



On February 10, 2009, the BCC adopted the Villages of Pasadena Hills Financial Plan (VOPH Financial Plan).

FINDINGS OF FACT:

1. Presently, the subject site contains a 39 acres (mol) parcel which is undeveloped and a 12 acre parcel which contains a mobile home and accessory structures utilized for agricultural purposes.
2. The subject parcel is a portion of Village D, a Type 1 village within the VOPH Area Plan.
3. The VOPH Area Plan is an overlay to the Pasco County Future Land Use Map. The purpose of the Pasadena Hills Planning Principles and these policies are to:
  - Plan for the logical extension of urban development in a more sustainable form.
  - Provide for a variety of land uses and lifestyles to support residents of diverse ages, incomes, and family sizes, including housing that is affordable to residents of Pasco County.
  - Reduce automobile trips and trip lengths.
  - Create efficiency in planning and provision of infrastructure.
  - Allocate development costs appropriately.
  - Preserve and protect existing rural enclaves.
  - Preserve and protect areas that exhibit existing patterns of rural development along Fort King Highway.
  - Preserve environmental systems and functional open spaces.
4. The subject property is located in Flood Zone "X," and development within this area is subject to the requirements of the Land Development Code, Article 700, Flood Damage Prevention. The eastern portion (approximately one-half) of the subject property is in the East Zephyrhills closed drainage basin.
5. The surrounding area is characterized by residential and rural pursuits and the East Pasco Recycling Center and Solid Waste Transfer Station directly to the south of the subject parcel.
6. Water and sewer are to be serviced by Pasco County Utility Services Branch.
7. Access is from Handcart Road, a County-maintained road which has approximately 50 feet of right-of-way with 24 feet of pavement and has been designated a 4-lane, 106-foot wide Urban Collector Facility as shown in the Comprehensive Plan VOPH Area Plan, Figure PH-10a1.
8. Access is also from Prospect Road (CR 579-A), a County-maintained road which has approximately 66 feet of right-of-way with 22 feet of pavement and has been designated a 2-lane, 73-foot wide Urban Collector Facility as shown in the Comprehensive Plan VOPH Area Plan, Figure PH-10a2.
9. 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.
10. In accordance with the VOPH Financial Plan, development shall also comply with the transportation corridor management requirements as identified and defined in the Comprehensive Plan, VOPH Area Plan, Table PH-1. However, should a County approved PD&E Study already exist for a specific corridor within VOPH then the requirements of the PD&E Study shall be used unless otherwise determined by the County.

ANALYSIS:

Staff has reviewed the application and has included conditions to ensure that development is consistent with the Villages of Pasadena Hills Planning Principles & Policies adopted in the Comprehensive Plan including but not limited to:

- Conditions that address the provision of workforce/affordable housing
- Development standards consistent with the County's Traditional Neighborhood Design standards

- Conditions that reflect implementation of the approved VOPH Financial Plan through the creation of a special dependent district and conditional provisions for the scenario that development may commence prior to the creation of such district.
- Conditions that defer transportation mitigation to a Development Agreement which must be approved prior to the first preliminary plan/preliminary site plan for the project.

RECOMMENDATION:

The Planning and Growth Management Department recommends approval of the MPUD Master Planned Unit Development subject to the attached rezoning conditions of approval, Petition No. 6895.

ATTACHMENTS:

1. Main Street at Grandview Village Center MPUD Master Planned Unit Development, Conditions of Approval, Rezoning Petition No. 6895
2. Location Map
3. Master Plan

DEVELOPMENT REVIEW COMMITTEE ACTION (12/17/09):

Approved Staff Recommendation with Amended Conditions

AMENDED CONDITIONS:

21. Subject to the provisions of the Comprehensive Plan VOPH Area Plan, Table PH-1: Year 2050 Roadway Summary, the developer shall convey at no cost to Pasco County a minimum of 53 feet of right-of-way from the centerline of construction of Handcart Road. The principal property owners in Village D and Village C of VOPH, whose parcels are affected by the future extension of Handcart Road from Prospect Road north to the future extension of Clinton Avenue, have agreed on a conceptual route alignment for such Handcart Road extension, consistent with the roadway plan requirements of the VOPH Area Plan. The conceptual alignment for Handcart Road extension is depicted in the concept plan prepared by Heidt Design, LLC, labeled "Villages of Pasadena Hills Village C Conceptual Master Plan", dated 11/03/2009, which coordinates the exit of Handcart Road extension from Village D and its entry into Village C, and also depicts the proposed intersect of Handcart Road extension with future Clinton Avenue extension, in Village C. The affected property owners in Village D and Village C, respectively, shall coordinate the future planning, design, permitting, and construction of Handcart Road extension substantially consistent with said conceptual alignment, subject to detailed engineering and permitting requirements, and subject to final County approval of such detailed engineering plans and permits. Any deviation from the conceptual alignment that would materially impact the exit from, or entry into, another property owner's parcel(s) within either Village D or Village C, or at the boundary between the two villages, shall require prior DRC approval for any such deviation from the conceptual alignment ~~referenced shall be used to determine the right-of-way width unless otherwise determined by the County in the DA herein.~~

