PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Joaquin A. Servia
Development Review Manager

DATE: 3/24/15 FILE: PDD 15-774

SUBJECT: Subdivision Development Review – Preliminary Development Plan – Residential (PDP-R) Amendment - Asturia, Phases 1 – 4; Construction Plan and Stormwater Management Plan and Report Amendment– Asturia, Phase 1 and Alternative Standards Request (Project No. RSD 14-014) Recommendation: Approval with conditions (Attachment No. 1)

FROM: Dorothy E. Masumian
Senior Development Review Technician

REFERENCES: Land Development Code, Sections 300, Procedures; 403, Site Development; and 900, Development Standards; Comm. Dist. 4

PROJECT DESCRIPTION:

Commission District:	The Honorable Mike Wells
Project Name:	Asturia Phases 1 - 4
Developer's Name:	SR 54 Land Associates LLC
Location:	The southeast portion of West Pasco on the north side of S. R. 54 between Gunn Highway and Suncoast Parkway Sections 23, 24, 25, 26 and 36, Township 26 South and Range 17 East (Attachment No. 2)
Parcel ID Nos.:	23-26-17-0000-00200-0010, 24-26-17-0000-00200-0020, 25-26-17-0000-00100-0020, 26-26-17-0000-00200-0030, 36-26-17-0010-0NW02-0000
Land Use Classification:	PD (Planned Development), CON (Conservation Lands)
Zoning District:	MPUD – Master Planned Unit Development
Transportation Corridor:	Tower Road

Existing Right-of-Way:	0 Feet from Centerline
Required Right-of-Way:	142 Feet from Centerline of Construction
Acreage:	500.23 Acres, m.o.l.
Number of Units (Residential Only):	668(Phases 1-4, preliminary plan), 248 (Phase 1 construction plan)
Type of Unit (Residential Only):	Single-Family Detached
Flood Zone:	"AE" and "X"
Water/Sewage:	Pasco
Transportation Analysis Zone:	209
Mobility Fee Assessment District:	A
Mobility Fee Collection/Benefit District:	2
Roads:	Public
Certificate of Capacity:	Initial

DEVELOPER'S' REQUEST:

The applicant/developer of Asturia, Phases 1 - 4 is requesting Preliminary Development Plan – Residential (PDP-R) amendment approval and construction plan and stormwater management plan and report amendment (Phase 1) for the addition of Tract designations to rights-of-ways and alleys (Attachment No. 3). Also requested is an alternative standard from the requirements of the Land Development Code (LDC), Section 700.11, Dedication. The applicant/developer is requesting relief from dedicating the streets to Pasco County (Attachment No. 4)

BACKGROUND AND FINDINGS OF FACT:

See Attachment No. 5

ALTERNATIVE STANDARDS REQUEST NO. 1:

The applicant/developer has requested specific alternative standards from the LDC, Section 700, subdivision and Platting Standards, requirements.

Subsection 700.11.D.1, Dedication, which, if approved, would relieve the applicant/developer of dedicating the road to Pasco County and allow for all streets in Asturia Phases 1-4 to be owned and maintained by the Asturia Community Development District and accessible to the public.

> Relief is being sought pursuant to the LDC, Section 407.5.B, as the purpose for the alternative standards which reads as follows: "The alternative standard meets or exceeds the intent and purpose of the Code requirement at issue."
>
> The applicant states:
>
> > "The Applicant requests an Alternative Standard to Section 700.11.D.1 of the Land Development code to allow all streets within Asturia Phases 1-4 to be owned and maintained by the Asturia Community Development District (CDD) rather than owned and maintained by Pasco County. All streets will be open and accessible to the public and there will not be any gating within the project. Since the Asturia CDD is a public entity and since all streets will be open and accessible to the public, the intent of LDC Code Section 700.11.D.1 is met."

STAFF ANALYSIS:

Staff has reviewed the applicant's request and recommends approval. The request is consistent with previously approved residential subdivision developments within Pasco County. The streets shall be owned and maintained by the Asturia Community Development District (CDD).

RECOMMENDATION:

The Planning and Development Department recommends approval of the PDP-R (Phases 1-4)/construction plan and stormwater management plan and report (Phase 1) amendment and alternative standards request with the attached conditions.

JAS/DS/dem/pdd15-774

ATTACHMENTS:

1. Conditions of Approval
2. Location Map
3. Site Plan
4. Alternative Standards Request
5. Background and Findings of Fact

PLANNING AND DEVELOPMENT DEPARTMENT ACTION:

APPROVED

☐ B.C.C.
☐ D.R.C.
☒ ~~ZSD~~ PDD

AMENDMENT ☐

Pasco County

By: _____ Date 3-25-15
For Substantial Compliance With
The Applicable Provisions of Pasco County
Land Development Regulations
And Their Intent

ATTACHMENT NO. 1 – CONDITIONS OF APPROVAL
Asturia Phases 1 – 4 (PDP-R)
Asturia Phase 1 (CP/SW)
Amendment

Hard-Copy Site Development Permit

1. Before commencing approved construction activities, the applicant/developer or project contractor shall obtain from the Planning and Development Department an authorization to commence approved construction, a.k.a. "a hard copy Site Development Permit." To obtain said authorization, the following, as applicable, must be submitted to the Planning and Development Department:

   a. The completed notarized acknowledgment portion of the attached agenda memorandum. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Planning and Development Department.

Specific Conditions

2. All requirements and conditions of approval within Memorandum PDD15-244, as approved by the Planning and Development Department on December 2, 2014, and each subsequently approved amendment, remain in full force and effect.

3. The developer is hereby notified that any additional revisions shall be submitted to the Planning and Development Department for review and approval.

General

4. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.

