

ZONING PETITION REVIEW REPORT

TO: Pasco County Planning Commission

PETITION #5787

FROM: Samuel P. Steffey II  
Growth Management Administrator

Commission District #2

Debra M. Zampetti  
Zoning/Code Compliance Administrator

Planning Commission  
Hearing Date: 8/14/02

SUBJECT: Rezoning Request  
South Central Pasco County  
(Cont. from 7/11/01, PC)  
(Cont. from 7/24/01, BCC)  
(Cont. from 9/12/01, PC)  
(Cont. from 9/18/01, BCC)  
(Cont. from 10/10/01, PC)  
(Cont. from 10/16/01, BCC)  
(Cont. from 11/14/01, PC)  
(Cont. from 11/20/01, BCC)  
(Cont. from 12/5/01, PC)  
(Cont. from 12/11/01, BCC)  
(Cont. from 1/19/02, PC)  
(Cont. from 1/23/02, BCC)  
(Cont. from 2/13/02, PC)  
(Cont. from 2/19/02, BCC)  
(Cont. from 3/13/02, PC)  
(Cont. from 3/19/02, BCC)  
(Cont. from 4/10/02, PC)  
(Cont. from 4/16/02, BCC)  
(Cont. from 5/8/02, PC)  
(Cont. from 5/21/02, BCC)  
(Cont. from 7/10/02, PC)  
(Cont. from 7/23/02, BCC)

Board of County Commissioners  
Hearing Date: 8/20/02, DC

APPLICANTS: B. J. SKINNER, JR., ROBERT BLANCHARD,  
MARTHA SUE LOGAN, AND DAN S. BLALOCK, JR./  
CYPRESS CREEK MPUD

TAZ #178

PETITION SUMMARY:

Petition No. 5787 in the names of B. J. Skinner, Jr., Robert Blanchard, Martha Sue Logan, and Dan S. Blalock, Jr./Cypress Creek MPUD has been filed for a change in zoning from an A-C Agricultural District to an MPUD Master Planned Unit Development District. The property is located on the northeast side and southeast side of the intersection of I-75 and S.R. 56 (Parcel ID Nos. 26-26-19-0000-00100-0010 and 26-26-19-0000-00100-0011), and contains 405 acres, m.o.l.

Planning District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Cypress Creek
Developers' Names:	B. J. Skinner, Robert Blanchard, Martha Sue Logan, and Dan S. Blalock, Jr.
Location:	South Central Pasco County, east of and abutting I-75, on the north and south sides of S.R. 56 in Section 26, Township 26 South, Range 19 East.
Acreage:	405 Acres, m.o.l.
Future Land Use Classification:	MU (Mixed Use)
Water/Sewage:	Central/Central (Pasco County)
No. of Dwelling Units:	740
Type of Dwelling Units:	Multifamily
Other Development:	Commercial 656,000 Square Feet; Office 624,000 Square Feet; and 393 Hotel Rooms

2002-003669 08/20/02

53 of 108

041

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	MPUD Master Planned Unit Development	Undeveloped; Wesley Chapel Water Treatment Substation
East:	MPUD Master Planned Unit Development	Undeveloped
South:	MPUD Master Planned Unit Development; A-R Agricultural-Residential	Undeveloped
West:	A-C Agricultural	I-75; Undeveloped

FINDINGS OF FACT:

1. The developers are proposing to develop approximately 405 acres as a mixed-use project located east of and abutting I-75 at its intersection with S.R. 56. The project is bisected by S.R. 56 with multifamily, office, and commercial proposed on the north side and hotel, office, multifamily, and commercial proposed on the south side. The MPUD Master Planned Unit Development application is being reviewed simultaneously with the proposed Cypress Creek Development of Regional Impact/Application for Development Approval and Comprehensive Plan amendment.  
  
