

ZONING PETITION REVIEW REPORT

TO: Pasco County Planning Commission	FILE: ZN10-6887	
		PETITION #6887
FROM:  Debra M. Zampetti Zoning/Code Compliance Administrator		Commission District #5
		Development Review Committee Hearing Date: 1/28/10, NPR
SUBJECT: Rezoning Request Northwest Pasco County (Cont'd from 2/24/10, BCC)		Planning Commission Hearing Date: 2/10/10, NPR
APPLICANT: <b>SUN WEST ACQUISITION CORPORATION ET AL/SUNWEST HARBOURTOWNE MPUD</b>		Board of County Commissioners Hearing Date: 3/30/10, NPR
		TAZ #108 and 111

PETITION SUMMARY:

Petition No. 6887 in the names of Sun West Acquisition Corporation et al. /SunWest Harbourtowne MPUD has been filed for a change in zoning from a A-C, Agricultural, A-R, Agricultural Residential, R-MH, Mobile Home, R-2, Low Density Residential, R-4, High Density Residential, C-2, General Commercial, C-3, Commercial/Light Manufacturing, and I-1, Light Industrial Park Districts to a MPUD Master Planned Unit Development District. The property at the southeast corner of the intersection of US 19 and Aripeka Road, extending southerly to Phelps Road and westerly to the Gulf of Mexico (Portions of Sections 1, 2, 11, 12, 13, and 14, Township 24S, Range 16E) and contains 1,071 acres m.o.l.

Project Name:	SunWest Harbourtowne MPUD Master Planned Unit Development
Future Land Use Classification:	PD (Planned Development)
Water/Sewage:	Pasco/Pasco (Central)
No. of Dwelling Units:	2,500
Type of Dwelling Units:	350 Single-Family Detached/2,150 Single-Family Attached/Multifamily)
Commercial Square Feet:	250,000
Office Square Feet:	50,000
Commercial and Office Acreage:	26.2
Other Uses:	250-Room Hotel/15 Acres; 18-Hole Golf Course/120 Acres; Marina (350 Dry Slips/150 Wet Slips)/26.2 Acres

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C Agricultural; R-2 Low Density Residential; MPUD Master Planned Unit Development; C-2 General Commercial	Aripeka Rd; Undeveloped; Wetlands
East:	A-R Agricultural Residential, C-1 Neighborhood Commercial; C-2 General Commercial; C-3 Commercial/Light Manufacturing	US Highway 19; Undeveloped and Vacant Commercial; RV Sales
South:	R-2 Low Density Residential; R-4 High Density Residential	Single Family Dwellings; Industrial Uses; Phelps Rd
West:	A-C Agricultural; R-4 High Density Residential	Wetlands; Gulf of Mexico

DEVELOPERS' REQUEST:

The developers/applicants are requesting to rezone approximately 1,071.65 acres from A-C Agricultural, A-R Agricultural-Residential, C-2 General Commercial, C-3 Commercial/Light Manufacturing, I-1 Light Industrial Park, R-2 Low Density Residential, R-4 High Density Residential, and R-MH Mobile Home Zoning Districts to an MPUD Master Planned Unit Development District to allow 350 single-family detached, 2,150 single-family attached/multifamily, 250,000 square feet of commercial, 50,000 square feet of office, a 250-room hotel, an 18-hole golf course, and a marina (350 dry slips/150 wet slips).

BACKGROUND:

1. On October 27, 1977, the Planning Commission approved a special exception for a portion of the development on approximately 5.25 acres for a Withlacoochee River Substation site (Special Exception Petition No. 2).
2. On June 25, 1985, the Board of County Commissioners (BCC) approved a rezoning from A-C Agricultural to C-2 General Commercial for a portion of the development on approximately 29.0 acres (Rezoning Petition No. 2983).
3. On August 27, 1985, the BCC approved a rezoning from R-2 Low Density Residential to C-2 General Commercial for a portion of the development on approximately 0.6 acre (Rezoning Petition No. 3041).
4. On October 22, 1985, the BCC approved a rezoning from R-2 Low Density Residential to I-1 Light Industrial Park and C-3 Commercial/Light Manufacturing for a portion of the development on approximately 91.0 acres (Rezoning Petition No. 3147).
5. On February 25, 1986, the BCC approved a rezoning from A-C Agricultural to R-MH Mobile Home for a portion of the development on approximately 65.0 acres (Rezoning Petition No. 3247).
6. On March 25, 1986, the BCC approved a rezoning from A-C Agricultural to C-2 General Commercial for a portion of the development located on the southwest corner of U.S. 19 and Aripeka Road on approximately 25.0 acres (Rezoning Petition No. 3268).
7. On October 28, 1986, the BCC approved a rezoning from A-C Agricultural to A-R Agricultural-Residential for a portion of the development located on the east side of Old Dixie Highway and consists of approximately 65.2 acres (Rezoning Petition No. 3449).
8. On October 29, 1986, the Planning Commission approved a special exception for a recreational vehicle (RV) park in an A-R Agricultural-Residential District with conditions on approximately 65.2 acres (Special Exception Petition No. 3450).
9. On August 25, 1987, the BCC approved a rezoning from A-C Agricultural to C-2 General Commercial for a portion of the development located on the southeast corner of Old Dixie Highway and Aripeka Road (Rezoning Petition No. 3720).
10. On April 23, 1990, the BCC approved a rezoning from A-C Agricultural and C-2 General Commercial to A-R Agricultural-Residential for a portion of the development located on the east side of Old Dixie Highway and consists of approximately 222.0 acres (Rezoning Petition No. 4324).
11. On May 9, 1990, the Planning Commission approved a special exception for an RV/travel trailer park in an A-R Agricultural-Residential District on approximately 222.0 acres (Special Exception Petition No. 4336).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved; however, a mine has been operating on site since 1950.
2. Access to the property is from the following:
  - a. U.S. 19, a Florida Department of Transportation maintained road, which has 232 feet of right-of-way, and has been designated a six-lane arterial facility on Map 7-22,

2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.