5. Site plans approved by the Planning and Development Department are the final approved documents. Changes/additions/deletions to approved site plans; i.e., building size, location, loading zones, etc., require revised site plan submittal, review fee, and approval in accordance with the Land Development Code (LDC), Sections 300, 403, and 900.

6. The developer shall convey all rights-of-way and alleys to the Asturia Community Development District for maintenance purposes.

DEVELOPER'SACKNOWLEDGMENT:

The developer acknowledges that they have read, understood, and accepted the conditions of approval.

_____ _____

Date Signature

_____

Print Name

_____

Title

STATE OF FLORIDA
COUNTY OF _____

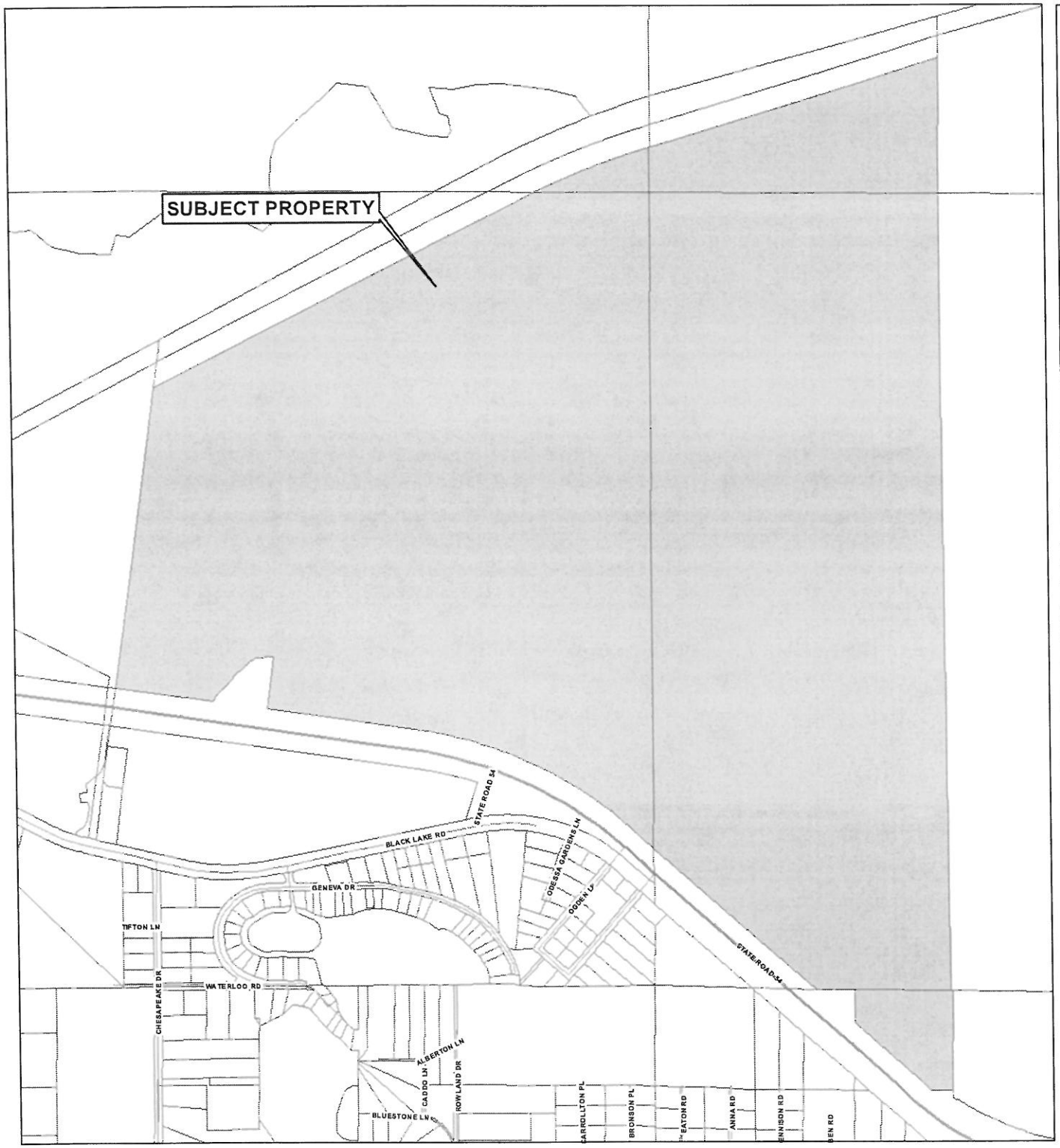
The foregoing instrument was acknowledged before me this _____ (date), by _____ (name of corporation acknowledging) a _____ (State or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or who has produced _____ (type of identification) as identification.

Seal:

_____

NOTARY

JAS/DS/dem/pdd15-244 attach 1



RSD 14-014
Asturia Phases 1 – 4

26 26 17 0000 00200 0030
23 26 17 0000 00200 0010
24 26 17 0000 00200 0020
25 26 17 0000 00100 0020
36 26 17 0010 0NW02 0000