The current use of the site is pasture, including Florida Department of Transportation mitigation areas, and Tampa Bay Water transmission lines and monitoring wells.
2. Access to the property is from the proposed S.R. 56 which bisects the property from east to west and has 275 feet of right-of-way.
3. The staff had requested continuances due to the ongoing review of the Comprehensive Plan amendment regarding the Future Land Use, the Development of Regional Impact, Application for Development Approval, and the need for the rezoning public hearing schedule to coincide with the aforementioned projects for the subject property.
4. Due to the length of time expired since the original public notification, the subject was readvertised and reposted with public notification for April 2002 public hearings to advise of the ongoing review.
5. The subject property is located in Flood Zones "X" and "AE," and development within the area designated Zone "AE" is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
6. The project is subject to the Cypress Creek Development of Regional Impact as approved by the Board of County Commissioners on June 18, 2002.
7. The project is subject to the Future Land Use amendment for Cypress Creek 01-D1 as approved by the Board of County Commissioners on June 18, 2002. This amendment changed the land use classification from RES-3 (Residential - 3 du/ga) to MU (Mixed Use) on the entire site.
8. The Florida Department of Transportation has reviewed and approved the access plan for this project regarding access from S.R. 56. The requirement for Florida Department of Transportation Driveway Permits, which are necessary prior to construction, is stipulated as a condition of this rezoning.
9. The subject property is located within the Cross Bridge Wellfield area and is a Tampa Bay Water "Area of Interest." Located on the site are two Tampa Bay Water transmission lines, two monitoring wells, and an environmental monitoring site, which are located within easements along the east boundary of the project (30 feet wide) and along the north boundary of the project (the north 30 feet of the east 150 feet). Tampa Bay Water has reviewed the MPUD Master Planned Unit Development application and has no objection to the proposed development subject to the conditions of approval.
10. The proposed request is consistent with Article 300, Subsection 303.2(E)1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, of the Pasco County Land Development Code.
11. The Planning Commission and the Board of County Commissioners continued the subject application to the August public hearings due to a lack of a quorum at the July 10, 2002, Planning Commission meeting.

2002-003669

08/20/02

54 of 108

(Petition #5787)  
Page 2 of 3

042

STAFF RECOMMENDATION:

Approval with Conditions

CONDITIONS:

1. See Attached.

DEVELOPMENT REVIEW COMMITTEE ACTION (June 20, 2002):

Approval with Conditions

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation:  10  Ayes;  0  Nays

BOARD OF COUNTY COMMISSIONERS ACTION:

Approval of Planning Commission Recommendation

2002-003669

08/20/02

55 of 108

043

**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.
2. The developers shall submit, within 45 days of the Board of County Commissioners approval, or prior to preliminary plan submittal, whichever occurs first, 20 sets of the revised MPUD Master Planned Unit Development Plan to the Pasco County Growth Management Department.

**Open Space/Buffering**

3. 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 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.
4. 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.
5. 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.
6. The developers shall comply with the provisions of the Pasco County Landscaping and Irrigation Ordinance, No. 02-04.
7. The developers shall comply with the provisions of the Pasco County Tree Protection and Restoration Ordinance, No. 01-017.
8. The developers shall comply with the provisions of the Pasco County Parks and Recreation Impact Fee Ordinance, No. 02-03, adopted by the Board on January 29, 2002.
9. 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.
10. 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).
11. 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.

2002-003669

08/20/02

56 of 108

044

## Transportation/Circulation

### Access Management

12. 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.
13. 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.
14. 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.
15. 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.
16. 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

17. Public roadways shall be utilized unless otherwise reviewed and approved by DRC at the time of preliminary plan/preliminary site plan approval.
18. 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.
19. 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

20. Alternative roadway design standards may be considered and approved by DRC at the time of each preliminary plan/preliminary site plan approval.
21. 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.
22. 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.

23. 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*.
24. 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.
25. 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.
<b>ACRONYM LISTING:</b>			
EB: Eastbound	MUTCD: <i>Manual of Uniform Traffic Control Devices</i>		
WB: Westbound	LT: Left-Turn		
NB: Northbound	RT: Right-Turn		
SB: Southbound			

2002-003669

08/20/02

58 of 108

046

**TABLE B\***

**SUBPHASE B (2006) REQUIRED IMPROVEMENTS**

<b>Location</b>	<b>Total Traffic LOS Prior to Improvement</b>	<b>Project Traffic Impact (Percent)</b>	<b>Required Improvement</b>
S.R. 56 at Main Project Driveway	N/A	N/A	Construct second EB LT lane.
<b>ACRONYM LISTING:</b>			
EB: Eastbound	MUTCD: <i>Manual of Uniform Traffic Control</i>		
WB: Westbound	<i>Devices</i>		
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.

26. The Board approved the S.R. 54 Corridor Study on October 23, 2001. The developers shall coordinate with the 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.
27. 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.
28. The developers shall show and identify any and all 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**

29. 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.
30. 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.
31. 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

2002-003669                      08/20/02

59 of 108

(Petition #5787)

Page 4 of 7

047

preliminary/site plan approval, the developers and the County shall enter into a Utilities Service Agreement.

32. 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

33. 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.
  - 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. The total aggregate number of dwelling units shall not exceed 740.
  - f. The maximum floor area for the commercial portion shall not exceed 656,000-square-foot gross floor area.
  - g. The maximum area for the office portion shall not exceed 624,000-square-foot gross floor area.
  - h. Hotel development shall not exceed 393 rooms.
  - i. 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.
34. The MPUD Master Planned Unit Development grants the following levels of development for the land uses shown on the master plan: 740 residential dwelling units, 656,000 square feet of commercial, 624,000 square feet of office, and 393 hotel rooms. 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.
35. 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. 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.
36. 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

37. 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.
38. 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

048

development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection.

- 39. 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.
- 40. 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.
- 41. 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.
- 42. 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.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. The owners/applicants are hereby notified that the effective date of this approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Pasco County Growth Management Department.

**APPLICANTS' ACKNOWLEDGMENT:**

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

\_\_\_\_\_  
(Date) B. J. SKINNER, JR.

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

2002-003669 08/20/02  
61 of 108

049

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

\_\_\_\_\_  
(Date) ROBERT BLANCHARD

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

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

\_\_\_\_\_  
(Date) MARTHA SUE LOGAN

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 her free act and deed for the uses and purposes therein expressed.

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

My commission expires:

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

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

\_\_\_\_\_  
(Date) DAN S. BLALOCK, JR.

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.

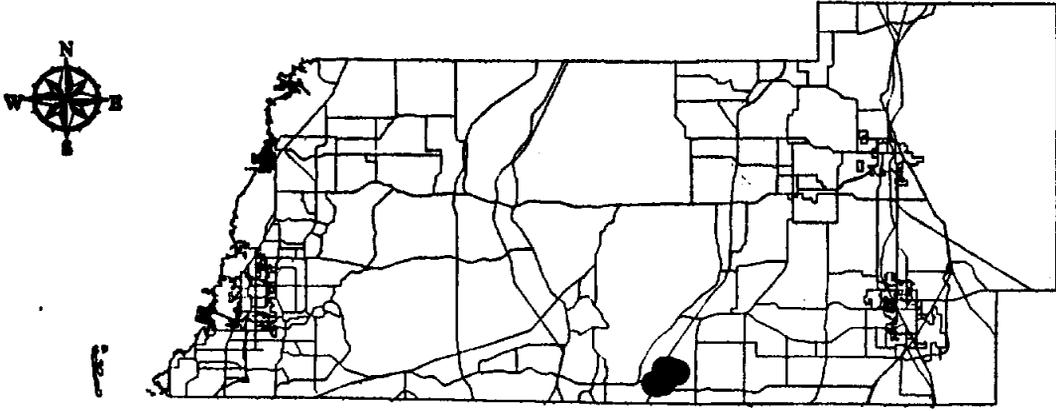
My commission expires:

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

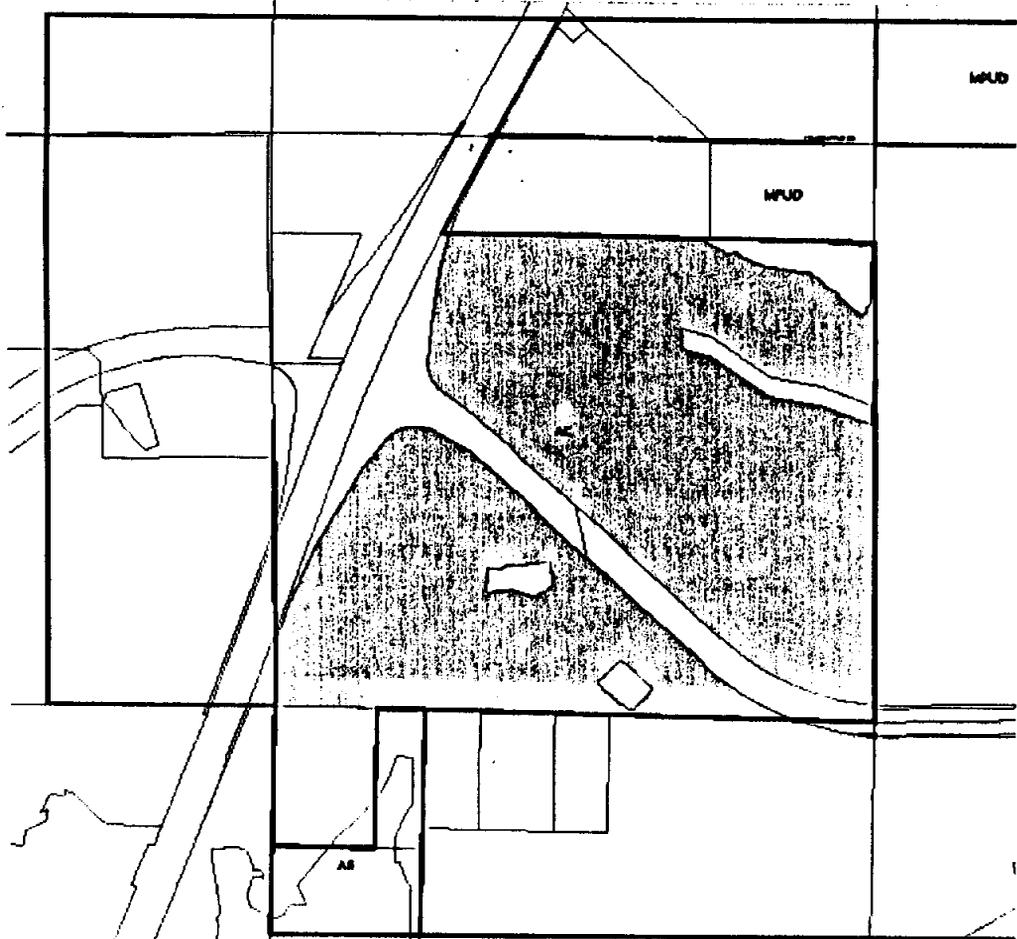
050

**PETITION # RZ5787**

**S. 26 T. 26 R. 19**



**PASCO COUNTY, FLORIDA**



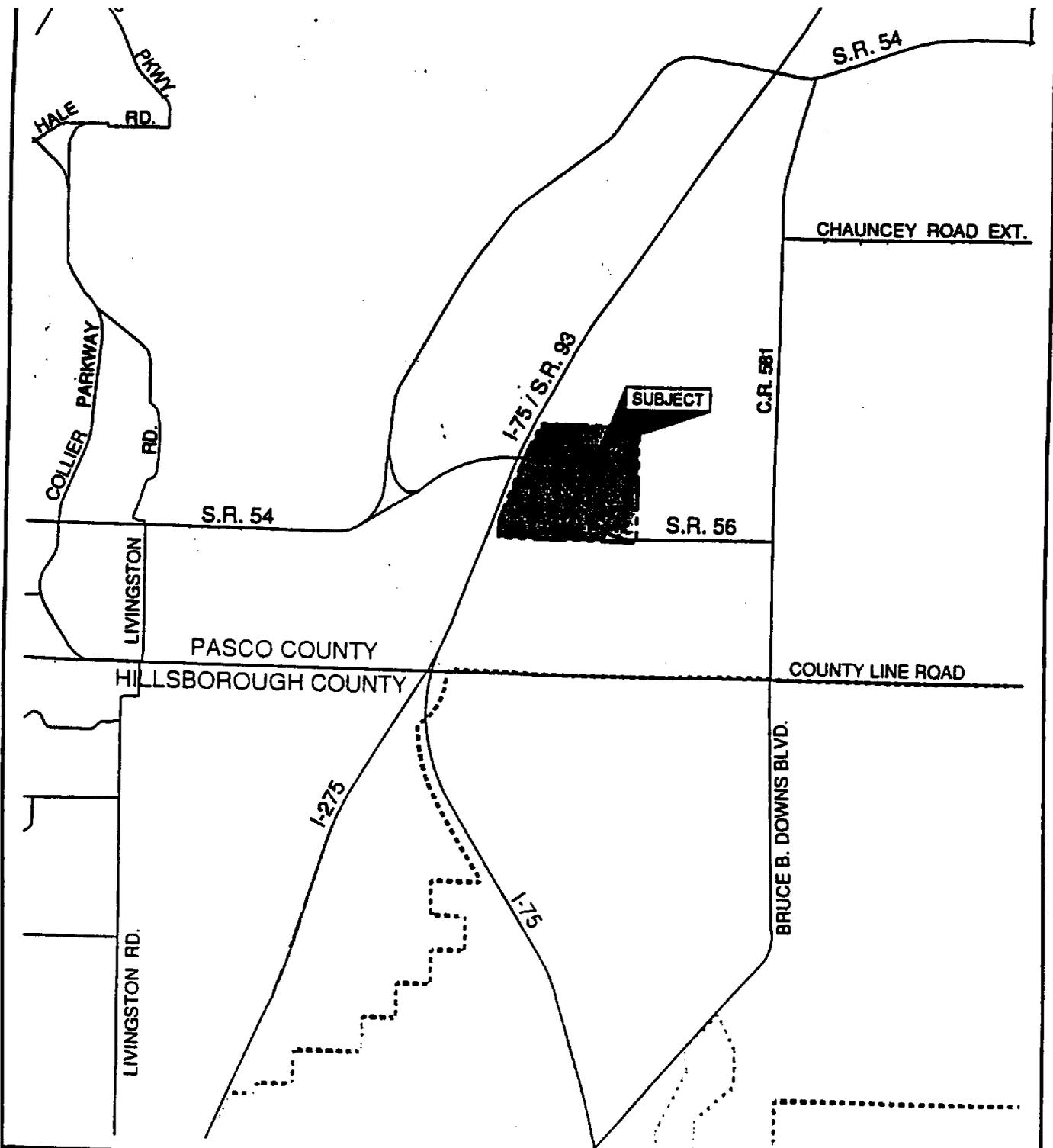
**TAZ**

**178**

**COMMISSION DISTRICT**

**2**

**MEMO** Legibility of writing,  
typing or printing unsatisfactory in  
this document



<p><b>LEGEND</b></p> <p>----- Subject Property</p> <p>----- Tampa Service Area</p>		<p>Exhibit 1</p> <p><b>GENERAL LOCATION MAP</b></p> <p><b>CYPRESS CREEK MPUD</b></p>
<p><b>SOURCE:</b> HCC-CPC Future Land Use Map Engelhardt, Hammer &amp; Associates</p>	<p>0' 1 MILE</p> <p>1" = 1 MILE</p>	<p><b>ENGELHARDT, HAMMER &amp; ASSOCIATES</b> URBAN PLANNING SERVICES</p> <p>5444 Hay Center Drive, Suite 122 Tampa, FL 33644 Telephone 813 282-3855, Fax 813 286-2308</p>

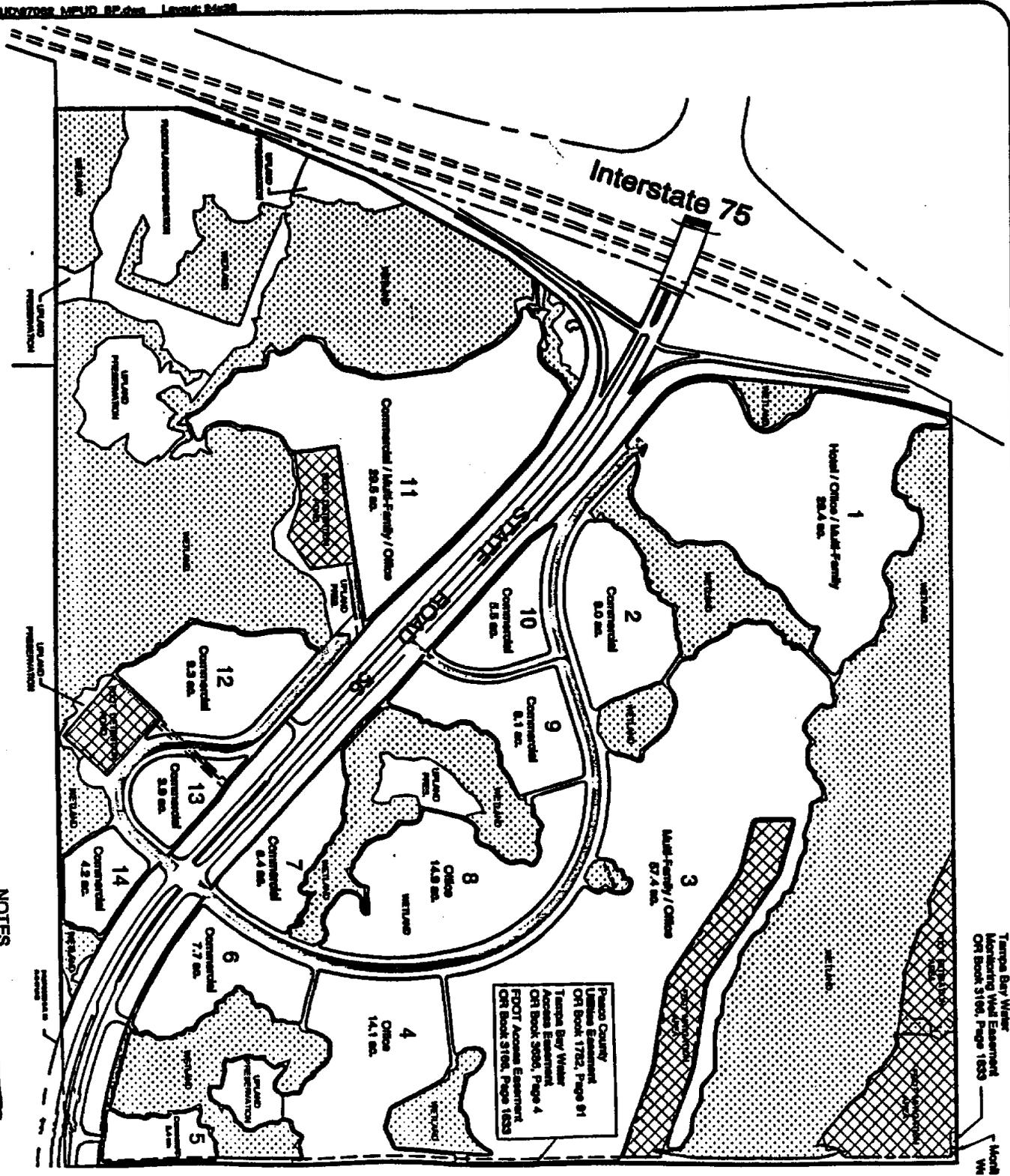
**RZ5787**

**MEMO** Legibility of writing,  
typing or printing unsatisfactory in  
this document

052

DATE: 02/28/02  
USER: JLM/STC/STC

LAND USE DATA



Tampa Bay Water  
Access Easement  
OR Book 3106, Page 123

**NOTES**

(1) 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 under MRUD Ordinance.

MEMO Legibility of writing,  
typing or printing unsatisfactory in  
this document

RZ5787

053



Richard E. Davis, D.E.  
Attorney and Counselor At Law  
220 East Madison Street  
Suite 512  
Tampa, Florida 33602

Richard E. Davis

Telephone (813) 301 8020  
Facsimile (813) 307 6363

July 9, 2002

VIA FACSIMILE 727 847-8084  
Mr. Samuel P. Steffey II,  
Growth Management Administrator  
Zoning/Code Compliance Division  
7530 Little Road, Suite 320  
New Port Richey, FL 34654-5598

Re: Cypress Creek DRI #244

Dear Sam:

I appreciate all the effort you have put into this matter so that the Planning Commission meeting can proceed on Wednesday, July 10, 2002. As I have in the past, I respectfully request a maximum of twenty minutes for our presentation. We will keep our presentation as brief as possible. I will have our consultant team present to respond to any questions.

Cordially,

Richard E. Davis

MEMO Legibility of writing,  
typing or printing unsatisfactory in  
this document

RZ-5787

2002-003669

08/20/02

66 of 108

054

**ATTACHMENT**  
**REZONING**

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission adopts the report and recommendation of the staff as its own.

Ayes: 10 Nays: 0

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

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

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

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

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

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

  
\_\_\_\_\_  
Planning Commission Chairman

Date

Rezoning No.

8-14-02

RZ-5787

ATTACHMENT  
REZONING

**BOARD OF COUNTY COMMISSIONERS ACTION:**

The Board of County Commissioners adopts the recommendation of the Planning Commission as its own.

Ayes: 5 Nays: 0

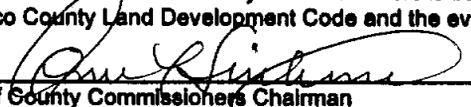
The Board of County Commissioners disagrees with the Planning Commission recommendations for the following reasons:

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

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

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

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

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

08-20-02  
\_\_\_\_\_  
Date

RZ-5787  
\_\_\_\_\_  
Rezoning No.



# PASCO COUNTY, FLORIDA

14236 6<sup>th</sup> Street, Suite 201  
Dade City, FL 33523

August 28, 2002

B.J. Skinner, Jr., Robert Blanchard,  
Martha Sue Logan & Dan S. Blalock, Jr./  
Cypress Creek MPUD  
c/o Ethel Hammer, Englehardt, Hammer & Associates  
5444 Baycenter Dr., Ste. 122  
Tampa, FL 33609

Dear Petitioner(s):

On August 20, 2002, the Board of County Commissioners approved petition RZ-5787 per the attached memorandum.

If you have any questions regarding this matter, please contact Debra Zampetti, Zoning Administrator at 7530 Little Road, New Port Richey, FL 34654, or telephone her at 727-847-8132.

Sincerely,

**JED PITTMAN**  
Clerk to the Board

By: *Donalee Schmidt*  
Deputy Clerk

JP/ds

Enclosure

xc: Zoning Department

2002-003669

08/20/02

69 of 108