

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

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

DATE: 1/27/15 FILE: PDD15-7112

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

SUBJECT: Grantham Ranch East
MPUD Master Planned Unit
Development (MPUD)
BCC: 1/27/15, 1:30 p.m., NPR
Recommendation: Approval
with Conditions

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

REFERENCES: Land Development Code,
Section 522, MPUD
District; Comm. Dist. 1

STAFF: Corelynn Burns
Planner II

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

DESCRIPTION AND CONDITIONS:

Proposed is a rezoning request for a change in zoning from an MPUD Master Planned Unit Development to an MPUD to allow 269 single-family detached units on 104.67 acres, mol.

The property is located on the east side of Old Pasco Road near the intersection with Gillett Road (approximately 1,500 feet north of Overpass Road). The development is comprised of two parcels (29-25-20-0000-00600-0070 and 29-25-20-0000-00600-0000).

| | |
|---------------------------------|------------------------------------|
| Commission District: | The Honorable Theodore J. Schrader |
| Project Name: | Grantham Ranch East MPUD |
| Developer's Name: | CWES XXI, LLC |
| Zoning District: | MPUD |
| Future Land Use Classification: | RES-3 (Residential - 3 du/ga) |
| Flood Zone: | "AE" and "X" |
| Water/Sewage: | Pasco/Pasco |
| No. of Dwelling Units: | 269 |
| Type of Dwelling Units: | Single-Family, Detached |
| Access/Roads: | Old Pasco Road/Public |

BACKGROUND:

On December 5, 2006, the Board of County Commissioners (BCC) approved a rezoning request of the subject property from an A-C Agricultural District to an MPUD District (Rezoning Petition No. 6646).

FINDINGS OF FACT:

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

| | <u>Zoning District</u> | <u>Existing Use</u> | <u>Future Land Use</u> |
|--------|---|-----------------------|------------------------------------|
| North: | AR- Agricultural-Residential and A-C Agricultural | Residential Dwellings | RES-3 (Residential - 3 du/ga) |
| South: | R-1MH Single-Family/Mobile Home | Unimproved | RES-3 (Residential - 3 du/ga) |
| East: | A-C Agricultural | Vacant/Unimproved | RES-3 (Residential - 3 du/ga)/PS/P |
| West: | MPUD/AR Agricultural-Residential/Old Pasco Road | Road/Cattle Pasture | RES-1 (Residential - 1 du/ga) |

3. The proposed development is located in the Rural Protection Neighborhood Area. A neighborhood meeting was held on September 5, 2014, as required by the Land Development Code.
4. On December 5, 2006, the original Grantham Ranch MPUD was approved by the BCC and was located on both sides of Old Pasco Road. The developer of the Grantham Ranch MPUD proposed a development of 474 single-family detached dwelling units on approximately 611.43 acres. The applicant/developer proposed three phases within the proposed development. Because a preliminary plan for the development was not approved within six years of the original date of the rezoning the MPUD's entitlements expired. In order for the property to be developed, a new MPUD rezoning is necessary.
5. On April 7, 2014, a new application for a portion of the previous Grantham Ranch MPUD was submitted. The proposed development for the "new" Grantham Ranch will be known as Grantham Ranch East MPUD. Grantham Ranch East was Phase I, Parcel 5 and 6 of the previously approved MPUD which allowed a total of 288 dwelling units: Grantham Ranch East MPUD is proposing only 269 dwelling units. The proposed minimum lot size has not changed.
6. The remaining property in the Grantham Ranch MPUD which was located on the west side of Old Pasco Road was sold to the District School Board of Pasco in 2009 for a high school campus. The School Board rezoned the upland property from an MPUD to an A-R (Agricultural/Residential) Zoning District on August 11, 2009, Rezoning Petition No. 6868.
7. The proposed request is consistent with the Pasco County Land Development Code, Chapter 400, Subsection 402.2 Zoning Amendment – MPUD, and with the applicable provisions of the Pasco County Comprehensive Plan.
8. The environmental/habitat study submitted has been reviewed and approved by the County Biologist. Conditions of approval as a result of the habitat study are included within the conditions of approval.