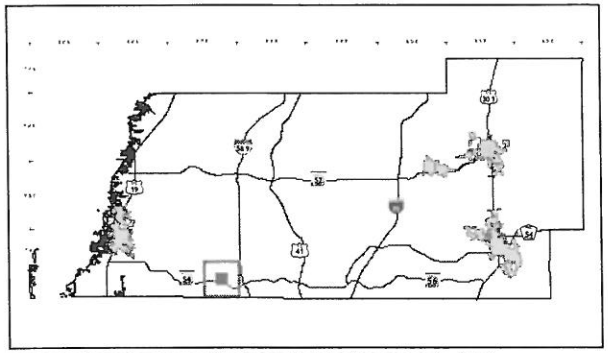
PHYSICAL ADDRESS:
NONE

TAZ - 209
COMMISSION DISTRICT: 4

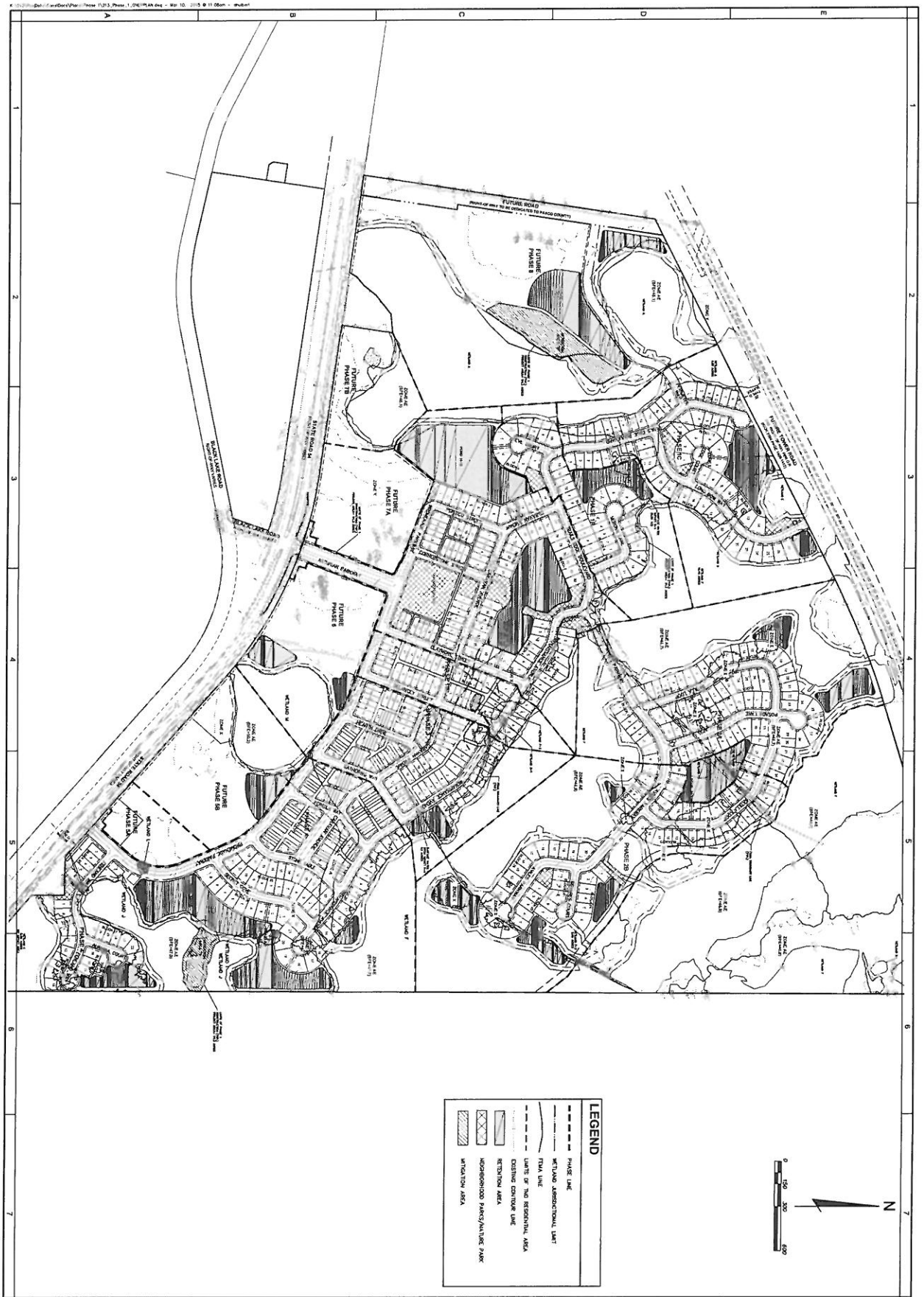
SUBJECT PROPERTY

0 800 1,600
Feet

Pasco County GIS | 11/19/2014 | aikhuoria



C:\Users\aikhuoria\Documents\Parcels\RSD 14-014 Asturia Phases 1 – 4.mxd



FLORIDA DESIGN CONSULTANTS, INC.
THINK IT. ACHIEVE IT.
707 N. FRANKLIN STREET, 6TH FLOOR, TAMPA, FLORIDA 34635
PHONE: (800) 532 - 1047 FAX: (727) 848 - 3848 WWW.FLDESIGN.COM C.A. NO. 7421

DESIGNED FOR: SR 54 LAND ASSOCIATES LLC
605 PALENCIA CLUB DRIVE, ST. AUGUSTINE, FLORIDA 32095
PHONE: (904) 810-0500 - FAX: (904) 810-0525

PROJECT NAME: Asturia | PHASE 1- 4

SHEET NAME: OVERALL PLAN

NO	DATE	REVISIONS	INITIALS
1	09/18/2014	REVISED PER PASCO COUNTY COMMENTS	BMR

JOB NO: 506-100C
DWG: 213
DATE: 08-24-2014
DESIGNED: GL
DRAWN: AJH
CHECKED: BMR
QC:

SEE NOTE 4 ON COVER SHEET

PAUL E. SNYDER — STATE OF FLORIDA — No. 54881 — PROFESSIONAL ENGINEER

SHEET 2 OF 121

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PROJECT NO. _____
DATE: _____