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 developers property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (in accordance with the criteria of the Area Plan or PD&E as applicable) improvements of Handcart 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 Handcart 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 LDC, Section 403. 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.

48. Prior to approval of the first preliminary plan/preliminary site plan, the developer and County shall enter into a development agreement (DA) setting forth the terms and conditions governing

the design, permitting, construction, and right-of-way donation and/or acquisition if applicable for the required roadway improvements. The DA shall contain estimated development fees to be paid by the developer pursuant to the VOPH Financial Plan and all eligible roadway improvements and/or primary improvements pursuant to the VOPH Financial Plan acceptable to the County that will be creditable toward such development fees. The DA shall also contain site related improvements and/or intermediate improvements pursuant to the VOPH Financial Plan that are not creditable toward development fees. The proposed DA shall be a submittal requirement of the first preliminary plan/preliminary site plan. **Notwithstanding the foregoing, even if no DA has been entered into, right-of-way donations required by these MPUD conditions shall occur when required by Condition No. 56.**

62. ~~Rezoning of this property with conditions of approval does not constitute a final development order nor does it relieve any developer of responsibilities under the State of Florida Zoning Legislation as implemented by the FDCA (FDCA) and Pasco County.~~ **Rezoning of this property with conditions does not relieve any developer of responsibilities under state law, including, but not limited to, DRI requirements under Chapter 380, Florida Statutes.**

**PLANNING COMMISSION ACTION:**

Approved Staff Recommendation with Amended Conditions and an Added Condition 8 Ayes; 0 Nays

**AMENDED CONDITIONS:**

21. Subject to the provisions of the Comprehensive Plan VOPH Area Plan, Table PH-1: Year 2050 Roadway Summary, the developer shall convey at no cost to Pasco County a minimum of 53 feet of right-of-way from the centerline of construction of Handcart Road. ~~The principal property owners in Village D and Village C of VOPH, whose parcels are affected by the future extension of Handcart Road from Prospect Road north to the future extension of Clinton Avenue, have agreed on a conceptual route alignment for such Handcart Road extension, consistent with the roadway plan requirements of the VOPH Area Plan.~~ The conceptual alignment for Handcart Road extension is depicted in the concept plan prepared by Heidt Design, LLC, labeled "Villages of Pasadena Hills Village C Conceptual Master Plan", dated 11/03/2009, which coordinates the exit of Handcart Road extension from Village D and its entry into Village C, and also depicts the proposed intersect of Handcart Road extension with future Clinton Avenue extension, in Village C. The affected property owners in Village D and Village C, respectively, shall coordinate the future planning, design, permitting, and construction of Handcart Road extension substantially consistent with said conceptual alignment, subject to detailed engineering and permitting requirements, and subject to final County approval of such detailed engineering plans and permits. Any deviation from the conceptual alignment that would materially impact the exit from, or entry into, another property owner's parcel(s) within either Village D or Village C, or at the boundary between the two villages, shall require prior DRC approval for any such deviation from the conceptual alignment herein.

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 developers property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (in accordance with the criteria of the Area Plan or PD&E as applicable) improvements of Handcart 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 Handcart 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 LDC, Section 403. 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.