- b. Aripeka Road (C.R. 595), a County-maintained road, which has 200 feet of right-of-way with 20 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.
  - c. Old Dixie Highway, a County-maintained road, which has 40 feet of right-of-way with 0 feet of pavement, but has been designated a corridor preservation network, and is required to have a total of two built-out lanes with 135 feet of right-of-way.
3. The subject property is located in Flood Zones "A14" and "B" and Velocity Zone 18. Development is subject to the requirements of the Pasco County Land Development Code (LDC), Article 700, Flood Damage Prevention.
  4. The surrounding area is characterized by residential, commercial, and industrial uses.
  5. Water and sewer are to be serviced by Pasco County Utilities Services Branch.
  6. On June 27, 2006, 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.
  7. The applicants/developers are proposing a Future Land Use amendment to PD (Planned Development) (CPAD09[01]) concurrent with this Rezoning to MPUD. The current Future Land Use classifications of the property are CL (Coastal Lands), RES-6 (Residential - 6 du/ga), RES-9 (Residential - 9 du/ga), IL (Industrial - Light), and ROR (Retail/Office/Residential).
  8. Additionally, this Rezoning is in conjunction and concurrent with an Application for Development Approval/Development Order for the SunWest Harbourtowne Development of Regional Impact No. 267.
  9. The Comprehensive Plan Amendment, the Development Order, and this Rezoning are all required and necessary for any to be effective and as such, all shall be deemed to be adopted simultaneously.
  10. The proposed request is consistent with the LDC, Article 300, Subsection 303.2.E.1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

**RECOMMENDATION:**

The Zoning and Site Development Department recommends approval of the MPUD Master Planned Unit Development, subject to the attached rezoning conditions of approval, Petition No. 6887.

**ATTACHMENTS:**

1. Attachment A (Parcel IDs)
2. Conditions of Approval for Rezoning Petition No. 6887
3. Location Map
4. Master Plan

**DEVELOPMENT REVIEW COMMITTEE ACTION: (1/28/10)**

Approved Staff Recommendation With Amended Conditions

**AMENDED CONDITIONS:**

15. 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, 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. **There shall be a deed restriction provided for that vehicles may not obstruct sidewalks for pedestrian purposes within the project.** Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.

**Land Use**

57.

<u>Land Use</u>	<u>Minimum Lot Width and Depth</u>	<u>Minimum Lot Area</u>	<u>Maximum Height <sup>(5)</sup></u>	<u>Minimum Primary Structure Setback</u>			<u>Maximum Lot Coverage</u>
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
Single-Family Detached (SFD)	50' X 100'	5,000 SF	45'	20 <u>25</u> ' <sup>(1)</sup>	7.5'	15'	70%
Single-Family Detached Estate	75' X 100'	22,500 SF	45'	20 <u>25</u> ' <sup>(1)</sup>	10'	20'	50%/30% <sup>(6)</sup>
Single-Family Attached (SFA)	20' X 70'	1,400 SF	45'	20 <u>25</u> ' <sup>(1)</sup>	10' <sup>(2)</sup>	10' <sup>(2)</sup>	100%
Single-Family Attached Estate (SFAE)	30 X 60'	1,800 SF	45'	20 <u>25</u> ' <sup>(1)</sup>	10' <sup>(2)</sup>	10' <sup>(2)</sup>	60%
Multifamily (MF)	20' X 50'	1,000 SF	100'	20 <u>25</u> ' <sup>(1)</sup>	10' <sup>(3)</sup>	10'	100%
Commercial	80' X 125'		135' <sup>(3)</sup>	15'	30'/0' <sup>(4)</sup>	30'/0' <sup>(4)</sup>	60%
Professional Office			120' <sup>(3)</sup>	15'	7.5/0	10/0	60%

<sup>(1)</sup> ~~Twenty feet if no garage, otherwise 25 feet f~~From the back of curb or sidewalk; front porch may project five feet into required front setback.

57.j(3)

For the purposes of this Project, transient units shall be defined as occupancy of less than six (6) months. Transient units may include hotel units or residential units allocated to transient uses such as rental pools or other vacation type uses, such as time-share, resort residential, fractional, **and** vacation club ~~and non-homesteaded properties~~. At the time of preliminary plan/preliminary site plan and/or construction plan/construction site plan submittal, the Applicant/Developer shall indicate (if applicable) how many residential units shall be dedicated as transient occupancy on such plan. Prior to the approval of each respective plat, or where platting is not required, prior to each construction plan/construction site plan, the Applicant/Developer shall provide the County Attorney's Office (CAO) executed and recorded covenants or deed restrictions that restrict such plat or construction plan for transient occupancy. Until such time the required covenants or deed restrictions are submitted, the units shall not count toward the transient occupancy requirement. Failure to comply with such covenants or deed restrictions, such residential units shall not be counted toward the transient occupancy requirements pursuant to the Resort and Transient Phasing Table and the development shall be held in abeyance at the applicable threshold set forth in such Resort and Transient Phasing Table.

**59. Mining activity will be phased out, as the project is developed. Until such time as the mining activity ceases, all preliminary plan submittals for any residential uses, shall include a plan indicating areas of existing and future mining. The plan shall demonstrate sufficient separation between the mining activities to minimize impacts on residential neighborhoods. Methods for minimizing impacts may include buffering, establishing hours of operation, designating truck routes and requiring methods to minimize fugitive dust. The plan shall be approved concurrently with each such residential preliminary plan. All residents shall be notified of existing and the potential for future mining activities. A disclosure statement regarding the mining activity shall be included in all sales contracts for residential and nonresidential sales within the MPUD Master Planned Unit Development. All mining activities shall cease prior to the build-out date of the project as specified in the DO.**

**Mining activity shall be limited to 38 acres of additional Lakes. Any mining in excess will require a Notice of Proposed Change Application to the DRI to evaluate impacts to regional resources.**

**Upon issuance of the first Certificate of Occupancy for any entitlement, mining material generated within the MPUD Master Planned Unit Development's boundaries shall only be utilized within the boundaries of the MPUD Master Planned Unit Development, the adjacent County Park, and for the construction of any roadway improvements required by the DA.**

**PLANNING COMMISSION ACTION:**

Approval of Staff Recommendation with Amended Conditions:  8  Ayes;  0  Nays

**AMENDED CONDITIONS:**

14. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on November 24, 2008. As a result of the survey, the following shall apply:

a. ~~The Archaeological/Historical Survey identifies a site that during development of the project could yield potential significant archaeological data that would be eligible for listing in the National Register of Historic Places; therefore, prior to the issuance of the hard-copy Site Development Permit, the applicants/developers shall provide a Phase III Archaeological/Historical Survey to the Zoning and Site Development Department for review and acceptance.~~ **Weedon Island period midden/occupation site (Site 8PA229) shall be preserved for further research due to the findings of ceramics, lithics, and faunal material. Alternatively, if acceptable to the FDHR, the Applicant/Developer may conduct a full investigation providing mitigative excavation (Phase III) for the site prior to commencement of any development in this area. All documentation from FDHR with regard to such Phase III investigation and mitigative excavation shall be provided to the County upon preliminary plan/preliminary site plan submittal for any development on such site.**

b. ~~If required pursuant to the permitting requirements for the County Park, the applicants/developers shall provide in it's a Phase III study an analysis of the proposed route for the channel to open water established by the FDEP for evaluation of potential archaeological resources and possible submerged archaeological resources. Should any archaeological resources be identified as a result of the dredging of the channel, the applicants/developer shall be responsible for any re-alignment or re-submittal requirements for the channel permit in the event of such archaeological discovery.~~

