

ZONING PETITION REVIEW REPORT

TO: Pasco County Planning Commission PETITION #6288
Debra M. Zampetti Commission District #2
FROM: Debra M. Zampetti Planning Commission
Zoning/Code Compliance Administrator Hearing Date: 11/10/04
SUBJECT: Rezoning Request Board of County Commissioners
South Central Pasco County Hearing Date: 11/23/04, DC
APPLICANTS: **PASCO 54, LTD., ET AL/CYPRESS** TAZ #177
CREEK TOWN CENTER MPUD

PETITION SUMMARY:

Petition No. 6288 in the names of Pasco 54, Ltd., et al./Cypress Creek Town Center 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 north and south sides of S.R. 56, on the east side of the intersection with S.R. 54, extending easterly to I-75 (portions of Sections 27 and 34, Township 26 South, Range 19 East), and contains 510 acres, m.o.l. (per the applicants' narrative).

Project Name:	Cypress Creek Town Center MPUD Master Planned Unit Development
Developers' Names:	Pasco 54, Ltd.; Pasco Ranch, Inc.; and Pasco Properties of Tampa Bay, Inc.
Water/Sewage:	Pasco/Pasco
No. of Dwelling Units:	630
Type of Dwelling Units:	Multifamily
Commercial Acres/Square Feet:	2,211,000 Square Feet Commercial, 420,000 Square Feet Office, and 700 Hotel Rooms

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C Agricultural	Undeveloped
East:	A-C Agricultural; MPUD Master Planned Unit Development	I-75; Timber Land
South:	A-C Agricultural; AR-1 Agricultural-Residential; E-R Estate-Residential	Cypress Creek; Single-Family Dwellings; Mobile Home; Stables
West:	A-C Agricultural; C-2 General Commercial	Old C.R. 54; Southwest Florida Water Management District Wellfield Land; Office; Warehouse; Mobile Homes; Coffee Processing

FINDINGS OF FACT:

1. Presently, the subject site is undeveloped. The applicants are proposing to develop 630 multifamily residential dwelling units, a 1,515,000-square-foot regional mall, 696,000 square feet of retail, 420,000 square feet of office space, and 700 hotel rooms on 510± acres.
2. Access to the property is from S.R. 56, which has 300 feet of right-of-way, and/or C.R. 54, which has 100 feet of right-of-way.
3. The subject property is located in Flood Zones "AE" and "X," and development within the area designated Zone "AE" is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
4. The surrounding area is characterized by mixed commercial, residential, and agricultural pursuits.

5. The subject area has been designated ROR (Retail/Office/Residential) and RES-3 (Residential - 3 du/ga) under the Comprehensive Plan.
6. During June 2002, the applicants filed a Cypress Creek Town Center Comprehensive Land Use Amendment to change the Future Land Use Classification from RES-3 (Residential - 3 du/ga) to ROR (Retail/Office/Residential). The adoption date of the amendment by the Board of County Commissioners is scheduled for November 23, 2004.
7. The applicants have applied for a Cypress Creek Town Center Development of Regional Impact, No. 252. The Board of County Commissioners is scheduled to approve Cypress Creek Town Center Development of Regional Impact No. 252 on November 23, 2004.
8. 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 and with the applicable provisions of the Pasco County Comprehensive Plan, dated October 2000, as conditioned.

STAFF RECOMMENDATION:

Approval with Conditions

CONDITIONS:

See Attachment

DEVELOPMENT REVIEW COMMITTEE ACTION (11/4/04):

Approved with Amended Conditions

AMENDED CONDITIONS:

~~12. The applicants/developers shall have the option to conform to the sign regulations in Section 601 of the Land Development Code or to conform to the requirements for signs in a master sign plan to be provided by the applicants and approved by the Development Review Committee (DRC).~~

12.c. ~~13~~**The above outdoor lighting provisions shall apply unless they are inconsistent with Pasco County Large-Scale Commercial-Retail Design Standards Ordinance No. 04-29.**

35. ~~36~~**The applicants/developers shall make available for a period of five years from the effective date of the Cypress Creek Town Center this DO, a site, approximately one to two acres of developable uplands, in a configuration acceptable to the for a Pasco County Sheriff's Office for a district facility. The said site and availability shall meet the following requirements: shall be provided at the price equal to the price per acre used to establish the Pasco County Law Enforcement Impact Fee. The developers shall be entitled to Law Enforcement Impact Fee credits in amount not to exceed the said price per acre. An alternative site, if agreed to by the Pasco County Sheriff's Office and meeting the said requirements, may be conveyed in lieu of a site located within the development. The conveyance shall occur within 90 days of the County's request, shall be in a form acceptable to the County, and shall be free and clear of all liens.**

- a. **Be a minimum of 3,000 square feet in size.**
- b. **Be in a configuration and location mutually acceptable by the applicants/developers and the Pasco County Sheriff's Office.**
- c. **Be provided at a price equal to the price per acre, adjusted pursuant to the minimum site size listed above, and used to establish the Pasco County Law Enforcement Impact Fee.**
- d. **Parking spaces pursuant to the County's Land Development Code shall be provided for the Sheriff's facility by the applicants/developers adjacent to the site at no cost to the County or Sheriff's Office.**
- e. **Drainage from the site and adjacent parking spaces shall be incorporated into the applicant's/developer's stormwater management plan at no cost to the County or Sheriff's Office.**

If the County has adopted a Law Enforcement Impact Fee at the time the site is conveyed, the County may, at the County's option and in lieu of a cash payment, provide credit against the land portion of the Law Enforcement Impact Fee in an amount not to exceed the price stated above. The County or Sheriff's Office shall have one year from the effective date of the Cypress Creek Town Center DO to select a site. If the applicants/developers do not agree with the site selected by the County, no additional

site plans shall be approved by the County until the County and applicants/developers have agreed upon a mutually acceptable site.

Conveyance of the site to the County shall occur within 90 days of the County's request, shall be in a form acceptable to the County, and shall be free and clear of all liens.

40. 41. Design standards and uses shall be in accordance with the following:
- a. Multifamily development shall comply with Land Development Code Section 520, MF-3 Multiple Family District as amended.
 - b. Office, hotel, and retail shall comply with Land Development Code Section 526, C-2 General Commercial District as amended.
 - e. ~~The total aggregate number of dwelling units shall not exceed 630.~~
 - d. ~~The maximum floor area for the commercial portion shall not exceed 2,211,000 square-foot gross floor area.~~
 - e. ~~The maximum office portion shall not exceed 420,000 square-foot gross floor area.~~
 - f. ~~Hotel development shall not exceed 700 rooms.~~
 - c. The maximum amount of development shall be as follows unless otherwise allowed by the approved land use trade-off mechanism and consistent with Condition No. 42 below.
 - (1) Multifamily residential: 630 dwelling units.
 - (2) Commercial: 2,211,000 square feet of gross floor area.
 - (3) Office: 420,000 square feet of gross floor area.
 - (4) Hotel: 700 rooms.
 - (5) Movie Theatre Seats: 4,000

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation: 10 Ayes; 0 Nays with Amended Conditions

AMENDED CONDITIONS:

27. Prior to approval of the last record plat, or where platting is not required, prior to the last construction site plan approval, or anytime at the County's request, the developers shall pay for and perform a signal warrant study for any project-related signalization that is not a part of the S.R. 54/56 or C.R. 54 Extension pipeline projects. In addition, the developers, as part of the design of the S.R. 54/56 pipeline project, shall pay for and perform a signal-warrant study for the Carpenters Run/S.R. 54 intersection. If warranted, the developers shall pay for the proportionate-share cost of signalization.
- 35.b. Be in a configuration and location mutually acceptable by the applicants/developers and the Pasco County Sheriff's Office and visible to the traveling public.

ADDED CONDITION:

52. All development activities shall be in accordance with the specific provisions referenced within the final resolution adopting a development order approving with conditions the Cypress Creek Town Center Development of Regional Impact No. 252 and dated November 23, 2004.

BOARD OF COUNTY COMMISSIONERS ACTION:

Approval with Amended Conditions

AMENDED CONDITIONS:

6. All wetlands that are designated as conservation areas shall be identified as conservation easements on the construction plans and also shown on the plat. If platting is required, platted as tracts and designated on the plat as "conservation areas." Concurrent with platting, ~~a~~ All wetlands shall be deeded to the mandatory homeowners' association, merchants' association or the Community Development District (CDD). The homeowners' association, merchants' association, or CDD documents shall provide that the homeowners' association,

merchants' association, or CDD shall be responsible for the payment of taxes, if any, on the conservation areas.

7. All wetlands and adjoining buffer, conservation/preservation areas, and wildlife habitat/corridor areas shall be placed under a perpetual conservation easement in favor of Pasco County. ~~As plats are recorded, the~~ developers shall submit one copy of the executed and recorded conservation easement in a form acceptable to the County Attorney's office to the DRD and one copy of the same to the Pasco County Biologist, prior to the issuance of the Site Development Permit. ~~All conservation easement areas shall be depicted as an overlay on the preliminary plan/preliminary site plan and construction plan/construction site plan.~~

36. The applicants/developers shall provide a kiosk in the mall for the Tourist Development Council at no cost to Pasco County.

- 40. g.** ~~42. The above minimum setbacks are~~ **shall be** calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment ~~to increase minimum setbacks.~~
- h.** ~~43. 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, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.~~
- i.** ~~45. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.~~

BCC

NOV 23 2004

APPROVED

**CYPRESS CREEK TOWN CENTER
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6288**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted March 31, 2004, unless otherwise stipulated or modified herein.

Instructions

2. The developers shall submit, within 45 days of the Pasco County Board of County Commissioners 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 Growth Management 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. Delete conditions of approval from the MPUD Master Planned Unit Development Plan.
 - b. Eliminate access point from the utility corridor along the northernmost boundary of the project.

Open Space/Buffering

3. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency; i.e., the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), or the Army Corps of Engineers (ACOE). 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. 2.7.3, 2.7.5, and 2.7.6; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code 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.
4. Prior to construction plan approval, the developers shall submit to the Development Review Division (DRD) a copy of the Environmental Resource Permit Application as submitted to SWFWMD. Prior to the Site Development Permit, the developers shall submit a copy of the Environmental Resource Permit.
5. There shall be a buffer around all wetlands with an average width of 25 feet but no less than 15 feet wide unless otherwise accepted by the SWFWMD. This buffer area shall be designated on the construction plan and plat as "upland buffer" as required by the SWFWMD.
6. All wetlands that are designated as conservation areas shall be identified as conservation easements on the construction plans and also shown on the plat, if platting is required. All wetlands shall be deeded to the mandatory homeowners' association, merchants' association or the Community Development District (CDD). The homeowners' association, merchants' association, or CDD documents shall provide that the homeowners' association, merchants' association, or CDD shall be responsible for the payment of taxes, if any, on the conservation areas.
7. All wetlands and adjoining buffer, conservation/preservation areas, and wildlife habitat/corridor areas shall be placed under a perpetual conservation easement in favor of Pasco County. The developers shall submit one copy of the executed and recorded conservation easement in a form acceptable to the County Attorney's office to the DRD and one copy of the same to the Pasco County Biologist, prior to the issuance of the Site Development Permit.
8. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:

Prior to construction plan approval, the developers shall provide to the DRD copies of approved permits by the SWFWMD, the ACOE, the FDEP, and the Florida Fish and Wildlife Conservation Commission (FFWCC).

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 FFWCC to the DRD.
10. In addition to complying with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended, the developers shall provide additional buffering as follows:

Adjacent to Parcel ID No. 34-26-19-0000-00500-0000, there are two opportunities for viewing the development to the northeast and east. In these areas, the windows into the site are approximately a total of 500 linear feet in length. Buffering in these areas will be field adjusted in coordination with the property owner of Parcel ID No. 34-26-19-0000-00500-0000 to provide the maximum effectiveness of the intent to buffer the adjacent use. Buffering shall consist of the following and be constructed as soon as possible, but no later than, when pond construction is complete: Item No. 1, two rows of evergreen native trees (10 to 12 feet high) spaced 20 feet on center; and Item No. 2, one row of evergreen native shrubs (48 inches high) spaced 5 feet on center. The shrubs shall be a species that has the ability to attain a mature height of 10 feet.
11. The developers may request a variance from the Pasco County Landscaping and Irrigation Ordinance (No. 02-04), as amended, for application within parking areas pursuant to Section 316 of the Land Development Code.
12. Outdoor lighting for the area south of S.R. 56 shall be provided in accordance with the provisions of the Land Development Code. Lighting shall be designed and located so as not to shine directly into nearby residences.
 - a. For two hours after closing only, security lighting will remain illuminated.
 - b. The luminaries will be equipped with 80° vertical cutoff shields to prevent projection of light above 80° from the vertical axis of the luminaire, or 10° below the horizontal plain at the bottom of the luminary. The proposed luminaries will effectively control the spread of stray light that can cause light trespass or, in some cases, glare. Perimeter luminaries are to be equipped with "house side-shields" to provide more control of the illumination at locations that are closer to the property line of the facility. The "house side-shield" provides shielding control down to 75° from the vertical axis of the luminary for tighter control of the light in possible areas of light trespass. If any luminary is later found to be "annoying (after construction is completed), house side-shields can be installed to correct the offending unit.
 - c. The above outdoor lighting provisions shall apply unless they are inconsistent with Pasco County Large-Scale Commercial-Retail Design Standards Ordinance No. 04-29.
13. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on June 2002. 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."
14. The developers shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the Board, a CDD that encompasses the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developers shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or the CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the CDD or the homeowners' association which funded such improvements, as applicable.

Ordinances

3. In addition to the MPUD Master Planned Unit Development conditions of approval, the developers shall comply with all Pasco County ordinances, including all impact fee ordinances.
16. In the event ordinances/resolutions are subsequently adopted by the Board including, but not limited to, solid waste, public safety, or wildlife ordinances, the owners/developers shall be required to comply with such ordinances/resolutions.

Transportation/Circulation

Access Management

17. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
18. Prior to final site/construction plan approval of any parcel abutting a State roadway, the owners/developers shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first Certificate of Occupancy, the owners/developers shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
19. The developers shall be responsible for construction of the access improvements to S.R. 56, S.R. 54, and C.R. 54 for the project prior to or concurrent with vertical construction of the portions of the project necessitating such improvements, as determined by the County and the FDOT at the time of preliminary site plan approval and/or at the time of issuance of Access Permits for the project. All access improvements, number of access points, and spacing of access points shown on the MPUD Master Planned Unit Development Master Plan shall be subject to compliance with the provisions of the FDOT and Pasco County's Access Management regulations. The Cypress Creek Town Center DRI/Development Agreement (DA) sets forth: (a) the scope of the required and optional access improvements for the project, (b) which intersection improvements are part of the pipeline projects pursuant to the Cypress Creek Town Center DO, (c) which access improvements are site-related improvements, and (d) which intersection improvements are eligible for impact fee credits.
20. Access to any commercial out-parcels shall be provided from internal drives or parking areas unless otherwise approved at preliminary plan/preliminary site plan review and approval.

Dedication of Right-of-Way

21. Public roadways shall be required unless otherwise approved by the DRC prior to the first preliminary plan/preliminary site plan approval.
22. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
23. The developers shall convey right-of-way for the north-south road in accordance with the approved DA.
24. The developers shall deed an additional 66 feet on the east side of C.R. 54 (from the northern project boundary to approximately 1,300 feet to the south) to the County prior to the first construction plan approval. The developers may apply for transportation impact fee credits in accordance with Pasco County Transportation Impact Fee Ordinance No. 94-03 as amended.

Design/Construction Specifications

25. 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.
26. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
27. Prior to approval of the last record plat, or where platting is not required, prior to the last construction site plan approval, or anytime at the County's request, the developers shall pay for and perform a signal warrant study for any project-related signalization that is not a part of the S.R. 54/56 or C.R. 54 Extension pipeline projects. In addition, the developers, as part of the design of the S.R. 54/56 pipeline project, shall pay for and perform a signal-warrant study for the Carpenters Run/S.R. 54 intersection. If warranted, the developers shall pay for the proportionate-share cost of signalization.

28. Prior to or concurrent with the first preliminary plan/preliminary site plan submittal, the developers shall submit a roadway alignment, access management, and construction phasing plan for internal roadways to the Growth Management Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, intersection geometry, phasing, design speed, and internal- and external-access points. Approval of this plan must be obtained from the DRC prior to 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 these roads and intersections as well as the number, type, and location of access points. At each preliminary plan/preliminary site plan approval, the DRC may also require further site-specific, intersection improvements at the internal-road intersections.
29. Transit amenities, such as bus pads, shelters, and passenger security features are needed to ensure service can be planned and provided in an effective, efficient manner. These amenities need to be planned and scheduled; therefore, the developers are required to coordinate with the Public Transportation Division (PCPT) the potential inclusion of transit amenities prior to initiation of each phase of development. A letter of compliance from the PCPT attesting to the satisfactory coordination with the developers shall be required and submitted to the Growth Management Department.
30. The 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 in accordance with the Pasco County Land Development Code; and 3) bicycle facilities shall be in conformance with the FDOT Bicycle Planning and Design Manual.

Health Care/Police/Fire

31. Pasco County shall provide fire and emergency medical services service (EMS) to the development. The Pasco County Sheriff's Office shall provide law enforcement services to the development. The applicants/developers shall be required to pay impact fees for all such services.
32. The applicants/developers shall review the concepts of "fire safe communities" as provided by the Division of Forestry, Florida Department of Agriculture and Consumer Services, and implement all appropriate measures.
33. The applicants/developers shall coordinate with the Pasco County Sheriff's Office prior to construction to incorporate reasonable security features throughout the project.
34. The applicants/developers shall provide the Pasco County Sheriff's Office 600 square feet of finished shell space in the main-regional retail complex for use as a Sheriff's substation to facilitate law-enforcement activities. The said space shall be accessible directly from the exterior of the building that said space will be located within. In addition, a tourist center may be an ancillary use within the Sheriff's substation. The space shall be provided at no cost to the Sheriff's Office.
35. The applicants/developers shall make available for a period of five years from the effective date of the Cypress Creek Town Center DO, a site for a Pasco County Sheriff's Office district facility. The said site and availability shall meet the following requirements:
 - a. Be a minimum of 3,000 square feet in size.
 - b. Be in a configuration and location mutually acceptable by the applicants/developers and the Pasco County Sheriff's Office and visible to the traveling public.
 - c. Be provided at a price equal to the price per acre, adjusted pursuant to the minimum site size listed above, and used to establish the Pasco County Law Enforcement Impact Fee.
 - d. Parking spaces pursuant to the County's Land Development Code shall be provided for the Sheriff's facility by the applicants/developers adjacent to the site at no cost to the County or Sheriff's Office.
 - e. Drainage from the site and adjacent parking spaces shall be incorporated into the applicant's/developer's stormwater management plan at no cost to the County or Sheriff's Office.

If the County has adopted a Law Enforcement Impact Fee at the time the site is conveyed, the County may, at the County's option and in lieu of a cash payment, provide credit against the land portion of the Law Enforcement Impact Fee in an amount not to exceed the price stated above. The County or

Sheriff's Office shall have one year from the effective date of the Cypress Creek Town Center DO to select a site. If the applicants/developers do not agree with the site selected by the County, no additional site plans shall be approved by the County until the County and applicants/developers have agreed upon a mutually acceptable site.

Conveyance of the site to the County shall occur within 90 days of the County's request, shall be in a form acceptable to the County, and shall be free and clear of all liens.

36. The applicants/developers shall provide a kiosk in the mall for the Tourist Development Council at no cost to Pasco County.

Utilities: Drainage, Water Service, Wastewater Disposal

37. 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 plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
38. Finished floor elevations for all habitable structures shall be at or above the 100-year flood plain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.
39. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
- a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and nonpotable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
 - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.
40. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.

Land Use

41. Design standards and uses shall be in accordance with the following:
- a. Multifamily development shall comply with Land Development Code Section 520, MF-3 Multiple Family District as amended.
 - b. Office, hotel, and retail shall comply with Land Development Code Section 526, C-2 General Commercial District as amended.
 - c. The maximum amount of development shall be as follows unless otherwise allowed by the approved land use trade-off mechanism and consistent with Condition No. 42 below.
 - (1) Multifamily residential: 630 dwelling units.
 - (2) Commercial: 2,211,000 square feet of gross floor area.
 - (3) Office: 420,000 square feet of gross floor area.
 - (4) Hotel: 700 rooms.
 - (5) Movie Theatre Seats: 4,000

- d. 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.
 - e. Restaurants and automotive uses shall be excluded from the permitted retail uses on the out parcels located as follows: generally described as that area located between the proposed north-south road and the proposed stormwater pond, at the southwesterly 400 feet of the regional commercial site.
 - f. The property is currently utilized for agricultural activities. It is understood that while the use will cease when the DRI is built out, portions of the property may continue to be used for agricultural activities until the property is developed in accordance with this DO, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use.
 - g. Setbacks shall be calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment.
 - h. 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, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
 - i. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.
42. The Cypress Creek Town Center DRI/DO provides for a land use exchange mechanism to allow an exchange of 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 Town Center 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.
 43. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
 44. 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, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
 45. The developers shall submit and obtain Board approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment prior to any preliminary plan/preliminary site plan approval within such increment.
 46. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.
 47. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

Procedures

48. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
49. A preliminary plan/preliminary site plan must be approved for an entire 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.

50. 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 approval, and/or record plat approval.
51. Rezoning of this property with conditions of approval does not constitute a final DO, 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.
52. 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.
53. All development activities shall be in accordance with the specific provisions referenced within the final resolution adopting a development order approving with conditions the Cypress Creek Town Center Development of Regional Impact No. 252 and dated November 23, 2004.

DEVELOPER'S ACKNOWLEDGMENT:

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

Date 12-9-04 PASCO 54, LTD.

I hereby certify on this 9th day of December, 2004, A.D., before me personally appeared developer, 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 Hillsborough County, Florida, the day and year aforesaid.

My commission expires:



Bonnie M. Smith
Notary Public, State of Florida at Large

DEVELOPER'S ACKNOWLEDGMENT:

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

Date 12-9-04 PASCO RANCH, INC.

I hereby certify on this 9th day of December, 2004, A.D., before me personally appeared developer, 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 Hillsborough County, Florida, the day and year aforesaid.

My commission expires:



Bonnie M. Smith
Notary Public, State of Florida at Large

DEVELOPER'S ACKNOWLEDGMENT:

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

Date 12/9/04

PASCO PROPERTIES OF TAMPA BAY, INC.

I hereby certify on this 9th day of December, 2004, A.D., before me personally appeared developer, 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 Hillsborough County, Florida, the day and year aforesaid.

My commission expires:



Bonnie M. Smith
Commission # DD351121
Expires August 30, 2008
Bonnie M. Smith - Insurance, Inc. 800-365-7019

Bonnie M. Smith
Notary Public, State of Florida at Large

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