53. At least 180 days prior to preliminary plan submittal, the developer shall either procure agreement with the District School Board of Pasco County (School District) for school site(s) for development of an educational facility(ies) to serve Village D or obtain a waiver from the School District indicating they will not require a school site within the Grandview MPUD. Such

agreement or waiver shall be included with the first preliminary plan/preliminary site plan submittal. ~~Such agreement shall address temporary construction access, temporary utilities, and other construction matters in the event the School District elects to commence school construction prior to completion of the project's site development.~~

54. ~~Should the developer and the School District identify a school site within the Grandview MPUD, the developer shall convey the school site upon the request of the School District. Payment for such conveyance shall be in accordance with the terms and conditions of the VOPH Financial Plan. The developer shall provide the School District with a legal description, sketch, and all other conveyance documents. All conveyances shall be in a form acceptable to the School District, be free and clear of all liens, and be exempt from boundaries of all special districts, covenants and deed restrictions.~~

~~The developer shall provide potable water and sewer to the school site as required by the School District. In accordance with the Land Development Code, the Master Utility Plan, and the Utility Services Plan, where applicable, to the proposed entrance to the school site; and all such connections shall be brought to the physical boundaries of such site such that no additional jack and bore work will be required under any access roads. If stormwater infrastructure is provided off-site by the developer, the developer shall complete the stormwater infrastructure/drainage facilities for the school site as required by the School District.~~

~~If a roadway conveyance or if the school site conveyance creates a strip of land between the proposed access roads and the school site, the developer shall be required to adjust or provide additional conveyances as requested by, and at no cost to, the School District.~~

~~Landscape buffers shall be provided along all County collector roadways in accordance with the TND Ordinance of the Land Development Code and the Comprehensive Plan VOPH Area Plan, including any alternative standards approved by DRG.~~

~~The developer and School Board shall jointly review the architectural design of the proposed school buildings, including any potential alternative school prototype, such as urban block design. The developer shall be entitled to participate (as determined by School Board staff) in the conceptual design, schematic design, design development, and construction document preparation. The developer shall notify the School Board in writing within fifteen (15) days from the receipt of each plan, if the developer wishes to require any additional architectural features over and above those customarily provided by the School Board, and shall enter into a written agreement with the School Board to provide the incremental increases in costs (as determined by the School Board and its architectural and/or construction manager assignees) for such additional features (Reimbursement Agreement). However, the developer shall not be allowed to request changes or additions to design or architectural elements depicted on prior stages of the design process for which the fifteen (15) days has already expired. If the written notice identified above is not provided and the developer fails to enter into the Reimbursement Agreement, the developer shall forgo the right to make any requested changes/additions applicable to that stage of design. To the extent that the developer is participating financially in additional architectural features, the developer shall be entitled to provide recommendations during the construction document drafting.~~

~~To the extent necessary, the School District shall provide all necessary consents, easements, approvals, or other permit applications requested by the developer that are necessary for the developer to provide roadway, potable water, sewer, and drainage facilities required by this condition.~~

Should the developer and the School District identify an urban-prototype school site within Grandview MPUD, on terms and conditions acceptable to the School District, the developer, and the County, then the developer shall enter into a conveyance agreement with the School District to convey the school site upon the request of the School District. Payment to the property owner for such conveyance shall be in accordance with the terms and conditions of the VOPH Financial Plan. The developer shall provide the School District with a legal description, sketch, and all other conveyance documents. All conveyances shall be in a form acceptable to the School District, shall be free and clear of all liens, and be exempt from boundaries of all special districts, covenants and deed restrictions except for such requirements of the VOPH Dependent Special District, PHAP

Overlay District, the Grandview MPUD rezoning and preliminary plan requirements, and such design standards and architectural requirements as mutually agreeable to the School District, the developer, and the County.

Any such conveyance agreement also shall address temporary construction access, temporary utilities, and other construction matters in the event the School District elects to commence school site construction in advance of completion of the project site construction by the developer. In addition, any such conveyance agreement shall address the following subjects: potable water and sewer service to the school site; the stormwater drainage facilities to serve the school site; the access requirements for the school site; the landscape requirements, including buffer areas, for the school site; the architectural design requirements for the school, including any potential alternative school prototype such as urban block design, and the costs for such concept; and the procedures for developer input in the event the agreement includes specific design requirements pursuant to the VOPH Area Plan and Grandview MPUD rezoning and/or preliminary plan approval requirements.

ADDED CONDITION:

22. The developer acknowledges that, although the VOPH Area Plan governing documents currently do not depict that certain intermediate roadway designated "East-West Street A" within the Grandview MPUD site, the County may determine, in future VOPH proceedings, that a portion of said intermediate roadway needs to be located within Grandview MPUD. In such event, subject to the provisions of the Comprehensive Plan VOPH Area Plan, Table PH-1: Year 2050 Roadway Summary, the developer shall convey at no cost to Pasco County a minimum of 60 feet of right-of-way for the construction of East-West Street A and shall cooperate with the County in the location of such right-of-way segment along the southern boundary of the Grandview MPUD site, or elsewhere within the site where mutually acceptable to the developer and the County. Such determination shall be made by the County not later than the approval of the preliminary plan/construction plans for Grandview MPUD.

