

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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

DATE: 2/28/14

FILE: PDD14-7084

FROM: Carol B. Clarke, AICP  
Zoning Administrator/Assistant  
Planning and Development  
Administrator

SUBJECT: Greer Hill MPUD Master  
Planned Unit Development -  
BCC: 2/11/14, 1:30 p.m., DC  
Recommendation: Approval  
with Conditions

STAFF:   
Corelynn Burns  
Planner II

REFERENCES: Land Development Code,  
Section 522, Master  
Planned Unit Develop-  
ment District; Comm.  
Dist. 1

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

DESCRIPTION AND CONDITIONS:

The applicant requests a zoning change from an A-C Agricultural District to an MPUD Master Planned Unit Development District (MPUD) to allow 87 single-family detached units and 75,000 square feet of office/retail on 42.01 acres, m.o.l. (Attachment No. 1).

The property is located on the west side of U.S. 301, north of Sky Ridge Circle (Parcel ID No. 22-25-21-0010-06300-0000) (Attachment Nos. 2a and 2b).

Commission District:	The Honorable Ted J. Schrader
Project Name:	Greer Hill MPUD
Applicant's Name:	Douglas Family Partnership
Zoning District:	MPUD
Future Land Use Classification:	RES-3 (3du/ga)/ROR (Retail/Office/ Residential)
Flood Zone:	"X"
Water/Sewage:	City of Zephyrhills/City of Zephyrhills
No. of Dwelling Units:	87
Type of Dwelling Units:	Single-Family, Detached (29 Acres)
Commercial/Office Acres/Square Feet:	13 Acres, m.o.l./75,000 square feet
Access/Roads:	Public/U.S. 301, Florida Department of Transportation

BACKGROUND:

1. The subject property has an original zoning district of A-C (Agricultural).
2. On January 16, 2014, the request was heard at a public hearing before the Development Review Committee (DRC). The DRC approved the staff recommendation of approval, with a minor clarification in one condition.
3. On February 6, 2014, this request will be heard by the Pasadena Hills Planning and Policy Committee as required by Section 602.7.C.3 of the Land Development Code. The Planning and Policy Committee recommendations will be presented to the Board at the rezoning hearing.

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The surrounding zoning district/uses are as follows:

	<u>Zoning District</u>	<u>Use</u>
North:	MPUD (Master Planned Unit Development)	Vacant
South:	AR-1 Agricultural-Residential	Skyridge Circle (40-Foot Private Road)
East:	U.S. 301	Roadway
West:	AR-1 Agricultural-Residential/ MPUD (Master Planned Unit Development)	Single-Family Detached/Vacant (respectively)

3. There is a recorded ingress/egress easement (Official Records Book 4639, Page 238) over the northern portion of the office/commercial parcel providing access to an existing cell tower. This ingress/egress easement cannot be blocked unless modified by the affected parties.
4. The proposed request is consistent with the Pasco County Land Development Code, Chapter 400, Subsection 402.2 Zoning Amendment – MPUD, and with the applicable provisions of the Pasco County Comprehensive Plan.
5. The property is located within the Lost Lake Drainage Basin of Special Concern.
6. The applicant is proposing 8,250 square foot lots on the western edge of the property. Additionally, there will be enhanced landscaping along the western property boundary.
7. Internal lots will be a minimum of 6,050 square feet.

8. The environmental/habitat study, submitted September 18, 2013, has been reviewed and approved by the County Biologist.
9. The site is in the Pasadena Hills Countryside Area. This area is predominantly built out or platted in a rural form, and located within a closed stormwater-drainage basin.
10. The adopted Future Land Use Map associated with the Pasadena Hills Study Area functions as an overlay to the adopted Future Land Use Map and does not affect any existing rights of property owners to develop their property as permitted under the Comprehensive Plan, Zoning Ordinance or Pasco County's land development regulations.
11. The subject property is designated as RES-3 (3 du/ga) and ROR (Retail/Office/-Residential) Future Land Uses. This application is not using any Villages of Pasadena Hills density/intensity increases.

ALTERNATIVES AND ANALYSIS:

1. Approve the rezoning with the attached conditions.
2. Deny the rezoning request.
3. Recommend an alternative course of action.

RECOMMENDATION AND FUNDING:

The Planning and Development Department recommends that the BCC approve Alternative No. 1, subject to the attached rezoning conditions of approval (Attachment No. 3, Petition No. 7084).

