

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Carol B. Clarke
Zoning Administrator
Assistant Planning and Development
Administrator

DATE: 3/14/14 FILE: PDD14-618

SUBJECT: Cypress Creek MPUD
Nonsubstantial MPUD
Modification
Recommendation: Approval
with Conditions

FROM: Cynthia D. Spidell
Sr. Planner & DRI Coordinator

REFERENCES: LDC, Section 522,
MPUD
Comm. Dist. 3

The following is presented for your consideration.

PROJECT DESCRIPTION:

Commission District:	The Honorable Kathryn Starkey
Project Name:	Cypress Creek MPUD (Master Planned Unit Development)
Applicant's Name:	Cypress Creek Group, LLC, et. al.
Location:	In South Central Pasco County, east of and abutting I-75, on the north and south sides of S.R. 56, Section 26, Township 26 South, Range 19 East (Attachment 1)
Acreage:	405 Acre(s), m.o.l.
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classification:	MU (Mixed Use) CON (Conservation Lands)
Water/Sewage:	Public (Pasco)
No. of Dwelling Units:	464
Type of Dwelling Units:	Multifamily
Use/Square Foot (non-residential)	524,000 s.f. Office; 718,215 s.f. Commercial; 373 Hotel Rooms

DEVELOPER'S REQUEST:

1. The developer is requesting to add "Skating Rink" as a use to Parcel 1 (Attachment 2).
2. The Developer has requested the following land use exchanges in accordance with the approved Land Use Trade-Off Matrix for the DRI to accommodate the Skating Rink:
 - a. 115,728 s.f. of Office for 32,369 s.f. of Commercial
 - b. 150 Multifamily units for 17,325 s.f. of Commercial
 - c. 20 Hotel Rooms for 2,376 s.f. of Commercial

The Total amount of Commercial requested totals a conversion to 52,070 s.f. of commercial uses.

BACKGROUND:

1. On August 20, 2002, the BCC approved Cypress Creek MPUD Master Planned Unit Development, Petition No. 5787.
2. On November 22, 2005, the BCC approved a modification to the Cypress Creek MPUD which approved the following modifications:
 - a. Specify the location of 2.3 acres of hotel within MPUD Master Planned Unit Development, Parcel No. 1, a multiuse parcel designated for Hotel, Office, and Multi-Family.
 - b. Exchange entitlements on the MPUD master plan using the Land Use Equivalency Matrix as provided by the Cypress Creek DRI DO:
 - (1) Exchange 126 multi-family units on 6.3 acres for 52,000 square feet of office on 6.3 acres within Parcel No. 3.
 - (2) Exchange 36,272 square feet of office within MPUD Master Planned Unit Development Parcel No. 8 on 1.7 acres for 10,145 square feet of commercial for a day-care facility on 1.7 acres.
 - c. The net effect of these changes:
 - (1) Increased the total amount of office entitlements by 15,728 square feet to a total of 639,728 square feet.
 - (2) Increased the amount of retail/commercial entitlements by 10,145 square feet to a total of 666,145 square feet.
 - (3) Decreased the overall number of multifamily dwelling units by 126 units to 614 units.

FINDINGS OF FACT:

1. Pursuant to Cypress Creek MPUD condition #32.c, commercial design standards and uses shall be in accordance with LDC, Section 526, C-2 General Commercial District.
2. C-2 General Commercial District includes Amusement Facilities as a permitted use. Furthermore, the LDC Appendix definition for "Amusement Facilities" includes Skating Rinks.
3. The addition of Skating Rink to Multi-Use Parcel #1 does not constitute a substantial modification pursuant to Section 402.2.N, LDC as:
 - a. The proposed change is not changing a site related condition that was imposed by the BCC at the public hearing.
 - b. The proposed change does not alter the use, or cause a material increase in density and intensity within 100 feet of the district boundary, within the project where a residence is constructed, or residential land is owned by a person other than the applicant.

- c. The change does not propose a material decrease in an approved target business, corporate business park use, or industrial use.
- d. The change is not proposing any changes from single family residential to multifamily in the Central, North, and East Market Areas.
- e. The change is not from residential use to commercial use.

ANALYSIS:

1. According to Section V.B. of the Cypress Creek DRI Development Order, development entitlements within the project may be exchanged pursuant to the Land Use Equivalency Matrix (LUEM) set out in Exhibit D. (RES No.09-205).
 - a. According to the matrix, the conversion of office is permitted but the minimum amount of office shall not fall below 524,000 s.f.
 - b. The calculations have been verified as follows:

<u>Land Use</u>	<u>Amount (s.f.) to be converted</u>	<u>Conversion Rate per 1000 s.f.</u>	<u>Commercial (s.f.)</u>
Office	115,728	0.2797	32,369
Multifamily	150	0.1155	17,325
Hotel	20	0.1188	2,376
Total			52,070

- c. The net effect of these changes is summarized in the following table:

<u>Land Use Table</u>	<u>Current Amount</u>	<u>Change</u>	<u>New Amount</u>
Office	639,728	(115,728)	524,000
Commercial/ Retail	666,145	52,070	718,215
Hotel	393	(20)	373
Multifamily	614	(150)	464

2. This land use exchanges ensure that there will be a sufficient amount of commercial entitlements available for the skating rink.

RECOMMENDATION:

The Planning and Development Department has reviewed the MPUD Modification recommends approval with conditions (Attachment 3). Condition No. 32 shall be amended as follows (Changes in ~~Strikethrough~~ or **Bold/Underline**):

Land Use

32. Design standards and uses shall be in accordance with the following:
- a. Multifamily development shall be in accordance with Land Development Code, Section 518, MF 1 Multiple Family Medium Density District, as amended, with the following exceptions:
 - (1) Screen enclosures shall be setback a minimum of ten feet from the rear property line.
 - (2) Maximum lot coverage for Cypress Creek Townhouses (a portion of MPUD Master Planned Unit Development Parcel 3), including accessory structures is 49 percent.
 - b. Office development shall be in accordance with Land Development Code, Section 523, PO 1 Professional Office District, as amended.
 - c. Commercial development shall be in accordance with Land Development Code, Section 526, C 2 General Commercial District, as amended.
 - d. Hotel development shall be in accordance with Land Development Code, Section 526, C 2 General Commercial District, as amended.
 - e. **Skating Rink development shall be in accordance with Land Development Code, Section 526, C-2 General Commercial District, as amended.**
 - 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.

DEVELOPER'S ACKNOWLEDGMENT:

The developer/applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

_____ Date

_____ Signature

_____ Print Name

_____ Title

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____
(date), by _____ (name
of corporation acknowledging) a _____
(State or place of incorporation) corporation, on behalf of the corporation. He/she is personally
known to me or who has produced _____ (type of
identification) as identification.

Seal:

_____ NOTARY

ATTACHMENTS:

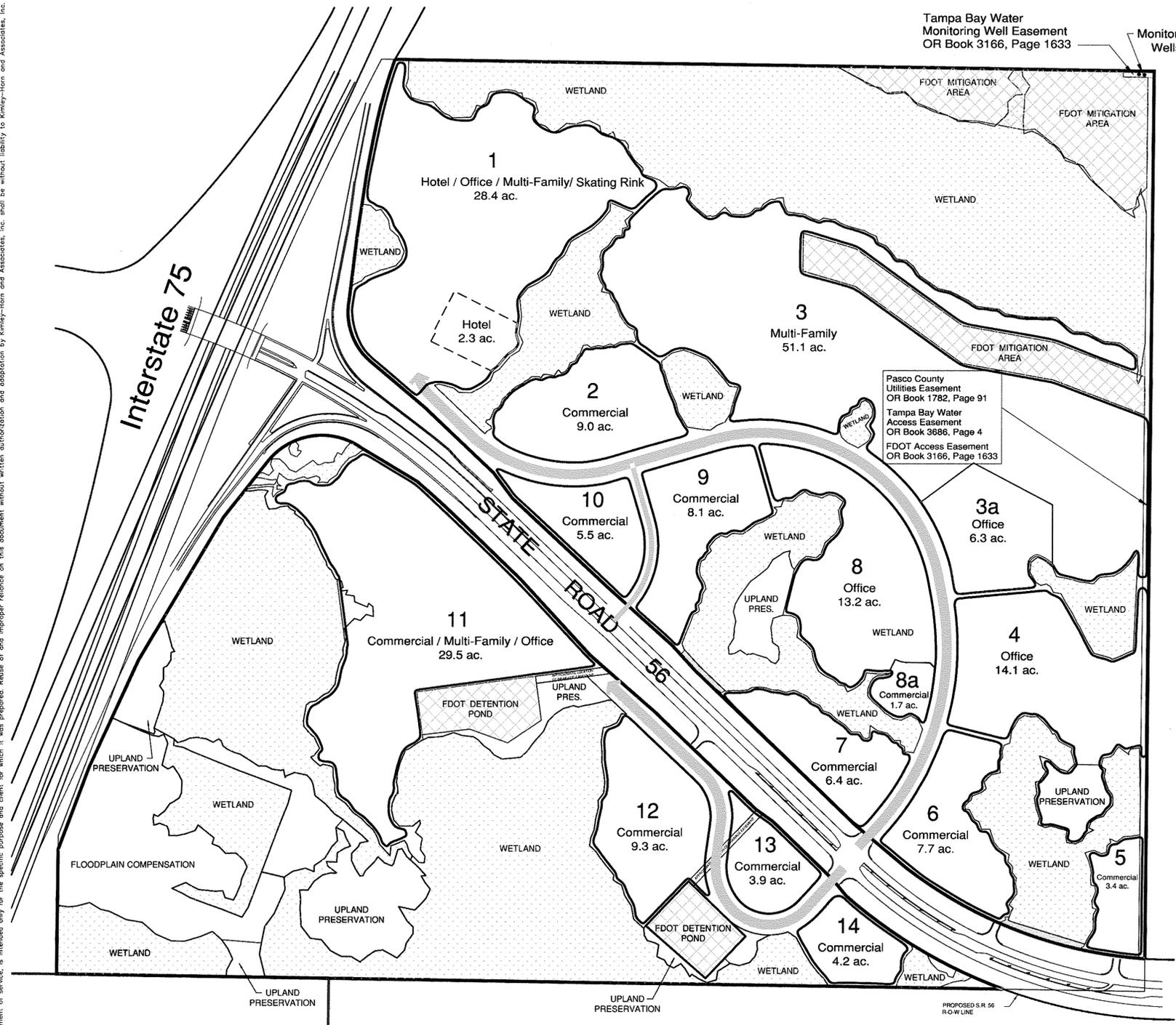
- 1. Location Map
- 2. MPUD Master Plan
- 3. Conditions of Approval

Zoning Dept. Approved
Non-substantial Modification

Date: 3-18-14 By: Carol B. [Signature]

For compliance with the applicable provisions of
Pasco County Land Development Code Regulations

Drawing name: H:\048659.01\CADD\CYPRESS_CREEK_NEW_BASE\MPUD.DWG 24x36 Nov 08, 2005 9:34am by: Edgort, Ortiz
 Q:\CIVIL\49470000\CAD\Exhibits\MPUD\mpud.dwg, March 12, 2014 9:41 AM, ELIZABETH A. LYONHALL, King Engineering Associate Inc.
 This document, together with the concepts and design presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



Cypress Creek DRI Legal Description
 The South 461 acres of that part of Section 26, Township 26 South, Range 19 East (also being described as the South 4,454.33 feet of said Section 26), lying East of the right-of-way of Interstate No. 75, as now established.
 Less and except the following:
Parcel 101
Part "A" Fee Simple Limited Access Right-of-Way
 A parcel of land being a portion of the Northwest 1/4, the Southwest 1/4 and the Southeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:
 Commence at a 2" iron pipe marking the Southwest corner of the Southwest 1/4 of said Section 26, Township 26 South, Range 19 East, Pasco County, Florida; thence along the West line of the Southwest 1/4 of said Section 26, N 00° 38' 18" E, a distance of 593.99 feet to the POINT OF BEGINNING; thence continue N 00° 38' 18" E, a distance of 72.49 feet to the existing East limited access right-of-way line of State Road 93 (Interstate 75); thence along said East limited access right-of-way line, N 207° 46' 38" E, a distance of 1982.15 feet to a tangent curve concave Southeastly, having a radius of 17038.73 feet; thence continuing along said East limited access right-of-way line and Northerly along said curve 1933.80 feet, through a central angle of 06° 30' 10", (chord bearing N 247° 01' 43" E, a distance of 1932.77 feet) to the intersection with a tangent line; thence along said East limited access right-of-way line, N 277° 16' 48" E, 162.97 feet; thence leaving said East limited access right-of-way line, S 89° 06' 34" E, a distance of 67.01 feet to the intersection with a non-tangent curve concave Easterly, having a radius of 2620.45 feet; thence Southerly along said curve 391.88 feet, through a central angle of 08° 34' 06" (chord bearing S 15° 13' 51" W, a distance of 391.51 feet) to a tangent line; thence S 107° 56' 48" W, a distance of 174.73 feet; thence S 087° 39' 22" W, a distance of 300.24 feet thence S 077° 02' 41" W, a distance of 323.31 feet to the intersection with a non-tangent curve concave Easterly, having a radius of 314.00 feet; thence Southerly along said curve 349.51 feet, through a central angle of 63° 46' 30", (chord bearing S 207° 56' 29" E, a distance of 331.74 feet) to the intersection with a non-tangent line; thence S 50° 00' 28" E, a distance of 325.18 feet; thence S 46° 39' 24" E, a distance of 462.58 feet thence S 36° 50' 05" E, a distance of 154.03 feet; thence S 47° 05' 29" E, a distance of 650.08 feet; thence S 11° 10' 22" E, a distance of 493.72 feet; thence N 48° 55' 04" W, a distance of 254.71 feet; thence N 42° 44' 30" W, a distance of 500.90 feet; thence N 46° 10' 31" W, a distance of 451.99 feet to a tangent curve concave Southwestly, having a radius of 3689.72 feet; thence Northerly along said curve 239.57 feet, through a central angle of 03° 43' 13", (chord bearing N 48° 02' 08" W, a distance of 239.53 feet) to the intersection with a non-tangent line; thence N 59° 04' 37" W, a distance of 315.00 feet to the intersection with a non-tangent curve concave Southerly, having a radius of 338.00 feet; thence Westerly along said curve 510.11 feet, through a central angle of 06° 59' 08", (chord bearing S 81° 43' 42" W, a distance of 462.51 feet) to a tangent line; thence S 38° 14' 08" W, a distance of 280.00 feet; thence S 38° 22' 19" W, a distance of 64.60 feet; thence S 30° 46' 32" W, a distance of 804.62 feet; thence S 24° 46' 38" W, a distance of 561.81 feet; thence S 20° 37' 23" W, a distance of 441.27 feet to the POINT OF BEGINNING.
Part "A" containing 32.070 acres (1,396,990.0114 SF), more or less, together with all rights of ingress, egress, light, air and view the grantor's remaining property and any facility constructed above described property.
 And
Part "B" Fee Simple Right-of-Way
 A parcel of land being a portion of the Southeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:
 Commence at a 4"x4" concrete monument marking the Southwest corner of the Southeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida; thence along the West line of the Southeast 1/4 of said Section 26, N 00° 31' 55" E, a distance of 1525.71 feet; thence leaving said West line, S 48° 55' 04" E, a distance of 165.36 feet to the POINT OF BEGINNING; thence N 11° 10' 22" W, a distance of 483.72 feet; thence S 47° 05' 29" E, a distance of 38.01 feet; thence S 48° 23' 14" E, a distance of 362.74 feet; thence S 42° 44' 59" E, a distance of 167.38 feet; thence S 46° 10' 31" E, a distance of 1083.51 feet; thence S 50° 17' 08" E, a distance of 324.46 feet to the intersection with a non-tangent curve concave Northerly, having a radius of 2141.83 feet; thence Southeastly along said curve 1256.73 feet, through a central angle of 33° 37' 07", (chord bearing S 69° 21' 45" E, a distance of 1238.78 feet) to the East line of the Southeast 1/4 of said Section 26, being a non-tangent line; thence along said East line, S 00° 28' 57" W, a distance of 159.10 feet to the Southeast corner of said Southeast 1/4 of Section 26; thence along the South line of said Section 26, N 89° 05' 53" W, a distance of 687.06 feet to the intersection with a non-tangent curve concave Northeasterly, having a radius of 2431.83 feet; thence leaving said South line and Westerly along said curve 891.49 feet, through a central angle of 21° 00' 15", (chord bearing N 59° 30' 30" W, a distance of 886.51 feet) to the intersection with a non-tangent line; thence N 39° 41' 11" W, a distance of 105.83 feet; thence N 46° 10' 52" W, a distance of 400.72 feet; thence N 54° 42' 23" W, a distance of 101.12 feet; thence N 46° 10' 31" W, a distance of 682.45 feet; thence N 48° 55' 04" W, a distance of 163.32 feet to the POINT OF BEGINNING.
Part "B" containing 19.188 acres (835,756.3323 sf), more or less.
 And
Part "C" Fee Simple Right-of-Way
 A parcel of land being a portion of the South 1/2 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida, described as follows:
 Commence at a 4"x4" concrete monument marking the Southeast corner of the Southwest 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida; thence along the East line of the Southwest 1/4 of said Section 26, N 00° 31' 55" E, a distance of 1525.71 feet; thence leaving said West line, N 48° 55' 04" W, a distance of 1.03 feet; thence S 82° 28' 32" W, a distance of 334.55 feet to the POINT OF BEGINNING; thence S 07° 31' 27" E, a distance of 215.03 feet; thence S 56° 09' 17" W, a distance of 196.86 feet; thence N 70° 15' 52" W, a distance of 196.87 feet; thence S 83° 11' 27" W, a distance of 231.12 feet; thence N 07° 31' 28" W, a distance of 209.26 feet; thence N 82° 28' 32" E, a distance of 582.56 feet to the POINT OF BEGINNING.
Part "C" containing 3.199 acres (139,353.7657 sf), more or less.
 And
Part "D" Fee Simple Right-of-Way
 A parcel of land being a portion of the Southeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:
 Commence at a 4"x4" concrete monument marking the Southwest corner of the Southeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida; thence along the West line of the Southeast 1/4 of said Section 26, N 00° 31' 55" E, a distance of 1525.71 feet; thence leaving said West line, S 48° 55' 04" E, a distance of 328.68 feet; thence S 46° 10' 31" E, a distance of 682.45 feet; thence S 54° 42' 23" E, a distance of 4.42 feet; thence S 43° 49' 29" W, a distance of 477.65 feet to the POINT OF BEGINNING; thence S 46° 10' 31" E, a distance of 385.63 feet; thence S 43° 49' 27" W, a distance of 281.21 feet; thence N 48° 45' 56" W, a distance of 386.02 feet; thence N 43° 49' 29" E, a distance of 298.66 feet to the POINT OF BEGINNING.
Part "D" containing 2.567 acres (111,806.1860 sf), more or less.
 And
Part "G" Fee Simple Right-of-Way
 That part of the Northeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:
 Commence at a found 3" x 3" concrete monument marking the Northeast corner of said Northeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida; thence S 00° 29' 08" W, along the East line of said Northeast 1/4, a distance of 929.29 feet to the Northeast corner of property conveyed in official record book 1076, page 421, public records of Pasco County, Florida; thence N 89° 06' 34" W, along the North line of said property, a distance of 150.00 feet to the POINT OF BEGINNING; thence S 00° 29' 08" W, parallel with said East line of the Northeast 1/4, a distance of 30.00 feet; thence S 89° 06' 34" E, parallel with said North line, a distance of 120.00 feet to a point on the West line of an existing easement depicted in official record book 1762, page 91, public records of Pasco County, Florida; thence S 00° 29' 08" W, along said West line, 533.38 feet; thence S 45° 15' 55" W, 65.92 feet; thence S 09° 52' 13" W, 50.00 feet; thence S 72° 20' 26" W, 50.00 feet; thence N 48° 15' 07" W, 199.92 feet; thence N 35° 35' 34" W, 100.00 feet; thence N 64° 38' 29" W, 100.00 feet; thence N 32° 03' 01" W, 50.00 feet; thence N 51° 29' 25" W, 150.00 feet; thence S 83° 24' 18" W, 47.64 feet; thence N 79° 16' 17" W, 239.51 feet; thence N 88° 31' 33" W, 85.90 feet; thence N 67° 35' 20" W, 226.08 feet; thence N 45° 43' 04" W, 78.08 feet; thence S 84° 39' 33" W, 87.06 feet; thence N 62° 03' 38" W, 279.13 feet to said North line of aforementioned property; thence S 89° 06' 34" E, along said North line, 1396.32 feet to the said POINT OF BEGINNING.
Part "G" containing 10.385 acres (452,381.2059 sf), more or less.
Part "H" Fee Simple Right-of-Way
 That part of the Northeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows: commence at a found 3" x 3" concrete monument marking the Northeast corner of said Northeast 1/4 of Section 26, Township 26 South, Range 19 East, Pasco County, Florida; thence S 00° 29' 08" W, along the East line of said Northeast 1/4, a distance of 929.29 feet to the Northeast corner of property conveyed in official record book 1076, page 421, public records of Pasco County, Florida; thence N 89° 06' 34" W, along the North line of said property, a distance of 30.00 feet; thence S 00° 29' 08" W, parallel with said East line of the Northeast 1/4, a distance of 1480.87 feet to the POINT OF BEGINNING; thence N 69° 15' 16" W, a distance of 473.64 feet; thence N 73° 49' 28" W, a distance of 638.49 feet; thence N 73° 40' 41" W, a distance of 267.08 feet; thence S 00° 28' 58" W, a distance of 182.81 feet; thence S 73° 40' 41" W, a distance of 267.08 feet; thence S 54° 19' 07" E, a distance of 638.48 feet; thence S 79° 49' 28" E, a distance of 450.74 feet; thence S 69° 15' 15" E, a distance of 473.63 feet to a point 30.00 feet West of said East line of the Northeast 1/4; thence N 00° 29' 08" E, parallel with said East line, a distance of 182.80 feet to the said POINT OF BEGINNING.
Part "H" containing 7.000 acres (304,791.0216 sf), more or less.
 Parts "A", "B", "C", "D", "G" and "H" having a combined area of 74.409 acres, more or less.

LAND USE DATA

USE	ACRES	UNITS/GFA
OFFICE DEVELOPMENT	50.7	524,000
RETAIL DEVELOPMENT	88.7	718,215
HOTEL or MOTEL DEVELOPMENT	11.3	373
RESIDENTIAL	51.1	464
ROADS	17.2	
UPLAND PRESERVATION	14.6	
WETLANDS	151.0	
WATER CONTROL STRUCTURES	0.4	
FLOODPLAIN COMPENSATION	20.0	
TOTAL PROJECT AREA:	405.0	

LEGEND

- SUBJECT PROPERTY
- DEVELOPMENT PODS
- WETLANDS
- UNDER FOOT OWNERSHIP

NOTES

- Development Standards for the proposed uses shall be as indicated in the appropriate sections of the Pasco County Land Development Code in effect on the date of adoption of the Development Order and/or MPUD Ordinance.
- A concurrent Comprehensive Plan amendment has designated the subject site Mixed Use.
- Utilities adjacent to the roadway will be maintained by the utility companies as follows:
 Sanitary Sewer Pasco County
 Potable Water Pasco County
 Fire Protection Pasco County
 Electricity Withlacoochee River Electric Cooperative, Inc.
- Pod acreages are approximate and are subject to revision upon final surveys.
- The development of the Cypress Creek project shall proceed in strict accordance with the terms and conditions contained in the Development Order for the Cypress Creek Development of Regional Impact; the conditions contained herein and all applicable rules, regulations and ordinances of Pasco County.
- Amount and location of land uses may vary, as allowed by the Trade-off methodology adopted as part of the DRI Development Order.

NOTES (CON'T)

- Parcel #1 depicts a specific location of 2.3 acres of the 11.3 acre hotel allocation for the overall project.
- MPUD parcel #3 has been amended to Parcel #3, "Multi-Family" and Parcel #3a, "Office" as depicted on the plan. Parcel #3, which was 57.4 acres of Multi-Family was amended to 51.1 acres Multi-Family and Parcel #3a, 6.3 acres of Office and is the result of a trade-off in accordance with the Land Use Equivalency Matrix.
- MPUD parcel #8 has been amended to Parcel #8, "Office" and Parcel #8a, "Commercial" as depicted on the plan. Parcel #8, which was 14.9 acres of Office was amended to 13.2 acres "Office" and Parcel #8a, 1.7 acres "Commercial" and is the result of a trade-off in accordance with the land use equivalency matrix.
- The land use data reflects land use exchanges pursuant to the LUEM letter dated 3/3/14.



NO.	DATE	REVISION	BY	CK.
4	03/12/14	REVISED LAND USES PER LUEM		EAL
3	01/08/14	ADDED SKATING RINK USE TO PARCEL 1		EAL
2	10/21/05	Revised Parcel 1, added Note E7, per Pasco County Revised Parcel 3, added Note E8, per Pasco County Revised Parcel 8, added Note E9, per Pasco County		WJM ALR
1	05/16/05	Revised Pod 1, Pod 3 and Pod 8 Acreage; Revised Table		DDP ALR

**MPUD DEVELOPMENT PLAN
CYPRESS CREEK**

DESIGN ENGINEER: ALAN L. RAYL, PE, PSM FLORIDA REGISTRATION NUMBER: 44116	MPUD DEVELOPMENT PLAN	SHEET NUMBER 1
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NO.	REVISIONS	DATE	BY

4921 Memorial Highway
 One Memorial Center, Suite 300
 Tampa, Florida 33634
 Phone 813 880-8881
 Fax 813 880-8882
 www.kingengineering.com
 Engineering License #2610

JOB NO. 4947-000-000	SCALE AS NOTED
DATE 01/08/14	DESIGNED BY ALR
SCALE AS SHOWN	DRAWN BY DDP
DRAWN BY EAL	CHECKED BY ALR



DATE
05/16/2005
PROJECT NO.
048659010

PASCO COUNTY
FLORIDA

SEAL

**CYPRESS CREEK MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 5787**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted March 20, 2001, unless otherwise stipulated or modified herein.

Open Space/Buffering

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan and jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency; i.e., the Southwest Florida Water Management District, the Florida Department of Environmental Protection, or the Army Corps of Engineers. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan and platted as conservation/preservation areas.
3. Categories I, II, and III conservation areas shall be shown on all preliminary plans, preliminary site plans, and construction plans submitted for review and approval. Preservation of these areas shall be in accordance with the provisions of Chapter 3, Pasco County Comprehensive Plan, as amended.
4. 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, where such association currently exists, proof of good standing shall be submitted to the County. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, recreation areas, and other special purpose areas by the said association. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association 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 Pasco County Engineering Services Department for review along with copies of instruments to be used to convey the above-mentioned areas to the said association.
5. The developers shall comply with the provisions of the Pasco County Landscaping and Irrigation Ordinance, No. 02-04.
6. The developers shall comply with the provisions of the Pasco County Tree Protection and Restoration Ordinance, No. 01-017.
7. The developers shall comply with the provisions of the Pasco County Parks and Recreation Impact Fee Ordinance, No. 02-03, adopted by the Board of County Commissioners on January 29, 2002.
8. The developers shall provide an appropriate neighborhood recreation area for each residential phase. Recreation facilities to be provided for each recreation area must be approved by the County concurrently with the first preliminary plan/preliminary site plan approval for each residential phase. Maintenance of the neighborhood recreation areas shall be the responsibility of the homeowners' association.

9. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the Florida Fish and Wildlife Conservation Commission to the Pasco County Development Review Division (DRD).
10. Residential lot lines shall not extend into jurisdictional areas except for the purpose of squaring off lots or where permitted by other agencies. Lot encroachments into jurisdictional areas will be reviewed at the time of construction plan review and approval.

Transportation/Circulation

Access Management

11. The developers shall provide access (including secondary functional access and emergency access) to each increment in accordance with the Land Development Code, as amended. Emergency access may be barricaded in a manner found acceptable by DRD and the Pasco County Emergency Services Department.
12. Access to individual pods from major internal roadways shall be determined at the time of preliminary plan/preliminary site plan review and approval (major, internal roadways are those roadways that are shown on the MPUD Master Planned Unit Development master plan). Interconnected access via internal drives, parking areas, and service roads shall be utilized whenever possible for nonresidential development.
13. Access point locations along S.R. 56 are shown on the approved MPUD Master Planned Unit Development master plan. Any change to the amount and/or location of access points serving the project shall require approval from both the County and Florida Department of Transportation (FDOT). Vehicular-access rights along S.R. 56 shall be dedicated to Pasco County concurrently with record platting for each phase of any increment adjacent to S.R. 56, or where no plat is required, prior to construction plan approval for those portions of the project adjacent to S.R. 56.
14. Prior to final site/construction plan approval of any project abutting a State roadway, the owners/developers shall furnish to DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from FDOT. Prior to the issuance of the first Certificate of Occupancy, the owners/developers shall provide a letter from FDOT stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
15. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further intersection improvements along the internal major roads. Intersection improvements shall be determined in accordance with the Pasco County Land Development Code, as amended.

Dedication of Right-of-Way

16. Public roadways shall be utilized unless otherwise reviewed and approved by DRC at the time of preliminary plan/preliminary site plan approval.
17. In the case of private streets, or if the County does not accept the streets for maintenance, dedication to the appropriate maintenance entity (other than Pasco County) may be approved by DRC at the time of preliminary plan/preliminary site plan approval.

18. Unless otherwise approved by DRC, in order to provide greater connectivity and to reduce trips on S.R. 56, the developers shall provide a roadway stub-out to the east boundary of the project to allow a future roadway connection between Cypress Creek MPUD Master Planned Unit Development Pod No. 4, which is currently proposed for office development, and Seven Oaks MPUD Master Planned Unit Development, Tract S22, which is currently proposed for multifamily development (both Seven Oaks and Cypress Creek have mechanisms in place which allow different primary uses than that which is currently shown on the MPUD Master Planned Unit Development master plans). Staff will recommend that DRC approve a corresponding condition for the Seven Oaks MPUD Master Planned Unit Development amendment, which is currently in review. The final location of the proposed stub-out shall be coordinated by the developers of Cypress Creek MPUD Master Planned Unit Development and Seven Oaks MPUD Master Planned Unit Development and shall be shown on the affected preliminary plan/preliminary site plan submittals for each development.

Design/Construction Specifications

19. Alternative roadway design standards may be considered and approved by DRC at the time of each preliminary plan/preliminary site plan approval.
20. The intersections along S.R. 56 shall be constructed as required by FDOT and the Pasco County Engineering Services Department. The developers shall pay the cost of signalization of these intersections if such signalization is deemed to be necessary by DRC and meets required FDOT and Pasco County Engineering Services Department traffic warrants.
21. The developers shall submit a plan to DRD indicating major internal roadway alignment; construction phasing; and street-type designations (major internal roadways are those roadways shown on the approved MPUD Master Planned Unit Development master plan). This plan shall also include the improvements listed in Condition No. 26 of these conditions of approval. The developers shall design internal residential and commercial roadways in accordance with the applicable standards for street type, pavement structure, etc., of the Land Development Code, Section 610, as amended. Approval of this plan must be obtained from DRC prior to the first preliminary plan/preliminary site plan approval within the project. The County shall have the right to require specific dates for completion of construction for any portion of these roads required to provide safe access to the increment which is subject of the submittal at the time of each preliminary plan/preliminary site plan approval.
22. DRC may approve a pedestrian/bike path plan prior to approval of the first preliminary site plan, which provides an alternative method of pedestrian/bike path circulation from the Pasco County Land Development Code, as amended. Such pedestrian/bike path plans shall comply with the handicapped provisions of Chapter 336.045, Florida Statutes. In the absence of an approved pedestrian/bike path plan, the following standards will apply: 1) sidewalks shall be constructed in accordance with the Pasco County Land Development Code, as amended; 2) bicycle lanes shall be provided along all internal roadways above local status; and 3) bicycle facilities shall be in conformance with the FDOT *Bicycle Planning and Design Manual* (DRC approved May 22, 2003, GM03-840).
23. The developers shall submit a bicycle path plan depicting an eight-foot-wide bicycle path located generally along the north side of S.R. 56 for the length of the project. Alternatively, the bike path may be located along the north side of the S.R. 56 from the east boundary of the project to the west boundary of Pod No. 6 and then along the northerly side of the internal major roadway and terminating on S.R. 56, near the west boundary of the project. Approval of this plan must be obtained from DRC prior to the first preliminary plan/preliminary site plan approval within the project (DRC approved May 22, 2003, GM03-840).

24. Prior to each preliminary plan/preliminary site plan approval within the project, the developers shall submit a detailed traffic study for the project entrances along S.R. 56 to the Pasco County Growth Management Department. The traffic study shall confirm (or add to) the improvements listed in Cypress Creek Development of Regional Impact/Development Order (DRI/DO) Tables A and B as listed below. The parameters of the traffic analysis shall be approved by Pasco County staff and shall be in compliance with FDOT requirements and Pasco County Engineering Services Department's traffic warrants. These improvements shall be shown on the major internal roadway plan required by Condition No. 22 of these conditions of approval. The intent of this condition is not to alter the location of project access points previously approved and constructed on S.R. 56.

TABLE A*
SUBPHASE A (2006) REQUIRED IMPROVEMENTS

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at West Project Driveway, North Side	N/A	N/A	Construct SB RT lane.
SR 56 at West Project Driveway, South Side	N/A	N/A	Construct NB RT lane.
S.R. 56 at Main Project Driveway	N/A	N/A	Construct EB and WB LT lanes; NB and SB LT, RT, and through lanes. Signalize when warranted by MUTCD.
S.R. 56 at East Project Driveway, North Side	N/A	N/A	Construct SB RT lane.
S.R. 56 at Easternmost Project Driveway, North Side	N/A	N/A	Construct SB RT lane.
<u>ACRONYM LISTING:</u>			
EB: Eastbound		MUTCD: <i>Manual of Uniform Traffic Control Devices</i>	
WB: Westbound		LT: Left-Turn	
NB: Northbound		RT: Right-Turn	
SB: Southbound			

TABLE B*
SUBPHASE B (2006) REQUIRED IMPROVEMENTS

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at Main Project Driveway	N/A	N/A	Construct second EB LT lane.
<u>ACRONYM LISTING:</u>			
EB: Eastbound	MUTCD: <i>Manual of Uniform Traffic Control Devices</i>		
WB: Westbound			
NB: Northbound	LT: Left-Turn		
SB: Southbound	RT: Right-Turn		

* Improvements listed in above Tables A and B correlate to the levels of development listed in the Project Composition and Phasing table on Page No. 3 of Tampa Bay Regional Planning Council's Final Report for DRI No. 244, Cypress Creek.

25. The Board approved the S.R. 54 Corridor Study on October 23, 2001. The developers shall coordinate with the Pasco County Growth Management Department concerning incorporation of the recommendations from the study to the extent applicable to this property into the development of the site prior to submittal of the first preliminary/preliminary site plan.
26. Streetlights shall be provided along all major internal roadways. Streetlights along major internal streets shall be constructed as the roadway infrastructure improvements within the development are constructed. The developers may create a street lighting taxing district in accordance with the Land Development Code, Section 610.8, as amended. Until such time that a street lighting taxing district is established, the developers (or entity other than Pasco County) shall provide for the operation and maintenance of all streetlights within the project.
27. The developers shall show and identify any and all Tampa Bay Water (TBW) easement(s) and facilities on each preliminary plan/preliminary site plan submitted for review and approval. Pasco County shall coordinate with TBW prior to any preliminary plan/preliminary site plan approval. The developers shall coordinate with TBW prior to any construction activities that may have any affect on any TBW facilities. All development shall comply with the Wellfield Protection Ordinance as amended.

