PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 8/17/05 FILE: DR05-2234

SUBJECT: Class III, Subdivision Development Review - Talavera Subdivision Preliminary Plan

FROM: Cynthia M. Jolly, P.E.
Development Director

REFERENCES: Land Development Code, Section 306, Development Review Procedures; Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Subdivision Name:	Talavera Subdivision
Developer's Name:	S.R. 52 Development, LLC
Location:	On the west side of U.S. 41, approximately one mile north of S.R. 52, Sections 03 and 30, Township 25 South, Range 18 East.
Parcel ID Nos.:	03-25-18-0000-00700-0000 and 04-25-18-0000-00800-0000
Land Use Classification:	RES-3 (Residential - 3 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Flood Zones:	"A" and "X"
Hurricane Evacuation Zone:	N/A
Acreage:	543.57 Acres, m.o.l.
No. of Units:	633
Type of Units:	Single-Family Detached
Water/Sewage:	Public (Pasco)/Public (Pasco)
Streets/Drainage:	Public/Closed
Traffic Impact Fee Zone:	2
Transportation Analysis Zone:	138
Present Land Use:	Undeveloped
Level of Service (LOS) Analysis:	Conditional

DEVELOPER'S REQUEST:

Project: The developer of the Talavera Subdivision requests approval of the preliminary plan to subdivide 543.57 acres into 633 single-family lots.

BACKGROUND:

On September 21, 2004, the Board of County Commissioners (BCC) approved rezoning the subject parcel to MPUD Master Planned Unit Development (Edwards Grove) (Petition No. 6256).

FINDINGS OF FACT:

1. The preliminary plan has been reviewed by the Growth Management Department for compliance with the Land Development Code, Article 500, Zoning, and the Comprehensive Plan. The Growth Management Department has determined that the plan is consistent with the Comprehensive Plan and the MPUD Master Planned Unit Development Zoning District's Permitted Uses.

2. The preliminary plan for the above-subject project was prepared for S.R. 52 Development, LLC, by King Engineering Associates, Inc.; consists of three sheets dated March 15, 2005; and was last revised on June 6, 2005. The plan was originally received by the Development Review Division (DRD) on March 24, 2005, and final revisions were received on June 7, 2005.

3. Access to the property is from U.S. 41.

4. Potable water will be provided by Pasco County.

5. Unless otherwise determined by the Emergency Services Director, fire protection will be provided by Pasco County.

6. Sidewalks shall be installed on both sides of the roadways.

CONCURRENCY ANALYSIS:

The preliminary plan has been reviewed by the applicable County departments for compliance with the LOS requirements of the Comprehensive Plan. Based on review of the project, a conditional Certificate of LOS can be issued.

The conditional LOS Certificate is issued with the following conditions:

1. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.

2. Prior to platting, or where platting is not required prior to the issuance of the first Certificate of Occupancy (CO), the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.

In accordance with Section 402, Concurrency Management System, of the Land Development Code, the conditional Certificate of LOS shall expire in three years from the date of approval of this project by the DRC.

RECOMMENDATION:

The Development Director recommends denial of the preliminary plan for the Talavera Subdivision. The following items were not addressed prior to approval of the preliminary plan:

1. Approval of an environmental/habitat study (MPUD Master Planned Unit Development Condition No. 3).

2. Approval of an Archaeological/Historical Survey (MPUD Master Planned Unit Development Condition No. 5).

3. Approval of a Traffic Impact Study and Substandard Roadway Analysis (MPUD Master Planned Unit Development Condition No. 20).

4. The plans do not meet the requirements of the land use and zoning classification applicable to the subject property (Section 306.E.3.a., Land Development Code).

5. The plans do not provide design features which address the protection of the public health, safety, and welfare (Section 306.E.3.c., Land Development Code).

6. The plans do not provide for the necessary public improvements or facilities (Section 306.E.3.e., Land Development Code).

In the event that the DRC does approve this submittal, the following conditions would be applicable:

General

1. 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.

2. The applicant/developer shall include in the Declaration of Covenants, Conditions and Restrictions, for this project a Notice of Proximity of Privately Owned Airport in the form attached as Exhibit A (Notice). Attached to the notice will be a block and lot description of each lot line in the flight path and in the safety zone (area of traffic pattern) as depicted on Exhibit B attached to this preliminary plan. The applicant/developer shall be responsible for complying with the Federal Aviation Administration's Notice of Any Proposed Construction requirement pursuant to

14 Code of Federal Regulations, Part 77, Section 77.13, and compliance with the Florida Department of Transportation's (FDOT) permitting of the proposed construction pursuant to the provisions of Chapter 333.025 et al., Florida Statutes.

3. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD: the completed notarized acknowledgment portion of the attached agenda memorandum, a copy of the recorded Agenda Memorandum Conditions of Approval, the receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer), completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit, and a copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the DRD. 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. No construction shall commence until the permit has been properly posted on the site.