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 developers property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (in accordance with the criteria of the Area Plan) improvements of East-West Street A within or adjacent to the boundaries of the developers property including, but not limited to, mitigation for initial and future lanes of travel, village separator landscaping, 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 East-West Street A, 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 LDC, Section 403. 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.

BOARD OF COUNTY COMMISSIONERS ACTION:

Approved with Conditions

**MAIN STREET AT GRANDVIEW VILLAGE CENTER  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6895**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted August 8, 2008 thru November 13, 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. The developer has submitted an environmental/habitat study which has been reviewed on September 9, 2008, by County staff and the following conditions shall apply:
  - a. Prior to construction plan/construction site plan approval, the developer shall submit to the Zoning and Site Development Department a copy of the Environmental Resource Permit application as submitted to the SWFWMD.
  - b. Prior to the issuance of the Site Development Permit, the developer shall submit to the Zoning and Site Development Department a copy of the Environmental Resource Permit.
4. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developer shall submit a copy of any required gopher tortoises permit issued by the FFWCC to the Zoning and Site Development Department.
5. The developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on September 9, 2008. 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."
6. The developer 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 or Dependent Special District shall encompass the entire boundaries of the MPUD Master Planned Unit Development. The association, CDD or Dependent Special District documents shall establish a Design Review Board (DRB) or similar design review entity, to ensure that all architectural elements to be constructed within the Town Center shall be in compliance with all applicable conditions of approval. The developer shall convey in fee simple to the association, CDD or Dependent Special District, 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 or Special Dependent District if such special power pursuant to Section 190.012(2), or Section 189, 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, the homeowners'/property owners'/condominium

owners'/merchants' association, CDD, Dependent Special District creation documents, including as applicable, 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 and the Planning and Growth Management Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association, CDD or Dependent Special District. The Planning and Growth Management Department's review of such documents is for compliance with the architectural standards required by the Land Development Code, Section 811. If platting is not required, then prior to the first construction plan/construction site plan approval, the above-mentioned documents shall be submitted for review to the Planning and Growth Management Department for compliance with the architectural standards required by the Land Development Code, Section 811, Building Design and Standards. Impact fee credits for improvements or dedications, where available, shall go to the association, CDD, Dependent Special District or other entity which funded such improvements, as applicable.

7. The neighborhood parks as depicted on the conceptual graphic have not been reviewed or approved for consistency with the Traditional Neighborhood Development (TND) Ordinance, of the Land Development Code as amended. Specific review and approval of the required park space standards and the public space standards shall be conducted at each preliminary plan/preliminary site plan review. Should it be necessary to move the park spaces then the conceptual graphic shall be updated and submitted to the Zoning and Site Development Department to be reviewed concurrently with the applicable preliminary plan/preliminary site plan(s).
8. Community parks, if applicable, shall be dedicated at a time acceptable to the Villages of Pasadena Hills (VOPH) Special Dependent District and maintained by the owner's mandatory association or the VOPH Special Dependent District, as applicable.
9. Prior to the first preliminary plan approval, a Super Park as identified in the VOPH Financial Plan, Appendix A, shall be specifically identified and approved by Pasco County.
10. Prior to the first preliminary plan/preliminary site plan that abuts either Handcart or Prospect Road, the developer shall submit to Zoning and Site Development Department for review and approval a master landscape plan for Handcart and Prospect Roads adjacent to the project. The master landscape plan shall be consistent with the TND Ordinance of the Land Development Code, as amended. The master landscape plan shall be approved by the Zoning and Site Development Administrator unless deviations from the Land Development Code are requested, in which case the master landscape plan shall be approved by the DRC.
11. Prior to approval of any preliminary plan/preliminary site plan abutting the utility installation located at the south property boundary, the developer shall submit a buffer plan that addresses buffer type, height, scale etc. to shield and soften the view of the utility installation from the proposed development.