Utilities: Drainage, Water Service, Wastewater Disposal

28. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code, as amended. The said 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 DRD.

29. Finished floor elevations for all habitable structures shall be at or above the 100-year flood plain elevation. All preliminary/site plan submittals shall provide 100-year flood elevation data.
30. A Master Utility Plan for the entire development shall be submitted to the Pasco County Utilities Services Branch for review and approval, prior to submittal of the first preliminary/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.

Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Pasco County Utilities Services Branch. Prior to the first preliminary/site plan approval, the developers and the County shall enter into a Utilities Service Agreement.

31. 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 Pasco County Utilities Services Branch.

Land Use

32. Design standards and uses shall be in accordance with the following:
 - a. Multifamily development shall be in accordance with Land Development Code, Section 518, MF-1 Multiple Family Medium Density District, as amended, with the following exceptions:
 - (1) Screen enclosures shall be setback a minimum of ten feet from the rear property line.
 - (2) Maximum lot coverage for Cypress Creek Townhouses (a portion of MPUD Master Planned Unit Development Parcel 3), including accessory structures is 49 percent.
 - b. Office development shall be in accordance with Land Development Code, Section 523, PO-1 Professional Office District, as amended.
 - c. Commercial development shall be in accordance with Land Development Code, Section 526, C-2 General Commercial District, as amended.
 - d. Hotel development shall be in accordance with Land Development Code, Section 526, C-2 General Commercial District, as amended.
 - e. Skating Rink development shall be in accordance with Land Development Code, Section 526, C-2 General Commercial District, as amended.

- 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.
33. The Cypress Creek DRI/DO provides for a land use exchange mechanism to relocate land development uses, density, and intensity within the boundaries of the project. Any land use tradeoff or exchange approved by the County in conjunction with the said land use exchange mechanism as outlined in the Cypress Creek DRI/DO, shall be reflected on a revised MPUD Master Planned Unit Development master plan which shall be approved by the Board prior to preliminary plan/preliminary site plan approval of the affected area. The Land Use Data for the project is as follows:

<u>Land Use</u>	<u>Units/GFA</u>
Hotel	373 Rooms
Office	550,417 Square Feet
Comercial/Retail	691,798 Square Feet
Residential	464 Units

34. Optional mixed-use development pods (1, 3, and 11) (pods to be developed with more than one MPUD Master Planned Unit Development land use; e.g., multifamily, retail, and office) may be considered within the MPUD Master Planned Unit Development for approval subject to the following:

A conceptual plan for an entire pod shall be approved by DRC concurrently with the preliminary site plan approval. The preliminary site plan shall include information on the specific use submitted for approval as required by Section 306 of the Land Development Code. The remainder of the pod shall be included on a conceptual plan, but only the road and utility plan shall be delineated for that area of the pod.

35. The developers may designate, on the Master Development Plan, a site or sites which do not exceed a total of two acres to be used for recreational vehicle storage for the exclusive use of Cypress Creek residents. Such a site shall have appropriate landscape buffering and must be approved by the Pasco County Zoning/Code Compliance Administrator, and shall be shown on the approved Master Development Plan. The site must obtain commercial site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association.

Procedures

36. The developers shall notify the appropriate electrical utility in advance of their intent to request service and provide confirmation to the County of service availability prior to preliminary plan/preliminary site plan approval.
37. Unless otherwise approved by the Pasco County Emergency Services Director, when the development is record platted, or where a plat is not required, prior to issuance of the first Building Permit, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection.

38. The developers shall submit documentation to DRD indicating the cumulative number of Certificates of Occupancy issued for the project. This information shall be submitted annually on or before the MPUD Master Planned Unit Development approval anniversary date.
39. Development shall be in accordance with the approved Master Development Plan. All plans shall be governed by the Land Development Code in effect at the time of submittal.
40. A preliminary plan must be approved for an entire single use increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval. Submittals shall also 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/site plan approval, construction plan approval, and/or record plat approval.
41. The developers shall comply with the provisions of the Pasco County School Impact Fee Ordinance, No. 01-06, adopted by the Board on February 27, 2001.
42. In the event an ordinance/resolution is subsequently adopted by the Board relating to or funding solid waste, public safety, wildlife, wellheads, or libraries, the owners/developers shall be required to comply with such ordinance/resolution.
43. Any decisions or matters which, under the conditions of MPUD Master Planned Unit Development, require approval or allow modification by DRC, or require approval by the Pasco County Zoning/Code Compliance Administrator may be appealed in accordance with the Land Development Code, as amended.
44. Rezoning of this property with conditions of approval does not constitute a development order, nor does it relieve any developers of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County.

APPLICANTS' ACKNOWLEDGMENT:

The applicant acknowledges that he has read, understood, and accepted the above-listed conditions of approval.

_____ (Date) _____

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

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

My commission expires:

Notary Public, State of _____ at Large

Zoning Dept. Approved
Non-substantial Modification

Date: 3/18/14 By: Carol B. Clark

For compliance with the applicable provisions of
Pasco County Land Development Code Regulations