PASCO COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW COMMITTEE

GENERAL ALTERNATIVE STANDARDS APPLICATION, SEC. 407.5.B

PROJECT INFORMATION

Project Name: Asturia

Project No. (from Planning and Dev.): RSD 14-014

Location by Description or Address: North side of SR 54 at intersection with Asturian Parkway

Parcel Identification Number(s): 23-26-17-0000-00200-0000; 24-26-17-0000-00200-0000; 25-26-17-0000-00100-0020; 26-26-17-0000-00200-0000; and 36-26-17-0010-0NW02-0000

Zoning District: MPUD

PROPERTY OWNER INFORMATION

Name of Owner: SR 54 Land Associates, LLC

Mailing Address: 2800 Post Oak Boulevard, Suite 4800

City: Houston State: Texas Zip Code: 77056

Telephone Number: 904-810-0500 Fax Number: 904-810-0505

E-Mail Address: _____

DEVELOPER INFORMATION

Name of Developer: Same as Owner

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

AGENT INFORMATION

Name of Agent: Cynthia Tarapani, Florida Design Consultants, Inc.

Mailing Address: 3030 Starkey Boulevard

City: New Port Richey State: Florida Zip Code: 34655

Telephone Number: 727-849-7588 Fax Number: 727-848-3648

E-Mail Address: ctarapani@fldesign.com

RECEIVED
MAR 06 2015
PDD ZONING & INTAKE

PASCO COUNTY
APPLICATION FOR ALTER. .IVE STANDARD

PROJEC" NO. _____
DATE: _____

ALTERNATIVE STANDARD REQUEST

If additional space is needed, attach extra pages to the application.

Alternative Standard Request: Section from the LDC	Required Amount	Proposed Amount	Waiver Amount
701.11.D.1			

DESCRIBE THE ALTERNATIVE STANDARD REQUEST

Request an Alternative Standard to LDC Section 700.11.D.1 to allow all streets within Asturia Phases 1-4 to be owned and maintained by the Asturia CDD and accessible to the public.

DEMONSTRATE COMPLIANCE WITH THE FOLLOWING

Please answer the following criteria for approval as per Section 407.5.B. If more than one alternative standard is requested, please address each request.
Item 1 or 2 shall be met and all of 3, 4, and 5 shall be met.

1. The alternative standard meets or exceeds the intent and purpose of the Code requirement at issue.

   See Attached

2. No feasible engineering or construction solutions can be applied to satisfy the regulation.

   See Attached

3. The alternative standard does not adversely affect compliance with other Code provisions, development order(s), or permit(s).

   See Attached

4. The alternative standard is not in conflict with other mandatory substantive requirements of local, State, or Federal law.

   See Attached

5. The alternative standard is consistent with the applicable provisions of the Comprehensive Plan.

PASCO COUNTY
APPLICATION FOR ALTER. .IVE STANDARD

PROJEC" NO. _____
DATE: _ _____

OWNER/AGENT AFFIDAVIT

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

APPLICANT'S SIGNATURE: Cynthia Tarapani

APPLICANT'S REPRESENTATIVE: Cynthia Tarapani, Florida Design Consultants, Inc.

ADDRESS: 3030 Starkey Boulevard

CITY: New Port Richey STATE: Florida ZIP CODE: 34655

E-MAIL ADDRESS: ctarapani@fldesign.com

STATE OF FLORIDA

COUNTY OF Pasco

BEFORE ME, the undersigned authority, personally appeared, Cynthia Tarapani _____ and is (personally known to me who being by me first duly sworn, under oath, deposes and states as follows:

1. That she/he/they has/have filed a variance application on property (Parcel ID No. Asturia Phases 1-4) in the unincorporated area of Pasco County, which, if approved, would allow the developer(s) to: Alternative Standard to LDC Section 701.11.D.1

2. That I hereby acknowledge that the variance, if approved, shall not:
   a. Constitute authorization to begin construction.
   b. Exempt the project from certification of Level of Service compliance.
   c. Obligate the County to provide additional services and facilities.

FURTHER AFFIANT SAYETH NOT.

AFFIANT Cynthia Tarapani AFFIANT _____

SWORN to and subscribed before me this 6th day of March, 2013

Cynthia Tarapani is personally known.

My Commission Expires:

Notary Public State of Florida
Edith A Sterling
My Commission FF 082916
Expires 01/23/2018

Edith A Sterling
NOTARY PUBLIC
State of Florida at Large

AGENT OF RECORD LETTER

TO THE PASCO COUNTY ZONING AND SITE DEVELOPMENT DEPARTMENT AND/OR THE DEVELOPMENT REVIEW COMMITTEE:

I, Michael T. Harrison, hereby designate and appoint Stuart M. Rogers as my Agent of Record for the purposes of representing me during the Site Review Process, or other (_____) and/or hearing processes with regard to: (Project Name and No.) Asturia (Formally Behnke Ranch)

My Agent of Record is hereby vested with authority to make any representations, agreements, or promises that are necessary or desirable in conjunction with the review process. My Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity.

DATE: May 20, 2014

APPLICANT'S REPRESENTATIVE (SIGNATURE)

Stuart M. Rogers, Florida Design Consultants, Inc.
APPLICANT'S REPRESENTATIVE (PRINT)

707 N. Franklin St., 6th Floor
ADDRESS

Tampa, Florida 33602
CITY, STATE, ZIP CODE

813-414-5661
TELEPHONE NO.