#### **Ordinances**

12. In addition to the MPUD Master Planned Unit Development conditions of approval, the developer shall comply with all Pasco County ordinances, including all ordinances implementing the Development Fees as provided in the VOPH Financial Plan.
13. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owner /developer shall be required to comply with such ordinances/resolutions.
14. School-concurrency requirements as may be adopted by the County in the future are not waived nor satisfied by this rezoning approval. The owner/developer 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, with applicable credits for any school site that may be provided pursuant to the VOPH Financial Plan.

#### **Transportation/Circulation**

##### **Access Management**

15. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the TND Ordinance of the LDC as amended. The emergency access may be barricaded in a manner found acceptable by the Zoning and Site Development Department and the Emergency Services Department.

16. 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 (unless otherwise approved by DRC as a variance at the time of preliminary plan/preliminary site plan approval) and constructed in accordance with 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.
17. The access points shown on the master plan, including those to any arterial and/or collector roadway are conceptual only. Further review and approval of the access points shall be with each corresponding preliminary plan/preliminary site plan and shall comply with Access Management regulations.

#### 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 Comprehensive Plan VOPH Area Plan, Table PH-1: Year 2050 Roadway Summary, the developer shall convey at no cost to Pasco County a minimum of 53 feet of right-of-way from the centerline of construction of Handcart Road. The conceptual alignment for Handcart Road extension is depicted in the concept plan prepared by Heidt Design, LLC, labeled "Villages of Pasadena Hills Village C Conceptual Master Plan", dated 11/03/2009, which coordinates the exit of Handcart Road extension from Village D and its entry into Village C, and also depicts the proposed intersect of Handcart Road extension with future Clinton Avenue extension, in Village C. The affected property owners in Village D and Village C, respectively, shall coordinate the future planning, design, permitting, and construction of Handcart Road extension substantially consistent with said conceptual alignment, subject to detailed engineering and permitting requirements, and subject to final County approval of such detailed engineering plans and permits. Any deviation from the conceptual alignment that would materially impact the exit from, or entry into, another property owner's parcel(s) within either Village D or Village C, or at the boundary between the two villages, shall require prior DRC approval for any such deviation from the conceptual alignment herein.

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 developers property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (in accordance with the criteria of the Area Plan or PD&E as applicable) improvements of Handcart 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 Handcart 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 LDC, Section 403. 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.

22. The developer acknowledges that, although the VOPH Area Plan governing documents currently do not depict that certain intermediate roadway designated "East-West Street A" within the Grandview MPUD site, the County may determine, in future VOPH proceedings, that a portion of said intermediate roadway needs to be located within Grandview MPUD. In such event, subject to the provisions of the Comprehensive Plan VOPH Area Plan, Table PH-1: Year 2050 Roadway Summary, the developer shall convey at no cost to Pasco County a minimum of 60 feet of right-of-way for the construction of East-West Street A and shall cooperate with the County in the location of such right-of-way segment along the southern boundary of the Grandview MPUD site, or elsewhere within the site where mutually acceptable to the developer and the County. Such determination shall be made by the County not later than the approval of the preliminary plan/construction plans for Grandview MPUD.

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 developers property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (in accordance with the criteria of the Area Plan) improvements of East-West Street A within or adjacent to the boundaries of the developers property including, but not limited to, mitigation for initial and future lanes of travel, village separator landscaping, 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 East-West Street A, 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 LDC, Section 403. 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.

23. Subject to the provisions of the Comprehensive Plan VOPH Area Plan, Table PH-1: Year 2050 Roadway Summary, the developer shall convey at no cost to Pasco County a minimum of 36.5 feet of right-of-way from the centerline of construction of Prospect Road.

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 developers property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (in accordance with the criteria of the Area Plan) improvements of Prospect 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 Prospect 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 LDC, Section 403. 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.

#### Design/Construction Specifications

24. Design criteria included in the TND Ordinance of the LDC as amended, requires parking to be located to the rear of the buildings within a block, unless otherwise approved by DRC as an alternative standard.
25. Concurrent with 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 north, east and to the west to identify and provide the location of required interconnecting roadways. In the absence of such agreement, DRC shall resolve such location(s) as required by the roadway grid network specified in the Area Plan. The following information shall be shown on all preliminary plans/preliminary site plans and construction plans/construction site plans that include or abut interconnecting roadways: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent bearing/curve geometry) to provide a seamless continuation of roads at the property lines.
26. 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.
27. Roadway-design standards shall be designed and constructed in a manner that is supportive and reflective of adjacent land uses and development patterns consistent with the standards set forth in the Comprehensive Plan VOPH Area Plan roadway cross-sections, the DA, or the TND Ordinance of the LDC, including any alternative standards as approved by DRC at the time of preliminary plan/preliminary site plan approval.
28. Concurrent with the submittal of the first preliminary plan/preliminary site plan, the developer shall submit a substandard road analysis in accordance with LDC Section 402 to identify any road improvements that would be necessitated by the rezoning of the subject property, and which are not already improvements contemplated by the VOPH Financial Plan and a proposed DA. The developer shall be responsible for those road improvements resulting from the substandard road analysis unless

those deficiencies have been improved to County standards by other entities at the time of the subject rezoning's DA approval.