4. Any roadway construction required herein as a condition of development approval shall not be entitled to transportation impact fee credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the Traffic Impact Fee Ordinance.

5. All underdrain proposed to be installed within the County rights-of-way shall require that a Right-of-Way Use Permit be obtained. This permit shall name an entity other than Pasco County who shall be responsible for maintenance of same. The applicant shall be responsible for all terms and conditions of the Right-of-Way Use Permit.

6. All areas proposed for use as model/sales centers, recreational areas, and commercial areas shall be designated on the preliminary plan. Prior to construction within these areas, a detailed site plan conforming to all applicable requirements must be approved by the DRD.

7. The percentage of lots which could be used for the temporary commercial use as a model center, and the number of model centers per phase are as follows:

   a. The total number of lots designated for the temporary commercial use as model centers shall not exceed ten percent of the total number of lots shown on the preliminary plan. The developer will be allowed a minimum of two lots designated as model centers.

   b. Temporary commercial use for model centers shall be restricted to one "center" per phase, according to the phasing plan for construction and platting shown on the preliminary plan.

8. The developer acknowledges that in accordance with the Land Development Code, Section 402, Concurrency Management System, the conditional Certificate of LOS shall expire in three years from the date of approval of this project by the DRC.

9. The owner/developer shall acknowledge that this project is subject to the Pasco County Transportation Impact Fee Ordinance and may be subject to the School Impact Fee Ordinance, the Parks and Recreation Impact Fee Ordinance, the Library Impact Fee Ordinance, the Fire Combat Impact Fee Ordinance, the Rescue Impact Fee Ordinance, and the Hurricane Preparedness Impact Fee Ordinance and shall pay any applicable impact fees assessed to the project in accordance with the said ordinances and policies. Waivers may be granted in accordance with the said ordinances and waiver procedures.

10. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.

11. The owner/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 flood

plain 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.

12. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.

13. The owner/developer acknowledges for a Class IIIU development, 50 percent of the project must be platted, or where no plat is required, 50 percent of the infrastructure must be constructed or 50 percent of the Building Permits for the project must be issued within six years of the original preliminary plan or preliminary site plan approval. Further, 100 percent of the project must be platted, or where no plat is required, 100 percent of the infrastructure must be constructed or 100 percent of the Building Permits for the project must be issued within ten years of the original preliminary plan or preliminary site plan approval. In the event that the developer does not comply with this provision, the preliminary plans or preliminary site plans, Stormwater Management Plan and Report, and construction plans related to the uncompleted portion of the preliminary plans or preliminary site plan shall be deemed void and approval shall be deemed withdrawn unless an extension has been obtained from the DRC prior to expiration of any of the above time limits. An extension shall be applied for at least 60 days prior to expiration of any of the above time limits (Section 306.3.H.2).

14. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with Pasco County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.

15. The owner/developer shall acknowledge that should Pasco 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.

16. The owner/developer shall acknowledge that should Pasco 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.

17. The developer shall install all driveway cuts to local streets and not collector streets.

18. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.

19. The owner/developer acknowledges that Pasco County Utilities shall not accept any water mains, other water structures, sewer mains, or other sewage structures for ownership, operation, or maintenance within the development unless otherwise approved by the Utilities Service Agreement.

20. The developer acknowledges that an appeal may be filed against the decision of the DRC 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.

21. The developer shall provide 6.33 acres of neighborhood parks in accordance with Ordinance No. 02-26. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26.

22. The developer shall convey at no cost to Pasco County 125 feet of right-of-way from the centerline of U.S. 41. In addition, the developer and its successors and assigns 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 improvements of U.S. 41 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. 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. 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.

Construction Plan

23. Prior to the submittal of any construction plans, the developer shall provide a current, complete, environmental assessment for review and approval addressing the following items:

Environmental Assessments

a. Provide a general description of the entire parcel presenting the location (Section, Township, and Range), total acreage, and describing the level of effort expended in determining the existing conditions found on site.

b. Provide information relative to the vegetative communities, both natural and man-modified. Classify the vegetative types using the standard Florida Land Use and Cover Classification System (FLUCCS). Identify, field verify, and demarcate the various vegetative types found on the parcel in 1" = 200' aerial photographs using the FLUCCS.

c. Provide information relative to soil types found on site employing the United States Department of Agriculture, Soil Conservation Service (USSCS), Unified Soil Classification System and the general USSCS nomenclature. Demarcate the various soil types found on site at 1" = 200' scale mapping.

d. Provide a summary list of total acreage by upland, wetland, transitional, native, and altered vegetation areas.

e. Develop a preliminary listing of characteristic plants that are encountered on site, noting the vegetation types that may be unique or endemic to Florida or Pasco County.

