

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Development Review Committee      DATE: 10/26/09      FILE: PGM10-23

SUBJECT: Cypress Creek Town Center  
Development of Regional Impact  
Notice of Proposed Change/  
Development Order Amendment &  
Variance Request  
Pasco 54, Ltd.; Pasco Ranch, Inc.;  
and Pasco Properties of Tampa Bay,  
Inc.  
DRC: 11/5/09, 1:30 p.m., DC  
Recommendation: Approval

FROM: Richard E. Gehring  
Growth Management Administrator      REFERENCES: Section 380.06,  
Florida Statutes;  
Comm. Dist. 1

PLANNER: Cynthia D. Spidell  
Senior Planner & DRI Coordinator

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**PROJECT DESCRIPTION:**

Cypress Creek Town Center DRI No. 252 is located on approximately 510 acres in the south-central area of Pasco County, just west of I-75, between I-75 and Wesley Chapel Boulevard, spanning north and south of State Road 56. The project has specific approval for Phase 1 with a build-out date of December 31, 2011, which consists of the following land uses:

- Regional Mall (1,184,925 Square Feet (SF) in Gross Leasable Area (GLA))
- Retail Center (600,000 GLA)
- Office (120,000 SF)
- Hotel (350 Rooms)
- Highway Commercial (96,000 SF)
- Multifamily (230 Dwelling Units)
- Movie Theater (south side) (2,582 Seats)

**PART 1: NOTICE OF PROPOSED CHANGE/DEVELOPMENT ORDER AMENDMENT:**

***Request:***

The developer of Cypress Creek Town Center DRI has requested modifications to the Development Order (DO) generally described as follows:

- Extend the Phase 1 build-out date by ten (10) years from December 31, 2011 to December 31, 2021 broken down as follows:
  - 7 yrs pursuant to the variance request described in Part 2;
  - 1 yr pursuant to based on County-wide extension granted by the Board of County Commissioners (BCC) on November 25, 2008;
  - 2 yrs pursuant to the County-wide extension granted by the BCC on June 23, 2009 (RES09-269)
- Extend the Development Order expiration date by a corresponding ten (10) years, from December 31, 2019 to December 31, 2029;
- Update project entitlements (in Table 1 of the DO) to recognize a prior land use conversion approved by the Pasco County BOCC on May 13, 2008 (i.e. conversion of 115,075 square feet of Regional Mall for 2,582 Movie-Theatre seats). Such conversion was consistent with the approved Land Use Equivalency Matrix.
- Modify Development Order 5.n.(4) to specify the Developer's specific Phase I transportation mitigation requirements;
- Replace "Pasco Properties of Tampa Bay, Inc." with JG Cypress Creek LLC" as one of the Master Developers of Record; and
- Corresponding Master Development Plan and Development Order condition modifications.

***Staff Recommendation:***

Staff recommends approval of the proposed changes.

**PART 2: VARIANCE:**

***Request:***

Concurrently with this Notice of Proposed Change/Development Order Amendment, the developer petitions for a variance from Section 402.3.C, 402.6.C.(1) and 402.6.D, Pasco County Land Development Code, to extend the build-out date for transportation concurrency by seven (7) years without requiring a new traffic study and without additional traffic study review.

***Staff recommendation:***

Staff recommends approval of the variance request as the developer has completed the S.R. 54/56 pipeline project in advance of being able to utilize any of the additional transportation capacity created by the S.R. 54/56 pipeline project.

Staff concurs with the applicant that strict application of the land development regulations would create an inordinate burden that was not created by the applicant and that the granting of the variance will provide a net economic benefit to the taxpayers of Pasco County. (See Attachment 2 for description and hardship criteria)

**BACKGROUND AND HISTORY**

1. On November 23, 2004, the BCC approved the Cypress Creek Town Center Development of Regional Impact (DRI No. 252) (Resolution No. 05-40).
2. On November 23, 2004, the BCC approved the Cypress Creek Town Center MPUD Master Planned Unit Development (Petition No. 6288).
3. On April 25, 2005, the BCC approved the Cypress Creek Town Center Settlement Agreement and Amended and Restated DO (CAO No. 05-3219, Resolution No. 05-188). The DRI has a build-out date for the specifically approved Phase 1 of December 31, 2011, and conceptual approval of Phase 2. The DRI consists of the land uses set forth in the land use table as follows:

**Table 1**

**Cypress Creek Town Center DRI  
Land Use and Phasing Schedule**

<u>Land Use</u>	<u>Phase 1 (2004-11)</u>	<u>Phase 2 (TBD)<sup>2</sup></u>	<u>Totals</u>
Regional Mall (SF) <sup>1</sup>	1,300,000	215,000	1,515,000
Retail Center (SF) <sup>1</sup>	600,000	0	600,000
Office (SF) <sup>1</sup>	120,000	300,000	420,000
Hotel (Rooms)	350	350	700
Highway Commercial (SF) <sup>1</sup>	96,000	0	96,000
Multifamily Residential (D.U.)	230	400	630

<sup>1</sup> Square feet in Gross Leasable Area (GLA) for the purposes of calculating entitlements only shall mean the actual number of square feet on all levels that is equal to the Gross Building Area (GBA), minus any enclosed or open-air mall, and other interior or exterior areas occupied primarily by mechanical, electrical, telephone or other operating equipment, truck or loading docks, police substations, service and fire corridors, stairwells and freight elevator shafts, and maintenance facilities. Construction plans shall reflect both GBA and GLA. All construction plans shall provide an updated accounting of total approved, previously permitted and requested GBA and GLA.

<sup>2</sup> To be determined consistent with Condition Nos. 5.n(1) and 5.o(2).

4. On March 15, 2007, the Development Review Committee (DRC) approved the pedestrian/bike path plan with conditions (GM07-162).
5. On May 13, 2008, the Board of County Commissioners approved the Cypress Creek Town Center Development Order Amendment (Resolution No. 08-217) amending the Cypress Creek Town Center Amended and Restated DO, specifically Exhibit F and Table 1, Land Use and Phasing Schedule. The revised Table 1 is as follows:

**Table 1**

**Cypress Creek Town Center DRI  
Land Use and Phasing Schedule**

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Regional Mall (SF) <sup>1</sup>	1,184,925	215,000	1,399,925
Retail Center (SF) <sup>1</sup>	600,000	0	600,000
Office (SF) <sup>1</sup>	120,000	300,000	420,000
Hotel (Rooms)	350	350	700
Highway Commercial (SF) <sup>1</sup>	96,000	0	96,000
Multifamily Residential (D.U.)	230	400	630
Movie Theater (south side)	2,582	0	2,582

<sup>1</sup> Square feet in Gross Leasable Area (GLA) for the purposes of calculating entitlements only shall mean the actual number of square feet on all levels that is equal to the Gross Building Area (GBA), minus any enclosed or open-air mall, and other interior or exterior areas occupied primarily by mechanical, electrical, telephone or other operating equipment, truck or loading docks, police substations, service and fire corridors, stairwells and freight elevator shafts, and maintenance facilities. Construction plans shall reflect both GBA and GLA. All construction plans shall provide an updated accounting of total approved, previously permitted and requested GBA and GLA.

<sup>2</sup> To be determined consistent with Condition Nos. 5.n(1) and 5.o(2).

On May 1, 2009 (dated April 10, 2009), Pasco 54, Ltd.; Pasco Ranch, Inc.; and Pasco Properties of Tampa Bay, Inc. filed an Application for a Notice of Proposed Change (NOPC) with the County, the Tampa Bay Regional Planning Council (TBRPC), and other agencies. This NOPC necessitates changes to the Development Agreement (DA).

On August 28, 2009, the TBRPC notified the County that its NOPC review was complete and that the TBRPC had prepared its NOPC Report.

On September 14, the TBRPC adopted the NOPC Report for Cypress Creek Town Center DRI recommending approval with conditions. The TBRPC determined:

- The proposal is presumed not to create a Substantial Deviation.

Pursuant to Section 380.06(19)(f)3, Florida Statutes, the "public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer." Due to the negotiations between the County and the Developer with regard to the corresponding changes to the DA (which shall also be heard concurrently with this amendment), the developer agreed to extend such NOPC BCC date to December 15, 2009.

**ALTERNATIVES AND ANALYSIS:**

1. Approve the Variance and recommend approval of the Development Order Amendment to the Board of County Commissioners.
2. Deny the Variance and recommend approval of the Development Order Amendment to the Board of County Commissioners with modifications.
3. Deny the Variance and do not recommend approval of the Development Order Amendment to the Board of County Commissioners.
4. Recommend another course of action.

**RECOMMENDATION AND FUNDING:**

The Growth Management Department staff recommends that the Development Review Committee approve Alternative No. 1.

**DEVELOPMENT REVIEW COMMITTEE ACTION:**

**ATTACHMENTS:**

1. Location Map
2. Variance Application
3. Map H
4. Amended and Restated DO