ATTACHMENTS:

1. Master Plan
- 2a. Aerial - Location Map
- 2b. Zoning – Location Map
3. Conditions of Approval for Rezoning Petition No. 7084

DEVELOPMENT REVIEW COMMITTEE HEARING AND ACTION: (1/16/14)

Citizens from the area attending the DRC hearing voiced concerns about the commercial component of the project located along US 301. The citizens would like architecture and design elements reflecting the character of Dade City. At this time, however, the County has not adopted any architectural standards for the Dade City area or Pasadena Hills area; therefore, the project would be required to comply with the current LDC standards at the time the preliminary site plan was submitted.

Approved Staff Recommendation With Revised Conditions:

13. ~~Subject to~~ In accordance with the provisions of Section 901.2.J of the Land Development Code, the ~~Right-of-Way Preservation Ordinance~~, the developer shall convey at no cost to the County, 117.5 feet of right-of-way from the centerline of construction of U.S. 301 (Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

PASADENA HILLS PLANNING AND POLICY COMMITTEE ACTION: (2/06/14)

To be presented at the Board hearing.

BOARD OF COUNTY COMMISSIONERS ACTION: (2/11/14)

Approved Staff Recommendation With Amended Conditions:

29. **Prior to approval of the preliminary plan for the commercial component of the project the applicant shall present to the DRC the proposed site plan. This presentation shall be made at a public hearing focusing on the review of the proposed project and its interface with US 301. This will be an opportunity for residents to review and comment on the proposed commercial development as it relates to US 301 frontage. The DRC is not required to vote or approve the proposed site plan unless otherwise required by the LDC.**



**RZ-7084  
A-C TO MPUD**

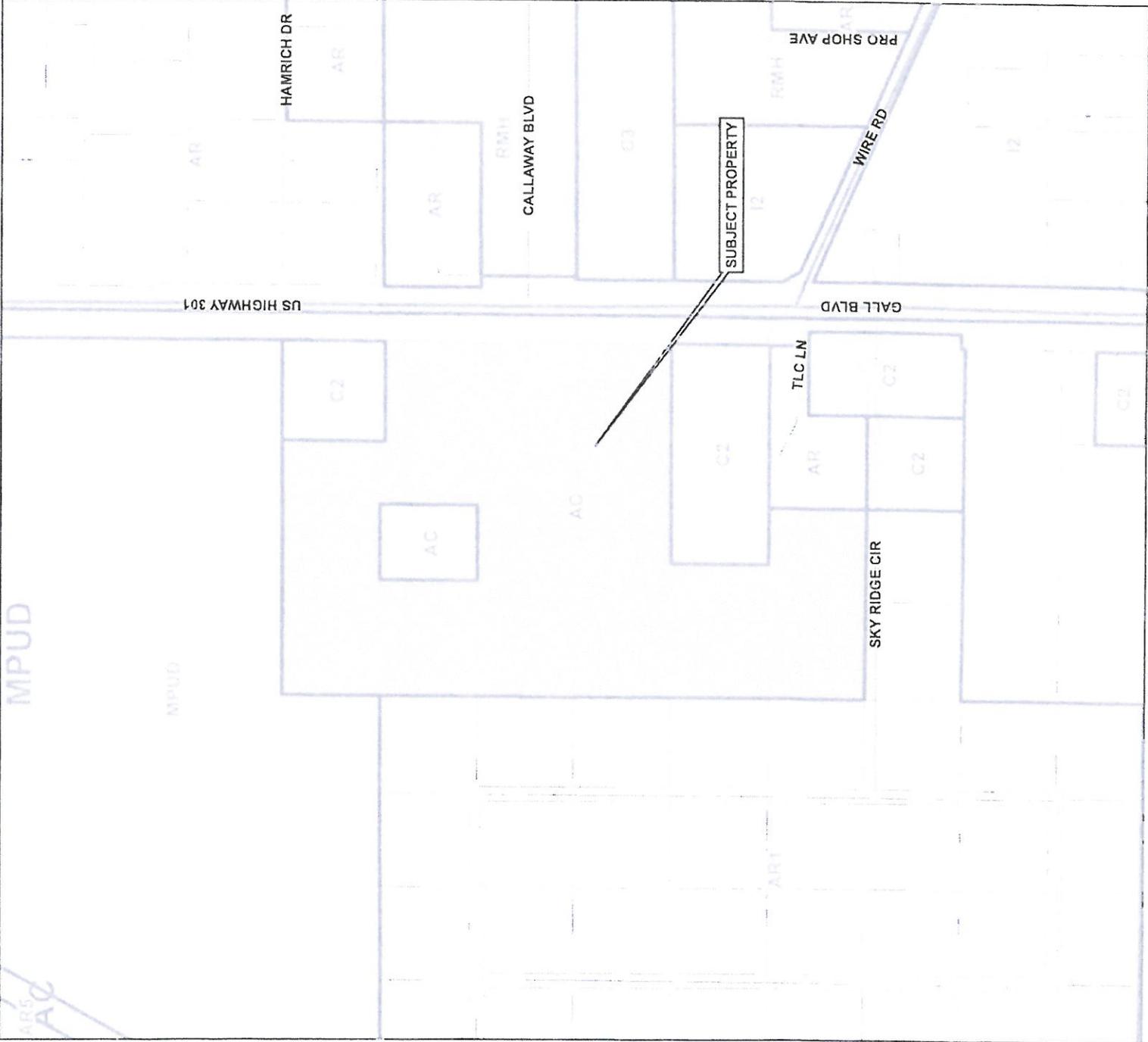
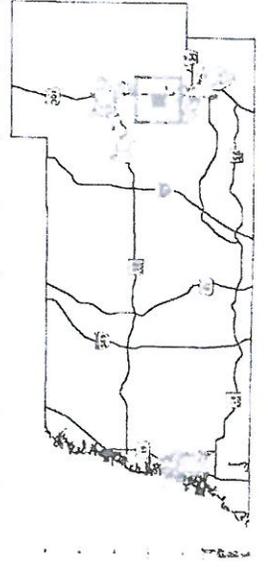
22-25-21-0010-06300-0000