f. Provide an inventory and discussion of wildlife encountered on site, including particular species that may occur seasonally or employ the site on a temporal basis. Particular emphasis should be put on the potential for Federal or State-listed species, species of special concern, or species endemic to Pasco County. As part of this work, provide documentation of contacts with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission related to on-site flora and fauna. At a minimum, the presence or absence of the following species shall be discussed: gopher tortoise and commensuals, Sherman fox squirrel, scrub jay, Eastern indigo snake and other reptile and amphibian species, black bear, listed wading bird species and/or bird rookeries, burrowing owl, Southeastern American kestrel, sandhill crane, and whooping crane.

g. Provide a general discussion of other potential environmental concerns, including the impacts of the development on a local and regional basis.

h. Develop a conceptual site plan, at 1" = 200' scale, which visually depicts the proposed modifications to the site and any proposed diminishment or enhancement of naturally occurring, on-site, natural resources.

24. 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 FDOT. Prior to the issuance of the first 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 its satisfaction.

25. No fill shall be placed within the 100-year flood plain designation unless compensating volume to mitigate the fill is provided on site or off site within the same basin and reviewed and approved by Pasco County.

26. The owner/developer shall provide and install all required traffic-control devices associated with the project in accordance with Development Review Policy No. 32-90R dated October 16, 1990, and any amendments thereto.

27. Where excavation in excess of 50,000 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.

28. The owner/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, and retaining walls.

29. Prior to construction drawing approval, the developer shall submit a stormwater management plan in accordance with Sections 306, 310, 605, and 606 of the Land Development Code to the DRD for review and approval of same. The construction plan time frame for review shall not begin until the stormwater management plan is submitted and passed content review.

30. Driveway, road, and intersection improvements requiring roadway widening and/or left-turn, storage lane construction shall also include an asphaltic concrete overlay of the entire limits of intersection improvement area to Pasco County specifications as approved by the County.

31. The developer shall construct all local and collector streets within the development to current Pasco County standards; however, in no instance shall roadway standards be less than those required by the State of Florida *Manual of Uniform Minimum Standards*.

32. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with Land Development Code, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.

    All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the DRD's New Port Richey office.

33. Roadways adjacent to the development which are of deficient width with respect to the FDOT *Manual of Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways* (MUMS, Green Book) standards, shall be upgraded along the length of the development frontage. After widening, the entire width of the roadway along the frontage shall be overlayed with three-quarters inch of the FDOT's S or FC grade asphaltic cement concrete. The developer shall be responsible for the relocation of all utilities which may conflict with road improvements. The developer shall also be responsible for provision and associated cost of these improvements.

34. Bicycle and pedestrian ways shall be established in accordance with Chapter 335.065, Florida Statutes. 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 (Chapter 336.045, Florida Statutes).

35. A T-type turnaround shall be provided on all dead-end roadway stubs. Dead ends shall be barricaded in a manner found acceptable to the Development Services Branch and the Emergency Services Department.

36. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan, approved by the Utilities Services Branch, is required prior to final construction plan approval. The developer shall construct all water and wastewater

facilities within and external to the development to current Pasco County standards. Design and construction standards and Master Utilities Plan outline may be obtained from the Utilities Services Branch.

37. The developer shall install a reclaimed (reuse) irrigation system, sufficient to supply lawn irrigation to all planned areas, where such reclaimed irrigation water is made available by the County. The quality and quantity of reclaimed water provided by the County shall meet all Florida Department of Environmental Protection (FDEP) criteria for use of reclaimed water in public access areas per requirements of the Florida Administrative Code, Rules 17-6 and 17-610.

38. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer 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 owner/developer shall transfer to Pasco County any and all water-use permits or water-use rights the owner/developer may have to use or consume surface water or groundwater within Pasco County.

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

39. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. 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.

40. 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

41. The developer acknowledges that approval of this preliminary plan and/or construction plan 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 conditional Certificate of LOS Compliance. The developer is, however, put on further notice and hereby agrees that the BCC is not irrevocably bound by the current schedule of capital projects and shall not be held liable for any expenses, costs, or other damages incurred by the developer in reliance on the current schedule.

42. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of $5,000.00 each.

43. Prior to platting, or where platting is not required prior to the issuance of the first CO, the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.

44. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owner/developer shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.

45. 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 GPS network. The coordinates for the said corners shall be noted on the plat.

46. All open space, drainage areas, retention and detention ponds, recreation areas, common areas, buffer areas, and preservation areas shall be record platted as tracts and/or easements and shall be conveyed to a mandatory homeowners'/merchants'/property owners' association. Maintenance responsibility will be that of the association.

47. All recreational areas shall be record platted as tracts and deeded to a mandatory homeowners' association or another entity other than Pasco County for maintenance.

48. The developer shall create a mandatory homeowners' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, where such association currently exists, proof of good standing shall be submitted 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' 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 the above-mentioned areas to the said association.

