

**CROSS PARK MPUD
SUBSTANTIAL MODIFICATION NARRATIVE**

Introduction

On December 15, 2009, the Pasco County Board of County Commissioners (the “BOCC”) approved Zoning Petition Number 6866 for a change in zoning from an A-C Agricultural District to an MPUD Master Planned Unit Development District.

Cross Park MPUD is located on the southeast corner of the intersection of S.R. 54 and Henley Road and contains approximately 20.91 acres. The MPUD allows up to a total of 145,000 square feet of professional office and up to 30,000 square feet of retail/commercial use.

This substantial modification to the approved Cross Park MPUD proposes changes to the Master Plan and Conditions of Approval as described as follows:

A. MPUD Master Plan

The MPUD Master Plan adds Assisted Living Facility (ALF) and Rehabilitation Center as new permitted uses, subject to a maximum of 100,000 square feet maximum of those uses within the MPUD. The use table will be expanded to permit those uses. A non-binding concept plan will be submitted with the substantial modification to illustrate one potential buildout scenario for the MPUD.

B. MPUD Conditions of Approval

The proposed substantial modification to the approved Cross Park MPUD proposes changes to the conditions of approval to accomplish the following:

1. Clarify the permitted uses noted above;
2. Eliminate old concurrency-related conditions;
3. Delete conditions that are no longer used in MPUDs, many of which are addressed in conditions of approval for site plan approvals; and
4. Clarify other open issues in the conditions.

The changes to the MPUD will not constitute a material change to the impact to the transportation system, nor will the updated uses have a greater impact on any other County facilities.

**PASCO COUNTY
ZONING/CODE COMPLIANCE DEPARTMENT
MPUD MASTER PLANNED UNIT DEVELOPMENT
REZONING APPLICATION COMPLETENESS CHECKLIST**

SUBSTANTIAL MODIFICATION

Date: APRIL 30, 2015

Project Name: CROSS PARK MPUD

Reviewer: [REDACTED]

Unless otherwise indicated, persons to receive information will be an authorized agent, attorney, and applicant/developer.

Authorized Agent Information:

Company Name: HOBBY & HOBBY, P.A.

Contact Person: CLARKE G. HOBBY

Contact Telephone Number: 813-223-3338

Contact E-Mail Address: clarke.hobby@hobbylaw.com

Attorney Contact Information:

Company Name: HOBBY & HOBBY, P.A.

Contact Person: CLARKE G. HOBBY

Contact Telephone Number: 813-223-3338

Contact E-Mail Address: clarke.hobby@hobbylaw.com

Developer Contact Information:

Company Name: CROSS PARK PROPERTIES, LLC

Contact Person: HITESH PATEL

Contact Telephone Number: 813-220-8277

Contact E-Mail Address: hpatel01@verizon.net

Owner Contact Information:

Company Name: CROSS PARK PROPERTIES, LLC

Contact Person: HITESH PATEL

Contact Telephone Number: 813-220-8277

Contact E-Mail Address: hpatel01@verizon.net

Engineer and/or Planner Contact Information:

Company Name: WRA ENGINEERING

Contact Person: JOE CIMINO, P.E.

Contact Telephone Number: 813-265-3130

Contact E-Mail Address: jcimino@wraengineering.com

Transportation Consultant Contact Information:

Company Name: RAYSOR TRANSPORTATION CONSULTING

Contact Person: MICHAEL D. RAYSOR, P.E.

Contact Telephone Number: MICHAEL D. RAYSOR, P.E.

Contact E-Mail Address: mdr@raysor-transportation.com

Environmental Consultant Contact Information:

Company Name: [REDACTED]

Contact Person: [REDACTED]

Contact Telephone Number: [REDACTED]

Contact E-Mail Address: [REDACTED]

E-mail addresses are crucial since all correspondence will be via e-mail, if possible.

<u>Submitted</u>	<u>Number Required</u>	<u>Documents</u>
<input checked="" type="checkbox"/>	1	Application for Zoning Amendment (original document)
<input type="checkbox"/>	2	Property Boundary Surveys (signed and sealed). Only required if boundary of site has changed and/or property has been added or removed.
<input checked="" type="checkbox"/>	2	Transportation Methodology Approval. Only required if a new traffic study is required.
<input type="checkbox"/>	2	Transportation Impact Study (if complete). Only required if the modification to the MPUD Master Planned Unit Development would affect the previous traffic study; i.e., new build-out date, expiration of existing build-out date, different entitlements, etc.
<input checked="" type="checkbox"/>	1	Copy of Warranty Deed(s). Only required if under new ownership since the previous approval.
<input checked="" type="checkbox"/>	1	Copy of Recent Tax Bill(s). Only required if under new ownership since the previous approval.
<input checked="" type="checkbox"/>	1	Notarized Agent of Record Letter (signed original)
<input checked="" type="checkbox"/>	25	MPUD Master Planned Unit Development Plan (1:200' scale; unless otherwise agreed upon by the Zoning/Code Compliance Administrator)
<input checked="" type="checkbox"/>	1	Reduced MPUD Master Planned Unit Development Plan (8½" X 14")
<input checked="" type="checkbox"/>	1	Conceptual Layout Plan (plan can be marked "Informational Purposes Only") (will be returned upon request). Only required if density is being modified.
<input checked="" type="checkbox"/>	1	MPUD Master Planned Unit Development Narrative
<input checked="" type="checkbox"/>	1	Appropriate Application Fee
<input checked="" type="checkbox"/>	3	Environmental/Wildlife Habitat Study. Only required if the previous Habitat Study is 18 months old or older. (A determination is required by the County Biologist prior to submittal of the amendment.)
<input type="checkbox"/>	1	District School Board of Pasco County Questionnaire (signed by the School Board; revised 7/26/06). (Commercial only projects not applicable; please contact the School Board for applicability for any amendment.)

The following information must appear on the master plan (if not feasible to show on plan, the information must accompany the master plan submittal):

General Requirements; LDC, Section 522.5.A.(1):

1. Location map showing the relationship between the area proposed for development and surrounding developments or lots on a current aerial photograph, Geodetic Mapping Section, or satellite photo, which in no case shall be older than that available at the Pasco County Property Appraiser's office, with boundaries of development and roadway layout delineated. The location map shall show all functionally classified roadways established by the Pasco County Comprehensive Plan 2025 Future Roadway Functional Classification Map and Highway Vision Plan within one (1) mile of the development boundary.
2. A boundary sketch and legal description signed and sealed by a surveyor describing the size and location of the tract to be subdivided. (See checklist above.)
3. An Agent of Record letter notarized by the owner.
4. The location of all existing and proposed major public roadways, rights-of-way, and easements adjacent to or within the property.
5. A recent aerial of the site and surrounding areas within 500 feet of the site at a scale of 1:200.

Physical Resources, LDC, Section 522.5.A.(2):

1. Topographic information providing 100-year floodplain and wetland delineations. The most recent U.S. Geological Survey Topographical Survey and U.S. Geological Survey Flood Prone or Federal Emergency Management Agency Mapping may be used for topography on flood-prone delineations. Pasco County wetlands maps or aerial photography interpretation may be used for wetlands delineation.

- 2. An environmental/wildlife habitat study which shall evaluate plant and animal species listed as endangered, threatened, or species of special concern as designated by the State and Federal authorities, and shall include the following description of the parcel: documentation of data collected and reviewed (such as the Florida Land Use and Cover Classification System, U.S. Fish and Wildlife, and Florida Fish and Wildlife Conservation Commission) and field survey map that characterizes and describes the natural resources of the site, including the location of protected species confirmed on the site and habitat suitable for protected species. (See checklist above.)
- 3. A table showing pre- and postdevelopment acres of wetlands by category (according to the Pasco County Comprehensive Plan) and a conceptual plan for the protection and use of on-site wetlands.

Master Plan, LDC, Section 522.5.A.(3):

- 1. A master plan with topography; flood-prone areas; Category I, II, and III Wetlands; and critical linkages as defined in the adopted Pasco County Comprehensive Plan, which clearly identifies proposed land uses, open space, proposed preservation or conservation areas, and the proposed location of major streets and thoroughfares, recreation areas, and other major facilities, including a delineation of proposed school sites and fire station sites, if necessary or warranted for the service of the area as developed. The master plan shall also include a legend; title; number of revisions including date; date of plan; scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, addresses, and telephone numbers of the developer, owner, surveyor, and engineer.
- 2. The master plan shall identify the existing zoning, the existing land use (use of property), adopted Future Land Use classification on the site, and the surrounding areas within 500 feet of the site.
- 3. The master plan shall include a phasing plan that describes the proposed timing for, location of, and sequence of phasing or incremental development and the proposed density for each such phase or increment of development. The applicant may provide approved Development of Regional Impact information which satisfies this requirement.
- 4. A table showing acreage for each category of land use including roads; Categories I, II, and III Wetlands; critical linkages; open space; recreation; and a table of proposed maximum gross and net residential acreages for residential land uses.

Yield Analysis, LDC, Section 522.5.A.(4):

- A conceptual lot layout for single-family detached housing and/or a conceptual layout for multifamily housing for non-Development of Regional Impact-related MPUD Master Planned Unit Developments. (Plan can be marked "Informational Purposes Only" and will be returned upon request.) (See checklist above.)

Zoning Narrative, LDC, Section 522.5.A.(5):

- 1. A preliminary zoning classification description in sufficient detail to determine the general intent with respect to the following.
 - a. The general purpose and character of the proposed development.
 - b. Land use by acreage and densities.
 - c. Structural concepts, including height and anticipated building type (if known).
 - d. Recreation and open space.
 - e. Facilities commitments.
- 2. A statement indicating that legal instruments will be created providing for the management of common areas and facilities.

Utilities and Services Plan, LDC, Section 522.5.A.(6):

- 1. Identify the location/source of sanitary sewers, potable water facilities, and the approximate location of existing facilities on the master plan. Provide a statement identifying the supplier of the potable water facilities, the method of disposal of sewage effluent, fire service, and electric service. The developer shall notify the appropriate electrical utility in advance of their intent to request service and provide confirmation to the County of service availability prior to preliminary plan approval.
- 2. The general direction of natural surface drainage of the proposed MPUD Master Planned Unit Development site, including a general statement regarding the disposal of stormwater drainage, including identification of whether a site falls within a basin of special concern and/or lies within the Flood Prone Areas Map of the Pasco County Comprehensive Plan.
- 3. An analysis of the impact of the proposed MPUD Master Planned Unit Development on schools and other public facilities as provided for in the LDC, Section 402. (See checklist above.)

Transportation Management, LDC Section 522.5.A.(7):

- 1. A transportation analysis in accordance with the Traffic Impact Study guidelines that identifies the location of existing arterial and collector roads which will be utilized to serve the Master Planned Unit Development site, the proposed location of other arterial or collector roads which will be constructed for the purposes of serving the site, and a description of the projected transportation impact of the MPUD Master Planned Unit Development at buildout, whose description shall include projected average daily trips, direction of traffic, and projected Levels of Service for arterial roads servicing the site. (See checklist above.)
- 2. A roadway plan for the MPUD Master Planned Unit Development shall be shown on the submitted master plan, including subdivision access locations, internal subdivision collector roadways, and roadways required by Section 610.3, Collector and Arterial Spacing and Design Standards.
- 3. A traffic study shall be completed and approved by the County prior to the scheduling of the Development Review Committee meeting for the total MPUD Master Planned Unit Development rezoning. (See checklist above.)

Content Meeting, LDC, Section 522.5.A.(8):

- The developer shall schedule and participate in a content review meeting with the Zoning/Code Compliance Administrator or designee prior to the submittal of an application for a rezoning to any MPUD Master Planned Unit Development District. This meeting will determine the completeness of the developer's application materials prior to submittal. A letter will be issued finding the content sufficient or insufficient within three working days of the content review meeting. Following issuance of a letter of completeness, the developer shall be allowed to submit the application. The developer shall submit 25 copies of the master plan to the Zoning/Code Compliance Administrator or designee for processing.

To schedule a content meeting, please contact the Zoning/Code Compliance Department at (727) 847-8132.

If all the required information is not adequately addressed and, if applicable, does not appear on the master plan, the application may be deemed incomplete for content.

APPLICATION FOR ZONING AMENDMENT

PASCO COUNTY, FLORIDA

APPLICATION NO. _____

The undersigned owner(s) of the following legally described property has formally requested consideration of a zoning amendment in accordance with provisions of Florida Statutes and Section 402.2.C of the Pasco County Land Development Code.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the zoning amendment being considered.

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

1. Name of Current Owner(s): Cross Park Properties, LLC
2. Owner's Mailing Address: 6909 Arabian Road
City Odessa State FL Zip Code 33556
3. Owner's Telephone Number: 813-926-1143
4. Parcel ID No.: 26-26-18-0000-02500-0000
5. Present Zoning District: MPUD Proposed Zoning District: MPUD
6. Existing Use: MPUD
7. Proposed Use/Development: MPUD - Addition of ALF and rehabilitation Center as new uses.
8. A. **Two signed and sealed boundary legal descriptions and sketches or property survey (by a registered surveyor), including wetland (if any) delineation, to be supplied at time of application.**
B. **A Timing & Phasing application must be submitted to the Planning & Development Department prior to submission of this application. No application will be accepted without a written County-approved analysis study or County-approved exemption (see cover sheet). A County-approved methodology statement for MPUD applications only will be accepted.** Copy of Warranty Deed X
9. Copy of Last Year's Tax Bill X 9a. Notarized Agent of Record (if applicable) X
10. All MPUDs must be submitted at an **application submittal meeting** with a planner. Two original applications must be unbound.
11. Site Plan for MPUD Amendments (5 full size plus two 8½" X 14" copies of plan), CD and Narrative _____.
12. Is this application the result of a Notice of Violation? NO If so, please attach a copy of this letter.
13. Fees: Please make checks payable to Pasco County Board of County Commissioners.

	Euclidian Rezoning	MPUD
#107	Base Fee \$850.00 Per Acre \$ 20.00	Base Fee \$8,000.00 Per Acre \$20.00
#269	Technology Fee \$ 25.00	(Maximum Fee \$25,000)
#154	Environmental Review Fee \$100.00	Technology Fee \$25.00
#	Advertising Fee \$ 60.00	Environmental Review Fee \$750.00 plus
#215	Public Hearing Sign \$ 9.20	\$1/acre (Max total \$1,750.00)
#215	Public Hearing Stakes \$ 1.36	MPUD Substantial Modification:
#109	Timing & Phasing Application \$500.00	Base Fee \$6,000.00 Per Acre \$20.00
		(Maximum Fee \$25,000)
		Technology Fee \$25.00
		Environmental Review Fee \$750.00 plus
		\$1/acre (Max total \$1,750.00)
		MPUD Non-substantial Modification:
		Base Fee \$3,000.00
		Technology Fee \$25.00
		Environmental Review Fee \$750.00

The petitioner acknowledges that all zoning amendments are subject to all other applicable sections of the Pasco County Land Dev. Code

**** A CONTINUANCE MAYBE GRANTED IF THE REQUEST IS RECEIVED, IN WRITING, BY THIS OFFICE WITH CAUSE SHOWN A MINIMUM OF FIVE (5) DAYS BEFORE ANY MEETING.** A \$300.00 CONTINUANCE FEE MAY APPLY.**

Date: 6/5/15

Fee Calculation: \$7,216.00 Check Number: _____

Accepted By: _____

Applicant E-Mail Address: _____

Owners/Representative's Signature
Clarke G. Hobby Esq. of Hobby & Hobby, P.A.
Owner's/Representative's Name (Print)
109 N. Brush Street, Ste. 250
Representative's Address
Tampa, FL 33602
Representative's City, State, Zip Code
(813) 223-3338
Representative's Telephone Number

****ANY PROPOSED CHANGES TO CONDITIONS OF REZONING MUST BE IN WRITING AND DISTRIBUTED TO STAFF AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE MEETING. FAILURE TO DO SO WILL RESULT IN A CONTINUANCE.**

**TIMING & PHASING,
SUBSTANDARD ROAD REVIEW APPLICATION**

Application No. _____ (County Will Assign No.)

Date of Application: May 6, 2015

It shall be the responsibility of the petitioner, or his/her legal agent of record, to provide all the information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the request being considered.

This application shall not be deemed complete until all required information is provided.

Owner's Name(s): Cross Park Land Trust No. 1 / Cross Park Properties LLC

Mailing Address: 6909 Arabian Road

City: Odessa, State: FL Zip Code: 33556

Telephone No.: (813) 926-1143

E-mail: hpatel01@verizon.net

Agent's Name: Michael D. Raysor, P.E.

Mailing Address: 19046 Bruce B. Downs Boulevard, #308

City: Tampa, State: FL Zip Code: 33647

Telephone No.: (813) 625-1699

E-mail: mdr@raysor-transportation.com

Transportation Consultant's Name: RAYSOR Transportation Consulting, LLC.

Contact Person: Michael D. Raysor, P.E.

Mailing Address: 19046 Bruce B. Downs Boulevard, #308

City: Tampa, State: FL Zip Code: 33647

Telephone No.: (813) 625-1699

E-mail: mdr@raysor-transportation.com

Contact Person's E-mail: mdr@raysor-transportation.com

Parcel Description (Subdivision Name, if applicable): Cross Park MPUD

Parcel ID No(s): 26-26-18-0000-02500-0000

Attach the following items to this application (if **ALL** items are not received, the application will be deemed incomplete and the package will be returned):

- Location map.
- Concept plan showing proposed access points to property and surrounding roadway network.
- Notarized Agent of Record Letter, if applicable (see attached).

Please check the type of application being requested:

- New Plan
- Amendment to Approved Plan

Please check the applicable type of action below:

- | | |
|---|--|
| <input type="checkbox"/> DRI | <input type="checkbox"/> Residential Development not Requiring Plat |
| <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Residential Subdivision into more than One Dwelling Unit per Lot |
| <input type="checkbox"/> Preliminary Site Plan | <input type="checkbox"/> Final Plat Approval for Residential Subdivisions into One Dwelling Unit Per Lot |
| <input type="checkbox"/> Preliminary Development Plans | <input type="checkbox"/> Public School Comprehensive Plan Consistency Review |
| <input type="checkbox"/> Residential | <input type="checkbox"/> Public School Preliminary / Construction Plan approval |
| <input type="checkbox"/> Nonresidential | |
| <input type="checkbox"/> Nonresidential Plat | |
| <input type="checkbox"/> Nonresidential Building Permit | |

NOTE: Initial County staff receipt or acceptance of this application to determine exemption shall not be deemed a final determination by the County. At any time up to and including final approval of the development by the DRC or Board of County Commissioners, the County may determine that the exemption is not applicable or may determine that a substandard road analysis is required; and such determination shall require payment of the applicable fees. Accordingly, the applicant should provide accurate information to help avoid delays in the review process.

The owner/agent will be responsible for additional fees for appeals and other services.



OWNER'S/REPRESENTATIVE'S SIGNATURE

Michael D. Raysor

OWNER'S/REPRESENTATIVE'S NAME (PLEASE PRINT)

QUESTIONNAIRE – SUBSTANDARD ROADS

NOTE: If the question does not apply, state N/A.

1. Has a Substandard Road Review been conducted previously? If yes, then please provide supporting documentation.

A Substandard Road Review was previously conducted which resulted in MPUD condition no. 24 as follows, "Prior to the first record plat, or where platting is not required prior to the issuance of the first Building Permit, the applicant/developers shall improve, at no cost to Pasco County, Henley Road from the southernmost project boundary to S.R. 54 in accordance with County standards. Improvements shall be shown, reviewed, and approved on the preliminary plan/preliminary site plans and the construction plan/construction site plans for the development."

2. Is this development contiguous or nearby (within one-quarter mile) of another development, parcel of land, lot, or tract that is developed by the same or a related development or landowner?

No

3. Is this development part of the same zoning plan, preliminary plan/preliminary site plan, plat, or other unified or common plan of development (refer to Land Development Code, Section 901.4). If yes, answer Question No. 4.

No

4. Was any portion or all of the parcels of land, lots, or tracts legally subdivided? If yes, provide parcel identification number(s).

No

5. Total proposed development entitlements; i.e., number of residential units, square footage of commercial, number of rooms for lodging, etc. Refer to the attached Exhibits A for description of land uses. If the answer to Question No. 2 or Question No. 3 above is yes, provide the total of all developments, including already built or approved portions in addition to the proposed development submitted as part of this application, but exclude any parcels identified in Question No. 4 above.

145,000 square feet of office land use and 30,000 square feet of retail land use.

6. Are the proposed entitlements of all development at or above the size of de minimus development as shown on Exhibit A (see attached)?

Yes

NOTE: The applicant(s) shall ensure that their consultant does not prepare a substandard road review without an approved methodology statement signed by the County and/or appropriate County consultant.

Use this space for any additional information:

Substandard Road criteria was addressed with the prior MPUD, resulting in the condition noted above (refer to #1).

TIMING & PHASING DETERMINATION QUESTIONNAIRE

NOTE: If the question does not apply, state N/A.

1. What is the existing Zoning designation?
MPUD

2. Is there an existing structure on the subject parcel? If so, what is the square footage and use?
N/A

3. What is the proposed Zoning designation?
MPUD

4. Please provide the total proposed development entitlements; i.e., number of residential units, square footage of commercial, number of rooms for lodging, etc. Refer to the attached Exhibits A for description of land uses.
145,000 square feet of office land use and 30,000 square feet of retail land use.

5. Is this development proposing to utilize any entitlements related to a "Transfer of Development Rights" (TDR)?
No

6. Has this project been subject to Timing & Phasing analysis previously conducted as part of a rezoning? If yes, were there any conditions of approval associated with this analysis?
The project has not been subject to Timing & Phasing analysis, however, a Traffic Impact Study was performed.

7. Does the request involve removing / amending existing conditions as it relates to Timing & Phasing of an improvement (previously referred to as a traffic impact study)?
Yes, see below.

8. If this an amendment to a DRI (Development of Regional Impact) or a Rezoning, including Master Planned Unit Development (MPUD), then does this project propose to increase the Density, Intensity or otherwise revise entitlements? If yes, please provide the amount of increase in entitlements, using the Land Use Categories listed in Exhibit A.
The amendment does not affect the entitlements, they are to remain as 145,000 square feet of office land use and 30,000 square feet of retail land use.

Use this space for any additional information:

The current MPUD is proposing to remove conditions requiring proportionate share mitigation for transportation impacts, however, pursuant to discussions with County transportation staff (3/16/15), the applicant will not be required to provide a new traffic study to eliminate those conditions, but rather will be required to provide a letter stating that they will not opt-out of mobility fees. Further, it was agreed with County transportation staff (3/16/15) that the site access related conditions of the MPUD will be simplified to require a site access study at the time of site plan permitting.

NOTE: If the applicant elects to do the Timing & Phasing analysis, then the applicant(s) shall ensure that their consultant does not prepare a Timing & Phasing analysis without an approved methodology statement signed by the County and/or appropriate County consultant.

OFFICIAL USE ONLY

Application No. _____ (listed from first page)

Application Received By: _____ Date: _____

Application Accepted By: _____ Date: _____

Application Rejected on: _____ (date). Application Returned to: _____

Reason: _____

Review Consultant: _____

Contact Person: _____

Telephone No.: _____

E-mail: _____

Type of Review (check all that are applicable):

_____ Timing & Phasing Analysis In accordance with Fee schedule in the County Resolution 12-15

_____ Substandard Road Review In accordance with Fee schedule in the County Resolution 12-15

Comments: _____

Cross Park MPUD, Pasco County, Florida
Project Site Location Map



AGENT OF RECORD LETTER
(CORPORATION)

TO THE PASCO COUNTY GROWTH MANAGEMENT DEPARTMENT AND THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS:

I/we, HITESH PATEL Cross Park Land Trust No. 1
Cross Park Properties, LLC., hereby designate and appoint
MICHAEL RAYSOR as my/our Agent of Record for the purpose
of representing me/us during the Transportation Impact Study application process.

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

Dated this MARCH day of 11, 2015.

[Signature]
APPLICANT(S)/OWNER(S) SIGNATURE

HITESH PATEL
PRINTED NAME OF APPLICANT(S)/OWNER(S)

[Signature]
APPLICANT(S)/OWNER(S) SIGNATURE

HITESH
PRINTED NAME OF APPLICANT(S)/OWNER(S)

[Signature]
APPLICANT(S) REPRESENTATIVE SIGNATURE

Michael Raysor, Raysor Transportation Consulting
PRINTED NAME OF REPRESENTATIVE

19046 Bruce B. Downs Blvd, # 308
ADDRESS

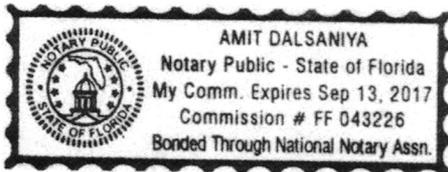
Tampa, FL 33647
CITY, STATE, ZIP CODE

813-625-1699
TELEPHONE NUMBER

STATE OF FLORIDA
COUNTY OF PASCO

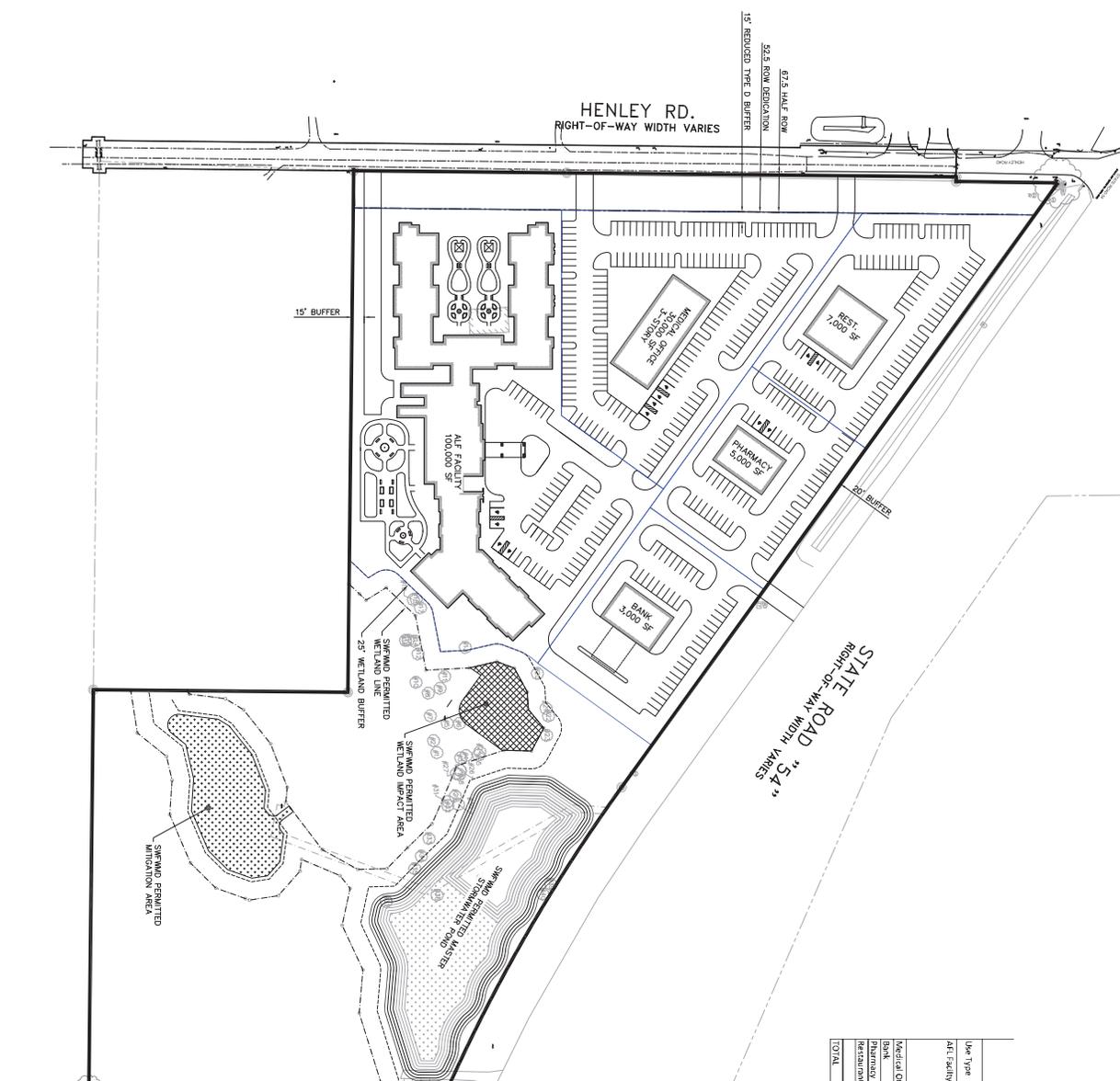
The foregoing instrument was acknowledged before me this 11th day of March, 2015,
by Michael D. Raysor (name of officer or agent,
title of officer or agent acknowledging) of Raysor Transportation Consulting
(corporation, limited partnership, etc.) on behalf of the corporation. He/she is personally known to me or who
has produced FL DL
(type of identification) as identification.

Seal:



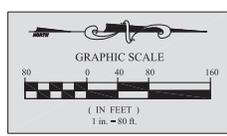
[Signature]
NOTARY

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



Cost/Park Development Planning Calculations

Use Type	Units	Count	15' Space	Parking
Adm. Facility	SF	100,000	4	30
Rest	320	1	1	1
Vehicles	20	1	1	20
Largest Staff	SF	30,000	200	150
Medical Office	SF	3,000	250	12
Bank	SF	2,000	200	12
Pharmacy	SF	2,000	100	20
Residential	SF	7,000	100	20
TOTAL	SF	148,000		300



Original Date: 04-25-15
 Last Modified:
 Scale:
 JOSEPH A. CIMINO
 FL P.E. # 67540

PROJECT
CROSS PARK

DRAWING
CONCEPTUAL SITE PLAN



Engineering ~ Planning
 Environmental Science
 8043 Cooper Creek Blvd., Suite 210
 University Park, Florida 34201
 Phone: 941.275.9721 Fax: 941.275.9729
 www.wracomultants.com CA 00007652

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1.			
2.			
3.			
4.			
5.			

**CROSS PARK PROPERTIES, LLC
6909 ARABIAN ROAD
ODESSA, FLORIDA 33556
O & F 813-926-1143
Email: hpatel01@verizon.net**

April 14th, 2015

Pasco County Planning and Development
Attn: Ms. Jennifer N. Carpenter
Planner II Transportation Department
8731 Citizen's Drive, Suite 320
New Port Richey, FL 34654

RE: Cross Park Properties - Timing and Phasing

Dear Ms. Carpenter,

This is to inform you that Cross Park Properties, LLC (Hitesh Patel) as applicant want to notify that Cross Park Properties, LLC will not option out of Mobility Fees.

Sincerely,



Hitesh Patel
Vice President.

CC: Michael D. Raysor - 19046 Bruce B. Downs Blvd, Suite 308 Tampa, FL 33647



Providing Solutions

April 14, 2015

Hitesh Patel
Cross Park Properties, LLC
6909 Arabian Road
Odessa, FL 33556

THE ASH GROUP, INC.
FORMERLY ASH ENGINEERING, INC.
5802 BENJAMIN CENTER DR., SUITE 101
TAMPA, FL 33634
P: 813.290.8899 F: 813.290.8891

www.ash-grp.com

**RE: Wildlife Study Chapter 3.0 Wildlife Assessment Report Update 2015
Cross Park, 2530 Henley Road, Lutz, FL 33558
Ash Project No: 15003A**

Dear Mr. Patel:

The following is an update to the 2008 PSI Wildlife Report Chapter 3.0 (the 2008 PSI Report), attached hereto. Please refer to it as referenced in the following sections.

3.1 Records Review

United States Fish and Wildlife Service (USFWS)

The Bald Eagle was delisted by USFWS, however it is still protected under the Golden Eagle and Bald Eagle Protection Act. Florida Scrub Jay has been added. Gopher Tortoise is a candidate being considered by USFWS pending further study.

Group	Name	Status
Birds	Wood stork (<i>Mycteria americana</i>)	Threatened
Birds	Florida scrub-jay (<i>Aphelocoma coerulescens</i>)	Threatened
Reptiles	Eastern indigo snake (<i>Drymarchon corais couperi</i>)	Threatened
Reptiles	Gopher tortoise (<i>Gopherus polyphemus</i>)	Candidate

Florida Fish and Wildlife Commission (FWC)

Table 3 provided in the 2008 PSI report remains the same with the following correction and addition. The 2011 FWC Gopher Frog Biological Status Review corrected the genus and species for the species living in Florida to *Lithobates capito*. The following species was added.

Homosassa Shrew, *Sorex longirostris* – SSC

3.2 Critical Habitat

Table 4 should be amended to add the following information.

Common Name	Scientific Name	Critical Habitat
Homosassa Shrew	<i>Sorex longirostris</i>	hardwood swamp/mixed wetland forest, hydric and xeric hammocks, industrial/commercial pineland, mixed hardwood-pine forest, natural pineland, and disturbed/transitional habitat

3.3 Pedestrian Survey

A pedestrian survey of the Project Area was conducted on April 10, 2015, by The Ash Group personnel to determine the potential or observed occurrence, and/or the relative abundance of: 1) wildlife species considered Endangered, Threatened, or Species of Special Concern by the FWC under Chapter 68A-27 F.A.C. and/or Endangered or Threatened by the USFWS pursuant to 50 CFR 17. 2) plant species considered Endangered, Threatened or Commercially Exploited by the FDACS under Chapter 5B-40 FAC, or the USFWS by 50CFR23.

The property was viewed by traversing the site by overlapping transects, hiking the perimeter and through the wetlands. As shown in the 2008 PSI report, the site consisted of maintained pasture and small mixed hardwood wetland forest. While traversing the property, Ash personnel looked for the presence of the aforementioned species and/or their habitat by direct and/or indirect indicators, such as nests, burrows, nest cavities, scat, prints, etc.

3.4 Wildlife Assessment Results

Please refer to the Wildlife Assessment Results in the 2008 PSI Report. This is an update of the critical habitats and observations described therein.

Gopher Tortoise

Multiple burrows were encountered during the site visit. Some of the burrows were open, and some were partially open. There was evidence of historic burrows and burrows that may have been filled.

Gopher Frog

No gopher frogs were observed within the property, however there were an abundance of burrows from Gopher tortoise and other species to provide habitat. On-site wetlands still were partially inundated providing breeding habitat.

Southeastern American Kestrel

No Southeastern American Kestrels were observed during Ash's site visit, however habitat and nesting sites are still present.

Florida Sandhill Crane

No Florida Sandhill Cranes were observed during Ash's site visit, however foraging habitat is still present.

Florida Burrowing Owls

No Florida Burrowing Owls were observed during Ash's site visit, however foraging habitat and nesting sites are still present.

Bald Eagle

No new Bald Eagle nests have been identified by FWC Eagle Nest Locator website. No Bald Eagles were observed during the site visit.

Wood Stork

No Wood Storks were observed during Ash’s site visit, however foraging and critical habitat are still present.

Florida Mouse

No Florida Mice were observed during Ash’s site visit however, foraging and critical habitat is still present. The abundance of various size burrows may suggest presence of the Florida Mouse. It is suggested that a full survey be performed.

Eastern Indigo Snake

No Eastern Indigo were observed during Ash’s site visit however, foraging and critical habitat is still present. The presence of gopher tortoise burrows provides habitat for the Eastern Indigo Snake. It is suggested that a full survey be performed.

Florida Pine Snake

No Florida Pine Snakes were observed during Ash’s site visit however, foraging and critical habitat is still present. The presence of gopher tortoise burrows provides habitat for the Florida Pine Snake.

Homosassa Shrew

The Homosassa Shrew can reach a length of four inches (102 centimeters) and 0.2 ounces (5.7 grams) in weight. This species has brownish-gray fur that covers their small eyes and ears. Little information exists on the preferred habitats of the Homosassa shrew, but they have been reported to occur in a wide variety of habitats including hardwood swamp/mixed wetland forest, hydric and xeric hammocks, industrial/commercial pineland, mixed hardwood-pine forest, natural pineland, and disturbed/transitional habitat. The Homosassa shrew can be found from north central to south central Florida [FWC website, imperiled species.].

No Homosassa Shrews were observed during Ash’s site visit. Habitat, in the small mixed wetland forest, was present.

Wading Birds

No wading birds were observed during the site visit. The proximity to colonies and on-site foraging habitat has not changed.

Plant Species

No listed plant species were identified on-site during the Ash site visit.

Please do not hesitate to call us with any questions or comments concerning this proposal.

Respectfully yours,
THE ASH GROUP, INC.


Janice Sands Ash, P.E.
President

THE ASH GROUP, INC.


Thomas M. Ash
Chief Scientist



3.0 WILDLIFE ASSESSMENT

3.1 Records Review

Biota reviewed and presented in the following tables below are endemic to active improved pasture and cypress wetland habitat in Central Florida and do not represent the full listing of Federal and/or state listed species considered endangered, threatened, or species of special concern that occur in Pasco County, Florida.

United States Fish and Wildlife Service (USFWS)

PSI reviewed the USFWS website for federally threatened and/or endangered listed species. Search of the USFWS federally threatened and endangered species list for Pasco County, Florida, indicated the following results:

Common Name	Scientific Name	Federal Status ¹
Wildlife		
wood stork	<i>Mycteria americana</i>	E
bald eagle	<i>Haliaeetus leucocephalus</i>	T ²
Eastern indigo snake	<i>Drymarchon couperi</i>	T

¹ T = Threatened, E = Endangered, and NL = Not listed

² On June 28, 2007 the Interior Department took the American bald eagle off the endangered species list. The removal of the bald eagle from the Federal List of Endangered and Threatened Wildlife and Plants will become effective 30 days after publication in the Federal Register. Please note, however, that the bald eagle is still protected under the Golden Eagle and Bald Eagle Protection Act.

Florida Fish and Wildlife Conservation Commission (FWCC)

PSI reviewed the FWCC database for Imperiled Species (IS). The FWCC IS database lists those species that are federally or state protected (threatened and/or endangered) as well as those species that are not federally or state protected but are afforded "special concern". Review of this database indicates that the following FWCC protected species have the potential to utilize the Project Area (see **Table 3**):

Common Name	Scientific Name	State Status ¹
Wildlife		
gopher frog	<i>Rana capito</i>	SSC
limpkin	<i>Aramus guarauna</i>	SSC
Short-tailed hawk	<i>Buteo brachyurus</i>	None
little blue heron	<i>Egretta caerulea</i>	SSC
reddish egret	<i>Egretta rufescens</i>	SSC
snowy egret	<i>Egretta thula</i>	SSC
tricolored heron	<i>egretta tricolor</i>	SSC
white ibis	<i>Eudocimus albus</i>	SSC
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T

Common Name	Scientific Name	State Status¹
Florida sandhill crane	<i>Grus Canadensis pratensis</i>	T
Florida burrowing owl	<i>Athene cunicularia floridana</i>	SSC
bald eagle	<i>Haliaeetus leucocephalus</i>	T
wood stork	<i>Mycteria Americana</i>	E
Florida mouse	<i>Podomys floridanus</i>	SSC
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
American alligator	<i>Alligator mississippiensis</i>	SSC
eastern indigo snake	<i>Drymarchon couperi</i>	T
short-tailed snake	<i>Stilosoma extenatum</i>	T
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC
gopher tortoise	<i>Gopherus polyphemus</i>	T

T = Threatened
E = Endangered
SSC = Species of Special Concern

3.2 Critical Habitat

Critical habitat was reviewed for each of the species listed in **Table 2** and **Table 3** above and compared to habitat that occur onsite. During this process, the onsite occurrence of several of the species listed above was ruled out due to lack of critical habitat onsite. The species listed on **Table 4** typically occur within the type of habitat that occur onsite.

Common Name	Scientific Name	Critical Habitat²
gopher frog	<i>Rana capito</i>	Dry, sandy uplands, chiefly sandhill and scrub that include isolated wetlands or large ponds within about one mile.
limpkin	<i>Aramus guarauna</i>	Inhabits freshwater marshes, swamps, springs and spring runs, and pond and river margins. Also lake margins in peninsular Florida and swales, strand swamps, sloughs, and impoundments. May also forage in ruderal areas such as sugarcane fields and banks of irrigation canals.
little blue heron	<i>Egretta caerulea</i>	Feeds in shallow freshwater. Prefers foraging in freshwater lakes, marshes, swamps, and streams. Nests in a variety of woody vegetation types, including cypress, willow, maple, black mangrove, and cabbage palm.
snowy egret	<i>Egretta thula</i>	Nests in inland wetlands with nests placed in many types of woody shrubs, especially willows. Almost all nesting is over shallow waters or on islands that are separated from shoreline by extensive open water. Feeds in many types of permanently and seasonally flooded wetlands, streams, lakes, and swamps, and in impoundments and ditches.
tricolored heron	<i>Egretta tricolor</i>	Most nesting colonies occur in willows, but nesting sites include other woody thickets on islands or over standing water. Feeds in variety of permanently & seasonally flooded wetlands, ditches, and ponds and lake edges.

² Critical habitat descriptions were obtained from the Florida Natural Areas Inventory (FNAI). These descriptions are based on the Field Guide to the Rare Animals of Florida (Hipes, D., 2001)

Table 4: Critical Habitat of Listed Species in Pasco County, Florida (continued)		
Common Name	Scientific Name	Critical Habitat³
white ibis	<i>Eudocimus albus</i>	Wide variety of habitats, including freshwater marshes, many types of forested wetlands, wet prairies, swales, seasonally inundated fields, and man-made ditches.
Southeastern American kestrel	<i>Falco sparverius paulus</i>	Open pine habitats, woodland edges, prairies, and pastures throughout much of Florida. Availability of suitable nesting sites is key during breeding season. Nest sites are tall dead trees or utility poles generally with an unobstructed view of surroundings. Sandhill habitats seem to be preferred, but may also occur in flatwoods settings.
Florida sandhill crane	<i>Grus canadensis pratensis</i>	Prairies, freshwater marshes, and pasture lands. Avoids forests and deep marshes but uses transition zones and edges between these and prairies or pasture lands.
Florida burrowing owl	<i>Althene cunicularia floridana</i>	High, sparsely vegetated, sandy ground. Natural habitats include dry prairie and sandhill. Makes extensive use of ruderal areas such as pastures, airports, ball fields, parks, school grounds, university campuses, road right-of-ways, and vacant spaces in residential areas.
bald eagle	<i>Haliaeetus leucocephalus</i>	Areas close to coastal areas, bays, rivers, lakes, or other bodies of water that provide concentrations of food sources, including fish, waterfowl, and wading birds. Usually nests in tall trees (mostly live pines) that provide clear views of surrounding area.
wood stork	<i>Mycteria americana</i>	Nests in a variety of inundated forested wetlands, including cypress strands and domes, mixed hardwood swamps, sloughs, and mangroves. Forages mainly in shallow water in freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches, where they are attracted to falling water levels that concentrate food sources (mainly fish).
Florida mouse	<i>Podomys floridanus</i>	Xeric upland communities with sandy soils, including scrub, sandhill, and ruderal sites where they inhabit burrows of the gopher tortoise
eastern indigo snake	<i>Drymarchon couperi</i>	Broad range of habitats, from scrub and sandhill to wet prairies. Requires very large tracts to survive.
Short-tailed snake	<i>Stilosoma extenuatum</i>	Dry upland habitats, principally sandhill, xeric hammock, and sand pine scrub.
gopher tortoise	<i>Gopherus polyphemus</i>	Typically found in dry upland habitats, including sandhills, scrub, xeric oak hammock, and dry pine flatwoods; also commonly uses disturbed habitats such as pastures, oldfields, and road shoulders.
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	Habitats with relatively open canopies and dry sandy soils, in which it burrows. Especially sandhill and former sandhill, including oldfields and pastures, but also sand pine scrub and scrubby flatwoods. Often coexists with pocket gophers and gopher tortoises.

³ Critical habitat descriptions were obtained from the Florida Natural Areas Inventory (FNAI). These descriptions are based on the Field Guide to the Rare Animals of Florida (Hipes, D., 2001)

3.3 Pedestrian Survey

A pedestrian survey of the Project Area was conducted on April 8 2008 by PSI personnel to determine the potential occurrence and/or the relative abundance of: 1) wildlife species considered Endangered, Threatened or "Species of Special Concern" by the FFWCC under Chapter 68A-27.002-004 F.A.C. and/or Endangered or Threatened by the USFWS pursuant to 50 Code of Federal Regulations (CFR) 17; and, 2) plant species considered Endangered, Threatened and "Commercially Exploited" by the FDACS under Chapter 5B-40 F.A.C., and Threatened or Endangered by USFWS pursuant to 50 CFR 23. The ground reconnaissance consisted of observing the periphery of the project area and viewing the site from accessible adjacent public thoroughfares. Interior portions of the property were systematically traversed to provide an overlapping field of view, wherever possible, so that adequate coverage (>90% cover) of the Project Area and habitat types was established. While traversing the property observations of direct and/or indirect indicators (e.g., nest, nest cavities, habitat composition and type, burrows, etc.) of both listed and non-listed species occurrence and/or the potential for occurrence were documented.

3.4 Wildlife Assessment Results

Potential critical habitat in the form of a cypress wetland system and improved pasture were observed within the Project Area. These areas present critical habitat for the wood stork, gopher frog, roseate spoonbill, limpkin, Florida burrowing owl, little blue heron, snowy egret, tricolored heron, white ibis, Southeastern American kestrel, Florida sandhill crane, bald eagle, wood stork, eastern indigo snake, Florida mouse, and gopher tortoise. Gopher tortoise burrows were observed to be located within the Project Area.

Gopher Frog

The gopher frog is a medium-sized, boldly spotted frog listed as a species of special concern by the FFWCC, but remains unlisted by USFWS. The gopher frog inhabits dry, sandy uplands; chiefly sandhill and scrub that include isolated wetlands or large ponds within about 1 mi. (1.7 km). It occasionally inhabits dry pine flatwoods, xeric hammock, and disturbed remnants of these habitats. The frogs breed chiefly in seasonally flooded, temporary ponds, but also in some permanent waters. The frog is nocturnal, normally spending daytime in stump holes, tunnels, or burrows, especially those of the gopher tortoise.

No gopher frogs were observed during PSI's site visit. However, the presence of the gopher frog within Project Area is possible because of potential breeding habitat (i.e., open water and wetlands) in the form of seasonal flooding of the onsite wetlands, suitable foraging habitat, and suitable refuge in the form of a gopher tortoise burrows which occur within the Project Area.

Southeastern American Kestrel

The Southeastern American kestrel is not listed by the USFWS, but is listed as threatened by the FFWCC. It is the smallest falcon in the United States and is found in open pine habitats, woodland edges, prairies, and pastures throughout much of Florida. The availability of nesting sites is key to its preferred habitat during breeding season (April thorough early September). Nesting sites are tall, dead trees or utility poles generally with an unobstructed view of surroundings. The Southeastern American kestrel seems to prefer sandhill, but may also occur in a pine flatwoods settings. Open patches of grass or bare ground are needed in flatwoods, since thick palmettos prevent the detection of prey.

No Southeastern American kestrels were observed during PSI's site visit. However, the presence of the Southeastern American kestrel onsite is possible due to the type of habitat that occurs within the Project Area (e.g. improved pasture, and woodland edges). Suitable nesting sites are also present within the Project Area in the form of utility poles.

Florida Sandhill Crane

The Florida sandhill crane is a large wading bird that is listed as threatened by the FFWCC, but remains unlisted by the USFWS. Sandhill cranes forage in open habitats (e.g., improved pastures and herbaceous marshes). The species typically constructs nests on a platform of vegetation surrounded by water within an herbaceous wetland. No nesting habitat was observed within the Project Area, but suitable foraging habitat in the form of improved pasture is present.

No sandhill cranes were observed during this assessment; however, the Project Area presents suitable foraging habitat (i.e. pasture lands) for the species.

Florida Burrowing Owl

The Florida burrowing owl is not listed by the USFWS, but is listed as a species of special concern by the FFWCC. It is a small, ground-dwelling owl with long legs, a white chin stripe, round head, and stubby tail. Prior to egg laying, the Florida burrowing owl will adorn the entrance to its burrow with grass clumps, palm fronds, and other natural materials. After egg laying, the entrance chamber is further adorned more visible objects such as pieces of plastic, paper scraps, tin foil, and other non-natural materials. The Florida burrowing owl prefers high, sparsely vegetated sandy ground habitats including dry prairie and sandhill, and makes extensive use of ruderal areas such as pastures, airports, ball fields, school grounds, university campuses, road right of ways, and vacant spaces in residential areas.

No Florida burrowing owls were observed during PSI's site visit. However, the presence of the Florida burrowing owl onsite is possible because of suitable foraging and nesting habitat that occur onsite in the form of the improved pastures.

Bald Eagle

The bald eagle is a large raptor that is listed as threatened by the FFWCC, but remains unlisted by the USFWS. The bald eagle is still protected by the federal Migratory Bird Treaty Act and the federal Bald and Golden Eagle Protection Act. Eagles utilize open habitat for foraging, they most commonly include areas close to coastal areas, bays, rivers, lakes, or other bodies of water that provide concentrations of food sources, including fish, waterfowl, and wading birds. However, food sources can also include mammalian prey including rabbits, hares, raccoons, muskrats, and deer fawns, which are typical of rural habitats. The eagle usually nests in tall trees (mostly live pines) that provide clear views of surrounding area.

Using the FFWCC Eagle Nest Locator web site, two documented bald eagle nests were found to be located in the vicinity of the Project Area. The closest nest (Nest ID #HL014) is located approximately 2.1 miles from the Project Area, on a bearing of 188° (south) and farthest nest (Nest ID #PS012) is located approximately 3.6 miles from the Project Area on a bearing of 352° (north). The distances of both nests from the project area are well outside of the Bald Eagle protection zones recommended by USFWS and FFWCC. It is possible that bald eagles from both sites may utilize the Project Area for hunting and foraging. The project area does not appear to support any live pine trees tall enough to provide suitable nesting sites for the bald eagle.

Wood Stork

The wood stork is listed as endangered by both the USFWS and the FFWCC. This wading bird is opportunistic, utilizing various open hydric pine-cypress habitats and man-made wetlands (i.e., ditches, canals, stormwater ponds, and seasonally flooded roadside areas). Nesting seasons vary annually and geographically because they are dependent upon water levels. The nesting season in south Florida is typically from November to June, starting when water levels decline, and ending when water levels rise. The wood stork feeds almost exclusively on small fish between 1 and 8 inches in length. Ideal feeding conditions are in shallow wetland areas where fish are concentrated in pockets. The wood stork SLOPES published by the USFWS identifies an 18.6-mile foraging range, or core foraging area (CFA), surrounding each wood stork nest colony. This radius is an average given that the species forages from 5 to 40 miles away from the nest colony during breeding/nesting season.

No wood storks were observed during this assessment. One wood stork colony was found to be located within the species' CFA, located approximately 5.6 miles east-southeast from the Project Area. The potential exists that the wood stork may utilize habitat located within the Project Area for foraging habitat. Critical habitat is present within the Project Area in the form of seasonally flooded wetlands.

Florida Mouse

The Florida mouse is a large mouse that is listed as a species of special concern by the FFWCC, but remains unlisted by the USFWS. The mouse prefers xeric upland communities with sandy soils and they inhabit burrows of the gopher tortoise. In the absence of gopher tortoises, Florida mice will dig their own burrows or use those of oldfield mice.

No Florida mice were observed during PSI's site visit. However, the presence of the Florida mouse within Project Area is possible because they use the habitat types (i.e., sandy upland and scrub) present within the Project Area; and, potential suitable refuge in the form of a gopher tortoise burrows occur within the Project Area.

Eastern Indigo Snake

The eastern indigo snake is listed by the USFWS and the FFWCC as a threatened species. Eastern indigo snake requires a mosaic of habitats. A study in southern Georgia found that interspersed tortoise-inhabited sandhills and wetlands improve habitat quality for the snake (Landers and Speake 1980). Eastern indigo snakes require sheltered retreats from winter cold and desiccating conditions, and often use burrows of the gopher tortoise when available (Speake et al. 1978, Layne and Steiner 1996). In habitats lacking gopher tortoises, snakes may take shelter in hollowed root channels, hollow logs, or the burrows of rodents, armadillos, or land crabs (Lawler 1977, Moler 1985b, Layne and Steiner 1996). In its Florida range, the eastern indigo snake frequents diverse habitats, including pine flatwoods, scrubby flatwoods, floodplain edges, sand ridges, dry glades, tropical hammocks, edges of freshwater marshes, coastal dunes, and xeric sandhill communities (Service 1999). Eastern indigos also use agricultural lands and various types of wetlands. The highest population densities of eastern indigos occur in the sandhill and pineland regions of northern and central Florida.

No eastern indigo snakes were observed during PSI's assessment of the Project Area.. However, the presence of the eastern indigo is possible because their natural range includes all of Florida, and they use the habitat types (i.e., agricultural land) with potential suitable refuge in the form of a gopher tortoise burrows which occur within the Project Area.

Gopher Tortoise

The gopher tortoise is not listed by the USFWS, but is listed by the FFWCC as threatened. Gopher tortoise population is declining due to a combination of many variables including loss of habitat, low reproductive rates, predation, and disease. Tortoises are known to utilize a variety of habitats occurring in well-drained soils that support burrowing and a high diversity of low- growing herbs.

Thirteen gopher tortoise burrows were observed within the Project Area during this assessment.

Florida Pine Snake

The Florida pine snake is listed by the FFWCC as a species of special concern, but remains unlisted by the USFWS. The Florida pine snake thrives in habitats with relatively open canopies and dry sandy soils, in which it burrows. It especially likes sandhill and former sandhill habitat, including oldfields and pastures, but also sand pine scrub and scrubby flatwoods. The Florida pine snake often coexists with pocket gophers and gopher tortoises.

Florida pine snakes were not observed during PSI's site assessment. Nonetheless, the Florida pine snake could possibly occur within the Project Area because the snakes often use the habitat types (i.e., former xeric oak scrub and sandhill) with suitable refuge in the form of a gopher tortoise burrows that are present within the Project Area.

Other Wading Birds

Other wading birds, including the limpkin, white ibis, little blue heron, tricolored heron, and snowy egret are not listed as protected by the USFWS, but are listed by the FFWCC as "species of special concern". No rookeries for wading bird species are located within the Project or within their immediate vicinity. The closest colony occurs approximately 6.2 miles north-northeast of the Project Area.

No wading birds were observed during this assessment; however, due to the proximity of the aforementioned colony and the onsite presence of suitable foraging habitat (i.e., cypress swamp) the Project Area is likely utilized by wading birds.

Generalist Species

Other wildlife species that were observed on or immediately adjacent to the Project Area during this survey are those that tend to be generalist habitat users (see **Table 5**). These species are well adapted to specific habitat components that have endured landscape alterations such as clearing, suppressed natural fires, and other development activities.

Common Name	Scientific Name
Common raccoon ⁴	<i>Odocoileus virginianus</i>
Nine-banded armadillo ⁵	<i>Dasypus novemcinctus</i>
Wild turkey ⁶	<i>Meleagris gallopavo</i>
Eastern cottontail rabbit ⁷	<i>Sylvilagus floridanus</i>
White-tailed deer ⁸	<i>Odocoileus virginianus</i>

3.5 Plant Assessment Results

No listed plant species were identified to be located with the Project Area.

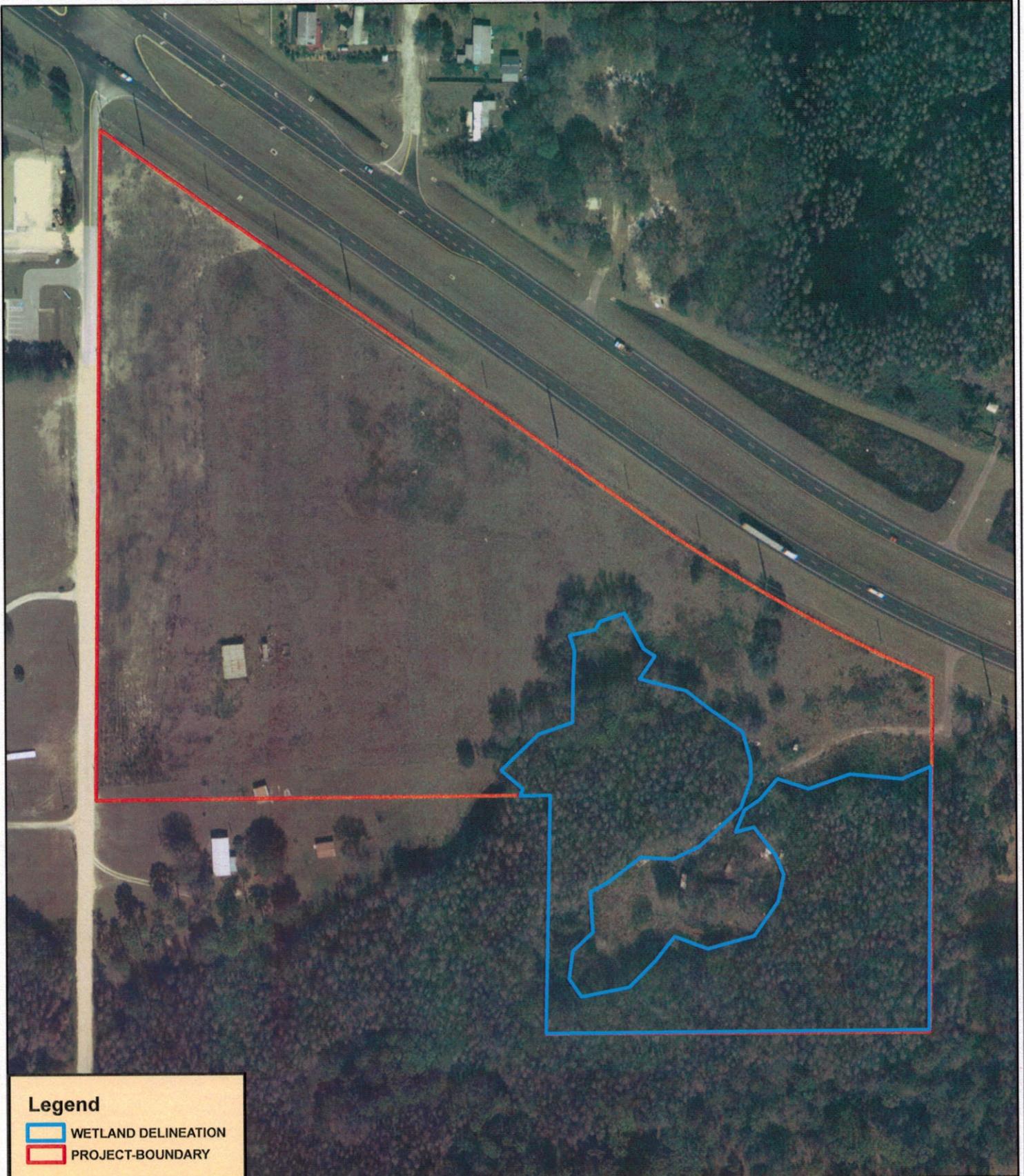
⁴ Droppings observed.

⁵ Dig marks observed.

⁶ Live hen observed.

⁷ Live specimen observed.

⁸ Buck rubs observed.

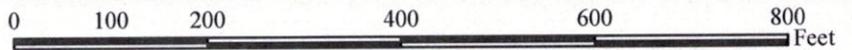


Legend

WETLAND DELINEATION

PROJECT-BOUNDARY

REFERENCE: THE 2006 AERIAL PHOTOGRAPH WAS OBTAINED FROM SWFWMD



PROJECT NO.
552-8G050

DRAWN BY
PV/BR

DATE CREATED
04-17-2008

REFERENCE
SCALE 1: 2,400

PSI Information
To Build On
Engineering • Consulting • Testing

5801 Benjamin Center Drive
Suite 112
Tampa, Florida 33634
(813)866-1075
(813)249-0301 fax



FIGURE 4 - WETLAND DELINEATION MAP
20.91 ACRE COMMERCIAL PROPERTY
LUTZ, PASCO COUNTY, FLORIDA

P:\Projects\552-8G050\552-8G050-CRO...
 552-8G050-F...
 552-8G050-D-DELIN...

**CROSS PARK PROPERTIES, LLC
6909 ARABIAN ROAD
ODESSA, FLORIDA 33556
O & F 813-926-1143
Email: hpatel01@verizon.net**

May 5th, 2015

Pasco County Planning and Development
Attn: Ms. Jennifer N. Carpenter
Planner II Transportation Department
8731 Citizen's Drive, Suite 320
New Port Richey, FL 34654

RE: Cross Park Properties - Mobility Fee

Dear Ms. Carpenter,

The undersign hereby agrees that it will not elect to exercise its right to option out of the Mobility Fee requirements of the Pasco Land Development Code (the "LDC") in accordance with section 1302.21 of the LDC.

Sincerely,



Hitesh Patel
Vice President.

CC: Michael D. Raysor - 19046 Bruce B. Downs Blvd, Suite 308 Tampa, FL 33647

**CROSS PARK
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6866**

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Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted ~~April 24, 2009,~~ unless otherwise stipulated or modified herein.

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Instructions

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2. The developers shall submit, within 45 days of the Board of County Commissioners (BCC) approval, or prior to the first preliminary plan/preliminary site plan submittal, whichever occurs first, ~~20 sets of,~~ the revised MPUD Master Planned Unit Development Plan to the ~~Zoning-Planning and -Site Development Department, for review and approval, that addresses all applicable conditions set forth and~~ ("PDD"), addressing the following specific instructions. ~~Without the submittal and approval of revised MPUD Master Planned Unit Development plans, preliminary plans/preliminary site plans will not be accepted for review.~~
 - a. ~~Revise the master plan to remove the second sentence from No. 1 under Landscape Buffer Notes.~~
 - b. ~~Revise the master plan under Minimum Perimeter Setbacks to show setback labels as "front," "side," and "rear" (not north, south, east, and west).~~
 - c. ~~Revise the master plan, Sheet 2, to indicate the correct right-of-way conveyance for Henley Road to be 67.5 feet from the centerline of construction, subject to Condition No. 18 below.~~
 - a. ~~Revise the master plan to show a 15-foot buffer (25 feet if there is an abutting building) on the southern portion of the property.~~
 - b. _____.

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d.

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3. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all ~~preliminary plans/preliminary site plans~~ PDPs/PSPs, and construction plans/construction site plans. Lot lines shall not encroach into the wetlands and wetland buffers. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal,

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encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code (LDC) density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.

- 4. There shall be a buffer around all Category I wetlands of 25 feet, not inclusive of any lots. Wetland buffers around Category II and Category III wetlands shall be required in accordance with the Southwest Florida Water Management District (SWFWMD) or other regulatory agencies and shall not be inclusive of any lots. The proposed upland buffer area shall be shown on the construction plans/construction site plans. The final upland buffer area, as required by the SWFWMD or other regulatory agencies, shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by SWFWMD or other regulatory agencies.

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- 5. The developers have submitted an updated environmental/habitat study from the Ash Group, Inc. which has been reviewed on February 16, 2009, by County staff and the following conditions shall apply:

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~~The developers~~ Prior to PDP/PSP approval, the developer shall complete a Gopher Tortoise Survey and all other applicable surveys requested by the Florida Fish and Wildlife Conservation Commission (FFWCC). These surveys shall be completed in accordance with the FFWCC survey guidelines. A copy of these surveys this survey shall be sent to the Zoning and Site Development Department PDD for further review and approval by the County Biologist and to the FFWCC prior to preliminary plan/preliminary plan site plan approval.

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Preconstruction surveys shall be conducted for southeastern American kestrels. If any are found, preservation and mitigation measures shall be proposed for impacts to habitats potentially utilized by southeastern American kestrels. All survey and habitat delineation methods as well as associated mitigation requirements should follow procedures as described in "Ecology and habitat protection needs of the southeastern American kestrel (Falco sparverius paulus) on large-scale development sites in Florida" (Stys, B. 1993, Florida Game and Fresh Water Fish Commission, Nongame Wildlife Program, Technical Report No. 13). FFWCC and the County shall be contacted for review and consultation.

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- 6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required permit issued by the FFWCC to the Development Information and Permitting Services for the gopher tortoises.

- 7. ~~Prior to construction plan/construction site plan approval, the developers shall submit to the Development Information and Permitting Services a copy of the Environmental Resource Permit Application as submitted to the SWFWMD.~~ Prior to the issuance of the hard-copy Site Development Permit, the ~~developers~~ developer shall submit to the ~~Development Information and Permitting Services~~ PDD a copy of the Environmental Resource Permit.

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- 8. The developers have submitted an Archaeological/Historical Survey on April 24, 2009, which was reviewed and found acceptable by Pasco County. Although no

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archaeological sites eligible for the National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

9. The developers shall create a mandatory property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a Community Development District (~~CDD~~) shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property ~~to~~ be conveyed to the County or the District School Board of Pasco County. The developers 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. 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, property owners'/condominium owners'/merchants' association or ~~CDD~~ documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the ~~CDD~~. Impact fee credits, if applicable, for improvements or dedications shall go to the association or the ~~CDD~~ which funded such improvements as applicable.

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10. The developers shall provide a 15-foot landscape buffer tract (25 feet if there is an abutting building) on the southern portion of the property boundary, with landscaping equivalent to Type "C" buffer landscaping requirements pursuant to the LDC, Section 603, along with a minimum six-foot-high opaque fence or wall. Landscaping shall be provided on the outside of the wall. Should the property abutting the south be rezoned and/or have an approved land-use change to anything other than residential prior to the first ~~preliminary plan/preliminary site plan~~PSP/PSP submittal for the Cross Park development, then the appropriate buffer type, along with all applicable sections of ~~LDC, Section 603, Landscaping and Irrigation Ordinance, 905.2~~ shall apply.

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Ordinances

11. In addition to the MPUD Master Planned Unit Development conditions of approval, the developers shall comply with all ~~applicable~~ Pasco County ordinances, including all impact ~~fee/mobility~~ fee ordinances.

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

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Transportation/Circulation

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Access Management

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~~13. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owners/developers shall furnish to the Development Information and Permitting Services a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FOOT). Prior to the issuance of the first Certificate of Occupancy (CO), the owners/developers shall provide a letter from the FOOT stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.~~

~~14. At each preliminary plan/preliminary site plan approval, the Development Review Committee (ORC) may also require further intersection improvements along the internal road intersections and the S.R. 54 and Henley Road intersection.~~

12. 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 determined in accordance with the LDC and Access Management Standards as amended.

~~15-13. Access to commercial out-parcels on S.R. 54, shall be provided from internal drives or parking areas.~~

~~16-14. The access points shown on the master plan are not approved and are shown conceptually only. All access points shall require further be finalized at the time of PDP/PSP review and approval in accordance with the corresponding preliminary plan/preliminary site plan approval LDC; Access Management Standards, as appropriate. All accesses shall meet access-management criteria unless otherwise approved by the DRC amended.~~

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Dedication of Right-of-Way

~~17-15. Any frontage/reverse-frontage access road required pursuant to the LDC, Section 618.12, shall be required and shall remain open to the public, unless both are otherwise approved by the DRC concurrent with by the first preliminary plan/preliminary site plan approval County.~~

~~18-16. Subject to the provisions of LDC, Section 901.2.J. (Transportation-Corridor Management; Dedication-Rough Proportionality), the Right-of-Way Preservation Ordinance, the developers/owner/developer, shall convey at no cost to Pasco County 67.5 feet of right-of-way from the centerline of construction of Henley Road unless otherwise approved by the ORC (Table 7-4, Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).~~

In addition, the developer shall, at no cost to Pasco County, provide 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)

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improvements of Henley Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of the Stormwater Management Master Plan review for the portion(s) of the project adjacent to Henley 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 403. 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. Developer's obligation to construct any improvements or facilities shall expire if no construction plans for the portion of the Henley Road have been completed as of the date of approval of the stormwater-management plan for the portion(s) of the Project adjacent to Henley Road; however, developer's obligation to dedicate/convey such land as required by this condition shall not expire.

17. 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

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~~19. Prior to or concurrent with preliminary plan/preliminary site plan approval, the developers shall supply evidence that it has coordinated with the developers and engineer(s)/surveyor(s) of the adjoining parcels to the east and to the south to identify and provide the location of the required reverse frontage/frontage road and/or interconnecting roadway unless otherwise approved by the ORC. The following information shall be shown on all preliminary plans/preliminary site plans and construction plans/construction site plans that include or abut the interconnecting roadway: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent bearing/curve geometry) to provide a seamless continuation of this road at property lines.~~

~~20-18. Alternative roadway-design standards may be considered and approved by the ORCCounty at the time of each preliminary plan/preliminary site planPSP/PDP approval.~~

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~~21. The developers have submitted a traffic study which was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required, prior to the issuance of the first Building Permit, the developers shall construct or bond the following site-access~~

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improvements:

- a. ~~An eastbound right turn lane for a total length of 375 feet, including deceleration and taper on S.R. 54 at Driveway 1 (westernmost access; right in/right out only). Note that all access points proposed by the developers on S.R. 54 must be in accordance with the FOOT's standards and are pursuant to the FOOT's approval and permitting.~~
- b. ~~An eastbound right turn lane for a total length of 375 feet, including deceleration and taper on S.R. 54 at Driveway 2 (easternmost access; right in/right out only). Note that all access points proposed by the developers on S.R. 54 must be in accordance with the FOOT's standards and are pursuant to the FOOT's approval and permitting.~~
- c. ~~The required geometry at the driveway on Henley Road at Driveway 3 (full access) consistent with all County design standards. These improvements shall be determined further at the preliminary plan/preliminary site plan review and approval stage. Any conditions required shall be added to the conditions of approval for the preliminary plan/preliminary site plan.~~
- d. ~~An eastbound, right turn lane for a total length of 400 feet, including deceleration and taper, on S.R. 54 at Henley Road. Note that all access points proposed by the developers on S.R. 54 must be in accordance with FDOT standards and are pursuant to FOOT approval and permitting.~~
- e. ~~Within 60 days of the County's request, the applicants/developers shall pay for and shall perform a signal warrant study for the intersection of S.R. 54 and Henley Road. If, and when, the FOOT approves the signal as warranted or otherwise, the developers shall pay their proportionate share of \$182,190.00 for such signalization. This amount is based upon 2009 dollars. The proportionate share contribution shall be indexed in accordance with the latest adopted Impact Fee Ordinance, as amended. If such signalization is not approved by the FOOT prior to the issuance of the Building Permit for the 100,001st square feet of building area or prior to the construction plan/construction site plan approval for the last developable parcel, whichever occurs first, the developers shall provide a bond, Letter of Credit, or other security acceptable to the County for the proportionate share amount.~~

22. ~~Prior to or concurrent with the first record plat, or where platting is not required prior to the issuance of the first Building Permit, the developers shall complete or bond the following off-site improvements:~~

a. ~~S.R.54/Suncoast Parkway Interchange:~~

- (1) ~~Add two additional lanes eastbound and westbound on S.R. 54 through the Suncoast Parkway interchange, for a total length of 3,240 feet (0.61 mile). The total, proportionate fair share amount for this improvement is \$186,006.00.~~
- (2) ~~Add a northbound left turn lane (for triple lefts) at the northbound off ramp of the Suncoast Parkway onto S.R. 54. The total, proportionate fair share amount for this improvement is \$3,453.00.~~

~~The proportionate share amount for the S.R. 54/Suncoast Parkway interchange is \$189,459.00.~~

b. ~~S.R. 54/U.S. 41 Intersection:~~

~~Construct a grade-separated interchange consistent with the improvements as provided in the FOOT's Concept Plan.~~

~~The proportionate share amount for the S.R. 54/U.S. 41 intersection is \$1,431,008.00.~~

- ~~23. Based on the land use assumptions proposed in the approved traffic study, the generally applicable transportation impact fees (TIF) for the project, based on 2009 dollars, is estimated to total \$1,235,092.00, as adjusted pursuant to the TIF Ordinance. This portion of the Traffic Impact Study (TIS) calculated, proportionate share amount of \$1,620,467.00 is impact fee creditable, which means that this portion of the TIS calculated, proportionate share amount shall be collected, budgeted, and expended in accordance with the TIF Ordinance, as amended. Any TIS calculated, proportionate share amount in excess of the generally applicable TIF for the project (presently calculated as \$385,375.00) shall be considered a concurrency proportionate share payment only, which shall be budgeted and expended for construction of the above-mentioned off-site improvements, or for parallel facilities, or for mobility improvements that benefit one or more of the impacted facilities.~~

~~The developers shall pay the concurrency proportionate share payment in the amount of \$385,375.00 for the improvements specified in Condition No. 22 within 90 days of the date of the rezoning approval by the BCC. This amount is based upon 2009 dollars. If the required concurrency proportionate share payment is not received within the 90-day time frame, then payment shall be received prior to the issuance of the first Building Permit for either commercial or office development, or within 60 days of the County's written request, whichever occurs first. The required concurrency proportionate share payment shall be adjusted in accordance with the indices in the latest, adopted Impact Fee Ordinance should payment not be received within the 90-day time frame.~~

~~Nothing in Condition No. 22 or this Condition No. 23 shall preclude the developers from seeking proportionate share credits from the BCC, pursuant to the LOC, for any Targeted Primary Business or other qualified use(s).~~

- ~~24. Prior to the first record plat, or where platting is not required prior to the issuance of the first Building Permit, the applicant/developers shall improve, at no cost to Pasco County, Henley Road from the southernmost project boundary to S.R. 54 in accordance with County standards. Improvements shall be shown, reviewed, and approved on the preliminary plan/preliminary site plans and the construction plan/construction site plans for the development.~~
- ~~25. Should a change/reduction in the proportionate share payment be requested in the future, a revised traffic analysis shall be required in order to assess traffic impacts of the MPUD Master Planned Unit Development.~~
- ~~26. Prior to the issuance of any Building Permits occurring after December 31, 2013, the developers shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRG may impose additional conditions based upon the traffic study as approved by Pasco County. The provision is subject to other extensions adopted by the Pasco County BCC, if any.~~
- ~~27. The traffic study submitted by the applicant assumes the following land uses:~~

~~48,450 Square Feet of General Retail; 45,040 Square Feet of General Office (A Portion up to 20,000 Square Feet May be Government Office Use); 6,000 Square Feet of High Turn-Over Restaurant; 8,448 Square Feet of Drive-Through Bank~~

~~The applicants/developers have requested approval for 145,000 square feet of office and 30,000 square feet of retail, which generates less traffic trips than those assumed in the traffic study; therefore, any development of land use that generates greater traffic impacts than those assumed in the traffic study shall require an updated traffic study utilizing a methodology approved by Pasco County. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicant or development based on the updated County-approved traffic study.~~

~~28. The developers shall comply with the County and Pasco County Public Transportation requirements to accommodate mass transit service to and within the project if service is available at the time of preliminary plan/preliminary site plan approval. A detailed description of the overall transit accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or Pasco County Public Transportation. The developers shall submit the detailed description of the overall transit accommodations plan to the Zoning and Site Development Department for review and the DRC's approval prior to or concurrent with the preliminary plan/preliminary site plan of the first unit or phase within the development. Approval of the detailed description of the overall transit accommodations plan is subject to Pasco County Public Transportation review and approval in accordance with the Pasco County Public Transportation Transit Infrastructure Guidelines (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developers shall include and show on any preliminary plan/preliminary site plan submittal the DRC approved transit accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit accommodation facilities construction is approved with the overall transit accommodations plan. The applicant/developers and their successors shall not refuse the Pasco County Public Transportation, or any other transit authority, or any of its users/patrons access to such facilities.~~

~~29. The developers shall submit an overall pedestrian/bicycle path master plan to the Zoning and Site Development Department for review and approval prior to or concurrent with approval of the first preliminary plan/preliminary site plan. At a minimum, the pedestrian/bicycle path master plan shall provide the following: 1) pedestrian connections between uses within the site at a minimum width of six feet with the incorporation of green space, shade trees, and benches; and 2) shall incorporate the wet pond area into the pedestrian/bicycle path as an amenity area.~~

~~30. The buildings in the project shall have a harmonious architectural design, style, and color scheme. Renderings of proposed buildings shall be provided concurrent with the preliminary plan/preliminary site plan and construction plan/construction site plan approval for each increment of development to be reviewed and approved by the Zoning and Site Development and/or Planning and Growth Management Departments. Office buildings shall be located closest to S.R. 54 and shall be clustered around the water/wet pond area with the majority of the parking toward the back of the buildings/development (more southern portion).~~

~~The overall project shall contain a minimum of one of the following:~~

- ~~a. A minimum of three office buildings or mixed-use buildings, a minimum two stories in height, with an aggregated building area of 100,000 square feet, or~~
- ~~b. One or more office or mixed-use buildings at a minimum of four stories in height with an aggregated building area of 75,000 square feet or more, or~~
- ~~c. A configuration of buildings in a campus-style setting otherwise approved by the DRC.~~

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~~After the requirements in 30.a, 30.b, and 30.c have been met, additional one-story office buildings shall consist of a minimum gross area of 20,000 square feet, unless otherwise approved by the DRC.~~

~~19. Prior to submittal of the preliminary plan/preliminary site plan and the construction plan/construction site plan (the plan) for each development increment, the plan shall be subject to review and approval by the Zoning and Site Development and/or Planning and Growth Management Departments to determine that the proposed site plan reasonably integrates the retail and office uses for the project, lighting, specific building heights, and the exact building orientation, along with the harmonious architectural features and color scheme. [PLACEHOLDER FOR HENLEY ROAD ISSUE].~~

Utilities/Drainage Water Service/Wastewater Disposal

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~~34-20.~~ The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the LDC as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the Development Information and Permitting Services.

~~32-21.~~ A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:

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- a. Trunk sewer lines and lift stations .
- b. Main potable water lines and nonpotable water lines, if applicable.
- c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
- d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
- e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.

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~~33-22.~~ The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.

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~~34-23.~~ In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developers/owners and their successors and assigns, agree to the following:

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- 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 developers/owners shall transfer to Pasco County any and all Water Use Permits or water-use rights the developers/owners may have to use or consume surface or ground water within Pasco County 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 developers selling water, Water Use Permits, or water-use rights, the developers 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.

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Tampa Bay Water

Water Quality and Drainage

- ~~35. Development of the project shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan and LDC, as may be amended from time to time.~~
- ~~36. The project's stormwater management system shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 400-40; and Pasco County stormwater management requirements as may be amended from time to time. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the applicant/developers shall comply with the following design requirements:
 - ~~a. All swales shall be fully vegetated and operational.~~
 - ~~b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.~~
 - ~~c. The applicant/developers or other responsible entities shall ensure that the stormwater management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.~~
 - ~~d. Should the developers discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the developers shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The developers' report(s) shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since the previous report(s).~~
 - ~~e. Landscape and irrigation shall be in conformance with the LDC in effect at the time of preliminary plan/site plan approval.~~~~
- ~~37. Stormwater design shall include low impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State water quality standards.~~

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Water Resource Protection

- ~~38. The developers shall comply with the Pasco County Wellhead Protection Ordinance.~~
- ~~39. Should any noticeable soil slumping or sinkhole formation become evident, the developers shall immediately notify the County, TBW, and the SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and the SWFWMD:
 - ~~a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and the SWFWMD approve resuming construction activities.~~
 - ~~b. Take immediate measures to ensure that no surface water drains into the affected areas.~~
 - ~~c. Visually inspect the affected area.~~
 - ~~d. Excavate and backfill as required to fill the affected area and prevent further subsidence.~~
 - ~~e. Use geotextile materials in the backfilling operation, when appropriate.~~
 - ~~f. If the affected area is in the vicinity of a water retention area, maintain a minimum vertical distance of five feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.~~
 - ~~g. If the affected area is in the vicinity of a water retention area and the above methods do not stabilize the collapse, relocate the retention area.~~~~
- ~~40. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridian Aquifer is prohibited.~~
- ~~41. The historic, average rainfall volume discharged from the site should be maintained post development. The applicant/developers shall propose stormwater design solutions which achieve this goal, such as the use of swale systems and reducing treatment volume requirements to the extent the permitting agencies (Pasco County and the SWFWMD) can allow.~~

Land Use

- ~~42.24. Permitted uses are limited to 145,000 square feet of office/assisted living facility (ALF)/rehabilitation center (subject to 100,000 SF limitation on ALF and rehabilitation center below) and 30,000 square feet of commercial. The design standards and uses for the development are as follows:
 - ~~a. Office design standards:~~
 - ~~a. Setbacks from external project boundaries are as follows:
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Rear: 15 Feet

~~(1)b. Maximum height of Building Height; 75 feet.~~

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~~(2) Minimum of two stories (subject to criteria in Condition No. 30).~~

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~~(3) Maximum of a single row of parking between buildings and front setback along S.R. 54, unless otherwise approved by the DRC.~~

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~~(4) Exact building orientation/separation and parking field shall be determined prior to submittal of the preliminary plan/preliminary site plan review stage during the review of the conceptual layout pursuant with Condition No. 30.~~

~~(5) Setbacks shall be in accordance with the EC-MPUD Employment Center Master Planned Unit Development height matrix in the LDC, Section 522.8.C, unless otherwise approved by the DRC pursuant to the LDC, Section 316.1.~~

~~(6) Building Permits shall not be issued for more than a 20,000-square-foot gross building area of stand-alone retail space until the developers have completed the internal streets/drives and utilities infrastructure for the entire project (to support the office use area). This does not apply to retail space contained within an office (mixed-use) building.~~

~~c. The permitted Maximum Lot Coverage: 100 percent (100%).~~

~~b-d. Permitted office uses are as follows: (a) all uses allowed by the PO-2 Professional Office district in the LDC (including any special exception uses); (b) governmental or public use; (c) medical office or clinic; and (d) banks and financial institutions (subject to limitation of one drive-through facility). Further, office uses principally dedicated to the provision of. Permitted office uses include, without limitation, professional services including, but not limited to, such as accounting, medical, legal, dental, engineering, land surveying, clerical, bookkeeping, consultant, drafting, research, real estate, investment, tax and financial, title and abstract, stock brokerage, bonding, and other similar services, and uses as defined, pursuant to LDC, Section 522.8.D.1.C, Targeted Primary Business. A day-care center is allowed as a supporting/ancillary use to the office/employment uses. Permitted office uses also include, without limitation, medical offices, such as diagnostic imaging, rehabilitation services, wellness centers, institutional medical office, cancer research/center, urgent care, dental services, sports medicine, eye center/clinic, weight-loss clinic, sleepiness center, spine & orthopedic, hyperbaric medicine, research center, general medical offices, surgery center and all health-related offices.~~

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~~e. The ancillary (stand-alone) retail design standards are as follows:~~

~~(1) Maximum height of 35 feet.~~

~~(2) Maximum of a single row of parking between buildings and front setback along S.R. 54, unless otherwise approved by the DRC.~~

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~~(3) — Setbacks are as follows:~~

~~Front: 25 Feet~~

~~Side: 20 Feet~~

~~Rear: 25 Feet~~

~~d. — The permitted retail uses are limited to the following: retail sales for local or neighborhood needs which are required to be conducted entirely within a building (except outdoor restaurant or cafe patio seating which is allowed):~~

~~(1) — Sale of baked goods and pastries, candy and confectionaries, and dairy and ice cream.~~

~~(2) — Sale of books and magazines, newspapers, tobacco, drugs (including pharmacy and drug store), wireless and other telecommunication devices, electronics, copy/duplication, shipping services and related support services, gifts, and stationery.~~

~~(3) — Eating places, lunchrooms, coffee shops, cafes, delicatessens, restaurants (sit-down, takeout, and patio), cafeterias, and places for the sale or consumption of soft drinks, juices, and ice cream, but excluding places providing dancing or entertainment. Alcoholic beverages will require a conditional use.~~

~~(4) — Service establishments, including barber and beauty shops, custom tailor shops, fitness centers, laundry agencies, shoe repair, dry cleaning, pressing or tailoring shops, and florist retail outlets, in which only nonexplosive and nonflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere.~~

~~e. — Permitted ALF uses and facilities include assisted living facilities, skilled living facilities and similar uses and facilities, including, but not limited to, extended care, independent living and rehabilitation treatment and services for adults and children, to include, without limitation to, occupational therapy, physical therapy, vocational training, speech therapy, neurological development treatment, drug abuse treatment, weightless treatment and research and education center.~~

~~a. — Permitted rehabilitation uses include without limitation, occupational therapy, physical therapy, vocational training, special training (such as speech therapy), human services, rehabilitation and independent living units, rehabilitation and continuing care for children and adults, neurological development, drug abuse treatment, aged and extended care, rehabilitation education centers, weight loss centers and research center.~~

~~b. — Permitted commercial uses shall be all uses allowed by the C-1 Neighborhood Commercial Zoning District of the LDC, plus pharmacies with drive thru and banks and financial institutions with drive thru.~~

~~e-c. — Additionally, the following shall apply:~~

~~(1) — Setbacks shall be inclusive of ~~the any~~ required landscape buffer~~

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~~(2) No stand-alone, fast food retail, drive-through allowed.~~

~~(3) There shall be no big box development.~~

~~(4) A maximum of 33 1/3 percent of road frontage may be utilized by stand-alone, retail out-parcels for a single use building (including a bank), all remaining retail must be contained within the office or mixed-use building(s).~~

~~(5)(2) The maximum floor area for the office development assisted living facility (ALF)/rehabilitation facility shall not exceed 445,100,000 square feet of gross floor area, including out-parcels to devoted to such uses.~~

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~~(6)(3) The maximum floor area for the commercial portion shall not exceed 30,000 square feet of gross floor area, including out-parcels.~~

~~(7) The maximum square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions.~~

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~~(8)(4) 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.~~

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~~43-25. Any proposed increase in commercial intensity that results in an overall increase greater than or equal to five percent cumulatively, or a change in overall design and/or content, occurs, a substantial amendment shall be presumed. Additionally, should the proposed amendment result in an increase in density/intensity which necessitates a revised traffic study/timing and phasing analysis, then the request shall be presumed to be substantial.~~

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~~44-26. Any overall increase to intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.~~

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Procedures

~~45-27. 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.~~

~~46-28. If the preliminary plans and/or preliminary site plans a PDP/PSP for the entire MPUD Master Planned Unit Development are is, not approved within six years of the original rezoning approval or from the last approved substantial modification, the conditions of approval shall expire for those portions of the MPUD Master Planned Unit Development that do not have (unexpired) preliminary plan or preliminary site plan approval. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit~~

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Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and LDC in effect at that time.

~~47. The developers shall submit and obtain approval of a Large Scale Plan Amendment to add uses not previously approved or to reduce open space or preservation/conservation areas. A plan amendment is also required if there is a cumulative increase in density or intensity of ten percent or more in the number of average daily trips as defined by the Institute of Traffic Engineers.~~

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~~48-29. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.~~

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~~49-30. A preliminary plan/preliminary site plan A PDP/PSP, must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. The maximum intensity of each increment shall not exceed the limits shown on the approved MPUD Master Planned Unit Development Plan. A preliminary site plan A PSP, must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased construction site plan approval.~~

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~~50. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan/construction site plan approval, and/or record plat approval.~~

~~51. Development shall occur in accordance with the LDC, Section 402, Concurrency Management System.~~

~~52. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Zoning Legislation as implemented by the Florida Department of Community Affairs (FDCA) and Pasco County.~~

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~~53-31. 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 Zoning and Site Development Department after the BCC action.~~

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~~54-32. All conditions of this MPUD Master Planned Unit Development 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 Master Planned Unit Development approval shall be suspended until such time that the BCC modifies the MPUD Master Planned~~

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Unit Development 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 Master Planned Unit Development entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD Master Planned Unit Development 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 Master Planned Unit Development or the MPUD Master Planned Unit Development 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 Master Planned Unit Development approval under any circumstances.

~~55-33.~~ If the corresponding ~~POPD~~ (Planned Development) Land Use Classification ~~change~~text amendment is found not to be in compliance by the FDCA or otherwise ~~successfully~~successfully challenged by a third party, ~~this MPUD Master Planned Unit Development~~the new uses permitted by such text amendment shall be null and void.

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~~56.~~ ~~This MPUD Master Planned Unit Development shall not be effective until the corresponding PO (Planned Development) Land Use Classification change is effective.~~

[DEVELOPER'S ACKNOWLEDGEMENT TO FOLLOW]

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DEVELOPER'S ACKNOWLEDGMENT:

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The 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.**

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(Date)

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I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the developers, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be its free act and deed for the uses and purposes therein expressed .

Witness my hand and seal at _____,
_____ County, Florida, the day and year aforesaid.

My commission expires:

(Date) _____ Notary Public,
State of _____ at Large

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