

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

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

DATE: **7/21/15** FILE: PDD15-7145

THRU: Don Rosenthal, M.B.A.
Assistant County Administrator
(Development Services)

SUBJECT: Lester Dairy MPUD Master
Planned Unit Development
BCC: July 21, 2015, 1:30 p.m.
NPR
Recommendation: Approval
with Conditions

FROM: Denise Hernandez
Customer Service Manager
Planning and Development
Zoning and Intake

REFERENCES: Land Development Code,
Section 522, Master
Planned Unit
Development District;
Comm. Dist. 2

STAFF: Corelynn Burns
Planner II

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

DESCRIPTION AND CONDITIONS:

Proposed is a rezoning request from an A-C District (Agricultural) and MF-1 District (Multiple-Family) to an Master Planned Unit Development (MPUD) to allow 487 dwelling units consisting of single-family detached units, and single-family attached units (villas/townhouses) on 294.29 acres, m.o.l.

The property is located on the west side of Land O'Lakes Boulevard (U.S. Highway 41), approximately one mile south of State Road 52, Parcel ID Nos. 16-25-18-0000-01700-0000, 16-25-18-0000-01800-0000, 16-25-18-0000-01800-0030, and 17-25-18-0000-00300-0000.

Commission District:	The Honorable Mike Moore
Project Name:	Lester Dairy MPUD
Applicant's Name:	Redus Florida Land, LLC
Zoning District:	MPUD
Future Land Use Classification:	ROR (Retail/Office/Residential) RES-3 (Residential – 3/du/ga) "A" and "X"
Flood Zones:	Pasco/Pasco
Water/Sewage:	487
No. of Dwelling Units:	Single-Family (Detached and Attached)
Type of Dwelling Units:	Land O'Lakes Boulevard (US Hwy 41)/Public
Access/Roads:	

BACKGROUND:

1. On May 26, 1981, a portion of the proposed subject parcel, approximately 3 acres, was rezoned from R-1 (Single-Family Residential) to an MF-1 (Multiple-Family) Zoning District (Rezoning Petition No. 1547).
2. The remaining subject parcel has an original zoning of A-C (Agricultural).

FINDINGS OF FACT:

1. Presently, the subject site is a dairy farm.
2. The surrounding zoning districts, existing land uses, and future land uses are as follows:

	<u>Zoning District</u>	<u>Existing Use</u>	<u>Future Land Use</u>
North:	MPUD – Florida Citrus Investors C-2 General Commercial	Residential Dwellings Vacant/Unimproved	RES-3 (Residential - 3 du/ga) COM (Commercial)
South:	MPUD – Asbel Creek	Residential	RES-3 (Residential - 3 du/ga)
East:	PO-1 Professional Office A-C Agricultural Commercial	Vacant/Unimproved/ Residential Dwellings Roadway	ROR (Retail/Office/Residential)
West:	A-C Agricultural-Commercial	CSX Railroad Vacant/Wetland	RES-3 (Residential - 3 du/ga)

3. The petitioned site is located within the Central Market Area.
4. The proposed request is consistent with the Pasco County Land Development Code, Chapter 400, Subsection 402.2 Zoning Amendments – MPUD, and with the applicable provisions of the Pasco County Comprehensive Plan.

ALTERNATIVES AND ANALYSIS:

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

RECOMMENDATION AND FUNDING:

The Planning and Development Department recommends that the BCC approve Alternative No. 1 and,

- Authorize the Chairman to sign and execute four original Resolutions, and
- Direct the Board Records Department to retain one original Resolution, and distribute the other three as follows:
 - Planning and Development Department
Attention: Denise Hernandez, Customer Service Manager
Planning and Development (Zoning and Intake)
 - Pasco County Property Appraiser
Attention: Vicki Lewis, Senior Land Records Analyst
 - Clarke G. Hobby, Esq.
Hobby & Hobby, P.A.
109 N. Brush St. Suite 250
Tampa, FL 33602

No Funding Required.

ATTACHMENTS:

- 1a. Aerial - Location Map
- 1b. Zoning – Location Map
2. Resolution
3. Exhibit A, B and C

DEVELOPMENT REVIEW COMMITTEE ACTION: (6-25-15)

Approved Staff Recommendation with Revised Condition:

17. Developer shall design and permit the portion of the East-West Road that lies within Parcel 2 of the MPUD Master Plan and is depicted as “Proposed East-West Road (ROW Width 142-Feet)” (the “LD Segment”) as a four-lane roadway including all necessary drainage, wetland and floodplain mitigation, and other roadway appurtenances associated with the LD Segment, as determined by the County and other permitting agencies having jurisdiction over the same, prior to or concurrent with the first record plat or construction plan approval where no plat is required. Unless otherwise approved by the County, Developer shall construct two lanes of the LD Segment prior to the County’s approval of the record plat (or construction plan approval where no plat is required) for the 301st unit in the project. Upon completion of construction of the LD Segment and upon County acceptance of the same, the Developer shall convey the LD Segment to Pasco County. The LD Segment is a site-access improvement that is not eligible for mobility fee credits, and shall be provided at no cost to the County. If an amendment to the FCI MPUD showing a type 1A or 1B roadway from the western boundary of Parcel 2 of Lester Dairy (as shown on the Lester Dairy MPUD Master Plan) to the western property boundary of the FCI MPUD is not approved by June 31, 2016, or

prior to the first construction plan approval for Lester Dairy, whichever occurs first, then this MPUD and ~~the FCI MPUD~~ shall be modified through the non-substantial modification process to change the East-West Road's location back to the original location shown on the County's Vision Roadway Map. In any event, developer shall not be relieved of its dedication and conveyance obligations set forth respectively in Condition Nos. 12(c), 13 and 14.

BOARD OF COUNTY COMMISSIONERS ACTION: (7/21/15)

Approved Staff Recommendation

RESOLUTION AMENDING ZONING CLASSIFICATION OF PROPERTY DESCRIBED IN REZONING PETITION NO. 7145 FOR AN MPUD MASTER PLANNED UNIT DEVELOPMENT.

WHEREAS, the Board of County Commissioners of Pasco County, after due public notice, held a public hearing on July 21, 2015, on Rezoning Application No. 7145; and

WHEREAS, the Board of County Commissioners has heard the presentation and evidence of the applicant and individuals in opposition to and in favor of the application; and

WHEREAS, the Board of County Commissioners has reviewed the report and recommendations of the Planning Commission and the recommendation of the County staff and does hereby adopt the following findings of fact:

FINDINGS OF FACT

1. On May 26, 1981, a portion of the proposed subject parcel, approximately 3 acres, was rezoned from R-1 (Single-Family Residential) to an MF-1 (Multiple-Family) Zoning District (Rezoning Petition No. 1547).

2. On June 25, 2015, the Development Review Committee heard the applicant's request. The results of the meeting are referenced in Memorandum No. PDD15-7145 to the Development Review Committee, dated June 25, 2015.

3. The remaining subject parcel has an original zoning of A-C (Agricultural).

4. Presently, the subject site is a dairy farm.

5. The petitioned site is located within the Central Market Area.

6. The proposed request is consistent with the Pasco County Land Development Code, Chapter 400, Subsection 402.2 Zoning Amendment – MPUD, and with the applicable provisions of the Pasco County Comprehensive Plan.

WHEREAS, the Board of County Commissioners has taken into consideration other factors relevant to the decision as to whether the zoning classification should be approved for the subject property.

WHEREAS, a description of the real property is attached hereto as Exhibit A and is made part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled, this 21st day of July, 2015, that the zoning classification of the following described real property is hereby amended to an

MPUD Master Planned Unit Development, subject to the conditions and master plan for the Lester Dairy MPUD as set forth in Exhibits B and C attached hereto and made part hereof.

DONE AND RESOLVED this 21st day of July, 2015.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

ATTEST:

PAULA S. O'NEIL, Ph.D., CLERK
& COMPTROLLER

THEODORE J. SCHRADER, CHAIRMAN

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT A

7145

A par of land being a por of Secs 16 & 17, T25S, R18E, Pasco Co, FL, being more partic desc as fol:

Com at the SE cor of Sec 16, T25S, R18E, Pasco Co, FL; th $N00^{\circ}07'13''E$ alg the E line of said Sec 16, (being the basis of beargs for this legal desc), same also being the W line of Asbel Crk Ph 1, as rec in PB 50, Pg 122, of the Pub Rec of Pasco Co, FL, for 331.02' to the POB; th cont $N00^{\circ}07'13''E$ alg said E line of said Sec 16, same also being said W line of Asbel Crk Ph 1 & the W line of LOL Add, as rec in PB 4, Pg 59, of the Pub Rec of Pasco Co, FL, resp, for 1,331.65' to the POI w/the W r/w of U.S. 41 (S.R. 45), accdg to DB 105, Pg 5, as shown on the FDOT R/W Map (Sec 14010-XXXX); th leavg said E line of said Sec 16, $N40^{\circ}21'43''W$ alg said W r/w of U.S. 41 (S.R. 45), for 1,320.34' to an Ely cor of that certain prop as desc in ORB 8058, Pg 1272, of the Pub Rec of Pasco Co, FL; th the fol 5 crs alg the S, W, & N lines of said certain prop as desc in ORB 8058, Pg 1272, resp, (1) th leavg said W r/w of U.S. 41 (S.R. 45) $S51^{\circ}46'59''W$, for 788.96'; (2) th $S60^{\circ}40'11''W$, for 352.55'; (3) th $S89^{\circ}01'02''W$, for 200.60'; (4) th $N00^{\circ}21'27''E$, for 912.96'; (5) th $N88^{\circ}55'12''E$, for 665.80' to the POI w/the W line of that certain prop as desc in ORB 1225, Pg 1501, of the Pub Rec of Pasco Co, FL; th cont alg said N line of that certain prop as desc in ORB 8058, Pg 1272, same also being said W line of that certain prop as desc in ORB 1225, Pg 1501, $S00^{\circ}20'44''W$, for 110.36' to the NW cor of that certain prop as desc in ORB 8212, Pg 823, of the Pub Rec of Pasco Co, FL, same also being the SW cor of said certain prop desc in ORB 1225, Pg 1501; th $N76^{\circ}46'12''E$ alg the N line of said certain prop as desc in ORB 8212, Pg 823, same also being the S line of said certain prop desc in ORB 1225, Pg 1501, for 297.23' to the POI w/a nontangent curv, concave NEly, same also being the SE cor of said certain prop desc in ORB 1225, Pg 1501, same also being a POI w/said W r/w of U.S. 41 (S.R. 45); th NWly alg the arc of said curv, same also being said W r/w of U.S. 41 (S.R. 45), from a rad bearg of $N56^{\circ}26'02''E$, havg a rad of 1,989.86', a cent ang of $16^{\circ}06'49''$, an arc length of 559.62', & a chord bearg $N25^{\circ}30'34''W$ for 557.78' to the POI w/the S line of that certain prop as desc in ORB 3250, Pg 259, of the Pub Rec of Pasco Co, FL; th the fol 3 crs alg said S line of that certain prop desc in ORB 3250, Pg 259: (1) th leavg said W r/w of U.S. 41 (S.R. 45), $N89^{\circ}52'57''W$, for 425.71'; (2) th

N20°31'13"W, for 224.74'; (3) th N89°51'17"W, for 97' to the POI the E line of that certain prop desc in ORB 1350, Pg 1516, of the Pub Rec of Pasco Co, FL; th S00°02'29"E, alg said E line of that certain prop desc in ORB 1350, Pg 1516, for 494.20' to the POI w/the center of a drainage canal as field loc on Aug 11, 2014, & as shown on that certain bdry survey prepared by FL Design Consultants, Inc., titled Lester Dairy, DW Lester & Sons Par, dated Aug 11, 2014, Job#2014-0042; th the fol 36 crs alg said ctr of drainage canal: (1) th S85°34'04"W, for 40.24'; (2) th S69°33'25"W, for 114.13'; (3) th S59°25'34"W, for 69.45'; (4) th S70°34'22"W, for 86.77'; (5) th S76°15'38"W, for 75.81'; (6) th N87°41'40"W, for 56.72'; (7) th N46°51'40"W, for 105.01'; (8) th N54°04'57"W, for 113.11'; (9) th N28°47'20"W, for 153.21'; (10) th N40°11'03"W, for 145.29'; (11) th N56°50'26"W, for 49.64'; (12) th N89°10'08"W, for 37.35'; (13) th S54°36'25"W, for 74.41'; (14) th S81°57'30"W, for 183.99' to a POI w/a nontangent curv, concave SEly; (15) th SWly alg the arc of said curv, from a radial bearg of S22°56'30"E, havg a rad of 114.40', a cent ang of 82°41'54", an arc length of 165.12', & a chord bearg S25°42'33"W for 151.16'; (16) th S08°05'27"E, for 97.19' to a POI w/a nontangent curv, concave NWly; (17) th SWly alg the arc of said curv, from a rad bearg of N82°42'36"W, havg a rad of 224.90', a cent ang of 36°33'29", an arc length of 143.50', & a chord bearg S25°34'08"W for 141.08'; (18) th S40°11'29"W, for 65.45'; (19) th N83°01'56"W, for 95.39'; (20) th N78°05'41"W, for 548.30'; (21) th S83°44'55"W, for 237.71'; (22) th S81°45'48"W, for 296.40'; (23) th N66°10'06"W, for 153.76'; (24) th N50°57'38"W, for 137.75'; (25) th N29°19'35"W, for 225.10'; (26) th N87°12'52"W, for 271.37'; (27) th N68°37'12"W, for 146.87'; (28) th N76°46'34"W, for 134.31'; (29) th N34°39'39"W, for 36.25'; (30) th N28°50'14"W, for 246.89'; (31) th S66°30'17"W, for 136.87'; (32) th S89°55'47"W, for 59.87'; (33) th N65°12'22"W, for 49.14'; (34) th S61°09'16"W, for 105.49'; (35) th S72°26'14"W, for 56.87'; (36) th S85°36'27"W, for 136.27' to a POI w/a nontangent curv, concave Ely; same also being the POI w/the E r/w of the CSX RR as rec in DB 45, Pg 117, of the Pub Rec of Pasco Co, FL; th Sly alg the arc of said curv, same also being said E r/w of the CSX RR, from a rad bearg of N86°35'14"E, havg a rad of 5,679.65', a cent ang of 18°22'33", an arc length of 1,821.58', & a chord bearg S12°36'02"E for 1,813.78'; th cont alg said E r/w of the CSX RR, S21°47'19"E, for 1,312.92' to the NW cor of Asbel Crk Ph 5, as rec in PB 60, Pg 70, of the Pub Rec of Pasco Co, FL; th alg the N line of said Asbel Crk Ph 5, the N line of Asbel Creek Ph 4, as rec in PB 57, Pg 136, the N line of Asbel Crk Ph 3, as rec in