49. All areas designated as SWFWMD, FDEP, or Army Corps of Engineers (ACOE) jurisdiction on the preliminary plan subject to any SWFWMD, FDEP, or ACOE required and/or approved mitigation adjustments shall be recorded on the record plat as preservation areas. The bearings and distances of the jurisdictional lines shall be so denoted on the plat. Within these areas, there shall be no construction, clearing, filling, or improvements of any kind unless appropriate permits have been obtained allowing wetland encroachment.

50. Prior to record platting of any unit or phase, or where platting is not required, prior to the issuance of the first CO, the developer shall furnish a Letter of Commitment from the serving utility company stating that it will accept the water and sewer lines for maintenance, and the said letter shall certify that adequate domestic water and sewer services are available to meet the requirements of the Land Development Code as specified in Section 610.12, Potable Water, and Section 610.13, Wastewater.

51. The developer shall provide streetlights along all internal collector roads and local streets in accordance with the Pasco County Code of Ordinances, Chapter 94, Article II. Streetlight agreements for service from the serving utility shall be provided to the Engineering Services Department for review and acceptance prior to record platting. The streetlight plans shall include a certification by the engineer of record, electrical utility company, or other entity acceptable to the Engineering Services Department, that the streetlights will be in conformance with the American National Standard Practice for Roadway Lighting in accordance with the provisions of the Pasco County Code of Ordinances, Chapter 94, Article II. Unless otherwise approved by the Utilities Services Branch, when the development is record platted, the development shall be included into a street lighting area. The street lighting plan shall be submitted in both hard copy and digital drawing file (formatted in AutoCAD, Arc/Info, or DXF drawing file format).

52. Prior to record platting of any unit or phase within a special taxing district, the developer shall submit documents sufficient to guarantee that all required improvements have been completed and maintenance of all improvements will be the responsibility of the taxing district. There shall be no Building Permits issued prior to record platting.

53. Unless otherwise approved by the Emergency Services Director, when the development is record platted, or where a plat is not required, prior to the issuance of the first Building Permit, 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 such a petition has been received by the Emergency Services Director.

Hard-Copy Site Development Permit

54. Prior to the issuance of the hard-copy Site Development Permit, the developer shall submit revised plans to the DRD for review and approval illustrating the required interconnection to **the 14-acre** abutting parcels **to the north**.

55. Prior to the issuance of the hard-copy Site Development Permit, the developer shall submit revised plans depicting the relocation of the neighborhood park from U.S. 41 to a safer location, **or provide a wall or fence to separate the neighborhood park from U.S. 41**.

56. The developer shall, at his own expense, signalize, when warranted, the intersection of the project entrance and U.S. 41.

57. The developer shall, at his own expense, construct a northbound, left-turn lane into the site with deceleration and taper length of 350 feet and storage length of 430 feet, for a total of 780 feet.

58. The equal mitigation improvement for this development is dual (add one to one existing lane) northbound, left-turn lanes with receiving lanes on S.R. 52 at the intersection of U.S. 41 and S.R. 52. **The developer may submit a proportionate-share contribution proposal for review by staff which will be presented to the DRC for final action.**

59. 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 foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Officer) and Pasco County shall be notified within two working days of the resources found on the site.

60. If the site is identified on Map 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the DRD, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.

61. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.

62. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.

Certificate of Occupancy

63. The developer shall ensure the installation of four-foot sidewalks along both sides of all streets within the development, including those areas abutting nonlot areas. All sidewalks shall be constructed to current Pasco County standards. The said sidewalks shall be constructed prior to the issuance of a CO to its corresponding dwelling unit. Along nonlot areas, sidewalks shall be constructed with the infrastructure improvements to provide an uninterrupted sidewalk network throughout the subdivision. Maintenance of the sidewalks shall be the responsibility of the homeowners' association or an entity other than Pasco County.

Development Standards

64. The residential design standards are as follows:

a. Single-Family Detached (Typical Lot "A")

(1) Minimum Lot Width of 60 Feet

(2) Minimum Lot Depth of 120 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 7,200 Square Feet

(7) Maximum Lot Coverage of 40 Percent - Principal Structure

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

b. Single-Family Detached (Typical Lot "B")

(1) Minimum Lot Width of 65 Feet

(2) Minimum Lot Depth of 120 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 7,800 Square Feet

(7) Maximum Lot Coverage of 40 Percent - Principal Structure

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

c. Single-Family Detached (Typical Lot "D")

(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 7.5 Feet

(5) Minimum Rear-Yard Setback of 15 Feet

(6) Minimum Lot Area of 9,000 Square Feet

(7) Maximum Lot Coverage of 40 Percent - Principal Structure

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

d. Single-Family Detached (Typical Lot "E")

(1) Minimum Lot Width of 80 Feet

(2) Minimum Lot Depth of 120 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 9,600 Square Feet

(7) Maximum Lot Coverage of 40 Percent - Principal Structure

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

65. 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 DRD.