**STAFF RECOMMENDATION TO PLANNING COMMISSION:**

Approval of Planning Commission Recommendation with the Following Additional Condition

**ADDED CONDITION:**

**64. Prior to the first preliminary plan/preliminary site plan approval for the MPUD, the developer and the county shall amend the Amended and Restated Settlement Agreement between Pasco County and Sun West Acquisition Corporation to ensure that the dredging of the channel for the abutting County Park is completed by the developer prior to the first record plat for the 800<sup>th</sup> residential unit.**

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Approval of Planning Commission Recommendation with an Amended Condition

On March 10, 2010 staff revised the SunWest Harbourtowne MPUD mining condition No. 59 to achieve consistency with the language in the Comprehensive Plan Amendment Subarea Policy and the Development Order, based on ongoing discussions with the Department of Community Affairs.

AMENDED CONDITION:

59. Mining activity will be phased out, as the project is developed. Until such time as the mining activity ceases, all preliminary plan submittals for any residential uses, shall include a plan indicating areas of existing and future mining. The plan shall demonstrate sufficient separation between the mining activities to minimize impacts on residential neighborhoods. Methods for minimizing impacts may include buffering, establishing hours of operation, designating truck routes and requiring methods to minimize fugitive dust. The plan shall be approved concurrently with each such residential preliminary plan. All residents shall be notified of existing and the potential for future mining activities. A disclosure statement regarding the mining activity shall be included in all sales contracts for residential and nonresidential sales within the MPUD Master Planned Unit Development. All mining activities shall cease prior to the build-out date of the project as specified in the DO.

Mining activity shall be limited to 38 acres of additional Lakes. Any mining in excess will require a Notice of Proposed Change Application to the DRI to evaluate impacts to regional resources.

**Prior to submittal of the first preliminary plan/preliminary site plan for any entitlement within the SunWest Harbourtowne MPUD, all commercial activities shall cease and** ~~Upon issuance of the first Certificate of Occupancy for any entitlement,~~ mining material generated within the MPUD Master Planned Unit Development's boundaries shall only be utilized within the boundaries of the MPUD Master Planned Unit Development, the adjacent County Park, and for the construction of any roadway improvements required by the DA. **Except as necessary for Project related improvements, the applicant/developer shall surrender all commercial mining permits and extinguish all commercial-related mining rights pursuant to such permits prior to approval of the first preliminary plan/preliminary site plan.**

BOARD OF COUNTY COMMISSIONERS ACTION:

Approved with an Amended Condition

AMENDED CONDITION:

77. This MPUD Master Planned Unit Development shall not be effective until the corresponding PD (Planned Development) Land Use Classification change **and the DO are** is effective.

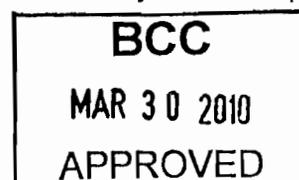
**SUNWEST HARBOURTOWNE  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6887**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted November 7, 2008, and July 16, 2009, unless otherwise stipulated or modified herein.

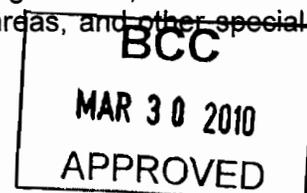
**Open Space/Buffering**

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. Lot lines shall not encroach into the wetlands and wetland buffers. 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 (LDC) 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. There shall be a buffer around all Category I wetlands of 25 feet, not inclusive of any lots. Wetland buffers around Category II and Category III wetlands shall be required in accordance with the Southwest Florida Water Management District (SWFWMD) or other regulatory agencies and shall not be inclusive of any lots. The proposed upland buffer area shall be shown on the construction plans/construction site plans. The final upland buffer area, as required by the SWFWMD or other regulatory agencies, shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by SWFWMD or other regulatory agencies.
4. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands and wetland buffers shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' buffer line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. 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 applicants/developers shall provide a minimum 15-foot-wide, landscape-buffer tract with trees, 30 feet on center, along the southern and western property lines of Tract 1 where single-family residential will be developed adjacent to existing residential, and a 20-foot-wide, landscape-buffer tract with trees, 30 feet on center along Tract 8, where proposed multifamily or single-family residential will be developed adjacent to existing single-family residences and vacant property zoned for residential.
6. The applicants/developers shall set aside a total of 25 percent of the total buildable acreage as open space to be preserved in perpetuity. This open-space area shall be shown on all construction plans, construction site plans, and be maintained by a homeowners'/property owners'/condominium owners'/merchants' association, or other entity other than Pasco County.
7. The total 25 percent open space required for this development shall be provided for at all times and shall be demonstrated as such on the appropriate preliminary plan/preliminary site plan, construction plan/construction site plan, and platted as such. Should the applicants/developers request a conversion of the golf course to be "buildable" space, the applicants/developers must first demonstrate that the 25 percent open-space requirement is still being complied with by submitting to the Zoning and Site Development and/or Growth Management Department a conceptual plan demonstrating that 25 percent of open space is still existing.
8. The applicants/developers shall design and implement the use of Florida-Friendly™ landscaping for the entire project. The applicants/developers shall utilize the Florida-Friendly™ landscaping guidelines.



9. The golf course shall be designed and managed in accordance with the Florida Department of Environmental Protection's (FDEP) Florida Green Industries Best Management Practices for Golf Courses or equivalent criteria and standards acceptable to the County, or as recommended by the FDEP to protect groundwater quality, subterranean habitat and springs. The FDEP and the Planning & Growth Management Department shall be provided the proposed golf course design and management plan for review prior to construction of the golf course.
10. The developers have submitted an environmental/habitat study which has been reviewed on October 9, 2008, by County staff. Any environmental/habitat requirements shall be in accordance with the adopted development order (DO).
11. The developers shall complete a Gopher Tortoise Survey in accordance with the Florida Fish and Wildlife Conservation Commission (FFWCC) survey guidelines. A copy of this survey shall be sent to the Zoning and Site Development Department for further review and approval by the County Biologist and to the FFWCC prior to preliminary plan/preliminary plan site plan approval.
12. 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 permit issued by the FFWCC to the Development Review Division (DRD) for the gopher tortoises.
13. 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.
14. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on November 24, 2008. As a result of the survey, the following shall apply:
  - a. Weedon Island period midden/occupation site (Site 8PA229) shall be preserved for further research due to the findings of ceramics, lithics, and faunal material. Alternatively, if acceptable to the FDHR, the Applicant/Developer may conduct a full investigation providing mitigative excavation (Phase III) for the site prior to commencement of any development in this area. All documentation from FDHR with regard to such Phase III investigation and mitigative excavation shall be provided to the County upon preliminary plan/preliminary site plan submittal for any development on such site.
  - b. If required pursuant to the permitting requirements for the County Park, the applicants/developers shall provide a Phase III study an analysis of the proposed route for the channel to open water established by the FDEP for evaluation of potential archaeological resources and possible submerged archaeological resources. Should any archaeological resources be identified as a result of the dredging of the channel, the applicants/developer shall be responsible for any re-alignment or re-submittal requirements for the channel permit in the event of such archaeological discovery.
  - c. The identification of archaeological resources and mitigation thereof if required shall be in accordance with the SunWest Harbourtowne DRI Development Order (DO).
  - d. Prior to record plat approval for the first phase of development containing or abutting any portion of Old Dixie Highway, a marker shall be erected providing a brief history of the road and its importance to this coastal area.
  - e. 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."
15. 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, 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. There shall be a deed restriction provided for that vehicles may not obstruct sidewalks for pedestrian purposes within the project. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.

16. A minimum of 80% of 564 +/- acres formerly designated as C/L (Coastal Lands) area must remain in open space or recreation land uses. For purposes of this requirement, the open space and recreation land uses include lakes, preserved wetlands, parks, recreational areas, trails, golf course, landscape buffers and other pervious areas. A minimum of 20 acres of the 40 undisturbed upland acres within the 565 +/- acres formerly designated as C/L shall remain as pervious areas. At the time of each preliminary plan/preliminary site plan submittal in such area, the developer shall demonstrate and depict an accounting of the open space and pervious upland acres to demonstrate compliance.

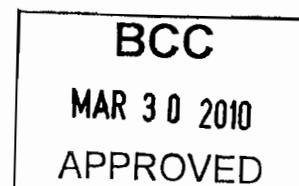
### Ordinances

17. 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.
18. 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.
19. 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 SunWest Harbourtowne DO as may be amended for the requirements to provide for school capacity as mandated.

### Transportation/Circulation

#### Access Management

20. There shall be no direct access (driveways) to Old Dixie Highway.
21. SunWest Harbourtowne MPUD development shall be developed in accordance with the transportation provisions of the adopted DO and, if applicable, Development Agreement (DA), each as amended.
22. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the LDC as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
23. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owners/developers 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 Certificate of Occupancy (CO), the owners/developers shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
24. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further site specific intersection improvements. Intersection improvements shall be determined in accordance with the LDC and Access Management Standards as amended.
25. All roads that will be used to access public-purpose sites, such as public school, park, library, and fire/rescue sites (as determined by the School Board, Parks and Recreation Department, Libraries Services Department, Emergency Services Department, or DRC, as applicable) shall be public roadways and constructed in accordance with applicable County/FDOT design, construction, and signage standards; e.g., Chapter 316, F.S., and *Manual of Uniform Traffic Control Devices* standards. Such roadways shall be deeded in fee simple to the County or FDOT, as applicable, prior to or concurrent with the first record plat containing such roadways or where no record plat is required, prior to or concurrent with the issuance of the first CO for a building utilizing such roadways.



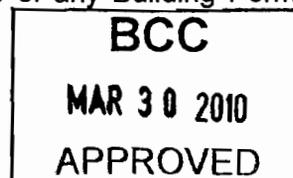
26. Major internal roadways and all access point locations, type, and design for individual, residential villages, multifamily, retail, and office parcels from major internal roadways are conceptually shown on the MPUD Master Planned Unit Development master plan and shall be finalized at the time of preliminary plan/preliminary site plan approval in accordance with the LDC, Access Management Standards, as amended; the approved Master Roadway Plan; the DO; and, if applicable, the DA, all as applicable. The applicants/developers are required to submit a Master Roadway Plan for approval.
27. 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

28. 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.
29. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
30. 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.
31. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 40 feet of right-of-way from the centerline of construction of Aripeka Road from the northern property boundary to Old Dixie Highway, and 67.5 feet of right-of-way from the centerline of construction from Old Dixie Highway to U.S. Highway 19 (Table 7-4, Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).
32. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 117.5 feet of right-of-way from the centerline of construction of US Highway 19 (Table 7-4, Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).
33. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County a total of 100 feet of right-of-way for Old Dixie Highway (Table 7-4, Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements). Should the applicants/developer seek a realignment of a portion of Old Dixie from its existing alignment, such realignment and any related alternative standards from the County's typical collector road cross sections shall be included at the time of Master Roadway Plan and/or preliminary plan/preliminary site plan approval for those tracts in which Old Dixie will be re-aligned.

Design/Construction Specifications

34. SunWest Harbourtowne's roadway design, permitting, construction, drainage mitigation, and right-of-way acquisition requirements shall be in accordance with the approved Master Roadway Plan, the LDC, DO and, if applicable, the DA, each as amended.
35. No excavation within the area of future lanes of multilane facilities will be allowed with the exception of excavation for drainage structures, permitted removal of wetlands, excavation to match existing grade, or as directed by the Engineering Services Director.
36. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
37. The developers have submitted a traffic study as required by Section 380.06, Florida Statutes, which was reviewed by the County. The developer shall comply with all conditions as a result of this traffic study as provided for in the approved DO and DA and as specified herein.
38. Except as otherwise authorized by the DO and/or DA, each as amended, prior to final plat approval for residential, or where platting is not required, prior to the issuance of any Building Permits occurring

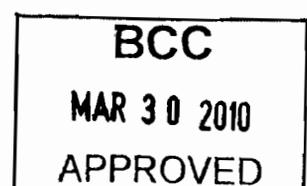


after December 31, 2020, the developers shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.

39. The traffic study submitted by the applicant assumes the following land uses: 350 single-family detached homes, 2,150 multifamily homes, 250-room hotel, marina and storage (500 berths), 250,000 square feet commercial and 50,000 square feet of office. 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, provided; however, that the entitlements of the project may be exchanged pursuant to an adopted Land Use Exchange/Equivalency Matrix in the DO.
40. Prior to the first preliminary plan/preliminary site plan submittal, the developers shall submit a Master Roadway Plan to the Zoning and Site Development Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and arterial roadways within the MPUD Master Planned Unit Development. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the LDC, Section 610.3. Approval of this plan must be obtained from the DRC prior to the first preliminary plan/preliminary site plan submittal. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections.
41. The developers shall comply with applicable County and Pasco County Public Transportation and the SunWest Harbourtowne DRI DO, as amended, requirements to accommodate mass transit service to and within the project.
42. The developers/applicants shall submit an overall master pedestrian/bicycle path plan to the Zoning and Site Development Department for review and approval prior to or concurrent with approval of the first preliminary plan/preliminary site plan. At a minimum, the pedestrian/bicycle path master plan shall provide the following: pedestrian connections between uses within the site with the incorporation of green space, shade trees, benches, and lighting. A combined bicycle/pedestrian path shall be a minimum width of six feet. Separate bicycle and pedestrian paths shall comply with the LDC, unless otherwise approved by the DRC.
43. Prior to the approval of the first preliminary plan/preliminary site plan, the applicant/developer shall submit a design guideline book (Design Guidelines) depicting a harmonious architectural design, style, and color scheme. Renderings of proposed buildings shall be provided concurrent with each preliminary plan/preliminary site plan and construction plan/construction site plan submittal for each increment of development to be reviewed and approved by the Zoning and Site Development and/or Planning and Growth Management Departments for consistency with the Design Guidelines.
44. Prior to submittal of the preliminary plan/preliminary site plan and the construction plan/construction site plan (the plan) for each development increment, the plan shall be subject to review and approval by the Zoning and Site Development and/or Planning and Growth Management Departments to determine that the proposed site plan reasonably integrates the retail and office uses for the project, lighting, specific building heights, and exact building orientation, along with the harmonious architectural features and color scheme as provided for in the Design Guidelines.

#### **Utilities/Drainage/Water Service/Wastewater Disposal**

45. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the LDC 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.
46. 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.
47. A Utilities Service 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.

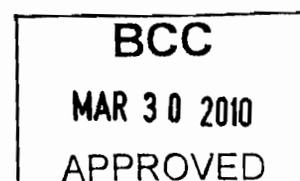


- c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Master Utilities Service 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.
  - f. Upon submittal of the Utility Services Plan, the Applicant/Developer shall contact the Parks & Recreation Department to evaluate the possibility of coordinating utilities to the County park.
48. 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.
49. 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.

**Tampa Bay Water**

**Water Quality and Drainage**

50. Development of the project shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan and LDC, as may be amended from time to time.
51. The project's stormwater-management system shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 40D-40; and Pasco County stormwater-management requirements as may be amended from time to time. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the applicants/developers shall comply with the following design requirements:
- a. All swales shall be fully vegetated and operational.
  - b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.
  - c. The applicants/developers or other responsible entities shall ensure that the stormwater-management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
  - d. Should the applicants/developers discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the applicants/developers shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The developers' report(s) shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since the previous report(s).
  - e. Landscape and irrigation shall be in conformance with the LDC in effect at the time of preliminary plan/site plan approval.



52. Stormwater design shall include low impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State water quality standards.

Water Resource Protection

53. The applicants/developers shall comply with the Pasco County Wellhead Protection Ordinance.
54. Should any noticeable soil slumping or sinkhole formation become evident, the applicants/developers shall immediately notify the County, TBW, and the SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and the SWFWMD:
- a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and the SWFWMD approve resuming construction activities.
  - b. Take immediate measures to ensure that no surface water drains into the affected areas.
  - c. Visually inspect the affected area.
  - d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
  - e. Use geotextile materials in the backfilling operation, when appropriate.
  - f. If the affected area is in the vicinity of a water retention area, maintain a minimum vertical distance of five feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.
  - g. If the affected area is in the vicinity of a water retention area and the above methods do not stabilize the collapse, relocate the retention area.
55. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.
56. The historic, average rainfall volume discharged from the site should be maintained post development. The applicants/developers shall propose stormwater design solutions which achieve this goal, such as the use of swale systems and reducing treatment volume requirements to the extent the permitting agencies (Pasco County and the SWFWMD) can allow.

Land Use

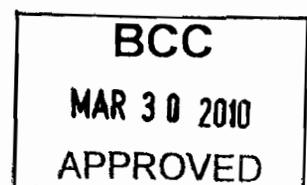
57.

<u>Land Use</u>	<u>Minimum Lot Width and Depth</u>	<u>Minimum Lot Area</u>	<u>Maximum Height</u> <sup>(5)</sup>	<u>Minimum Primary Structure Setback</u>			<u>Maximum Lot Coverage</u>
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
Single-Family Detached (SFD)	50' X 100'	5,000 SF	45'	25' <sup>(1)</sup>	7.5'	15'	70%
Single-Family Detached Estate	75' X 100'	22,500 SF	45'	25' <sup>(1)</sup>	10'	20'	50%/30% <sup>(6)</sup>
Single-Family Attached (SFA)	20' X 70'	1,400 SF	45'	25' <sup>(1)</sup>	10' <sup>(2)</sup>	10' <sup>(2)</sup>	100%
Single-Family Attached Estate (SFAE)	30 X 60'	1,800 SF	45'	25' <sup>(1)</sup>	10' <sup>(2)</sup>	10' <sup>(2)</sup>	60%

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Multifamily (MF)	20' X 50'	1,000 SF	100'	25' <sup>(1)</sup>	10' <sup>(3)</sup>	10'	100%
Commercial	80' X 125'		135' <sup>(3)</sup>	15'	30'/0' <sup>(4)</sup>	30'/0' <sup>(4)</sup>	60%
Professional Office			120' <sup>(3)</sup>	15'	7.5/0	10/0	60%

- (1) From the back of curb or sidewalk; front porch may project five feet into required front setback.
- (2) Zero-foot-setback for shared wall; 20 feet between structures.
- (3) Ten (10) feet additional setback required for each additional story over 65 feet.
- (4) Thirty feet when adjacent to residential land uses; zero-foot-setback when adjacent to commercial.
- (5) Height shall be limited to 35 feet within 100 feet of the perimeter property line abutting residential uses in Tracts 1 and 8. Otherwise the height limitations and transitions as provided for in Section 522.8 (EC-MPUD) of the LDC as amended shall apply.
- (6) Tract 4a is subject to d below.
- a. Maximum Lot Coverage includes principal and accessory structure.
- b. Single-Family Attached: The average distance between structures (side separation) for any building containing more than four units shall be 30 feet with no point closer than 20 feet. The rear-to-rear minimum distance between structures shall be a minimum of 30 feet.
- c. Single-Family Attached and Multifamily: Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the structure and a minimum of 15 feet from the side of the structure.
- d. Tract 4a shall comply with the following:
- (1) Single-Family Detached Estate Lots are subject to a maximum lot coverage of 30% and shall have a minimum lot width of 75 feet and a minimum lot size of 22,500 square feet.
  - (2) The maximum lot coverage for Single-Family Detached Estate lots may be increased to 60% if the developer demonstrates at the time of preliminary plan/preliminary site plan submittal that such lots qualify as transient occupancy units as determined by the County.
  - (3) Permanent Dwelling units shall not exceed 100 dwelling units.
  - (4) At the time of preliminary plan/preliminary site plan submittal, if the developer opts to develop SFD, SFA, or MF in all or any portion of Tract 4a, the lot coverage as set forth in Table 1 of the master plan shall apply. However, the developer shall provide 50% common area open space for all or a portion of Tract 4a as applicable. For the purposes of this rezoning, common area open space shall be defined as recreation areas, parks, multi-use trails, and other pervious areas.
  - (5) In addition to Federal, State, and local building requirements in the Velocity Zone, all construction in the velocity zone shall be "fortified" or certified as disaster resistant by the Institute for Business and Home Safety, or an equivalent standard.
- e. The SunWest Harbortowne DRI provides for land use exchanges to occur in accordance with the DRI DO and the Land Use Equivalency Matrix included in the adopted DO, as amended. All approved land use exchanges shall be reported to the Zoning and Site Development Administrator (together with an updated Master Plan).
- f. The internal transfers of residential units may be permitted between residential Tracts 2 through 8 provided there is no change in density within 100 feet of the overall project boundary or within 100 feet of any tract if there is a different owner and the maximum number as shown on the approved master plan is not exceeded.
- g. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
- h. The hotel maximum shall be subject to the land use equivalency matrix pursuant to the DO.

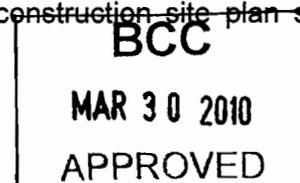


- i. No big box development is allowed. The commercial/retail uses for the development shall be limited to neighborhood scale development; C-1 Neighborhood Commercial in accordance with the LDC, Section 525, with specific C-2 General Commercial uses for bicycle repair, pet shop and hotel/motel.
- j. The 2500 total aggregate number of dwelling units assumed in the traffic study for SunWest Harbortowne are subject to the Resort and Transient Phasing Table below:

RESORT AND TRANSIENT PHASING TABLE				
Column 1: No. of Permanent Dwelling Units (DU)	Column 2: Resort component triggered	Column 3: Require Ratio of Transient Units (TU) to Permanent Dus	Column 4: Running Total of Transient DUs	Column 5: Equates to approval of
500	One of the resort components must be selected and construction initiated prior to pp/psp approval for additional permanent DU's in excess of amount in Column 1	N/A	N/A	A maximum of 500 Permanent Units may be approved before a Resort Component is initiated
750	Second resort component must be selected and construction initiated prior to pp/psp approval for additional permanent DU's in excess of amount in Column 1	225 transient units must be provided prior to pp/psp approval for additional permanent du's in excess of amount in Column 1 Ratio of .3 TU to 1 DU	N/A	A maximum of 750 Permanent Units with minimum of 1 Resort Component
1,000	Third resort component must be selected and construction initiated prior to pp/psp approval for additional permanent DU's in excess of amount in Column 1	315 additional transient units required prior to pp/psp approval for additional permanent du's in excess of amount in Column 1 Ratio = .42 TU to DU	225	A maximum of 1,000 Permanent Units with a minimum of 225 Transient Units and 2 Resort Components
1,250	N/A	810 additional transient units required prior to pp/psp approval for additional permanent du's in excess of amount in Column 1  Ratio = .57 TU to DU	540	A maximum of 1,250 Permanent Units with a minimum of 540 Transient Units and 3 Resort Components
1,400	N/A	Project Buildout Ratio = .54 TU to DU	1,350	1,400 Permanent Units with a minimum of 1,350 Transient Units and 3 Resort Components

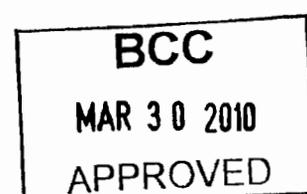
Notes: Min 1,350 transient units; Transient units include hotel rooms and SFD/SFA/MF in resort pool  
 One of the first two resort components shall be a hotel with a minimum of 200 rooms  
 Required Transient = 2,500 \* .54 = 1,350

- (2) Resort components may include:
  - (a) Construction of a 200 room hotel (must be one of the first two resort components selected);
  - (b) Construction of 200 transient units (residential units dedicated for transient occupancy as further defined below);
  - (c) Construction of the marina with a minimum of 100 slips;
  - (d) Construction of the golf course;
  - (e) Construction of the Marina Village with a minimum of 20,000 square feet of specialty retail and restaurant uses; and
  - (f) Other recreational amenities to be reviewed and approved by the Planning & Growth Management Administrator.
- (3) For the purposes of this Project, transient units shall be defined as occupancy of less than six (6) months. Transient units may include hotel units or residential units allocated to transient uses such as rental pools or other vacation type uses, such as time-share, resort residential, fractional, and vacation club. At the time of preliminary plan/preliminary site plan and/or construction plan /construction site plan submittal, the



Applicant/Developer shall indicate (if applicable) how many residential units shall be dedicated as transient occupancy on such plan. Prior to the approval of each respective plat, or where platting is not required, prior to each construction plan/construction site plan, the Applicant/Developer shall provide the County Attorney's Office (CAO) executed and recorded covenants or deed restrictions that restrict such plat or construction plan for transient occupancy. Until such time the required covenants or deed restrictions are submitted, the units shall not count toward the transient occupancy requirement. Failure to comply with such covenants or deed restrictions, such residential units shall not be counted toward the transient occupancy requirements pursuant to the Resort and Transient Phasing Table and the development shall be held in abeyance at the applicable threshold set forth in such Resort and Transient Phasing Table.

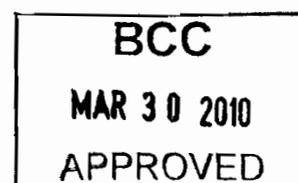
- k. The maximum floor area for the commercial portion shall not exceed 250,000 square feet of gross floor area, including out-parcels.
  - l. The maximum floor area for the office portion shall not exceed 50,000 square feet of gross floor area, including out-parcels.
  - m. The maximum density or square 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.
  - n. 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.
58. The boat lift in the marina village shall be restricted to a maximum vessel draft (the depth of the vessel's keel below the water line) of four (4) feet. The preliminary plan/preliminary site plan that includes boat lift at the marina village shall depict the location of a sign adjacent to such boat lift. Upon submittal of the preliminary plan/preliminary site plan, verbiage to be notated on the sign shall be included for review and approval by the County. Such sign shall include language stating that the maximum vessel draft at the boat lift is four (4) feet.
59. Mining activity will be phased out, as the project is developed. Until such time as the mining activity ceases, all preliminary plan submittals for any residential uses, shall include a plan indicating areas of existing and future mining. The plan shall demonstrate sufficient separation between the mining activities to minimize impacts on residential neighborhoods. Methods for minimizing impacts may include buffering, establishing hours of operation, designating truck routes and requiring methods to minimize fugitive dust. The plan shall be approved concurrently with each such residential preliminary plan. All residents shall be notified of existing and the potential for future mining activities. A disclosure statement regarding the mining activity shall be included in all sales contracts for residential and nonresidential sales within the MPUD Master Planned Unit Development. All mining activities shall cease prior to the build-out date of the project as specified in the DO.
- Mining activity shall be limited to 38 acres of additional Lakes. Any mining in excess will require a Notice of Proposed Change Application to the DRI to evaluate impacts to regional resources.
- Prior to submittal of the first preliminary plan/preliminary site plan for any entitlement within the SunWest Harbortowne MPUD, all commercial mining activities shall cease and mining material generated within the MPUD Master Planned Unit Development's boundaries shall only be utilized within the boundaries of the MPUD Master Planned Unit Development, the adjacent County Park, and for the construction of any roadway improvements required by the DA. Except as necessary for Project related improvements, the applicant/developer shall surrender all commercial mining permits and extinguish all commercial-related mining rights pursuant to such permits prior to approval of the first preliminary plan/preliminary site plan.
60. In addition to the criteria set forth in Section 522.6, any proposed increase in density/intensity that results in an overall increase greater than or equal to five percent cumulatively, or a change in overall design and/or content occurs, a substantial amendment shall be presumed. Additionally, should the proposed amendment result in an increase in density/intensity which necessitates a revised traffic study, then the request shall be presumed to be substantial.
61. 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.



- 62. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
- 63. 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 storage for the exclusive use of SunWest Harbortowne 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**

- 64. Prior to the first preliminary plan/preliminary site plan approval for the MPUD, the developer and the county shall amend the Amended and Restated Settlement Agreement between Pasco County and Sun West Acquisition Corporation to ensure that the dredging of the channel for the abutting County Park is completed by the developer prior to the first record plat for the 800<sup>th</sup> residential unit.
- 65. A disclosure statement regarding the construction of all future roadways abutting and through the MPUD Master Planned Unit Development shall be included in all sales contracts for residential and nonresidential sales with the MPUD Master Planned Unit Development. This disclosure shall include the future roadway's number of lanes and construction timing, if applicable.
- 66. For any bubble or increment proposed to have a mix of single-family detached and single-family attached units, the applicants/developers shall provide to the Zoning and Site Development Department for review and approval prior to submittal of the preliminary plan/preliminary site plan for each such bubble or increment, a conceptual plan showing the layout of the mix of product types. The applicant may appeal any denial to the DRC.
- 67. Unless required elsewhere within the conditions of approval, or within the approved DO and/or DA, 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.
- 68. The developers shall submit and obtain approval of a Large-Scale Plan Amendment to add uses not previously approved or to reduce open space or preservation/conservation areas. A plan amendment is also required if there is a cumulative increase in density or intensity of ten percent or more in the number of average daily trips as defined by the Institute of Traffic Engineers.
- 69. 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.
- 70. A preliminary plan/preliminary site plan must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. The maximum density and intensity of each increment shall not exceed the limits shown on the approved MPUD Master Planned Unit 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 construction site plan approval.
- 71. 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/construction site plan approval, and/or record plat approval.
- 72. Development shall occur in accordance with the Pasco County LDC, Section 402, Concurrency Management System.
- 73. 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 (FDCA) and Pasco County.
- 74. All development activities shall be in accordance with the specific provisions referenced within the final resolution adopting these conditions of approval for the master plan, the SunWest Harbortowne DRI DO, and the associated DRI DA, each as amended.



- 75. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the BCC approved document is completed (including notarization) and received by the Zoning and Site Development Department after the BCC action.
- 76. All conditions of this MPUD Master Planned Unit Development approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD Master Planned Unit Development approval shall be suspended until such time that the BCC modifies the MPUD Master Planned Unit Development conditions of approval to address the illegal or invalid provision provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD Master Planned Unit Development entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD Master Planned Unit Development mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD Master Planned Unit Development or the MPUD Master Planned Unit Development conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD Master Planned Unit Development approval under any circumstances.
- 77. This MPUD Master Planned Unit Development shall not be effective until the corresponding PD (Planned Development) Land Use Classification change and the DO are effective.