727-848-3648
FAX NO.

srogers@fldesign.com
E-MAIL ADDRESS

APPLICANT/OWNER (SIGNATURE)

Michael T. Harrison
APPLICANT/OWNER (PRINT)

Senior Managing Director
APPLICANT/OWNER'S TITLE

STATE OF ~~FLORIDA~~ Georgia

COUNTY OF Cobb

I HEREBY CERTIFY that on this day personally appeared before me this 21 day, of May, 20 14 (name of person acknowledging). Michael T. Harrison who is personally known to me or who has produced _____ (type of identification) as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 21 day of May, 20 14

MARGARET A. RAMIREZ NOTARY PUBLIC COBB COUNTY, GA MY COMMISSION EXPIRES FEBRUARY 13, 2017

Margaret A. Ramirez
NOTARY PUBLIC
State of ~~Florida~~ at Large
Georgia

My Commission Expires: 2/13/17

NOTE: If an Agent of Record is to be designated, all property owners of the subject property must sign this form.

PASCO COUNTY
APPLICATION FOR ALTER. :IVE STANDARD

PROJEC" NO. _____
DATE: _ _____

SUBMITTAL REQUIREMENTS

	Required Items at Time of Application
☒	1. Complete Application Form, including owner/agent affidavit
☒	2. Agent of Record, signed and notarized (if applicable)
☒	3. Copy of Warranty Deed or other proof of ownership
☒	4. Copy of last year's tax bill
☒	5. Two signed and sealed legal descriptions and sketches (by a registered surveyor) Survey
☒	6. Two 8 ½ x 14" site plans depicting the site conditions One with the granting of the alternative standard One without the granting of the alternative standard
☐	7. Copy of Notice of Violation (if a result of a notice of violation) N.A.
☒	8. Alternative Standards Fee: a. Base Fee, Application Review $1200.00 plus $25.00 Technology Fee. b. Each Alternative Standards Request $200.00. - Per Dawn Sutton 3.6.15 e-mail c. For determination by the DRC where otherwise DRC approval is not required pursuant to Section 407.5 or those that are required to go to the DRC Sections 901.1 and 901.3: $400.00. Check made payable to: Pasco County Board of County Commissioners.

No application for review shall be deemed complete until all required information is provided.

ASTURIA ALTERNATE STANDARD REQUEST
March 6, 2015

Section 407.5.B of the Land Development Code establishes the following criteria for approval of an Alternate Standard. Criterion 1 or 2 shall be met and Criteria 3, 4 and 5 shall be met. The Applicant's response to the applicable criteria is shown below.

1. **The alternative standard meets or exceeds the intent and purpose of the Code requirement at issue.**

   The Applicant requests an Alternate Standard to Section 700.11.D.1 of the Land Development Code to allow all streets within Asturia Phases 1-4 to be owned and maintained by the Asturia Community Development District (CDD) rather than owned and maintained by Pasco County. All streets will be open and accessible to the public and there will not be any gating within the project. Since the Asturia CDD is a public entity and since all streets will be open and accessible to the public, the intent of LDC Code Section 700.11.D.1 is met.

2. **No feasible engineering or construction solutions can be applied to satisfy the regulation.**

   All streets will be designed and constructed consistent with Pasco County requirements and no deviation to these standards is requested in this application. It should be noted that the Applicant has received Pasco County approval for the Preliminary Site Plan for Phases 1-4 and for the Construction Plans for Phase 1 which approvals demonstrate compliance with the County design and construction standards.

3. **The alternate standard does not adversely affect compliance with other Code provisions, development order(s) or permit(s).**

   Since all streets will be open and accessible to the public and maintained by the Asturia CDD, there is no adverse effect on other Code provisions. It should be noted that the Master Roadway Plan (approved May 22, 2014) and Preliminary Plan Phases 1-4 (approved December 2, 2014) stated that all streets would be owned and maintained by the CDD and open and accessible to the public which is consistent with this Alternate Standard request.

4. **The alternative standard is not in conflict with other mandatory substantive requirements of local, State or Federal law.**

   There is no discernible difference to the traveling public between public streets owned and maintained by Pasco County or owned and maintained by the Asturia CDD, so this standard is met. The only substantive difference is that the maintenance entity is the Asturia CDD instead of Pasco County.

5. **The alternate standard is consistent with applicable provisions of the Comprehensive Plan.**

   As stated earlier, since all streets will be open and accessible to the public, the request is consistent with the Comprehensive Plan.

ATTACHMENT NO. 5 - BACKGROUND AND FINDINGS OF FACT
Asturia Phases 1 – 4 Amendment

BACKGROUND:

December 2, 2014, the Planning and Development Department approved Preliminary Development Plan – Residential (PDP-R) Asturia, Phases 1 – 4 (668 lots) Construction Plan and Stormwater Management Plan and Report – Asturia, Phase 1 (248 lots) and Alternative Standards Request (PDD15-244).

FINDINGS OF FACT:

1. The PDP-R/construction plan and stormwater management plan and report amendment for the above-subject project was prepared for SR 54 Land Associates LLC by Florida Design Consultants, Inc. and consists of 47 sheets dated January 15, 2015; the sheets were last revised on March 9, 2015. The plans were originally received by the Planning and Development Department on March 10, 2015.

2. Access to the property is from SR 54, Florida Department of Transportation-maintained road, which has 250 feet of right-of-way with 135 feet of pavement, and has been designated a six-lane arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24. 2025 Future Roadway Functional Classification, of the Comprehensive Plan.

3. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as submitted and conditioned.