ALTERNATIVES AND ANALYSIS:

1. Approve the rezoning request with the attached conditions.
2. Deny the rezoning request.

3. Recommend an alternative course of action.

RECOMMENDATION AND FUNDING:

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

- Authorize the Chairman to sign and execute four original Resolutions, and
- Direct the Board Records Department to retain one original Resolution, and distribute the other three as follows:
 - Planning and Development Department
Attention: Carol B. Clarke, AICP, Zoning Administrator/Assistant
Planning and Development Administrator
 - Pasco County Property Appraiser
Attention: Vicki Lewis, Senior Land Records Analyst
 - Genesis Group
Attention: Kevin Mineer, AICP
3910 US Highway 301 North, Suite 140
Tampa, FL 33619

No Funding Required.

ATTACHMENTS:

1. Aerial - Location Map
2. Zoning – Location Map
3. Neighborhood Meeting Notes – a. Sign in Sheet; b. Invitation
4. Resolution
5. Exhibits A, B, C, D and E

DEVELOPMENT REVIEW COMMITTEE ACTION: (1-15-15)

Approved Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION: (1-27-15)

Approved Staff Recommendation of Alternative No. 1.

RESOLUTION AMENDING ZONING CLASSIFICATION OF PROPERTY DESCRIBED IN REZONING PETITION NO. 7112 FOR AN MPUD MASTER PLANNED UNIT DEVELOPMENT; AMENDING AND RESTATING CONDITIONS OF REZONING PETITION NO. 6646, RESOLUTION NO. 06-161RZ.

WHEREAS, the Board of County Commissioners of Pasco County, after due public notice, held a public hearing on January 27, 2015, on Rezoning Application No. 7112; and

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

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

FINDINGS OF FACT

1. On December 5, 2006, the Board of County Commissioners (BCC) approved a rezoning request of the subject property from an A-C Agricultural District to an MPUD District (Rezoning Petition No. 6646).
2. Presently, the subject site is unimproved.
3. The proposed development is located in the Rural Protection Neighborhood Area. A neighborhood meeting was held on September 5, 2014, as required by the Land Development Code.
4. On December 5, 2006, the original Grantham Ranch MPUD was approved by the BCC and was located on both sides of Old Pasco Road. The developer of the Grantham Ranch MPUD proposed a development of 474 single-family detached dwelling units on approximately 611.43 acres. The applicant/developer proposed three phases within the proposed development. Because a preliminary plan for the development was not approved within six years of the original date of the rezoning the MPUD's entitlements expired. In order for the property to be developed, a new MPUD rezoning is necessary.
5. On April 7, 2014, a new application for a portion of the previous Grantham Ranch MPUD was submitted. The proposed development for the "new" Grantham Ranch will be known as Grantham Ranch East MPUD. Grantham Ranch East was Phase I, Parcel 5 and 6 of the previously approved MPUD which allowed a total of 288 dwelling units: Grantham Ranch East MPUD is proposing only 269 dwelling units. The proposed minimum lot size has not changed.
6. The remaining property in the Grantham Ranch MPUD which was located on the west side of Old Pasco Road was sold to the District School Board of Pasco in 2009 for a high

school campus. The School Board rezoned the upland property from an MPUD to an A-R (Agricultural/Residential) Zoning District on August 11, 2009, Rezoning Petition No. 6868.

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

8. The environmental/habitat study submitted has been reviewed and approved by the County Biologist. Conditions of approval as a result of the habitat study are included within the conditions of approval.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled, this 27th day of January, 2015, that the zoning classification of the following described real property is hereby amended to an MPUD Master Planned Unit Development, subject to the amended and restated conditions and master plan for the Grantham Ranch East MPUD as set forth in Exhibits B and C attached hereto and made part hereof.

DONE AND RESOLVED this 27th day of January, 2015.