29. Prior to approval of the first record plat, or where platting is not required, prior approval of the first construction plan/construction site plan, the developer shall provide a Letter of Credit acceptable to Pasco County for 125 percent of the proportionate-share cost of the signalization at Handcart Road and Prospect Road. Prior to approval of the last record plat, or anytime at the County's request, the developer shall pay its proportionate share for and perform (if requested) a signal warrant study. If warranted, the developer shall pay for the proportionate-share cost of signalization.
30. The developer shall comply with the County and Pasco County Public Transportation 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 Pasco County Public Transportation. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning and Site Development Department for review and DRC and BCC approval prior to or concurrent with the 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 Pasco County Public Transportation review and approval in accordance with the Pasco County Public Transportation *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 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 their successors shall not refuse the Pasco County Public Transportation, or any other transit authority, or any of its users/patrons access to such facilities.

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

31. The developer shall submit a Stormwater Management Plan and Report (SMP) for its portion of Village D in accordance with the Pasco County LDC as amended and the village specific master plan requirements in the Comprehensive Plan VOPH Area Plan, which may be utilized by others in Village D to complete a Master Regional plan for the entire Village. The SMP shall be approved prior to or simultaneous with application for construction plan review for the first development phase/increment of this MPUD. If it is determined that this project is located within a closed basin, the developer shall comply with closed basin criteria (County & SWFWMD) in effect at the time of SMP approval. Postcondition discharge from the site shall replicate precondition. 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 Zoning and Site Development Department.
32. 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 Utilities Service Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
33. The developer 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.
34. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner 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 developer/owner shall transfer to Pasco County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within Pasco County.
- b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner 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**

35. 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.
36. The project's stormwater-management system shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 17-25, 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 applicant/developer 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 applicant/developer 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 applicant/developer discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the applicant/developer shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The developer's 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.
37. 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**

38. The applicant/developer shall comply with the Pasco County Wellhead Protection Ordinance.
39. Should any noticeable soil slumping or sinkhole formation become evident, the applicant/developer 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.
40. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.
41. The historic, average rainfall volume discharged from the site should be maintained post development. The applicant/developer 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

42. Development, including site design, lot layout, architectural, landscaping, street design, block size, lighting, parking, etc. shall occur in accordance with the TND Ordinance of the LDC, including any alternative standards approved by DRC at the time of preliminary plan/preliminary site plan approval and the Comprehensive Plan VOPH Area Plan.
- a. No single-family detached residential is allowed within the Town Center.
  - b. The total aggregate number of dwelling units for the MPUD shall not exceed 500.
  - c. The maximum floor area for commercial entitlements shall not exceed 125,000 square feet of gross floor area.
  - d. The maximum floor area for office entitlements shall not exceed 100,000 square feet of gross floor area.
  - e. 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.
  - f. 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.
  - g. Land uses may be exchanged in accordance with an adopted land use equivalency matrix pursuant to the VOPH Area Plan, as amended. In the event of a land use exchange, a revised MPUD master plan shall be submitted to the Zoning Administrator for approval.
  - h. The subject property is currently utilized for agricultural activities. It is understood that while the use will cease when the subject property is built out, portions of the subject property may continue to be used for agricultural activities as an interim use until the project is developed in accordance with this rezoning.
43. 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. For the purposes of this condition, land use exchanges pursuant to condition No. 42 above shall not constitute as an increase in density/intensity.
44. 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.
45. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