The Planning and Development Department's approval of this PDP-R/construction plan and stormwater management plan and report amendment constitutes a finding by the Planning and Development Department that the PDP-R/construction plan and stormwater management plan and report amendment, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to PDP-R approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

JAS/DS/dem/pdd15-774 attach 5

ATTACHMENT NO. 1 – CONDITIONS OF APPROVAL
Asturia Phases 1 – 4 (PDP-R)
Asturia Phase 1 (CP/SW)

Hard-Copy Site Development Permit

1. Before commencing approved construction activities, the applicant/developer or project contractor shall obtain from the Planning and Development Department an authorization to commence approved construction, a.k.a. "a hard copy Site Development Permit." To obtain said authorization, the following, as applicable, must be submitted to the Planning and Development Department:

   a. The completed notarized acknowledgment portion of the attached agenda memorandum. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Planning and Development Department.

   b. A copy of the Validated Letter of Commitment to serve this project issued by the Utilities Services Branch, the utility provider.

   c. A copy of the Southwest Florida Water Management District (SWFWMD) Permit and Plan. In the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.

   d. A copy of all required State and Federal permits from the appropriate agencies, including drawings, plans, etc.

   e. National Pollutant Discharge Elimination System Permit/permit application.

   No construction shall commence until the permit has been properly posted on the site.

Specific Conditions

2. The developer shall submit an annual monitoring and performance report (Annual CLMP Report) to the County on the status of their mitigation and maintenance efforts to restore and enhance the critical linkage in accordance with the approved CLMP. The CLMP and the Annual CLMP Reports shall be reviewed by the County and SWFWMD at the end of the five-year monitoring period to determine the overall success of the project and compliance with the stated goals in the CLMP. The applicant may at that time be released of the maintenance obligation and the Performance Guarantee returned. Upon release of the Performance Guarantee, the CLMP shall be determined to have fulfilled the requirements of an Environmental Management Plan pursuant to Policy No. CON 1.2.6 of the Comprehensive Plan.

General

3. The developer acknowledges that any provisions of Pasco County Ordinance and any MPUD Master Planned Unit Development conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances, except as set forth in the Development Agreement. In the event ordinances/resolutions adopted at public hearing 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 adopted at public hearing except as set forth in the Development Agreement or MPUD Master Planned Unit Development conditions.

4. In accordance with the LDC, Sections 306.6.E.3 and 306.7.F, no building permit shall be issued prior to record plat approval except for model center dwelling or noncommercial clubhouse structures.

5. Prior to construction within model/sales centers, recreational areas, and commercial areas, a detailed site plan conforming to all applicable requirements must be approved by the Planning and Development Department.

6. Any roadway construction required herein as a condition of development approval shall not be entitled to transportation impact fee (TIF) or mobility fee credits unless such credits have been granted pursuant to prior written agreement or as provided herein.

7. The developer acknowledges that approval of this Preliminary Development Plan - Residential (PDP-R) does not establish vested rights with respect to construction of the project. Further, the developer acknowledges that no permit shall be issued or plat approved without the issuance of a Final Certificate of Capacity.

8. The owner/developer acknowledges dedication and maintenance or the streets within Asturia shall be the responsibility of an appropriate entity other than Pasco County.

9. The applicant/developer acknowledges that approval of the alternative standards requests as stated is based upon representation as set forth in the Preliminary Development Plan - Residential (PDP-R) submittal dated November 14, 2014, and received by the County on November 18, 2014. In the event that the Preliminary Development Plan - Residential (PDP-R) is deemed void and/or approval is withdrawn, then the alternative standards request(s) shall be considered void and all future development shall thereafter comply with all regulations currently in effect and shall be reviewed and approved as provided therein. Preliminary Development Plan - Residential (PDP-R) approval is contingent upon approval of alternative standard(s).

10. The applicant/developer or successors in interest are advised of the following restrictions:

    a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved

plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.

b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.

c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.

11. The applicant/developer shall acknowledge that should the County collect funds under a guarantee document, the developer shall authorize the County or its designee access to the property in question to complete the required work.

12. The applicant/developer shall acknowledge that should the County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developer shall be responsible for attorney's fees and court costs incurred by the County in such action.

13. The developer acknowledges that an appeal may be filed against the decision of the Planning and Development Department within 30 days of the date of this approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.

14. Site plans approved by the Planning and Development Department are the final approved documents. Changes/additions/deletions to approved site plans; i.e., building size, location, loading zones, etc., require revised site plan submittal, review fee, and approval in accordance with the Land Development Code (LDC), Sections 300, 403, and 900.

15. The applicant/developer or project contractor shall notify the Project Management Division at least five working days prior to commencing any activity on the site.

16. The developer shall create a mandatory homeowners' association/Community Development District (CDD) in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, where such association currently exists, proof of good standing shall be submitted and shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation areas, recreation areas, and other special purpose areas by the said association. Prior to platting the first unit or phase, homeowners'/merchants'/CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, the bylaws, restrictive covenants and conditions, and all exhibits, shall be recorded in the Clerk and Comptroller's Office, Pasco County, Florida, and submitted to the Engineering Services Department, Survey Division, for review along with copies of instruments to be used to convey the above-mentioned areas to the said association.

17. The developer shall convey in fee simple to the association or the Community Development District (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.

18. The owner/developer acknowledges, prior to approval of a record plat and/or where platting is not required prior to approval of the first construction plan/construction site plan that would create an aggregate of more than 280 trips on Asturian Parkway (Driveway 3), or where required by the County for safety purposes, the developer shall provide a Letter of Credit (or other reasonable form of security) acceptable to Pasco County for 125 percent of the pro-rata share of the cost of signalization at Asturian Parkway and SR 54 (Driveway 3). At any time thereafter at the County's request (or earlier with developer's consent), the developer shall pay for and perform a signal warrant study (including a signed and sealed analysis) to be approved by FDOT Traffic Operations Division. If warranted, the developer shall pay for its pro-rata share of the cost of signalization upon request of the County, or install the signal *including the final lane and intersection geometry* (designed in accordance with the FDOT standards and/or FDOT District 7 Traffic Operations requirements in place at the time of the request for signal installation) and receive impact/mobility fee credits from Pasco County for the portion of the cost of such installation that exceeds developer's pro-rata share of the same. If such a study determines that the signal is not warranted, the developer shall remain obligated to pay for its pro-rata share of the cost of signalization and shall pay the same prior to the County's approval of the final plat/construction plan/construction site plan in the Project as reasonably determined by the County.