Paula S. O'Neil

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

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

Theodore J. Schrader

THEODORE J. SCHRADER, CHAIRMAN

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT A

7112

The N 40 acs of that part of the S ½ of the NW ¼ of Sec 29, T25S, R20E, Pasco Co, FL, lying E of the existing r/w line of Pasco Rd as now loc; less additional r/w as set forth in deeds rec in ORB 5895, Pg 1214 & ORB 5895, Pg 1218, of the Pub Recs of Pasco Co, FL.

AND

That part of the S ½ of the NW ¼ & that part of the SW ¼ lying E of the existing r/w of Pasco Rd; less & except the fol: Com at the SE cor of the SW ¼; th W alg the S line thereof, 1,744.01'; th N09°50'E, 1,175'; th S81°30'E, 764.72'; th N74°24'E, 372.50' th S49°41'E, 558.51' to the E line of the SW ¼ of Sec 29; th S00°10'30"E alg said E line 783.52' to the POB; & except the N 40 acs of that part of the S ½ of the NW ¼ lying E of the existing r/w line of Pasco Rd as now loc; & except Old Pasco Rd r/w Par 159.1 & Old Pasco Rd r/w Par 159.2, all being in Sec 29, T25S, R20E, Pasco Co, FL.

EXHIBIT B
CONDITIONS OF APPROVAL

**GRANTHAM RANCH EAST
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 7112
ORIGINAL REZONING PETITION NO. 6646**

Master Development Plan

1. Development shall be in accordance with the application, plans, and information submitted September 10, 2014, the Land Development Code (LDC), and the Comprehensive Plan, unless otherwise stipulated or modified herein. The original MPUD Master Planned Unit Development (MPUD) conditions of approval and Master Development Plan, Rezoning Petition No. 6646, as approved by the Pasco County Board of County Commissioners (BCC) on December 5, 2006, are hereby superseded by Rezoning Petition No. 7112.

Environmental

2. 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 development plans (PDP)/preliminary site plans (PSP) and construction plans/construction site plans.
3. Prior to issuance of the hard copy Site Development Permit, a copy of the Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit shall be submitted to the Planning and Development Department.
4. Prior to PDP/PSP approval for any unit or phase, the Master Developer or parcel developer shall conduct and submit the results of a detailed listed species wildlife survey in accordance to Florida Fish and Wildlife Conservation Commission (FFWCC) survey guidelines. The survey shall be sent to Planning and Development Department, the County Biologist, and FFWCC for further review and approval.
5. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands and wetland buffers shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association or Community Development District (CDD).
6. Jurisdictional boundaries shall be delineated in accordance with Chapter 62-340, and SWFWMD, or other regulatory agencies as appropriate. The precise delineation of wetlands shall be determined through site-specific studies and field determinations by the applicant prior to mass grading, Stormwater Management Plan and Report, fill construction plan, or Operating Permit applicant submission per Section 805.3.B of the Pasco County LDC.
7. There shall be an upland 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. The proposed upland buffer area shall be shown on the preliminary 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, other regulatory agencies, and Pasco County according to Land Development Code Section 805.5. B. C. Approval of zoning does not constitute approval of any wetland impacts and is subject to further review as additional information is provided.

Open Space

8. The developers shall create a mandatory homeowners'/property owners'/association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development. 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. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes (F.S.), is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.

Transportation/Circulation

Access Management

9. The access points shown on the master plan are conceptual only. Permanent placement of each access point shall be determined at the time of review with the corresponding PSP/PDP and shall meet established access-management criteria. Based on the corresponding PSP/PDP, the DRC, BCC, or County Administrator, or designee, may impose additional conditions on the applicant/developer.
10. Prior to the approval of the first record plat containing or necessitating any of the following improvements, the developer shall construct or bond the following site-access improvements, or, unless determined otherwise at the time of preliminary development plan review based on a subsequent access management analysis for that specific parcel or phase:
 - a. Old Pasco Road Northern Driveway: developer shall construct a full access driveway with a northbound to eastbound right turn lane of 290 feet and a southbound to eastbound left turn lane of 320 feet. This northern driveway shall



be aligned with the District School's northern driveway located on the west side of Old Pasco Road.