PB 57, Pg 1, & the N line of Asbel Crk Ph 2, as rec in in PB 54, Pg 50, all of the Pub Rec of Pasco Co, FL, resp, the fol 14 crs: (1) th leavg said E r/w of the CSX RR, S87°28'48"E, for 2,230.62'; (2) th S43°52'17"E, for 218.89'; (3) th N68°11'43"E, for 246.90'; (4) th N54°20'23"E, for 95.48'; (5) th N71°45'13"E, for 355.45'; (6) th S65°22'27"E, for 117.58'; (7) th S86°14'17"E, for 94.60'; (8) th N68°45'23"E, for 441.70'; (9) th N23°07'47"W, for 31.67'; (10) th N72°37'53"E, for 159.31'; (11) N48°51'58"E, for 245.35'; (12) th N60°08'58"E, for 347.85'; (13) th S20°09'32"E, for 884.81'; (14) th N76°56'58"E, for 360.08' to the POB, Secs 16 & 17, T25S, R18E, Pasco Co, FL.

EXHIBIT B
CONDITIONS OF APPROVAL

**MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 7145**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted January 28, 2015, May 5, 2015, the Land Development Code, and the Comprehensive Plan unless otherwise stipulated or modified herein.

Environmental

2. The developer has submitted an environmental/habitat study which has been reviewed on March 12, 2015, by County staff and the following conditions shall apply:
 - a. The Master Developer or parcel developer shall complete a Gopher Tortoise Survey in accordance with the Florida Fish and Wildlife Conservation Commission (FFWCC) survey guidelines. A copy of this survey shall be sent to the Planning and Development Department for further review and approval by the Environmental Lands Division and to the FFWCC prior to PDP/preliminary plan site plan approval. Prior to the issuance of a site development permit, the applicant/developer shall submit a copy of the FFWCC gopher tortoise permit and after action report to the Planning and Development Department and Environmental Lands Division. If the project is delayed, follow-up surveys shall be conducted no fewer than 90 days and no fewer than 72 hours prior to commencing gopher tortoise capture and relocation activities. All follow-up surveys shall be sent to Planning and Development, the Environmental Lands Division, and FFWCC for further review and approval.
 - b. Prior to any construction activities, if construction activities are scheduled to begin 30 days before or during any of the following breeding and nesting seasons, the applicant and any subsequent developer(s) shall survey for breeding or nesting activities of protected species; such species, seasons and habitats include but are not limited to:
 - * Florida Sandhill Crane, *Grus Canadensis pratensis*, January 1 – May 31, in any on-site wetlands;
 - * Limpkin, *Aramus guarauna*, February 15 – June 30, in any on-site wetlands;
 - * Protected wading bird species, June 1 – September 30, any on-site colony or rookery;
 - * Southwestern American Kestrel, *Falco sparverius paulus*, April 1 – August 30, in sandhills, savannas, flatwoods, farmlands, or any open or cleared land with dead trees;

The applicant and all subsequent developer(s) shall submit all breeding season surveys to the Planning and Development Department, the Environmental Lands



Division, and FFWCC for review, before Pasco County may approve or issue any mass grading or hard-copy site development permits.

3. Prior to construction plan/construction site plan approval, the developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit Application as submitted to the Southwest Florida Water Management District (SWFWMD). Prior to the issuance of the Site Development Permit, the developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit.
4. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered that would result in a take, work in the affected area shall come to an immediate stop, and Pasco County and applicable agencies shall be notified within two working days of the plant and/or animal species found on the site. All work in the affected area shall remain stopped until all pertinent permits have been obtained or agency written authorization to commence activities has been given.

Open Space/Buffering

5. The developer shall create mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the State of Florida, Secretary of State, or, if approved, by the BCC, a Community Development District (CDD) shall encompass the entire boundaries of the MPUD. The developer shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the State of Florida, Secretary of State, restrictive covenants, and all exhibits shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.
6. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Land Development Code (LDC), Section 905.1, Neighborhood Parks. Specific review and approval of the neighborhood parks will be conducted at each PDP/PSP review.
7. The developer shall provide a Type B landscape buffer for all portions of the property that are being developed with residential uses (specifically not including wetlands or other areas not proposed to have homes and other dwelling units) which abut parcel ID No. 16-25-18-00090-01900-0000 in accordance with the LDC, Section 905.2, (minimum



fifteen feet wide, single row of trees; maximum sixty feet on center, visual screen a minimum of six feet in height at time of installation and designed to be eighty (80) percent opaque within one year; screening shall include one or more of the following: opaque fence; wall; berm; hedge).

Transportation/Circulation

Access Management

8. The access points shown on the master plan are conceptual only. Permanent placement of each access point shall be determined at the time of review with the corresponding PSP/PDP and, unless otherwise approved by the County, shall meet established access-management criteria.
9. Unless determined otherwise at the time of PDP/PSP review based on a subsequent access management analysis for the specific parcel or phase, the developer shall construct or post a performance guarantee for the following site-access improvements prior to approval of the first record plat, or where platting is not required, prior to approval of the construction plan for the associated parcel or phase containing or necessitating any of the following improvements. Such improvements are site-access improvements that are not eligible for mobility fee credits, and shall be provided at no cost to the County:
 - a. US 41/Site Entrance intersection: The developer shall construct a full access connection to include a northbound left turn lane and a southbound right turn lane. The length of the turn lanes will be determined at time of preliminary development plan review.
 - b. The developer shall design, permit, and construct, at no cost to the County, the entrance roadway (up to the intersection with the planned extension of Bulloch Boulevard as shown on the MPUD Master Plan) for the development as a Type 1A subdivision collector roadway, urban design. There shall be no individual driveway cuts onto this roadway.
10. At each PDP/PSP approval, the County may require, if recommended by the County Engineer, or designee, pursuant to the LDC, further site-specific intersection improvements. Intersection improvements shall be in accordance with the LDC and Access Management Standards as amended.

Dedication of Right-of-Way

11. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than the County. Pasco County will not be responsible for the maintenance of any private streets.
12. Subject to the provisions of the LDC, Section 901.2.J. (Transportation-Corridor Management; Dedication-Rough Proportionality), the developer shall convey, at no cost to the County, the following required amount of right-of-way:

BCC

APPROVED

DRC 6/25/15
BCC 7/21/15
Rev. 6/25/15

- a. Land O'Lakes Boulevard (U.S. 41) - 110 feet of right-of-way from the centerline of construction. The right-of-way shall be provided from the northern property boundary to the southern property boundary.
 - b. Bulloch Boulevard (Asbel Road) – to total 120 feet plus 11 foot landscaping easements on both sides of the road right-of-way, in a location which connects to the existing portion of Bulloch Blvd. and continues north to the northern property boundary as depicted on the MPUD Master Plan.
 - c. East-West Vision Road – to total 120 feet plus 11 foot landscaping easements on both sides of the road right-of-way within Parcel 2 only, as depicted on the MPUD Master Plan.
13. In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned (i.e. in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan) improvements of Land O'Lakes Boulevard, Bulloch Boulevard, and the East-West Vision Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, permanent slope easements (once grade of roadway is set) and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Land O'Lakes Boulevard, Bulloch Boulevard, and the East-West Vision Road and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section 406.3. 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.
14. Developer will provide Florida Citrus Investors, Inc. or the then-owner of the FCI MPUD ("FCI") a non-exclusive public ingress/egress easement of 142 feet in width over the LD Segment. Upon completion of construction of the LD Segment and dedication to Pasco County, the easement shall automatically terminate.
15. To the extent that any of the conditions of this approval constitute monetary or property exactions that are subject to *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the applicant/owner, and successors and assigns (a), agrees that there is a nexus and rough proportionality between such conditions and the impacts of this project/development, and that such conditions are necessary to ensure compliance with the criteria of the LDC and Comprehensive Plan that are applicable to this approval, and (b) waives any claims based on such conditions. This agreement/waiver was entered into voluntarily, in good faith, for valuable consideration, and with an opportunity to consult legal counsel, but does not affect the



applicant/owner's ability to seek variances, administrative remedies, or modifications of the conditions of this approval through applicable processes in the LDC.

Design/Construction Specifications

16. Developer shall design and permit the portion of Bulloch Boulevard (Asbel Road as named in the Preservation Corridor Table) that lies within the project as depicted on the MPUD Master Plan (the "Bulloch Segment") as a four-lane roadway (in the width provided hereinafter) and construct the eastern two lanes of the same, including all necessary drainage, wetland and floodplain mitigation, and other roadway appurtenances associated with the Bulloch Segment, as determined by the County and other permitting agencies having jurisdiction over the same. The Bulloch Segment shall be constructed by the developer in phases as needed to serve the adjacent development phases. Upon completion of construction of the Bulloch Segment and upon County acceptance of the same, the Developer shall convey the Bulloch Segment to Pasco County. The Bulloch Segment is a site-access improvement that is not eligible for mobility fee credits, and shall be provided at no cost to the County.

17. Developer shall design and permit the portion of the East-West Road that lies within Parcel 2 of the MPUD Master Plan and is depicted as "Proposed East-West Road (ROW Width 142-Feet)" (the "LD Segment") as a four-lane roadway including all necessary drainage, wetland and floodplain mitigation, and other roadway appurtenances associated with the LD Segment, as determined by the County and other permitting agencies having jurisdiction over the same, prior to or concurrent with the first record plat or construction plan approval where no plat is required. Unless otherwise approved by the County, Developer shall construct two lanes of the LD Segment prior to the County's approval of the record plat (or construction plan approval where no plat is required) for the 301st unit in the project. Upon completion of construction of the LD Segment and upon County acceptance of the same, the Developer shall convey the LD Segment to Pasco County. The LD Segment is a site-access improvement that is not eligible for mobility fee credits, and shall be provided at no cost to the County. If an amendment to the FCI MPUD showing a type 1A or 1B roadway from the western boundary of Parcel 2 of Lester Dairy (as shown on the Lester Dairy MPUD Master Plan) to the western property boundary of the FCI MPUD is not approved by June 31, 2016, or prior to the first construction plan approval for Lester Dairy, whichever occurs first, then this MPUD shall be modified through the non-substantial modification process to change the East-West Road's location back to the original location shown on the County's Vision Roadway Map. In any event, developer shall not be relieved of its dedication and conveyance obligations set forth respectively in Condition Nos. 12(c), 13 and 14.

18. If the property to the north has an approved PDP/PSP, then prior to PDP/PSP submittal for the northern portion of the development, the developer shall supply evidence that it has coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcels to the north to identify and provide the location of the required interconnecting roadway. The following information shall be shown on all preliminary development plans/PSPs and construction plans/construction site plans that include or abut the interconnecting roadway: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent



bearing/curve geometry) to provide a seamless continuation of this road at property lines.

19. The timing and phasing application submitted by the applicant assumes the following land uses: 487 single-family residential units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated Timing and Phasing Analysis utilizing a methodology approved by the County. The County may impose additional conditions on the applicant or developer based on the updated County-approved Timing and Phasing Analysis.
20. The entire project must be platted by December 31, 2020 or an updated timing and phasing analysis utilizing a methodology approved by Pasco County shall be required. Additional conditions based upon the updated timing and phasing analysis may be imposed by the County.
21. Prior to the first PDP/PSP submittal, the developer shall submit a Master Roadway Plan to the Planning and Development Department for review and approval. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and arterial roadways within the MPUD. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the LDC, Section 901.1, Transportation-Corridor Spacing. Approval of this plan must be obtained from the Planning and Development Department prior to the first PDP/PSP submittal. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections.
22. The developer may submit an overall pedestrian/bike path plan to the Planning and Development Department for approval prior to approval of the first PDP/PSP, which provides a path circulation in accordance with the Pasco County LDC, as amended, or an alternative method acceptable to the Planning and Development Department, and in compliance with the handicapped provisions of Section 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.
23. As provided in Chapter 190, Florida Statutes, and subject to the BCC's separate approval, the CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD that are identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the County or School Board (Public Properties) that are located within the boundary of the CDD. All applicable documents pertaining to the undertaking of funding and construction by the CDD shall reflect the following:
 - a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.



- b. No debt or obligation of such CDD shall constitute a burden on any Public Property.

Utilities/Drainage/Water Service/Wastewater Disposal

- 24. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first PDP/PSP/construction plan. This utility plan shall show, at a minimum, the following:
 - a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and non-potable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a non-potable water system for irrigation.
 - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. Utilities Services Plan shall include *AutoCAD* and PDF electronic files and hydraulic analysis for the water, wastewater, and reclaimed water systems and shall be in conformance with the Utilities Services Plan guidelines implemented by the Utilities Services Branch.
 - f. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
- 25. The developer shall construct all water and wastewater facilities within the development to current County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
- 26. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, and then only for so long as such a production failure or shortfall exists, the developer/owner shall transfer to the County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within the subject property, provided that the same are not needed to continue any existing agricultural uses on the subject property, in which case, such transfer shall not be required as long as such agricultural uses are active.
 - b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

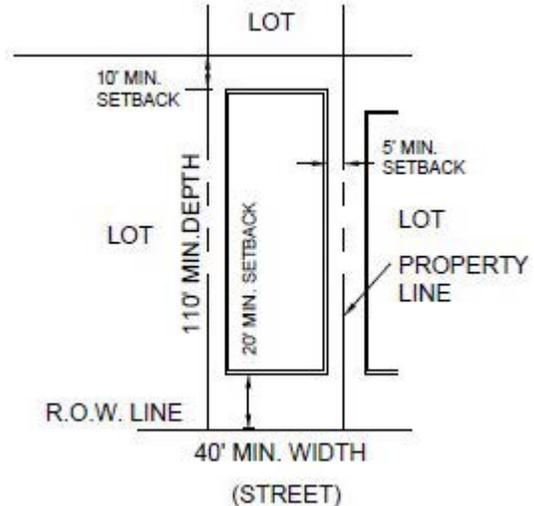


Land Use

27. The residential dimensional standards are as follows:

a. Single-Family Detached (40' x 110') Front Loading Lot

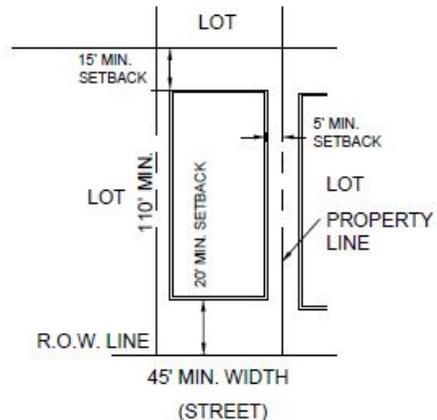
- (1) Minimum Lot Width of 40 feet
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 7.5 feet*
- (5) Minimum Rear-Yard Depth of 10 feet
- (6) Maximum Total Lot Coverage of 65 percent
- (7) Maximum Height of 35 feet



- * On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
- ◆ Side-yard setbacks may be reduced to no less than 5 feet subject to compliance with LDC Section 902.2.K.2.b.

b. Single-Family Detached (45' x 110') Front Loading Lot

- (1) Minimum Lot Width of 45 feet
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 7.5 feet*
- (5) Minimum Rear-Yard Depth of 15 feet
- (6) Maximum Total Lot Coverage of 65 percent
- (7) Maximum Height of 35 feet



- * On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
- ◆ Side-yard setbacks may be reduced to no less than 5 feet subject to compliance with LDC Section 902.2.K.2.b.

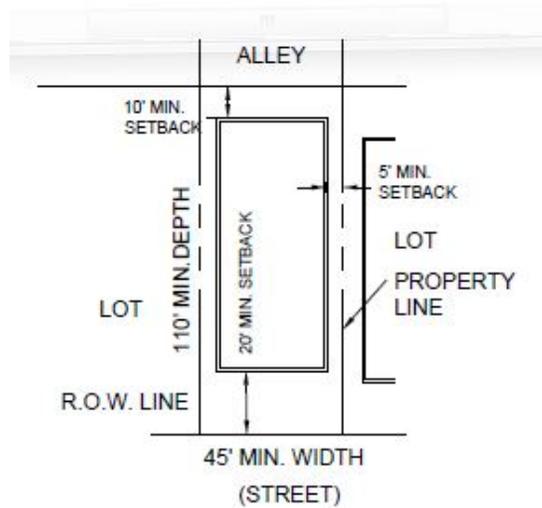
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c. Single-Family Detached (45' x 110') Rear Loading Lot

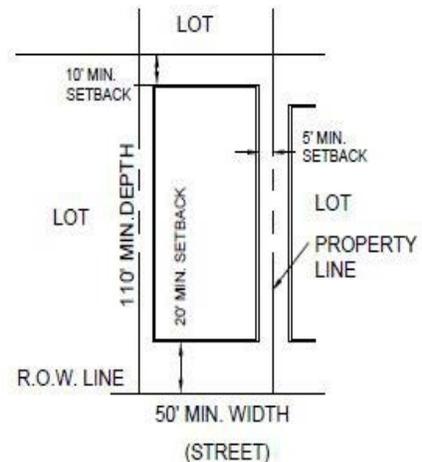
- (1) Minimum Lot Width of 45 feet
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 7.5 feet*
- (5) Minimum Rear-Yard Depth of 10 feet
- (6) Maximum Total Lot Coverage of 65 percent
- (7) Maximum Height of 35 feet



- * On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
- ◆ Side-yard setbacks may be reduced to no less than 5 feet subject to compliance with LDC Section 902.2.K.2.b.

d. Single-Family Detached (50' x 110') Front Loading Lot

- (1) Minimum Lot Width of 50 feet
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 7.5 feet*
- (5) Minimum Rear-Yard Depth of 10 feet
- (6) Maximum Total Lot Coverage of 65 percent
- (7) Maximum Height of 35 feet

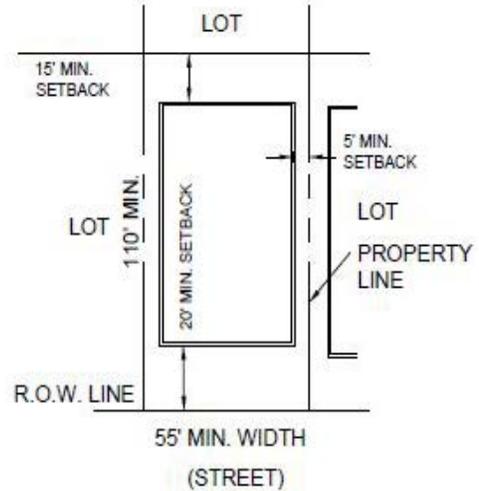


- * On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
- ◆ Side-yard setbacks may be reduced to no less than 5 feet subject to compliance with LDC Section 902.2.K.2.b.

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e. **Single-Family Detached (55' x 110') Front Loading Lot**

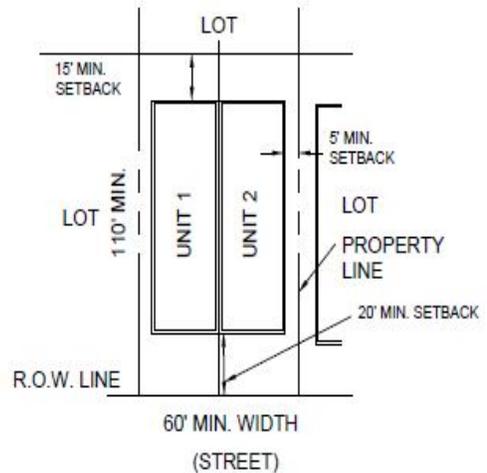
- (1) Minimum Lot Width of 55 feet
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 7.5 feet*
- (5) Minimum Rear-Yard Depth of 15 feet
- (6) Maximum Total Lot Coverage of 65 percent
- (7) Maximum Height of 35 feet



- * On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
- ◆ Side-yard setbacks may be reduced to no less than 5 feet subject to compliance with LDC Section 902.2.K.2.b.

f. **Villa (60' x 110') Front Loading Lot**

- (1) Minimum Lot Width of 60 feet (if two units, 30 foot minimum lot width per lot)
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 7.5 feet*
- (5) Minimum Rear-Yard Depth of 15 feet
- (6) Maximum Total Lot Coverage of 100 percent
- (7) Maximum Height of 35 feet



- * On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
- ◆ Side-yard setbacks may be reduced to no less than 5 feet subject to compliance with LDC Section 902.2.K.2.b.

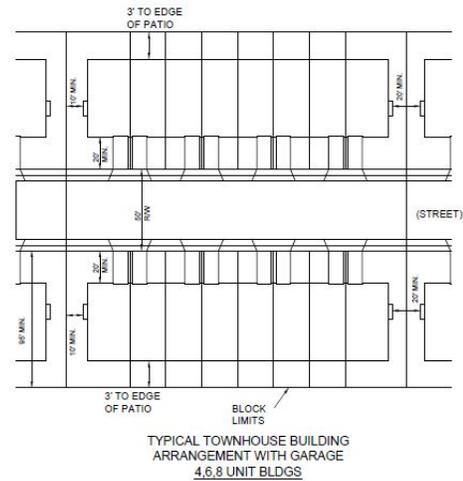
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g. **Townhouse**

- (1) Minimum Lot Width of 16 feet
- (2) Minimum Lot Depth of 110 feet
- (3) Minimum Front-Yard Setback of 20 feet*
- (4) Minimum Side-Yard Setback of 10 feet* (Minimum 20 feet between structures)
- (5) Minimum Rear-Yard Depth of 3 feet
- (6) Maximum Lot Coverage of 100 percent
- (7) Maximum Height of 35 feet



- 28. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
- 29. The total aggregate number of dwelling units for Lester Dairy shall not exceed 487.
- 30. The maximum density set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable County ordinances and resolutions.
- 31. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
- 32. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of two acres, to be used for recreational vehicle storage for the exclusive use of Lester Dairy residents. The site(s) must obtain PSP approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

Procedures

- 33. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
- 34. A PSP must be approved for each multiple-family (non-fee simple), recreational vehicle, or commercial increment in its entirety prior to any phased construction plan approval.
- 35. PDP/PSP submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master

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Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received PDP/PSP approval, construction plan/construction site plan approval, and/or record plat approval.

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

[OWNER/DEVELOPER ACKNOWLEDGMENT TO FOLLOW]



OWNER/DEVELOPER ACKNOWLEDGMENT:

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

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