## Preliminary Site Plan Requirements

### Instructions

46. The developer shall submit, within 45 days of the BCC approval, or prior to the first preliminary plan/preliminary site plan submittal, whichever occurs first, 20 sets of the revised MPUD Master Planned Unit Development Plan to the Zoning and Site Development Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions. Without the submittal and approval of revised MPUD Master Planned Unit Development plans, preliminary plans/preliminary site plans will not be accepted for review.
  - a. Remove note 7.
  - b. Revise note 8 to reference the correct note number.
  - c. Revise note 11 to delete reference to alternate standards application.
47. Prior to submittal of each preliminary plan/preliminary site plan, the developer shall submit for review and approval by the Zoning and Site Development Department, a design component plan in accordance with the TND Ordinance of the LDC, as amended, including any requested deviations or alternative standards, which are subject to DRC approval at preliminary plan. The plan shall also illustrate lighting, specific building heights, and exact building orientation, along with the architectural design and color scheme. Each plan submitted shall include design component plans from previous increment approvals within the village center.
48. Prior to the first preliminary plan/preliminary site plan submittal for the MPUD, the applicant/developer shall submit an overall architectural standards plan for the MPUD to be reviewed and approved by the Planning and Growth Management Administrator.

### Development Agreement

49. Prior to approval of the first preliminary plan/preliminary site plan, the developer and County shall enter into a development agreement (DA) setting forth the terms and conditions governing the design, permitting, construction, and right-of-way donation and/or acquisition if applicable for the required roadway improvements. The DA shall contain estimated development fees to be paid by the developer pursuant to the VOPH Financial Plan and all eligible roadway improvements and/or primary improvements pursuant to the VOPH Financial Plan acceptable to the County that will be creditable toward such development fees. The DA shall also contain site related improvements and/or intermediate improvements pursuant to the VOPH Financial Plan that are not creditable toward development fees. The proposed DA shall be a submittal requirement of the first preliminary plan/preliminary site plan. Notwithstanding the foregoing, even if no DA has been entered into, right-of-way donations required by these MPUD conditions shall occur when required by Condition No. 57.
50. The DA shall include a provision pursuant Comprehensive Plan, Chapter 2, Pasadena Hills Special Provisions and Mix of Uses 5(c), that ensures all improvements that are necessary to address the impacts from the subject property are programmed within the Pasco County Capital Improvements Element prior to the approval of any development activity within this MPUD. These improvements include but are not necessarily limited to the construction of the following portion of the primary or intermediate improvements as depicted in Table PH-1, Roadway Facilities. Improvements abutting the subject rezoning include:
  - a. Handcart Road from Prospect Road, southbound to East-West Street A,
  - b. Prospect Road from Handcart Road, eastbound to North-South Avenue D.
51. In the event the VOPH Special Dependent District is not adopted and established prior to preliminary plan/preliminary site plan submittal, the DA shall address the payment of the Development Fees already approved in the Financial Plan, and applicable credits, pending approval of the District unless otherwise determined by the County at the time of DA approval.
52. Concurrent with the first preliminary plan/preliminary site plan submittal, the developer shall submit a Master Roadway Plan and an overall pedestrian/bike path plan to the Planning and Growth Management Department for review. The plan shall comply with the Comprehensive Plan VOPH Area Plan Objective FLU 6.3: *Connected Street Network* and Objective FLU 6.4: *Corridor Design Standards* and the TND Ordinance of the Land Development Code, as amended. The plan shall include roadway cross sections, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for the portions of Handcart Road and Prospect Road adjacent to the

project, and roadways within the MPUD Master Planned Unit Development. The master roadway plan and the pedestrian/bike path plan shall coordinate and interconnect with surrounding parcels within Village D. Approval of this plan must be obtained from the DRC concurrent with the first preliminary plan/preliminary site plan approval. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of the roads and intersections related to this MPUD. The Master Roadway Plan and the Pedestrian/Bike plan shall be consistent with the approved DA as applicable.

#### Educational Facilities

53. At least 180 days prior to preliminary plan submittal, the developer shall either procure agreement with the District School Board of Pasco County (School District) for school site(s) for development of an educational facility(ies) to serve Village D or obtain a waiver from the School District indicating they will not require a school site within the Grandview MPUD. Such agreement or waiver shall be included with the first preliminary plan/preliminary site plan submittal.
54. Should the developer and the School District identify an urban-prototype school site within Grandview MPUD, on terms and conditions acceptable to the School District, the developer, and the County, then the developer shall enter into a conveyance agreement with the School District to convey the school site upon the request of the School District. Payment to the property owner for such conveyance shall be in accordance with the terms and conditions of the VOPH Financial Plan. The developer shall provide the School District with a legal description, sketch, and all other conveyance documents. All conveyances shall be in a form acceptable to the School District, shall be free and clear of all liens, and be exempt from boundaries of all special districts, covenants and deed restrictions except for such requirements of the VOPH Dependent Special District, PHAP Overlay District, the Grandview MPUD rezoning and preliminary plan requirements, and such design standards and architectural requirements as mutually agreeable to the School District, the developer, and the County.