- b. Old Pasco Road Southern Driveway: developer shall construct a full access driveway with a northbound to eastbound right turn lane of 290 feet and a southbound to eastbound left turn lane of 320 feet.
11. At each preliminary development plan/PSP approval, the County Engineer, or designee, may also require further site-specific intersection improvements. Intersection improvements shall be in accordance with the LDC and Access Management Standards as amended.

Dedication of Right-of-Way

12. In the case of private streets, dedication and maintenance shall be the responsibility of a Homeowner's Association, CDD, or other appropriate entity. Pasco County will not be responsible for the maintenance of any private streets. The request for the use of private streets shall be reviewed with the corresponding PDP/PSP. Where a street is required to provide traffic flow through the land (e.g. interconnection to abutting properties), an alternative standards request shall be necessary for the use of the private streets in accordance with Section 407.5 of the LDC. Streets internal to the development that do not provide interconnections to abutting properties may be private upon review and approval of the corresponding PDP/PSP.
13. Subject to the provisions of the LDC, Section 901.2.J. (Transportation-Corridor Management; Dedication-Rough Proportionality), the owner/developer shall convey, at no cost to the County, the required amount of right-of-way to achieve 83 feet from the centerline of construction of Old Pasco Road (based on 11/24/2003 Old Pasco Road Plans prepared by King Engineering) (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 has provided, at no cost to Pasco County, a drainage easement (parcel 859 OR 6267 PG 642) (Exhibit D) so that the County may design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities pursuant to King Engineering's 100% Plan Submittal of Old Pasco Road dated November 24, 2003.

14. 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

15. The timing and phasing application submitted by the applicant assumes the following land uses: 269 single-family detached dwelling units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated Timing and Phasing Analysis utilizing a methodology approved by the County. The DRC, BCC, or County Administrator or designee, may impose additional conditions on the applicant or developer based on the updated County-approved Timing and Phasing Analysis.
16. The entire project must be platted by December 31, 2018, or an updated timing and phasing analysis utilizing a methodology approved by Pasco County shall be required. Additional conditions based upon the updated timing and phasing analysis may be imposed by the County.
17. The developer may submit an overall pedestrian/bike path plan to the Planning and Development Department for review and approval prior to approval of the first PDP/PSP, which provides a path circulation in accordance with the Pasco County LDC, as amended, or an alternative method acceptable to the DRC, and in compliance with the handicapped provisions of Section 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.
18. As provided in Chapter 190, Florida Statutes, and subject to the BCC's separate approval, the CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD that are identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the County or School Board (Public Properties) that are located within the boundary of the CDD. All applicable documents pertaining to the undertaking of funding and construction by the CDD shall reflect the following:
 - a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.
 - b. No debt or obligation of such CDD shall constitute a burden on any Public Property.

Utilities/Drainage/Water Service/Wastewater Disposal

19. At the time of preliminary development plan review, the owners/developers shall comply with the design standards of an open drainage basin contained within Ordinance No. 05-29, Drainage Basins of Special Concern, adopted by the Board of County Commissioners on July 12, 2005, where applicable. Project site is located within the Cypress Creek watershed. SWFWMD's 2011 Cypress Creek (K938) Watershed Management Plan identifies the northern portion of the MPUD to be located within Basin G1260 (open | unrestricted) and the southern portion of the MPUD to be located within Basin F0200 (closed). The closed basin designation can be modified by the applicant at the time of construction plan review by providing scientific analysis validating basin is



'open'; proposing to remediate or otherwise improve the conditions that support the 'closed' basin designation.