19. Off-site improvements shall be in accordance with the approved Development Agreement.

20. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to combustibles being brought on site (National Fire Protection Association, NFPA-1, 16.4.3.1.3).

21. Curb ramps are required at all intersections of curbs and sidewalks and shall be constructed in conformance with the uniform *Federal Accessibility Standards* published by the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service (Section 336.045, Florida Statutes).

22. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The applicant/developer or project contractor shall notify the Stormwater Management Division at least two working days prior to commencing any site preparation, including clearing and grubbing work, for a preinspection of the sediment and erosion-control devices. The developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled. Further, all retention pond side slopes and associated swales shall be sodded to prevent soil erosion.

23. The owner/developer acknowledges that the jurisdictional wetland line and the upland buffer line shall be clearly field demarcated prior to any construction activities on site.

24. The applicant/developer acknowledges, in accordance with the LDC, Section 905.2, Landscaping and Buffering, wooden fences are not allowed as a visual screen in any of the buffer areas. If the applicant/developer proposes the use of a fence for a visual screen within any buffer area, vinyl fencing or chain-link fencing with black-out fabric or slats shall be used.

25. The owner/developer acknowledges that no construction activities including: clearing, grading, or grubbing, shall occur within the Wetland Upland Buffer except as depicted on the approved plans. The applicant/developer acknowledges that the PDP-R and all associated alternative standards requests shall expire within six years of the original approval date of the PDP-R if the project has not received construction plan approval for the entire development. Further, 100 percent of the project must be platted within ten years of the original PDP-R approval. In the event that the applicant/developer does not comply with this provision, all plans related to the uncompleted portion of the PDP-R approval shall be deemed void, and approval shall be deemed withdrawn, unless an extension has been obtained from the County Administrator or designee prior to expiration of any of the time limits provided above. Any extension shall be applied for at least 60 days prior to expiration of any of the above time limits.

    In the event the PDP-R is voided, all subsequent submittals shall comply with regulations in effect at the time of the said resubmittals.

Development Standards

26. The general and specific land uses set forth herein and in Exhibit "C" shall be permitted subject to the following restrictions, limitations and design standards:

    a. Single-Family Detached (Conventional)

        (1) Minimum Lot Width of 45 Feet

        (2) Minimum Lot Depth of 100 Feet

        (3) Minimum Front-Yard Setback of 20 Feet

        (4) Minimum Side-Yard Setback of 7.5 Feet

(5) Minimum Rear-Yard Setback of 15 Feet

(6) Minimum Lot Area of 5,000 Square Feet

(7) Maximum Lot Coverage of 55 Percent—Principal Structure

(8) Maximum Lot Coverage of 20 Percent—Accessory Structure

(9) The total number of single-family detached dwelling units shall not exceed 550 units. If the applicant elects to exceed 360 single family dwelling units, then any additional single family shall be developed as part of a small mixed use Traditional Neighborhood Development village, in accordance with the County's TND regulations, to be located within the mixed use parcels on the MPUD Master Plan.

b. Single-Family Detached (Typical Lot Layout)

(1) Minimum Lot Width of 36 Feet

(2) Minimum Lot Depth of 100 Feet

(3) Minimum Front-Yard Setback of 20 Feet from back of curb or 5 Feet from property line whichever is more restrictive

(4) Minimum Side-Yard Setback of 5 Feet**

(5) Minimum Rear-Yard Setback of 15 Feet***

(6) Minimum Lot Area of 3,600 Square Feet

(7) Maximum Lot Coverage of 55 Percent—Principal Structure

(8) Maximum Lot Coverage of 20 Percent—Accessory Structure

** Prior to any construction on the lot, proper erosion and sedimentation controls shall be installed.

(a) Lots that back up to drainage-retention areas and/or wetland areas designed and permitted to receive discharge shall be "Type B" or "Type C" graded minimum fifteen (15) foot wide drainage and access easement shall be provided along all rear lot lines where there is a pipe or swale. 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.

(b) Lots graded as "Type A," which back up to other lots, shall require the installation of gutters on the sides and backs connecting to

roof leaders and discharging to the front of the lot. These lots do not require a drainage easement at the rear of the lots.

(c) Lots graded as 'Type A," which back up to other lots, shall require the installation of gutters on the sides and backs connecting to roof leaders and discharging to the front of the lot. These lots do not require a drainage easement at the rear of the lots.

(d) Lots graded as "Type B" or "Type C," which back up to other lots, shall require that traffic-bearing grates be installed upon a Florida Department of Transportation (FDOT) inlet places within each rear lot-line easement. Culverts connection 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 of 7.5 foot-wide drainage and access easement shall be provided along all rear lot lines for a total of fifteen (15) feet. Drainage and access easement 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.

(e) 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.*

(f) 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 flow restrictions exist. Any modification or flow 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.

(g) Gutters and roof structures shall be installed so as to reduce direct discharge to the side-yard swales.

(h) 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 criteria.

*** Garage and accessory structures shall have 5-Foot front setbacks and 4-foot rear setbacks on all alleys or 10-foot rear setbacks with no alleys

c. Single-Family Attached (Townhomes)

(1) Minimum Lot Width of 16 Feet

(2) Minimum Lot Depth of 100 Feet

(3) Minimum Front-Yard Setback of 20 Feet from back of curb or Sidewalk

(4) Minimum Side-Yard Setback of 0 Feet for Interior Property Lines; 10 Feet for Exterior Property Lines (20 Feet Side Separation). The average distance between structures for any building containing more than four units shall be 30 feet with no point closer than 20 feet.