DOUGLAS FAMILY  
PARTNERSHIP/GREER HILL MPUD  
38130 PRETTY POND RD  
ZEPHYRHILLS, FL 33540

PHYSICAL LOCATION:  
W SIDE OF US 301 400' N OF WIRE RD

TAZ-299  
COMMISSION DISTRICT: 1

SUBJECT PROPERTY  
EXISTING ZONING



**MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 7084**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted on September 18, 2013, and December 17, 2013, unless otherwise stipulated or modified herein.

**Open Space/Buffering**

2. Prior to the issuance of a hard copy Site Development Permit the developer shall submit a copy of any required permit for gopher tortoises issued by the Florida Fish and Wildlife Conservation Commission to the Planning and Development Department for that portion of the project.
3. Prior to construction plan approval, the developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit Application submitted to the Southwest Florida Water Management District (SWFWMD). Prior to the issuance of a hard copy Site Development Permit, the developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit.
4. The submitted Archaeological/Historical Survey was found acceptable on October 30, 2013. 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."

5. 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 Board of County Commissioners (BCC), a Community Development District (CDD). 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, 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 that funded such improvements as applicable.

6. The developer shall provide one acre of neighborhood park. The specific review of the neighborhood park requirements will be conducted at each Preliminary Development Plan (PDP)/Preliminary Site Plan (PSP) review.
7. The developer shall provide a landscape buffer a minimum of 20 feet wide along the entire western property line. Landscaping and screening shall include two staggered rows of trees with a maximum spacing of 60 feet on center, per row, a visual screen designed to be 80 percent opaque within one year, and a minimum of six feet in height. The visual screen can consist of an opaque fence (not wooden), wall, berm or hedge, or a combination thereof.

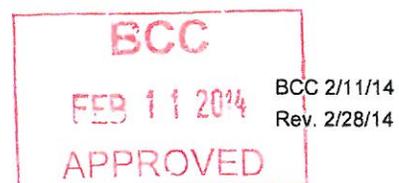
### Transportation/Circulation

#### Access Management

8. Prior to construction plan approval, the developer shall submit to the Planning and Development Department a Letter of Intent indicating approval and/or an approved Access and Drainage Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first Certificate of Occupancy (CO) for office/commercial development, or prior to recording plat approval for the residential development, whichever occurs first, 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.
9. Access to any office/commercial out-parcels shall be provided from internal drives or parking areas.
10. The access points shown on the master plan are not approved. All accesses will be reviewed with the associated PDP/PSP and shall meet access-management criteria.
11. Any gates located within gated communities shall be set back sufficiently (a minimum of 75 feet) 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 Development Plan or PSP 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 the 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

12. Street connections and rights-of-way to adjoining areas shall be provided to give access to such areas and/or to provide for proper traffic circulation as determined necessary at the time of PDP approval.



13. In accordance with the provisions of Section 901.2.J of the Land Development Code, the developer shall convey at no cost to the County, 117.5 feet of right-of-way from the centerline of construction of U.S. 301 (Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

Design/Construction Specifications

14. If the property to the north has approved preliminary development/construction plans then prior to PDP/PSP approval, the developer shall supply evidence that it has coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcel to the north to identify and provide the location of the required interconnecting roadway. To provide a seamless continuation of roads, the following shall be shown on all PDPs/PSPs and construction plans/construction site plans including or abutting 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).
15. The submitted timing and phasing application assumes, in addition to the three dwelling units permitted with the existing zoning, the following land uses: 84 single-family detached residences and 75,000 square feet of commercial. The County analysis indicates that adequate roadway capacity exists through buildout (December 31, 2020) of the project and no roadway improvements shall be required at this time. Any development generating greater traffic impacts shall require an updated Timing and Phasing Analysis. An updated Timing and Phasing Analysis may require additional conditions.
16. The developer may submit an overall pedestrian/bike path plan to the Planning and Development Department for approval prior to approval of the first PDP/PSP, which provides a path circulation in accordance with the Pasco County LDC, as amended, and the handicapped provisions of Section 336.045, Florida Statutes, and other applicable law. In the absence of an approved overall pedestrian/bike path plan, compliance with the LDC is required.
17. As provided in Chapter 190, Florida Statutes, and subject to the BCC's separate approval, the CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the County or District School Board of Pasco County (Public Properties) that are located within the boundary of the CDD. All applicable documents pertaining to the undertaking of funding and construction by the CDD shall reflect the following:
- a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.
  - b. No debt or obligation of such CDD shall constitute a burden on any Public Property.



### Water Service/Wastewater Disposal

18. The developer shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County LDC, as amended, and specifically conform to Section 902.2.N, Drainage Basins of Special Concern. 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 Planning and Development Department.
19. The developer shall construct all water and wastewater facilities within the development to current County or City of Zephyrhills standards, as applicable.

### Water Quality and Drainage

20. Development of the project shall not result in Levels of Service for off-site drainage structures below acceptable standards, as established in the adopted Pasco County Comprehensive Plan and LDC, as may be amended from time to time.
21. The project's stormwater management system shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 40D-40; and the County stormwater management requirements, as may be amended from time to time. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the regulations of the County and other appropriate regulatory bodies shall be implemented. In addition, the applicant/developer shall comply with the following design requirements:
  - a. All swales shall be fully vegetated and operational.
  - b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.
  - c. The applicant/developer or other responsible entities shall ensure that the stormwater management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
  - d. Should the applicant/developer discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the applicant/developer shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The developer's report(s) shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since the previous report(s).
22. Stormwater design shall include low-impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State water-quality standards.

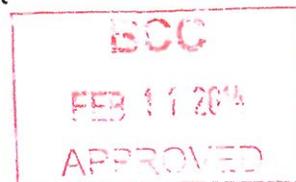


Water Resource Protection

23. Should any noticeable soil slumping or sinkhole formation become evident, the applicant/developer shall immediately notify the County, Tampa Bay Water (TBW), and the SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and the SWFWMD:
- a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and the SWFWMD approve resuming construction activities.
  - b. Take immediate measures to ensure that no surface water drains into the affected areas.
  - c. Visually inspect the affected area.
  - d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
  - e. Use geotextile materials in the backfilling operation, when appropriate.
  - f. If the affected area is in the vicinity of a water retention area, maintain a minimum vertical distance of five feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.
  - g. If the affected area is in the vicinity of a water retention area and the above methods do not stabilize the collapse, relocate the retention area.
24. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.
25. The historic, average, rainfall volume discharged from the site shall be maintained in accordance with the LDC, Sections 902.1, and 902.2, as applicable, and the *Stormwater Management Practices Manual*.

Land Use

26. The residential dimensional standards are as follows:
- a. Interior to the development:
    - (1) Minimum Lot Width of 55 Feet
    - (2) Minimum Lot Depth of 110 Feet
    - (3) Minimum Front-Yard Setback of 20 Feet From Residence; 25 Feet From Garages
    - (4) Minimum Side-Yard Setback of 7.5 Feet\*



- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 55 Percent—Principal Structure
- (7) Maximum Lot Coverage of 15 Percent—Accessory Structure

\* On corner lots one front-yard setback may be reduced to 15 feet.

b. Residential Lots Abutting the Western Boundary:

- (1) Minimum Lot Width of 75 Feet
- (2) Minimum Lot Depth of 110 Feet
- (3) Minimum Front-Yard Setback of 20 Feet From Residence; 25 Feet From Garages
- (4) Minimum Side-Yard Setback of 7.5 Feet\*
- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 55 Percent—Principal Structure
- (7) Maximum Lot Coverage of 15 Percent—Accessory Structures

\* On corner lots one front-yard setback may be reduced to 15 feet.

c. The commercial uses shall be C-1 Neighborhood Commercial Permitted Uses and C-2 General Commercial Specific Uses of laundries, dry cleaning, animal clinic and miniwarehouses. C-1 Neighborhood Commercial uses shall comply with the C-1 Neighborhood Commercial standards. Establishments for the sale or consumption of alcoholic beverages may be approved in accordance with the requirements of the LDC. The C-2 General Commercial uses shall comply with the C-2 General Commercial standards.

d. The office design standards and uses shall be in accordance with regulations for PO-1 Professional Office Zoning District of the LDC.

e. Required landscape buffers may not be counted as meeting-required lot dimensions.

Any recreation or amenity center shall meet C-1 Neighborhood Commercial District setbacks.

f. The total number of dwelling units for the Greer Hill MPUD shall not exceed 87.

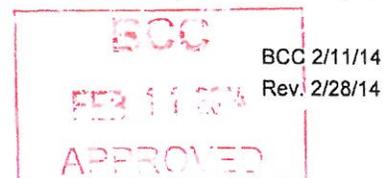
g. The maximum floor area for the commercial and office portion shall not exceed a total of 75,000 square feet of gross floor area.



- 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 County ordinances and resolutions.
  - i. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
27. Any proposed increase in density/intensity that results in an overall increase greater than or equal to five percent cumulatively, or a decrease in open space, or a change in overall design and/or content occurs from the last substantial amendment, a substantial amendment shall be presumed.
28. The developer may designate a site or sites not exceeding a total of two acres for recreational vehicle storage for the exclusive use of Greer Hill residents. The site(s) must obtain PSP approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

**Procedures**

29. Prior to approval of the preliminary plan for the commercial component of the project the applicant shall present to the DRC the proposed site plan. This presentation shall be made at a public hearing focusing on the review of the proposed project and its interface with US 301. This will be an opportunity for residents to review and comment on the proposed commercial development as it relates to US 301 frontage. The DRC is not required to vote or approve the proposed site plan unless otherwise required by the LDC.
30. 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.
31. If the PDPs and/or PSPs for the entire MPUD are not approved within six years of the original rezoning approval or from the last approved substantial modification, the conditions of approval shall expire for those portions of the MPUD that do not have (unexpired) PDP or PSP approval. If the MPUD expires, a new MPUD must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and LDC in effect at that time.
32. 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.
33. A PDP/PSP must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. The maximum density and intensity of



each increment shall not exceed the limits shown on the approved MPUD Plan. A PSP must be approved for, recreational vehicle, or commercial increment in its entirety prior to any phased construction site plan approval.

34. PDP/PSP 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 PDP/PSP approval, construction plan/construction site plan approval, and/or record plat approval.
35. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Planning and Development Department after the BCC action.
36. All conditions of this MPUD approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD approval shall be suspended until such time that the BCC modifies the MPUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD or the MPUD conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD approval under any circumstances.



OWNER'S/DEVELOPER'S ACKNOWLEDGMENT:

The owner/developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the BCC results.**

4/8/14  
Date

[Signature]  
Signature

ANDRA DOUGLAS  
Print Name

MANAGING PARTNER  
Title

STATE OF ~~FLORIDA~~ New York

COUNTY OF Suffolk

I hereby certify on this 8<sup>th</sup> day of April, 2014, 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 its free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at Hampton Bays,  
Suffolk County, ~~Florida~~ New York, the day and year aforesaid.

My commission expires:

04/30/2016  
(Date)

Jennifer M Signorelli  
Notary Public, State of New York at Large