- a. The maximum peak rate of stormwater-runoff discharge from any development activity shall not exceed the prior existing maximum peak rate of stormwater-runoff discharge for a 2-, 10-, 25-, and 100-year return frequency storm event for a duration of 24 hours.
 - b. Runoff volume within 'closed' drainage basins shall be limited to predevelopment conditions such that there shall be no increase in the volume of runoff resulting from development activity for a 100-year return frequency, 24-hour duration storm event.
 - c. There shall be no net loss of storage volume from the most restrictive of:
 - (1) Federal Emergency Management Agency established floodplain storage volume.
 - (2) Storage volume below the elevation of a recorded County-observed flooding.
 - (3) Calculated ponding based upon a 100-year return frequency, 24-hour storm event.
 - (4) A more critical event standard defined in a County or Southwest Florida Water Management District approved study for the applicable drainage basin.
20. Finished floor elevations for all habitable structures shall be a minimum of one foot above the 100-year floodplain elevation. All preliminary development plan/preliminary site plan submittals shall provide 100-year flood elevation data.
21. A Utilities Service 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:
- a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and non-potable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a non-potable water system for irrigation.
 - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. Master utility plans shall be presented in a written format in conformance with the Utilities Service Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.



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.
23. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, and then only for so long as such a production failure or shortfall exists, the developer/owner shall transfer to the County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within the subject property, provided that the same are not needed to continue any existing agricultural uses on the subject property, in which case, such transfer shall not be required as long as such agricultural uses are active.
 - b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

24. The residential dimensional standards are as follows:

Single-Family Detached

- (1) Minimum Lot Width of 50 Feet
 - (2) Minimum Lot Depth of 110 Feet
 - (3) Minimum Front-Yard Setback:

| | |
|-------------------|---------|
| Primary Structure | 20 Feet |
| Garage | 25 Feet |
 - (4) Minimum Side-Yard Setback of 5 Feet (a)(b)
 - (5) Minimum Rear-Yard Setback of 15 Feet (b)
 - (6) Maximum Lot Coverage of 75 Percent—Principal and Accessory Structures
 - (7) Maximum Building Height of 35 Feet
- a. The use of 5-foot side setbacks must be in compliance with the LDC, Section 902.2.K.2.b; otherwise, the minimum side-yard setback shall not be less than 7.5'.
 - b. Where the landscape buffers are located within easements for residential or multiple-family developments, the applicable minimum side or rear yard shall be increased by the width of the required/provided buffer easement, or the



applicable side- or rear-yard setback, as set forth above shall be measured from the landscape buffer easement or tract line.

25. In order to provide compatibility with abutting properties, the developer shall provide larger lots toward the outer boundary perimeter of the development (e.g. along the northern property boundary, adjacent to the existing neighborhood, there shall be a minimum lot size of 65' X 110', and along the remainder of the northern boundary, adjacent to the wetlands and to the south, there shall be minimum lot size of 55' X110'. (Refer to Exhibit E; conceptual plan that graphically shows the location of these lots). The perimeter of the development that is adjacent to either public right-of-way or conservation areas are exempt from this requirement.
26. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
27. The total aggregate number of dwelling units for Grantham Ranch East MPUD shall not exceed 269.
28. 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.
29. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
30. The developers may designate, on the Master Development Plan, a site or sites which do not exceed a total of two acres to be used for recreational vehicle storage for the exclusive use of Grantham Ranch East MPUD residents. Such site(s) shall have appropriate landscape buffering in compliance with the LDC, Section 905.2. The site(s) must obtain site plan approval prior to development and be owned by the mandatory homeowners'/property owners' association or CDD.
31. Interim silvicultural and/or agricultural activities shall be permitted until commencement of development for that portion of the proposed development.

Procedures

32. 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.
33. 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.



34. A PDP/PSP must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.
35. PDP/PSP submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master 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 approval, and/or record plat approval.
36. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the **BCC approved** document is completed (including notarization) and received by the Planning and Development Department after the BCC action.
37. All conditions of this MPUD approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD approval shall be suspended until such time that the BCC modifies the MPUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD or the MPUD conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD approval under any circumstances.

[Owner/Developer's Acknowledgment to Follow]



OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

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

(Date)

Print Name

Title

STATE OF FLORIDA _____

COUNTY OF _____

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owners/developer, to me known to be the person(s) described in and who executed the foregoing document and severally acknowledged the execution thereof to be their 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



EXHIBIT C
MASTER PLAN

EXHIBIT D

DRAINAGE EASEMENT (PARCEL 859 OR 6267 PG 642)

10
59,700.