(5) Minimum Rear-Yard Setback of 15 Feet

(6) Maximum Lot Coverage of 100 Percent—Principal Structure

(7) Maximum Building Height Shall Not Exceed 45 Feet

(8) Land Considered for Neighborhood Park Requirements or Used for Stormwater Retention/Detention Shall be a Minimum of 20 Feet from the Rear of Any Units and a Minimum of 15 Feet from the Side on Any Units

Construction Plan

28. 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.

29. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.

29. Prior to or concurrent with construction plan submittal the developer shall submit a stormwater management plan in accordance with the LDC, Sections 300 and 902, to the Planning and Development Department for review and final determination.

30. If the project has internal roads that are to be named, street name signs shall be nine inches on all road classifications. All signs shall have six-inch Series B letters. All street name signs on private roads shall be standard D3 street name signs with the colors reversed: white background with green letters and border. At intersections with County- or State-maintained roads, the County- or State-maintained road shall be green background with white letters and border.

31. The developer shall construct all water and wastewater facilities within and external to the development to current County standards. Design and construction standards and USP outline may be obtained from the Utilities Services Branch.

32. In consideration of the County's agreement to provide potable water and/or reclaimed water to the subject property, the applicant/developer and their 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 applicant/developer shall temporarily transfer to the County any and all water-use permits or water-use rights the applicant/developer may have to use or consume surface water or groundwater within the County for the duration of the production failure or shortfall.

    b. Prior to the applicant/developer selling water, water-use permits, or water-use rights, the applicant/developer shall notify the County, and the County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.

33. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.

Record Plat/Building Permit/Certificate of Occupancy

34. Prior to the issuance of the first record plat or where a record plat is not required, prior to the first Certificate of Occupancy (CO), the applicant/developer shall provide a performance bond or letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.

35. Two unique and/or independent corners on the boundary of the subdivision plat shall have State plane coordinates noted on them and shall be tied by bearing and distance to the current Global Positioning System (GPS) network. The coordinates for the said corners shall be noted on the plat.

36. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project 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 final site plan approval.

37. 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 within the MPUD Master Planned Unit Development. This disclosure shall include the future roadway number of lanes and construction timing, if applicable.

38. Site plans submitted with Building Permit applications are invalid as to final site approval unless stamped approved by the Planning and Development Department. These plans are submitted to show building location in regard to property line, other buildings, etc., only. The site must conform to those plans submitted and/or approved by the Planning and Development Department in accordance with the Land Development Code, Sections 300 and 403.

39. For residential or multiple-family development where landscape buffers are located within easements, the applicable minimum side or rear yard shall be increased by the width of the required/provided landscape buffer easement or the applicable side- or rear-yard setback as required by the zoning district shall be measured from the landscape buffer easement line.

40. The applicant/developer acknowledges that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, dumpster walls, and retaining walls.

41. A Registered Landscape Architect or other person as authorized by Chapter 481, Florida Statutes, as amended or other type of professional as approved by the County Administrator or designee shall conduct a final field inspection. A Certificate of Compliance or performance bond shall be provided to the County prior to platting, or where platting is not required, prior to issuance of the first Certificate of Occupancy (CO).

42. Prior to the issuance of a Certificate of Occupancy (CO) for each home, the applicant/developer/builder shall plant trees on each lot per the following chart:

Size of Lots (SF)	Minimum Number of Trees
Less than 3,500	1
3,500 – 6,000	2
6,001 – 7,000	3
7,001 – 9,500	4
9,501 – 16,000	6
Over 16,000	8

43. Unless otherwise approved by the DRC or BCC, the applicant/developer agree to complete construction of all improvements required as a condition of platting within one year from the date that the plat is approved by the DRC or BCC. If the applicant fails to complete construction of the improvements within such time period, the County may exercise any of the following nonexclusive remedies: (1) enforce the assurance of completion of improvements guarantee document, (2) revoke the Final Certificate of Capacity or concurrency exemption issued for the platted entitlements, (3) vacate the plat, or (4) immediately cease the issuance of Building Permits within the plat. The applicant's /developer's signature of the acknowledgment form shall be considered an application for and consent to County vacation of the plat pursuant to Section 177.101, Florida Statutes, in the event of a default pursuant to this condition. Until such time that construction of such improvements is complete, the applicant/developer agrees to

include the following disclosure in all sales literature and sales documents for lots within the plat:

"CONSTRUCTION OF THE REQUIRED IMPROVEMENTS FOR THE LOT(S) IS NOT YET COMPLETE. COUNTY ISSUANCE OF CERTIFICATES OF OCCUPANCY AND OTHER COUNTY APPROVALS FOR VERTICAL IMPROVEMENTS MAY BE DELAYED OR WITHHELD UNTIL THE REQUIRED IMPROVEMENTS ARE COMPLETE."

For the purposes of this condition, the term "complete" shall mean that (1) the improvements have been completed in accordance with the standards set forth in the LDC, and in accordance with approved plans and specifications; (2) a Certificate of Completion has been issued by the County Administrator or designee(s) and other appropriate departments of the County; and (3) the assurance of completion guarantee has been released by the BCC.

DEVELOPER'SACKNOWLEDGMENT:

The developer acknowledges that they have read, understood, and accepted the conditions of approval.

_____ _____

Date Signature

_____

Print Name

_____

Title

STATE OF FLORIDA
COUNTY OF _____

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

Seal:

_____

NOTARY

JAS/DS/dem/pdd15-244 attach 1

PLANNING AND DEVELOPMENT DEPARTMENT ACTION: