or water-use rights, the owner/developer shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.
27. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
28. Any gates located within gated communities shall be set back sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.
29. The applicant has submitted a Traffic Impact Study which requires the following improvements:
- a. Off-Site Improvements:
 

Prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developer shall construct, bond, or make a proportionate-share payment for the following improvements unless otherwise approved by the DRC:

    - (1) Signalization of the Cypress Creek Road and S.R. 54 intersection (proposed proportionate-share payment of \$152,063.00).
    - (2) Construct a northbound, right-turn lane at the intersection of Cypress Creek Road and S.R. 54, with a deceleration and taper length of 495 feet (proposed proportionate-share payment of \$43,406.00).
    - (3) Extend the westbound, left-turn lane at the intersection of Cypress Creek Road and S.R. 54, 240 additional feet from its existing 590 feet to 830 feet long length (proposed proportionate-share payment of \$32,140.00).
    - (4) Within ten days of receipt of a request by the County, the developer shall pay to the County the sum of \$22,500.00 towards potential capacity improvements at the intersection of County Line Road and Cypress Creek Road.

Prior to the issuance of the first Building Permit, the developer shall:

    - (5) Construct an eastbound, left-turn lane at the intersection of County Line Road and Cypress Creek Road that is 530 feet long, with a 50-foot-long taper. New pavement section shall match existing.
    - (6) Construct a westbound, right-turn lane at the intersection of County Line Road and Cypress Creek Road that is 430 feet long, with a 50-foot long taper. New pavement section shall match existing.
    - (7) Construct appropriate transitions on County Line Road for the existing through-lanes to route traffic around the left-turn lanes. New pavement section shall match existing.

b. Site-Access Improvements:

Prior to the issuance of the first Building Permit:

- (1) The developer shall, at no cost to Pasco County, construct a southbound, left-turn lane on Cypress Creek Road with a deceleration and taper length of 295 feet, and construct appropriate transitions for the existing through-lanes to route traffic around the left-turn lane. New pavement section shall match existing.
- (2) The developer shall, at no cost to Pasco County, construct a northbound, right-turn lane on Cypress Creek Road with a deceleration and taper length of 170 feet. New pavement section shall match existing.

The improvements are required to be completed prior to the issuance of the first Building Permit.

- 30. The applicant has submitted a Substandard Roadway Analysis which requires the following improvements:

Prior to the issuance of the first Building Permit, the developer shall construct:

- (1) The developer shall provide a minimum one-inch overlay and a minimum two percent cross-slope of S3 asphalt over the existing pavement section on Cypress Creek Road from County Line Road to S.R. 54.
- (2) From County Line Road to Laurel Ridge Drive only, widen Cypress Creek Road a minimum of five feet to the west to achieve a minimum 29-foot pavement width and revise the pavement markings to provide two 10½-foot travel lanes and minimum 4-foot, paved shoulders on both sides. New pavement section shall match existing after the overlay.
- (3) Final plans shall be approved by the County Engineer.

- 31. The traffic study submitted by the applicant assumes the following land use:

Multifamily Apartments - 488 Units

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

- 32. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.

- 33. Prior to platting, or where platting is not required prior to the issuance of the first CO, the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water

④  
Least Site Plan  
DRC Approval  
8/14/08

from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.

34. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owner/developer shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.
35. Unless otherwise approved by the Emergency Services Director, when the development is record plated, or where a plat is not required, prior to the issuance of the first Building Permit, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until such a petition has been received by the Emergency Services Director.

#### Hard-Copy Site Development Permit

36. Prior to the issuance of the Site Development Permit, the owner shall submit the signed, notarized acknowledgment for Rezoning Petition No. 6692 approved on September 11, 2007.
37. Prior to the issuance of the Site Development Permit, the owner shall submit a copy of the Performance Guarantee with the approved agenda memorandum to the Zoning/Code Compliance Department.
38. Prior to the issuance of the Site Development Permit, the owner shall submit documentation showing compliance with MPUD Master Planned Unit Development Condition No. 24.a.(4).
39. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.
40. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to combustibles being brought on site (National Fire Protection Association, NFPA-1, 16.4.3.1.3).
41. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled. Further, all retention pond side slopes and associated swales shall be sodded to prevent soil erosion.
42. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Officer) and Pasco County shall be notified within two working days of the resources found on the site.
43. If the site is identified on Map 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the DRD, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.
44. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.
45. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.
46. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as

The DRC's approval of this construction site plan constitutes a finding by the DRC that the construction site plan, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to construction site plan approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

The developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

\_\_\_\_\_  
Date GREYSTAR DEVELOPMENT GROUP, LLC

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_  
Title

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date),  
by \_\_\_\_\_ (name of corporation  
acknowledging) a \_\_\_\_\_ (State or  
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or  
who has produced \_\_\_\_\_ (type of identification) as identification.

Seal: \_\_\_\_\_  
NOTARY

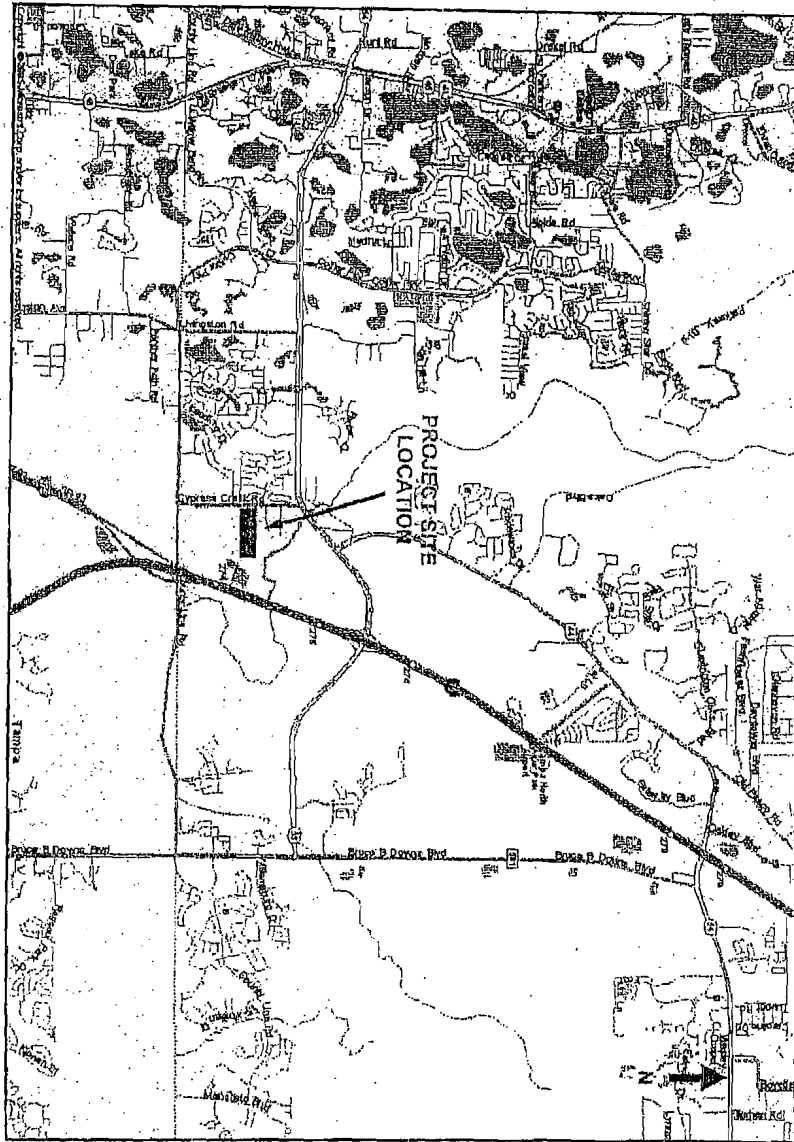
ATTACHMENTS:

- 1. Location Map
- 2. Site Plan

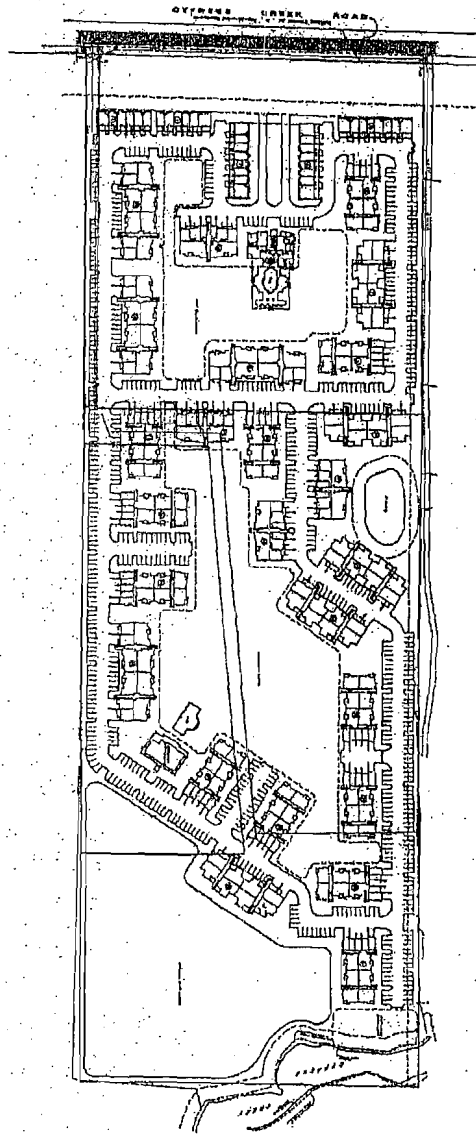
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DEVELOPMENT REVIEW COMMITTEE ACTION (8/14/08):

Approved with Modification and Deletion of Condition No. 17.



PROJECT SITE LOCATION



PRELIMINARY SITE PLAN