The DRC's approval of this preliminary plan constitutes a finding by the DRC that the preliminary plan, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the Land Development Code that are applicable to preliminary plan approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

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

8.15.2013
Date

Vice President
Title

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 15th day of August 2013 (date), by [illegible] VP (name of corporation acknowledging) a [illegible] (State or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or who has produced N/A (type of identification) as identification.

Seal:

NOTARY

SHARON FOSTER
MY COMMISSION # EE 004573
EXPIRES: July 15, 2014
Bonded Thru Notary Public Underwriters

ATTACHMENTS:

1. Exhibit A (Notice).
2. Exhibit B

CMJ/PJO/dr/talavera03/11a

DEVELOPMENT REVIEW COMMITTEE ACTION (8/11/05):

Approval of Staff Recommendation with Amendments to Condition Nos. 54, 55, and 58

NOTICE OF PROXIMITY TO PRIVATELY OWNED AIRPORT

YOU ARE HEREBY NOTIFIED that the real property located in Pasco County, Florida and described on Exhibit "A" attached hereto (the "Property") lies within the flight path and traffic pattern of Pilot Country Estates Airport, a privately owned, public use, and general aviation airport located east of U.S. 41 north of S.R. 52. Your acceptance of any right of use, deed, lease, mortgage or other interest in or privilege pertaining to the Property shall constitute acknowledgment and acceptance of the lawful use of the airspace by aircraft operating on, approaching or departing the referenced airport and which fly over or near the Property (and the hours of operation and noise that may accompany said lawful operation) and shall forever bar your right to assert against or join in any claim, administrative proceeding, lawsuit, or other cause of action that may be brought against Pasco County or the "Developer" (defined below), their respective officers, directors, employees and agents arising our of, or related to the operation of the referenced airport.

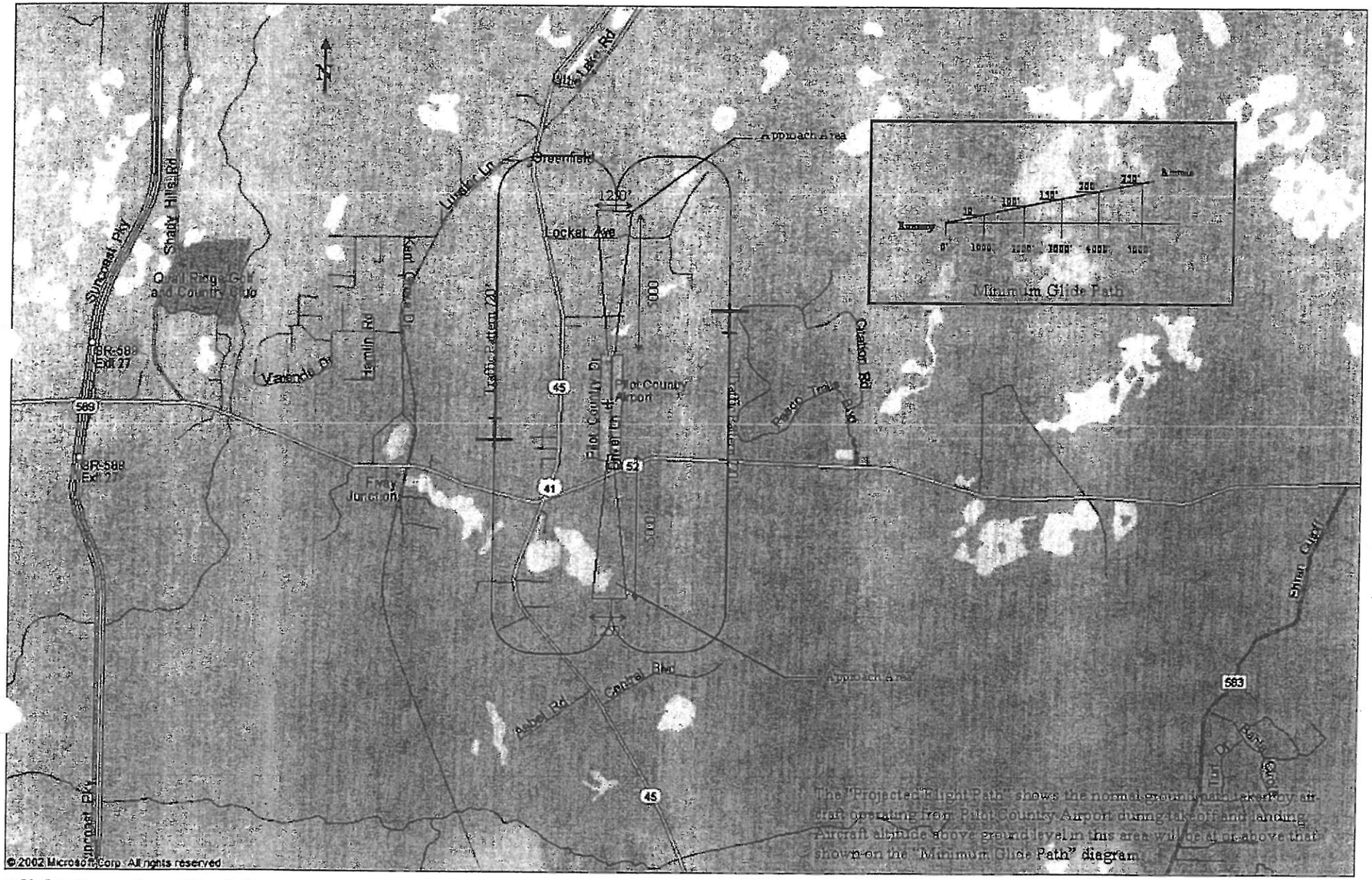
Notwithstanding the above, this Notice shall not be construed to bar any claim against any person or entity for personal injury or property damage caused by or resulting from the operation of aircraft or resulting from the use of airspace above the Property in a manner violative of applicable laws and regulations. Further, this Notice shall not preclude any subsequent owner from lawfully objecting to any future expansion or intensification of the use characteristics of the referenced airport, as the same exist on date of this Notice.

This Notice shall run with the Property and shall be binding upon all owners, tenants, invitees or occupants thereof, their heirs, successors and assigns, invitees and tenants. Such parties' acceptance of any right of use, deed, lease, mortgage or other interest in or privilege pertaining to the Property whatsoever shall constitute acknowledgement and acceptance of the terms and conditions of this Notice and the binding effects hereof.

This Notice shall inure to the benefit of Pasco County and the "Developer," as defined in this Declaration and their respective successors and assigns.

EXHIBIT A

EXHIBIT B

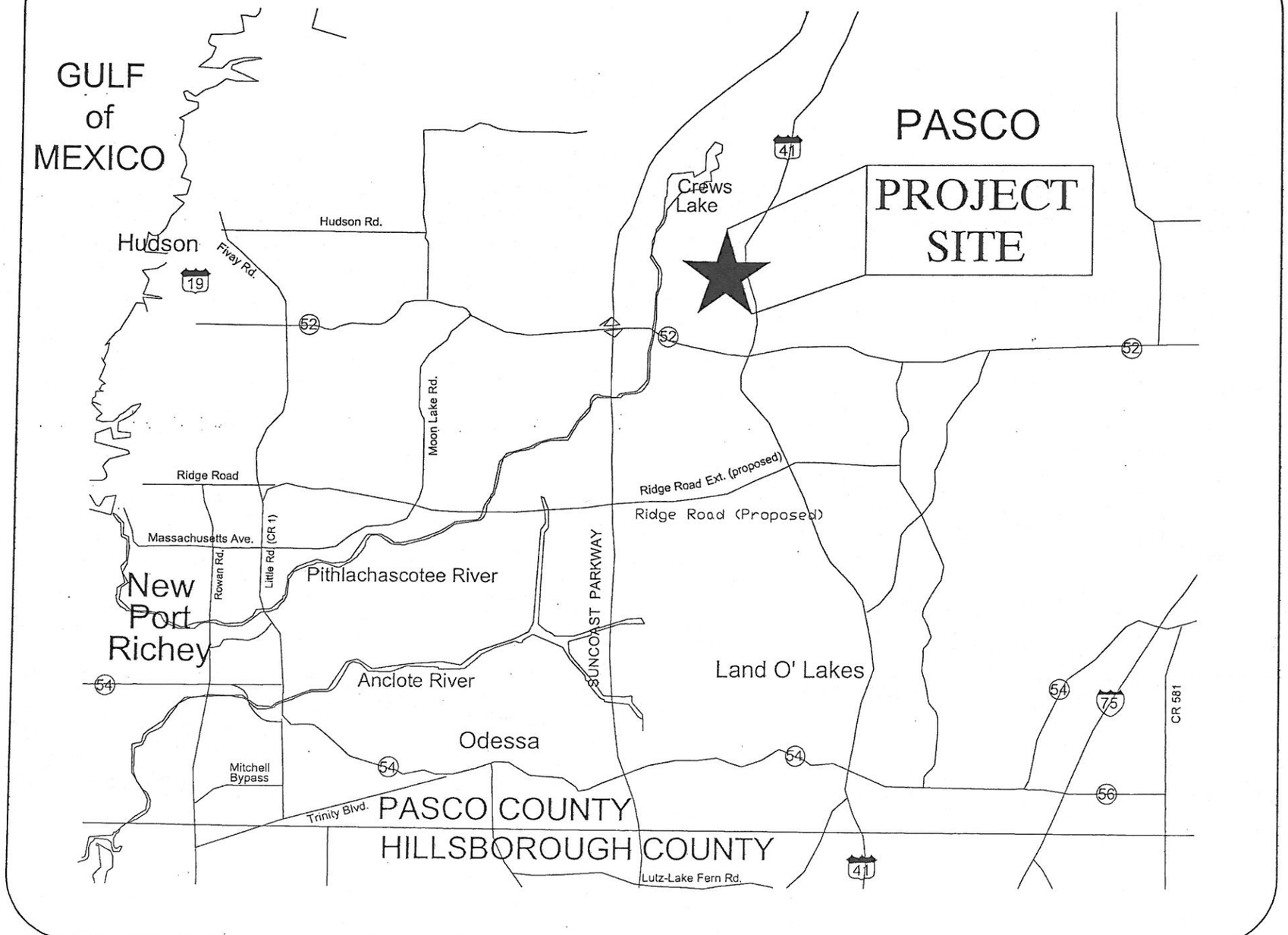


Flight Operations Depiction
Pilot Country Airport, X05

Prepared by
Pilot Country Estates Homeowners Association

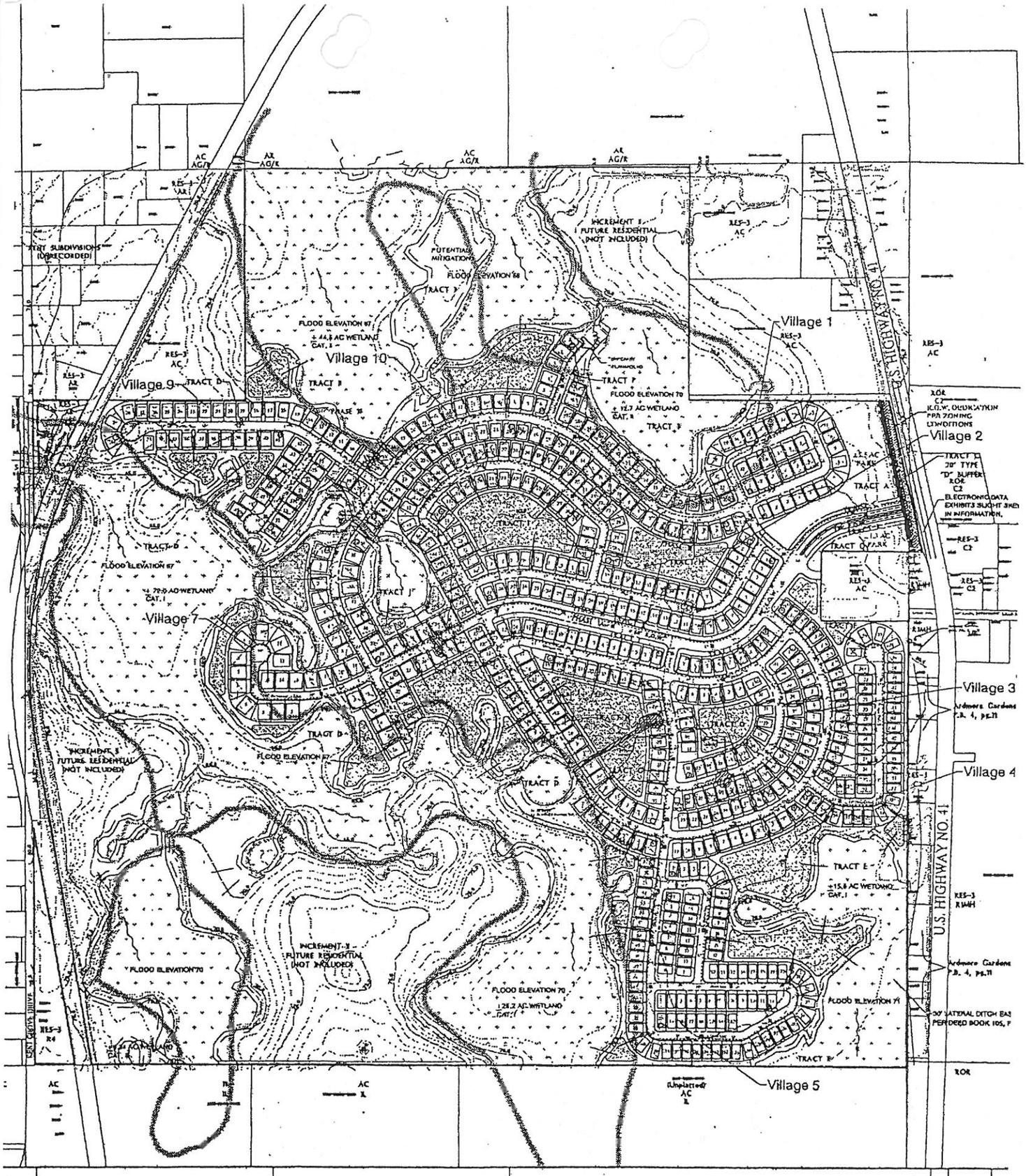
April 28, 2005

LOCATION MAP



226

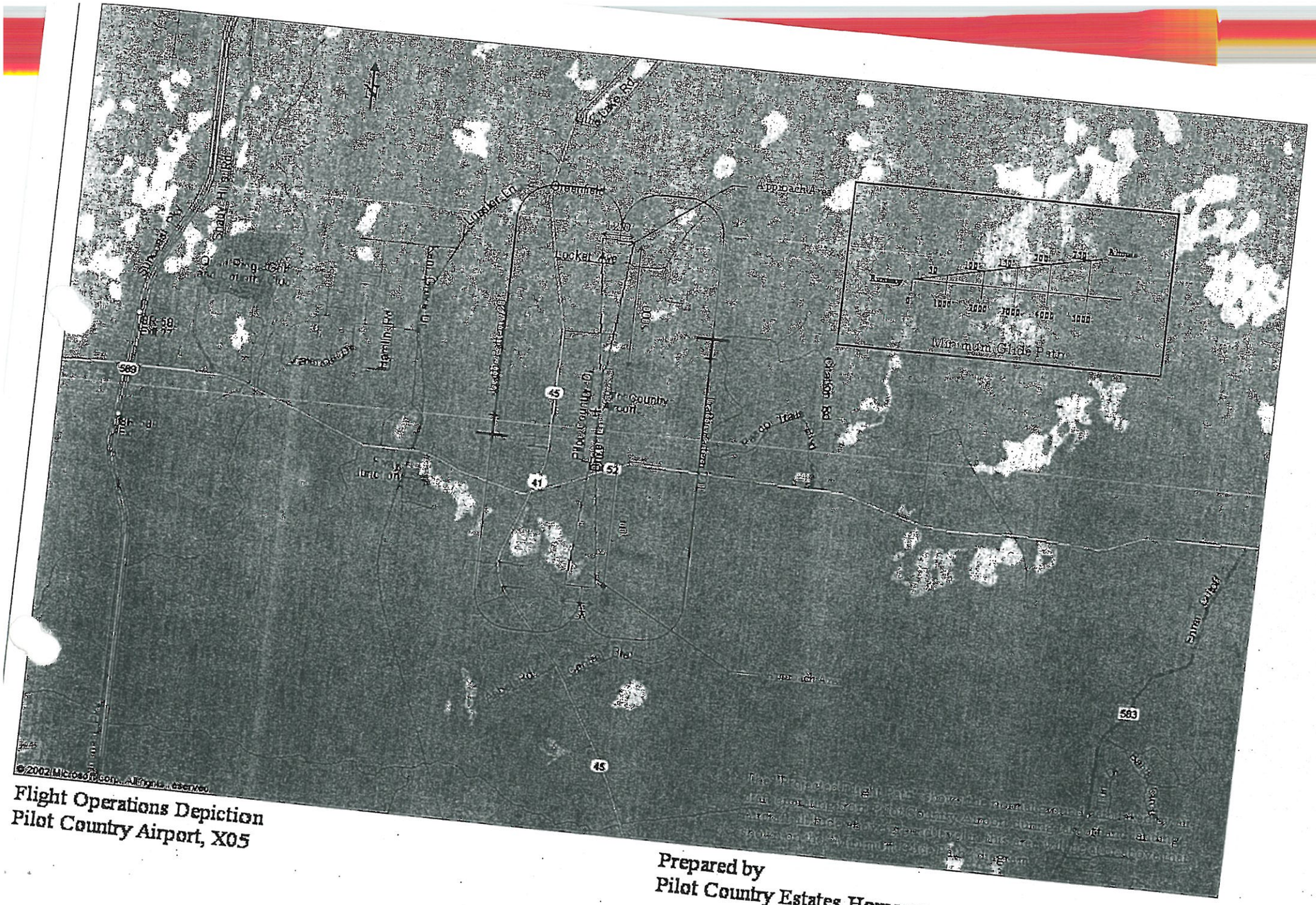
taleavera subdivision



TALAVERA	TALAVERA	PRELIMINARY PLAN INCREMENT 1
OWNER SR 52 DEVELOPMENT L.L.C. 4315 Pablo Oaks Ct. Ste #1 Jacksonville, FL 32224	DEVELOPER SR 52 DEVELOPMENT L.L.C. 10329 Cross Creek Boulevard Suite M Tampa, FL 33647	

NO.	DATE	
1	06/06/05	RE

227



Flight Operations Depiction
Pilot Country Airport, X05

Prepared by
Pilot Country Estates Homeowners Association

April 28, 2005

EXHIBIT B

229