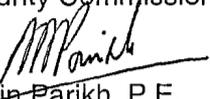


PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

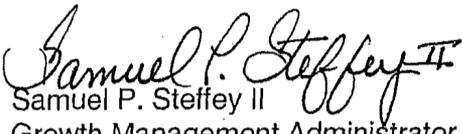
TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 1/23/07

FILE: GM07-442

THRU: 
Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)

SUBJECT: Fort King Ranch/Secret Promise
MPUD Master Planned Unit
Development Amendment;
Rezoning Petition No. 5773
BCC: 2/6/07, 10:00 a.m., DC
Recommendation: Approval
with Conditions

FROM: 
Samuel P. Steffey II
Growth Management Administrator

REFERENCES: Land Development Code,
Section 522.6, Modifications;
CAC Planning Dist. 1;
Comm. Dists. 1 and 2

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners (BCC).

DESCRIPTION AND CONDITIONS:

Commission Districts:	The Honorable Pat Mulieri, Ed.D., and The Honorable Ted Schrader
Project Name:	Fort King Ranch/Secret Promise
Developer's Name:	Secret Promise, Ltd.
Location:	On the north side of S.R. 52, approximately 1½ miles west of Bellamy Brothers Boulevard, Sections 31, 32, 33, 34, and 35, Township 24 South, Range 19 East; and Sec- tions 02, 03, 04, 06, 07, 08, 09, 10, and 11, Township 25 South, Range 19 East.
Parcel ID Nos.:	02-25-19-0000-00300-0000, 03-25-19-0000-00100-0000, 03-25-19-0000-00100-0010, 04-25-19-0000-00100-0000, 04-25-19-0000-00100-0010, 08-25-19-0000-00100-0010, 09-25-19-0000-00100-0000, 09-25-19-0000-00100-0010, 09-25-19-0000-00400-0000, 10-25-19-0000-00100-0000, 10-25-19-0000-00100-0010, 11-25-19-0000-00200-0000, 32-24-19-0000-00200-0000, 33-24-19-0000-00100-0000, 33-24-19-0000-00100-0010, 33-24-19-0000-00100-0020, 34-24-19-0000-00100-0000, 34-24-19-0000-00100-0010, and 35-24-19-0000-00200-0000
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classification:	AG (Agricultural)
Acreage:	5,561.62 Acres, m.o.l.
Water/Sewer:	Central/Central (Pasco); Well/Septic in Agricultural Preserve Lots
No. of Dwelling Units:	1,328
Type of Dwelling Units:	Single-Family Detached/Attached
Commercial Acres and Professional Office/Square Feet:	18.2 Acres/182,342 Square Feet
Other Land Uses	14-Acre Vineyard and Accessory Uses, Golf Course, Clubhouse, and Maintenance Facility

1. On February 19, 1991, the BCC approved a rezoning (Petition No. 4386) from A-C Agricultural to MPUD Master Planned Unit Development with conditions for the Fort King Ranch MPUD Master Planned Unit Development for a tract comprised of 5,561.62 acres to allow 1,158 single-family lots.
2. On March 11, 1993, the Development Review Committee (DRC) approved a preliminary and grading plan for Increment I (designated as Community "C" on the master plan). This approval

was for 243 single-family detached lots on 380.54 acres. The preliminary and grading plan expired on March 11, 1999.

3. On September 18, 2001, the BCC approved Rezoning Petition No. 5773, a substantial modification to amend the previously approved Rezoning Petition No. 4386, which increased the density from the original 1,158 dwelling units to a total of 1,328 dwelling units.
4. On May 11, 2006, the DRC continued a proposed request (GM06-978) to extend the expiration date for the MPUD Master Planned Unit Development from September 18, 2006, to September 18, 2008, to the May 25, 2006, DRC meeting.
5. On May 25, 2006, the DRC continued the proposed extension request to the June 15, 2006, DRC meeting (GM06-1066).
6. On June 15, 2006, the DRC continued the proposed extension request to the July 13, 2006, DRC meeting (GM06-1123).
7. On July 13, 2006, the DRC approved the developer's request to withdraw the proposed extension of time (GM06-1261).
8. On November 30, 2006, the DRC continued the MPUD Master Planned Unit Development Amendment (GM07-133) to the January 11, 2007, DRC meeting.
9. On January 11, 2007, the DRC approved the nonsubstantial modification (GM07-133).
10. The Growth Management Department has received a formal request from Figurski and Harrill, the representative for the developer of Fort King Ranch/Secret Promise, to amend the existing conditions of approval to allow an extension of the build-out date to September 18, 2011.

The applicant's representative states:

This amendment is being initiated by the applicant to comply with Section 522.5.H.3 of the Land Development Code.

11. Staff has reviewed the applicant's request and finds the following:

Section 522.5.H.3 states, "Any phase or portion not platted/occupied within five years of the initial MPUD Master Planned Unit Development approval shall be revised to achieve, as far as practical, overall consistency with the then existing Comprehensive Plan."

Although the "initial" MPUD Master Planned Unit Development approval was on February 19, 1991, there was a substantial modification done which changed the date to September 18, 2001. Since the development has not received any further plan approvals other than the 1993 preliminary plan approval for Increment I (which has since expired), then, as provided for in Section 522.5.H.3 of the Land Development Code, the MPUD Master Planned Unit Development conditions need to be amended in order to achieve consistency with the Comprehensive Plan. Other than the existing vineyard and winery, no other development has commenced or received approval for this MPUD Master Planned Unit Development.

12. The proposed development has a Future Land Use classification of AG (Agricultural) and was approved by the BCC at a public hearing in compliance with Section 303.2.B, Land Development Code.
13. On April 25, 2001, the then Growth Management/Zoning Department opined that the request was consistent with the AG (Agricultural) classification of the Pasco County Comprehensive Plan of October 2000. The BCC adopted that finding when it approved the substantial amendment to the MPUD Master Planned Unit Development on September 18, 2001, for 1,328 dwelling units.
14. The 2006 adopted Comprehensive Plan provides, in the Administrative Element, Pages 1-4, as follows:

Zonings approved by the County after April 9, 1991, shall not be considered conflicting zoning under this Comprehensive Plan. Nothing in this Comprehensive Plan shall be construed as creating a conflict between density, intensity, and/or uses approved by zoning actions after April 9, 1991, and the Comprehensive Plan land use designation.

As a result, the Agricultural MPUD, as approved in 2001, would be considered consistent with the 2006 adopted Comprehensive Plan.

15. This MPUD Master Planned Unit Development was originally under one ownership and was subsequently sold to two separate owners. One of those owners is Secret Promise, Ltd.
16. The request to extend the build-out date is requested by Secret Promise, Ltd., owner of 3,598.07 acres of the subject MPUD Master Planned Unit Development. This request does not affect the entitlements or rights of the remaining 1,963.55 acres owned by Ted Phillips, Sr., as previously granted by the MPUD Master Planned Unit Development.
17. Approximately 26.79 acres of Parcel E, identified as Parcel ID Nos. 08-25-19-0000-00100-0010 and 09-25-19-0000-00400-0000 and as owned by Secret Promise, Ltd., is not included as part of this rezoning request and remains as part of Parcel E. The 26.79 acres do not meet the minimum lot-size requirement of an agricultural preserve lot (which is the designation of Parcel E) that is to be a 40-acre minimum lot size; therefore, this 26.79-acre parcel does not qualify for density.
18. Presently, the subject site contains three single-family dwellings, farm buildings, pastureland, and a former mine.
19. Access to the property is from S.R. 52, which has 100 feet of right-of-way.
20. The subject property is located in Flood Zone "A," and development within this area is subject to the requirements of Article 700, Flood Damage Prevention, Land Development Code.
21. The surrounding area is characterized by rural-agricultural pursuits.

MPUD Master Planned Unit Development amendments must be reviewed in accordance with Section 522.6, Modifications, of the Pasco County Land Development Code to determine if the proposed changes are substantial. A substantial change is deemed to exist where:

1. "There is a proposed increase of greater than five (5) percent in the total number of dwelling units proposed for the MPUD Master Planned Unit Development."
FINDING: There is no increase in dwelling units.
2. "There is a proposed major redistribution of density within individual phases of the MPUD Master Planned Unit Development."
FINDING: There is no major redistribution of density.
3. "There is a decrease of proposed preservation or conservation areas involving more than five (5) percent of the original area set forth in the MPUD Master Planned Unit Development Plan."
FINDING: There is no decrease in preservation or conservation areas.
4. "There is an increase in the size of areas proposed for nonresidential uses of more than five (5) percent."
FINDING: There is no increase in nonresidential uses.
5. "There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval."
FINDING: There is no adverse impact of the development.

Based upon the foregoing and the criteria established within the Pasco County Land Development Code, Section 522.6, Modifications, the Growth Management Department staff has determined that the proposed amendment does not constitute a substantial change.

ALTERNATIVES AND ANALYSIS:

1. Approve the proposed request.
2. Approve the proposed request with additional modifications or conditions.
3. Deny the proposed request.

4. Direct staff as to other action desired by the BCC.

RECOMMENDATION AND FUNDING:

The Growth Management Department staff recommends that the BCC approve Alternative No. 1.

No funding is required for this action.

ATTACHMENTS:

- 1. Visuals
- 2. Conditions of Approval for Rezoning Petition No. 5773

SPS CB

SPS/CB/gm/fortk02/04a

DEVELOPMENT REVIEW COMMITTEE ACTION (1/11/07):

Approved with Revised Conditions

REVISED CONDITIONS:

- 2. b. Revise the master plan to show public service~~Emergency Services Department~~ site to be up to ~~three~~two acres. The developer shall take in drainage, if public service site is developed first; then drainage will be off site on the developer's property.
- 10. The developer shall provide an appropriate neighborhood recreation area for Community Parcels B and C. Recreation facilities to be provided for each recreation area must be approved by the County concurrently with the first preliminary plan approval for each residential phase. Maintenance of the neighborhood recreation areas shall be the responsibility of the homeowners' association, CDD, or an entity other than Pasco County.
- 54. The developer shall donate up to two acres of upland, developable parcel of land to the County for use as an public service site~~Emergency Services Department~~ facility, which has immediate~~direct~~ east-west access to S.R. 52 and at a mutually agreed upon location between the County and the developer. The developer shall also accept all drainage for the fire station site. The said location shall be shown on the master plan. The land shall be conveyed to the County by fee simple title transfer within ~~180~~90 days of the County's request. The developer shall be eligible for credit against the land portion of the ~~Emergency Services Department~~ applicant can apply for impact fees credits~~as specified in~~ accordance with Ordinance No. 04-02, Fire Combat and Rescue Impact Fees.
- 61. If 50 percent of the project is not platted, or where record platting is not required and the project has not received construction plan approval for 50 percent within five years of this amendment, the conditions of approval shall expire. No further extensions of time shall be allowed, unless otherwise approved by the DRC and BCC. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.

BOARD OF COUNTY COMMISSIONERS ACTION:

Recommendation Approved _____ /Disapproved _____

BCC
FEB 06 2007
APPROVED

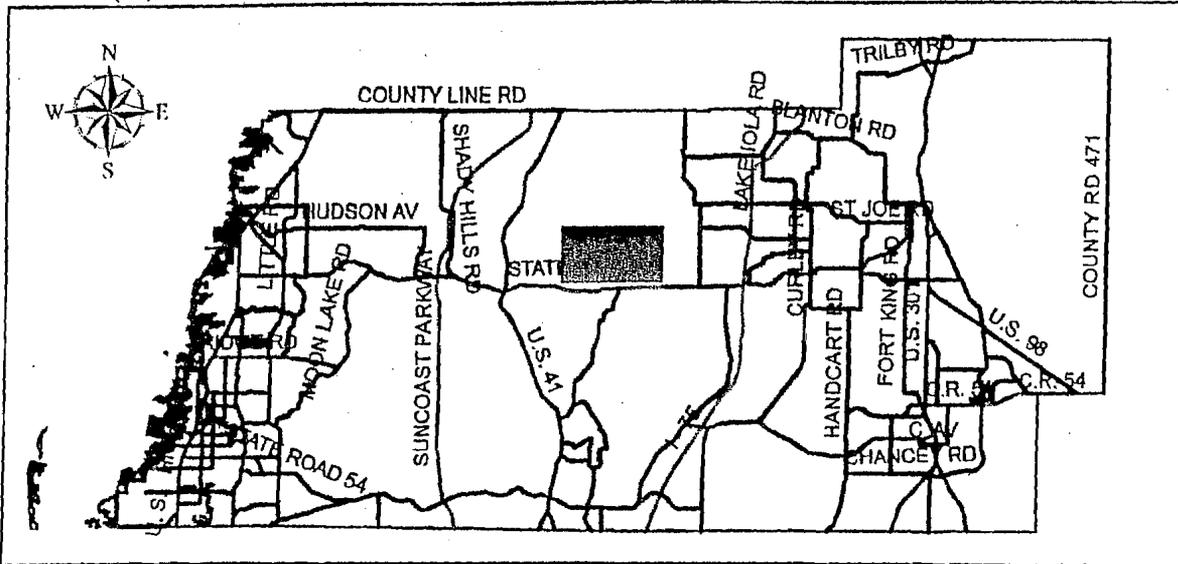
APPROVED AGENDA ITEM FOR

DATE _____

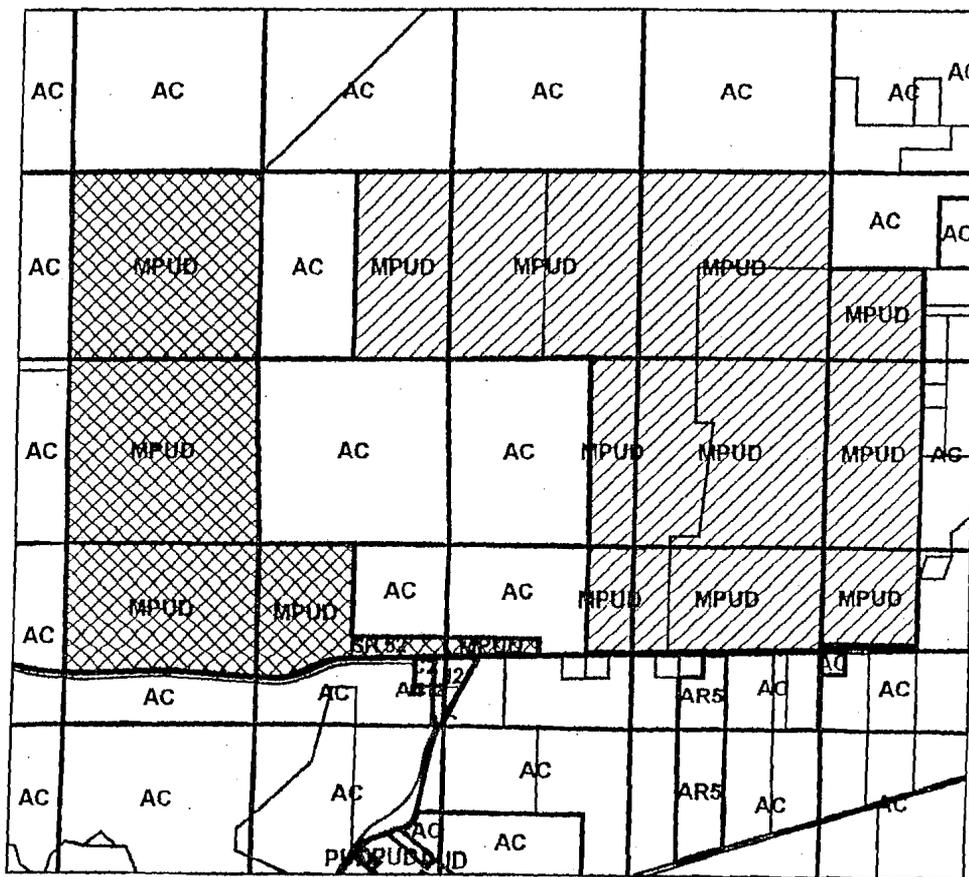
BY _____

PETITION # RZ5773

SEC(S): 1,2,3,4,6,7,8,9,11,31,32,33,34,35 T. 24 & 25 S. R. 19 E.



PASCO COUNTY, FLORIDA



TAZ: 140,141

COMMISSION DISTRICT: 2

**FORT KING RANCH MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 5773
ORIGINAL REZONING PETITION NO. 4386**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted March 12, 2001, unless otherwise stipulated or modified herein. The original MPUD Master Planned Unit Development conditions of approval and Master Development Plan, Rezoning Petition No. 4386 as approved by the Pasco County Board of County Commissioners (BCC) on February 19, 1991, are hereby superseded by Rezoning Petition No. 5773.

Instructions

2. The developer shall submit, within 45 days of the BCC approval, or prior to preliminary plan submittal, whichever occurs first, a revised MPUD Master Planned Unit Development Plan and supporting application package to the Growth Management Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions:
 - a. Revise the master plan to remove the indication of condition of approval numbers from the roadway alignment language.
 - b. Revise the master plan to show public service site to be up to two acres. The developer shall take in drainage, if public service site is developed first; then drainage will be off site on the developer's property.
 - c. Revise the master plan note No. 8 to add "and the necessary amendments are applied for and approved."
3. Prior to the approval of the first record plat, or where platting is not required, prior to the first Building Permit, the developer shall complete any mining activity operation, and any further excavation and off-site transport shall be limited to removal of materials in accordance with the approved construction plans. In no event shall the total fill material removed off-site exceed that amount authorized under the Mining Permit, unless a separate Conditional Use Application is submitted and approved by the BCC.

Open Space/Buffering

4. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, et al., 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. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code 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.
5. For Category II and Category III wetlands, there shall be a buffer around all preserved Southwest Florida Water Management District (SWFWMD) wetlands with an average width of 25 feet, but no less than 15 feet, unless otherwise accepted by the SWFWMD; Army Corp of Engineers wetlands do not require additional buffers. There shall be a 25-foot minimum buffer, not inclusive of any lots, around all post-development Category I wetlands. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD.
6. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. The homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.

7. The developer shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developer 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 (F.S.), is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.
8. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Neighborhood Parks Ordinance. Specific review and approval of the neighborhood parks will be conducted at each preliminary plan/preliminary site plan review.
9. The Development Review Committee (DRC) may approve a master landscape/buffer plan for all major internal roads, prior to the first preliminary/site plan approval, which provides an alternative method of landscaping from the Pasco County Land Development Code, as amended. In the absence of an approved landscape buffer plan, the requirements of the Pasco County Land Development Code shall apply.
10. The developer shall provide an appropriate neighborhood recreation area for Community Parcels B and C. Recreation facilities to be provided for each recreation area must be approved by the County concurrently with the first preliminary plan approval for each residential phase. Maintenance of the neighborhood recreation areas shall be the responsibility of the homeowners' association, CDD, or an entity other than Pasco County.
11. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developer shall submit a copy of any required Incidental Take Permit issued by the Florida Fish and Wildlife Conservation Commission to the Development Review Division (DRD).

Ordinances

12. In addition to the MPUD Master Planned Unit Development conditions of approval, the developer shall comply with all Pasco County ordinances, including all impact fee ordinances.
13. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owner/developer shall be required to comply with such ordinances/resolutions.
14. School-concurrency requirements as may be adopted by the County in the future are not waived nor satisfied by this rezoning approval. The owner/developer shall be required to comply with all provisions of a subsequently adopted School-Concurrency Program and the requirements to provide for school capacity as mandated.

Transportation/Circulation

Access Management

15. The developer 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 Pasco County Emergency Services Department.
16. Prior to final site/construction plan approval of any project abutting a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first Certificate of Occupancy (CO), the owner/developer 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.
17. At each preliminary/site plan approval, the DRC may also require further intersection improvements along the internal road intersections, and the north-south collector road and S.R. 52. Intersection

improvements shall be determined in accordance with the Pasco County Land Development Code, as amended.

18. There shall be no residential driveway cuts permitted on S.R. 52 or the internal collector road.
19. Access to any commercial out-parcels shall be provided from internal drives and parking areas only, unless otherwise approved with the preliminary site plan.
20. No commercial development shall be allowed until the developer has commenced construction of either Community Parcel B or C.
21. All roads that will be used to access public-purpose sites, such as public school, park, library, and fire/rescue sites (as determined by the District School Board of Pasco County, Parks and Recreation Department, Libraries Services Department, Emergency Services Department, or Development Review Committee, as applicable) shall be public roadways and constructed in accordance with applicable County/FDOT design, construction, and signage standards; e.g., Chapter 316, and *Manual of Uniform Traffic Control Devices* standards. Such roadways shall be deeded in fee simple to the County or FDOT, as applicable, prior to or concurrent with the first record plat containing such roadways or where no record plat is required, prior to or concurrent with the issuance of the first CO for a building utilizing such roadways.
22. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

Dedication of Right-of-Way

23. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
24. 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 the DRC at the time of preliminary plan approval.
25. Vehicular-access rights shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to construction plan approval along the rear of all double frontage lots that abut nonlocal roads within or adjoining the project.
26. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County a total of 150 feet of right-of-way for S.R. 52, as measured from the existing right-of-way, unless otherwise approved by the DRC through a dedication waiver or variance prior to approval of the preliminary plan (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of S.R. 52 within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to S.R. 52, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

27. The developer shall convey at no cost to Pasco County 120 feet of right-of-way for the main, north-south, spine collector road.

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In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of the main, north-south, spine road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to the main, north-south, spine road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

28. The developer shall convey at no cost to Pasco County 120 feet of public easement for future right-of-way from the southern boundary of Parcel D to the northern boundary of Parcel D in an alignment as generally depicted on the approved master plan and as further approved on the master roadway plan.

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of the above-mentioned right-of-way within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to the above-mentioned future right-of-way, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

29. The developer shall convey at no cost to Pasco County 120 feet of public easement for future right-of-way beginning at the eastern parcel boundary in Section 35, running west through Community Parcel D to intersect with the north-south right-of-way in Section 33, in an alignment as generally depicted on the approved master plan and as further approved on the master roadway plan.

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of the above-mentioned east-west roadway within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to the above-mentioned east-west roadway, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

Design/Construction Specifications

30. The applicant agrees to discontinue and remove, at the applicant's sole expense, the interim uses in the S.R. 52 and other mentioned future right-of-way Transportation Corridors no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan or Capital Improvement Element or the FDOT in the FDOT's Five-Year Transportation Improvement Program (the "Termination Date"). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco

BCC

FEB 06 2007

APPROVED

County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension. The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.

31. Prior to preliminary plan/preliminary site plan submittal, the developer shall supply evidence that it has coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcels to the north, east, and to the west to identify and provide the location of the required interconnecting roadway. The following information shall be shown on all preliminary plans/preliminary site plans and construction plans/construction site plans that include or abut the interconnecting roadway: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent bearing/curve geometry) to provide a seamless continuation of this road at property lines.
32. Alternative roadway design standards may be considered and approved by the DRC at the time of each preliminary plan approval.
33. Prior to approval of the first record plat, or where platting is not required, prior approval of the first construction plan/construction site plan, the developer shall provide a Letter of Credit acceptable to Pasco County for 125 percent of the proportionate-share cost of the signalization at the intersection of S.R. 52 and the main entrance road. Prior to approval of the last record plat, or anytime at the County's request, the developer shall pay for and perform a signal warrant study. If warranted, the developer shall pay for the proportionate-share cost of signalization.
34. Prior to the first preliminary plan/preliminary site plan submittal, the developer shall submit a Master Roadway Plan to the Growth Management Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and subdivision collector, and arterial roadways within the MPUD Master Planned Unit Development. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the Land Development Code, Section 610.3. Approval of this plan must be obtained from the DRC prior to the first preliminary plan/preliminary site plan submittal. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections.
35. The developer shall design at no cost to Pasco County the north-south collector road in accordance with the County-approved typical roadway cross-sections and/or the Land Development Code as a four-lane collector road, including all four-lane drainage and mitigation areas which shall be accommodated in a drainage plan. The developer shall construct at no cost to Pasco County the north-south collector road, including bicycle and pedestrian facilities, prior to recording of the first record plat in increments as required to serve parcels being developed within the project. The County shall have the right to require specific dates for completion of construction for any portion of this road required to provide safe access to any increment at the time of preliminary plan/preliminary site plan review and approval, or at the time of review and approval of the master roadway plan.
36. 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.
37. Roadway design and construction within the agricultural preserve areas shall be determined at the time of preliminary plan/preliminary site plan approval, or at the time of review and approval of the Master Roadway Plan. Roadways within the agricultural preserve shall remain as private easements and shall not be dedicated to the County.
38. The developer shall comply with the County and Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developer shall submit the detailed description of the overall transit-accommodations plan to the Growth Management Department for review and the DRC's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the *PCPT Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC-approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction

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is approved with the overall transit-accommodations plan. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.

39. 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, F.S. 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*.
40. The developer shall submit and obtain approval of a detailed traffic study and substandard road analysis for the entire MPUD Master Planned Unit Development in accordance with Resolution No. 04-203 and any subsequent amendments prior to submission of the first preliminary plan/preliminary site plan. Any analysis and mitigation conducted as part of the Traffic Impact Study, including any substandard road analysis and mitigation, shall be based on the entitlements approved by the rezoning to the MPUD Master Planned Unit Development. The developer/applicant shall make all transportation improvements in accordance with such study as set forth in the conditions of approval for the first preliminary plan/preliminary site plan. The County-approved traffic study shall expire and any conditions of approval associated with the said traffic study shall be null and void five years from the date of approval.

Utilities: Drainage, Water Service, Wastewater Disposal

41. The developer 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 the DRD.
42. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary/site plan submittals shall provide 100-year flood elevation data.
43. Central system utilities shall be provided to Community Parcels A, B, C, and F. Central facilities infrastructure shall not be extended to Community Parcels D and E (agricultural preserve lots); however, wells and septic tanks are subject to the review and approval of the Florida Department of Health, Pasco County Health Department.
44. 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 preliminary/site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
45. The developer shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
46. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developer/owner shall transfer to Pasco County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within Pasco County.

- b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

47. The residential design standards are as follows:

a. Community Parcel A (Rural Estate, Single-Family Detached)

- (1) Minimum Lot Width of 125 Feet
- (2) Minimum Lot Depth of 250 Feet
- (3) Minimum Front-Yard Setback of 50 Feet
- (4) Minimum Side-Yard Setback of 20 Feet
- (5) Minimum Front/Side-Yard Setback of 15 Feet
- (6) Minimum Rear-Yard Setback of 50 Feet
- (7) Minimum Lot Area of 31,250 Square Feet
- (8) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure

b. Community Parcels B and C (Single-Family Detached)

- (1) Minimum Lot Width of 75 Feet
- (2) Minimum Lot Depth of 120 Feet
- (3) Minimum Front-Yard Setback of 20 Feet
- (4) Minimum Side-Yard Setback of 5 Feet*
- (5) Minimum Front/Side-Yard Setback of 15 Feet
- (6) Minimum Rear-Yard Setback of 20 Feet
- (7) Minimum Lot Area of 9,000 Square Feet
- (8) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structures

c. Community Parcels B and C (Single-Family Detached)

- (1) Minimum Lot Width of 50 Feet
- (2) Minimum Lot Depth of 110 Feet
- (3) Minimum Front-Yard Setback of 20 Feet
- (4) Minimum Side-Yard Setback of 5 Feet*
- (5) Minimum Front/Side-Yard Setback of 15 Feet
- (6) Minimum Rear-Yard Setback of 20 Feet
- (7) Minimum Lot Area of 5,500 Square Feet
- (8) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure

d. Community Parcel C (Single-Family Detached)

- (1) Minimum Lot Width of 35 Feet
- (2) Minimum Lot Depth of 110 Feet
- (3) Minimum Front-Yard Setback of 15 Feet (Building Setback); 20 Feet (Garage Setback)

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- (4) Minimum Side-Yard Setback of 0-5 Feet (10 Feet Between Structures)*
- (5) Minimum Front/Side-Yard Setback of 10 Feet
- (6) Minimum Rear-Yard Setback of 20 Feet
- (7) Minimum Lot Area of 3,850 Square Feet
- (8) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure

* Side-yard setbacks may be reduced to less than 7.5 feet based upon the following conditions being met prior to construction plan approval for each phase or unit. Should the conditions not be met, the minimum side setback shall be 7.5 feet.

- Prior to any construction on the lot, proper erosion and sedimentation controls shall be installed.
- Lots that back up to drainage-retention areas and wetland areas shall be "Type B," graded with high points at the midpoint of the side lot line and slopes toward both the front and rear yards. Discharge into wetlands shall only be allowed where the wetlands are designed and permitted to receive discharge. A minimum 15-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
- Lots graded as "Type A" which back up to other lots shall require the installation of gutters on the sides and backs directing drainage to the front.
- Lots graded as "Type B" or "Type C" which back up to other lots shall require that traffic-bearing grates be installed upon an FDOT inlet placed within each rear-lot line easement. Culverts connecting rear-yard inlets to acceptable outfalls shall be installed and shall be reinforced concrete pipe with premium sealed joints, designed to sustain an H-20 loading. A minimum 15-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
- Side-yard swales shall be sloped to create positive outfall to the front and/or rear of each lot with velocities no greater than allowable for grassed stabilization, as in the FDOT *Drainage Manual*.
- A minimum 15-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
- A maintenance entity, other than and acceptable to the County, shall be designated to provide perpetual maintenance to all drainage and access easements. The approved maintenance entity shall provide annual inspections of side- and rear-yard easements and drainage facilities to verify that no modifications have been made to the grading and ground cover and to inspect any inlets and pipes to verify that no hydraulic restrictions exist. Any modification or hydraulic restriction observed, at any time, shall be corrected. Additional inspections shall be performed, if requested by an adjoining resident or the County. The maintenance entity shall have the right to file a lien to charge property owners for corrections or modifications and collect sufficient funds to perform required maintenance.
- No obstruction/service equipment shall be permitted in the side yard between houses. This includes, but is not limited to, air conditioning systems, water softeners, pumps, fences, etc.
- Walkways shall be allowed if they do not create any obstruction and are flush with grade.
- Gutters and roof structures shall be installed so as to reduce direct discharge to the side-yard swales.
- The engineer of record shall provide to Pasco County signed and sealed, design calculations for each typical lot demonstrating compliance with Pasco County's drainage

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criteria. The typical site-grading plan shall identify elevations, grades, ground cover, allowable tolerances, and a quality-control plan addressing construction and post-construction phases. In addition, the engineer of record shall inspect the lot upon completion and complete the "as-built" certification prior to the issuance of the CO for the associated unit.

- e. Golf-Course Clubhouse and Maintenance Facility
 - (1) Minimum Front-Yard Setback of 25 Feet
 - (2) Minimum Side-Yard Setback of 15 Feet
 - (3) Minimum Rear-Yard Setback of 10 Feet
 - f. 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.
 - g. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
 - h. The agricultural preserve lots shall be platted as residential tracts with a 40-acre minimum lot size. Development standards shall be in accordance with A-C Agricultural District.
 - i. The total aggregate number of dwelling units for Fort King Ranch MPUD Master Planned Unit Development shall not exceed 1,328.
 - j. The maximum floor area for the Community Parcel F, commercial/professional office shall not exceed 182,342 square feet gross floor area, including out-parcels.
 - k. The approved square-footage of office entitlements and 3.2 acres of land area necessary to develop such entitlements may not be utilized or exchanged for retail or residential land uses.
 - l. The approved square-footage of retail entitlements and 15 acres of land area necessary to develop such entitlements may not be utilized or exchanged for residential land uses.
 - m. Development standards for commercial and professional office located in Community Parcel F shall be in accordance with C-1 Neighborhood Commercial District and PO-2 Professional Office District.
 - n. Commercial development within Community Parcel F shall not be approved until the developer has commenced construction of either Community Parcel B or C.
 - o. The vineyard shall be classified as an agricultural use and agricultural-support uses shall include structures for processing, bottling, tours, wine tasting, and sales.
 - p. 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.
 - q. 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.
 - r. Agricultural uses shall be permitted uses in all areas of the MPUD Master Planned Unit Development. In addition to the vineyard operations and the agricultural preservation areas (40-acre lots), agricultural uses shall be permitted interim uses in all areas of the MPUD Master Planned Unit Development except those areas actually developed for residential or commercial purposes.
48. Principal structures (exclusive of swimming pools) shall be set back at least 35 feet from the right-of-way of the major internal roads. However, this setback may be reduced to 25 feet if a six-foot-high wall is provided as a buffer.
49. The developer shall submit and obtain BCC approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment (bubble) prior to any preliminary plan/preliminary site plan approval within such increment.

50. 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.
51. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
52. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
53. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of four acres to be used for recreational vehicle storage for the exclusive use of Fort King Ranch residents. Such sites 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.
54. The developer shall donate up to two upland acres of developable land to the County for use as a public service site facility, which has immediate east-west access to S.R. 52 and at a mutually agreed upon location between the County and the developer. The developer shall also accept all drainage for the fire station site. The said location shall be shown on the master plan. The land shall be conveyed to the County by fee simple title transfer within 90 days of the County's request. The applicant can apply for impact fee credits in accordance with Ordinance No. 04-02, Fire Combat and Rescue Impact Fees.
55. The developer/applicant shall provide all off-site infrastructure including, but not limited to, access roads, intersection improvements, and utilities (including, but not limited to, water, sewer, electric, cable, and telephone) to the proposed Emergency Services Department site, and all such connections shall be brought to the physical boundaries of the said site so that no additional jack and bore work will be required under any access roads. The said infrastructure shall be constructed or bonded prior to the recording of the first record plat. To the extent necessary, the County shall provide all necessary consents, easements, approvals, or other permit applications requested by the developer/applicant that are necessary for the developer/applicant to provide such infrastructure.

Procedures

56. The applicant/developer shall submit a full and complete environmental/habitat study prepared by a qualified, professional biologist for review by Pasco County prior to approval of the first preliminary plan/preliminary site plan. The DRC may require additional conditions at the time of preliminary plan/preliminary site plan review based upon the findings of the environmental/habitat study to ensure compliance with applicable governmental regulations.
57. The applicant/developer shall provide an archaeological/historical survey to the Growth Management Department for review and approval prior to approval of the first preliminary plan/preliminary site plan.
58. A disclosure statement regarding the construction of all future roadways abutting and through the MPUD Master Planned Unit Development shall be included in all sales contracts for residential and nonresidential sales with the MPUD Master Planned Unit Development. This disclosure shall include the future roadway's number of lanes and construction timing, if applicable.
59. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
60. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
61. If 50 percent of the project is not platted, or where record platting is not required and the project has not received construction plan approval for 50 percent within five years of this amendment, the conditions of approval shall expire. No further extensions of time shall be allowed, unless otherwise approved by the DRC and BCC. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.

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- 62. 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.
- 63. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.
- 64. A preliminary 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.
- 65. 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/site plan approval, construction plan approval, and/or record plat approval.
- 66. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County.
- 67. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Zoning/Code Compliance Department after the BCC action.

OWNER'S/APPLICANT'S ACKNOWLEDGMENT:

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

(Date)

SECRET PROMISE, LTD.

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owner/developer, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be 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:

(Date)

Notary Public, State of _____ at Large

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