Any such conveyance agreement also shall address temporary construction access, temporary utilities, and other construction matters in the event the School District elects to commence school site construction in advance of completion of the project site construction by the developer. In addition, any such conveyance agreement shall address the following subjects: potable water and sewer service to the school site; the stormwater drainage facilities to serve the school site; the access requirements for the school site; the landscape requirements, including buffer areas, for the school site; the architectural design requirements for the school, including any potential alternative school prototype such as urban block design, and the costs for such concept; and the procedures for developer input in the event the agreement includes specific design requirements pursuant to the VOPH Area Plan and Grandview MPUD rezoning and/or preliminary plan approval requirements.

#### Housing

55. Pursuant to Comprehensive Plan VOPH Area Plan Special Provisions and Mix of Uses (4)(f), the developer shall identify an Affordable Housing Program that provides for a range of housing types that supports a broad range of family sizes and incomes and is affordable to a family with a median income that does not exceed one hundred twenty (120) percent of the median income for the Tampa-St. Petersburg-Clearwater Standard Metropolitan Statistical Area (Program). The Program shall be reviewed and approved by the County's Community Development Manager and shall be consistent with applicable Federal, State, and local income and expense criteria for affordable housing. Such Program shall be approved prior to preliminary plan/preliminary site plan approval. Mechanisms to provide affordable housing units may include the following:
  - a. Assumable equity mortgage for affordable units provided on site.
  - b. Donation or reduced sale of land or lots to a County-sponsored, affordable housing nonprofit corporation
  - c. The establishment of a community land trust as defined by 42 USC § 12773 (f).
  - d. A down payment or closing cost assistance or rental subsidy program offered by the County, or offered by the developer provided the program is approved by the County.
  - e. Utilization of Low-Income, Housing Tax Credit (LIHTC) tax-free bond financing; or similar Federal or State programs that incentivize the private production of affordable housing (such as HUD § 221(d)(4) program).

- f. Such other affordable-housing product or rental program as determined as affordable by the County's Community Development Manager consistent with the foregoing definitions and applicable Federal, State, and local income and expense criteria for affordable housing.
- g. Utilization of Low-Income, Housing Tax Credit (LIHTC).

Alternatively, the developer shall otherwise mitigate for affordable housing impacts in accordance with other future County policy regarding affordable housing, any future County wide ordinances relating to affordable housing, or other mitigation approved by the County.

### Procedures

- 56. 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.
- 57. 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.
- 58. Because the VOPH Area Plan is a 2050 Horizon Plan, this MPUD rezoning shall remain in force and effect for the duration of the VOPH Area Plan.
- 59. 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 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 the Emergency Services Director has received such a petition.
- 60. 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.
- 61. 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.
- 62. Development is exempt from the LDC, Concurrency Management System, pursuant to the VOPH Area Plan, provided the project complies with the VOPH Financial Plan, as amended.
- 63. Rezoning of this property with conditions does not relieve any developer of responsibilities under state law, including, but not limited to, DRI requirements under Chapter 380, Florida Statutes.
- 64. 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.
- 65. 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.

- 66. The effective date of the land use classification for Village D, which includes the subject rezoning, shall be (i) the date of the rezoning of the remainder of the Village D village center (Harvest Hills MPUD) to MPUD Master Planned Unit Development consistent with the standards set forth for village center development in the Comprehensive Plan VOPH, or (ii) the effective date of the pending 2010 VOPH Comprehensive Plan Amendment to modify this provision, whichever occurs first.
- 67. The owner/developer acknowledges that rezonings and site plan approvals within the VOPH are allowed to proceed, conditioned upon compliance with the requirements of the VOPH Financial Plan, the Impact Fee Surcharge Overlay District, and any other conditions or development agreements required by the County to implement the Financial Plan. Individual building permits for entitlements that rely on the VOPH Financial Plan shall not be issued until the Ordinance(s) creating the VOPH Dependent Special District and Impact Fee Surcharge Overlay District have been adopted.

**OWNER/DEVELOPER ACKNOWLEDGMENT:**

The owner/developer acknowledges 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)

\_\_\_\_\_

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 their 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)