**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 BCC results.**

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

\_\_\_\_\_  
SUNWEST HARBOURTOWNE

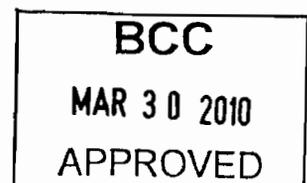
I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owner/developer, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be its free act and deed for the uses and purposes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

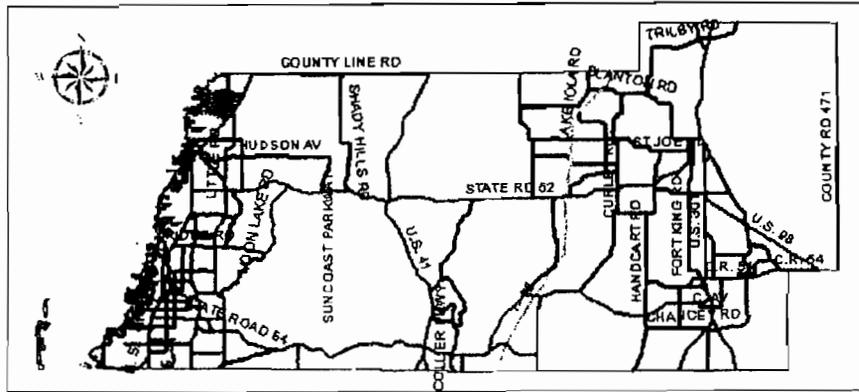


PETITION # RZ6887

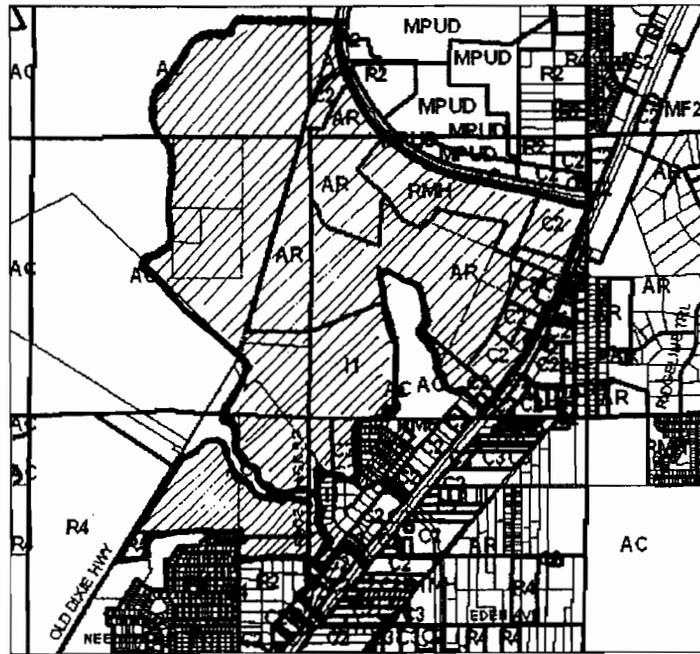
SECTION(S) 1,2,11,12,13,14

T. 24 S.

R. 16 E.



PASCO COUNTY, FLORIDA



TAZ: 108.111

COMMISSION DISTRICT: 5



Trina Dela-Curva

PGM 10-02B

**From:** Debra M. Zampetti  
**Sent:** Friday, February 19, 2010 1:37 PM  
**To:** Trina Dela-Curva  
**Subject:** FW: I oppose Sunwest Harbourtowne Development

Opposition email for packet.

"Bringing Opportunities Home"

*Debra M. Zampetti*  
Zoning/Code Compliance Administrator  
7530 Little Rd. Suite 323  
New Port Richey, FL 34654  
(727) 847-8132

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**From:** Cynthia D. Spidell  
**Sent:** Friday, February 19, 2010 1:26 PM  
**To:** Carol B. Clarke; Robert Tietz; Elizabeth Blair; David Goldstein; Debra M. Zampetti; Corelynn Burns; Denise B. Hernandez  
**Subject:** FW: I oppose Sunwest Harbourtowne Development

FYI

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**From:** Walsh, Joe [mailto:joe.walsh@MyFWC.com]  
**Sent:** Friday, February 19, 2010 1:24 PM  
**To:** leslie101@tampabay.rr.com  
**Cc:** Sanders, Scott; Poole, MaryAnn; Cynthia.J.Wood@usace.army.mil; Cynthia D. Spidell; Chris.Wiglesworth@dca.state.fl.us; greg.nieboer@dep.state.fl.us; Mezich, Ron  
**Subject:** RE: I oppose Sunwest Harbourtowne Development

Ms. Neumann-

Thank you for contacting me about this Development of Regional Impact. Although I'm sure you've seen my name on any number of letters pertaining to this project by now, truthfully the role of the FWC in the development approval process could be best characterized as a government consulting advisor with regards to fish and wildlife impacts.

The agencies that actually have approving roles (through various statutes and authorities) include:  
the USACE (who you've already contacted),  
the Florida Department of Community Affairs,  
the county itself, and  
(jointly) the Florida Department of Environmental Protection and Southwest Florida Water Management District.

Up to now, we at the FWC have been delivering our comments to Ms. Cynthia Spidell at Pasco County, Mr. Chris Wiglesworth at FDCA, and Mr. Greg Nieboer at FDEP; Mr. Nieboer is focusing just on the proposed county park that will contain the boat ramp. I believe the developer has been holding off submitting an application to the Water Management District for the time being, so I don't know who

2/19/2010

will handle it when the time comes.

I've copied each of those agency representatives so they'll be aware that you have voiced concerns.

- Joe Walsh

telephone: (772) 778-6354

Check out the Florida Wildlife Conservation Guide at:

<http://myfwc.com/CONSERVATION/FWCG.htm>

**From:** leslie101@tampabay.rr.com [mailto:leslie101@tampabay.rr.com]

**Sent:** Friday, February 19, 2010 12:00 PM

**To:** Walsh, Joe; Cynthia.J.Wood@usace.army.mil

**Subject:** I oppose Sunwest Harbourtowne Development

I oppose Sunwest Harbourtowne Development and request that you deny it, for the reasons stated below in the list.

There will be so much natural destruction -- and for no good reason. We already have a glut of NEW empty houses -- why put thousands of homes in a wildlife corridor in the flood zone? Who will benefit from this??

**What's there now:**

**What will be there:**

1072 acres of Wildlife habitat  
family homes

350 single

Bear corridor  
2,150 multi-family homes

Protection for fisheries  
sq. ft. of office space

50,000

Natural estuaries  
250,000 sq. ft. of commercial space

Unique old Florida lifestyle  
rooms in a resort hotel

250

Vital coastal habitat for sea life  
the golf course

18 holes in

Dark skies with visible stars and planets

500 boat slips

Thank you.

Leslie Neumann

[www.LeslieNeumann.com](http://www.LeslieNeumann.com)

2/19/2010

SunWest Parcel ID's

012416000003400000 ✓  
012416000003700000 ✓  
012416000003700010 ✓  
022416000003000010 (position)  
  
0724170000001000020 ✓  
  
1124160000001000030 (position)  
112416000000200000 ✓  
112416000000300000 ✓  
112416000000400000 ✓  
112416000000600000 ✓  
112416000000700000 ✓  
1224160000001000030 ✓  
1224160000001000081 ✓  
1224160000001000040 ✓  
1224160000001000080 ✓  
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14241600000012000000 ✓