Return to: Secretarial Services/Board Records/Dade City

**Drainage Easement
Individual**

This instrument prepared by:

Mark Bigham
Real Estate Division
Development Services Branch
7530 Little Road, Suite 230
New Port Richey, FL 34654



Rept: 863509 Rec: 86.50
DS: 0.00 IT: 0.00
03/11/05 Dpty Clerk

Property Appraiser's Parcel ID (Folio)
Number(s): a portion of 20-25-20-0000-00200-0010
29-25-20-0000-00400-0000
& 29-25-20-0000-00600-0000

JED PITTMAN, PASCO COUNTY CLERK
03/11/05 11:23am 1 of 10
OR BK 6267 PG 642

Project Parcel # 809.1, 809.2, 809.3 & 859

THIS INDENTURE, made this 11th day of March, 2005, between first party, NANCY I. GRANTHAM, as Trustee of the NANCY I. GRANTHAM REVOCABLE TRUST AGREEMENT DATED DECEMBER 10, 1998, as Widow of the deceased JAMES HAROLD GRANTHAM and as the sole Trustee of the JAMES HAROLD GRANTHAM REVOCABLE TRUST AGREEMENT DATED DECEMBER 10, 1998, whose address is 8340 Old Pasco Road, Zephyrhills, Florida 33554, hereinafter referred to as the Grantor, and the second party, PASCO COUNTY, a Political Subdivision of the State of Florida, whose post office address is 37918 Meridian Avenue, Dade City, Florida 33525, hereinafter referred to as the Grantee.

WHEREAS, the Grantor owns and holds the following described real property:

**SEE EXHIBIT "D" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF**

AND WHEREAS, the Grantee desires to secure a permanent drainage easement in said property.

WITNESSETH, that the Grantor for good and valuable consideration by the Grantee, the receipt whereof is hereby acknowledged and by these presents does remise, release and quit-claim unto the Grantee, a drainage easement over, under and across the following described real property:

**SEE EXHIBIT "D" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF**

This conveyance is to provide drainage for Old Pasco Road.

TO HAVE AND TO HOLD the same with all and singular the appurtenances thereunto belonging or in anywise appertaining to the granting of this easement in law or equity to the only proper use, benefit and behoof of the said Grantee, or its successors or assigns.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

1st Witness signature

NANCY I. GRANTHAM as trustee

1st Witness print name

2nd Witness signature

2nd Witness print name

STATE OF FLORIDA
COUNTY OF PASCO

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the

state aforesaid and in the County aforesaid to take acknowledgments, personally appeared, NANCY I. GRANTHAM, (who has produced a Florida Drivers License ~~as identification~~ OR (is known personally to me) to be the person described in and who executed the foregoing instrument and who ~~did~~ did not take an oath; and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of March, A.D. 2005.

SEAL



NOTARY PUBLIC

My Commission Expires:



EXHIBIT "D"

LEGAL DESCRIPTION

OR BK 6267 PG 644
3 of 10

OLD PASCO ROAD

PARCEL 809.1

PERMANENT DRAINAGE EASEMENT

A portion of Section 29, Township 25 South, Range 20 East, Pasco County, Florida,
being further described as follows:

Commence at the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 29, Thence along the North line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ North $89^{\circ}58'04''$ East, a distance of 1080.86 feet; Thence 127.13 feet along the arc of a non-tangent 2190.50 foot radius curve to the left, said curve having a chord bearing North $02^{\circ}28'30''$ East, a distance of 127.11 feet to the POINT OF BEGINNING; Thence North $67^{\circ}41'11''$ West, a distance of 10.75 feet; Thence 73.68 feet along the arc of a non-tangent 2180.50 foot radius curve to the left, said curve having a chord bearing North $00^{\circ}15'33''$ West, a distance of 73.68 feet; Thence North $72^{\circ}13'51''$ East, a distance of 31.28 feet to a point on the proposed right-of-way of Old Pasco Road; Thence 95.47 feet along the arc of a non-tangent 2210.50 foot radius curve to the right, said curve having a chord bearing South $00^{\circ}13'22''$ East, a distance of 95.46 feet; Thence leaving said right-of-way North $67^{\circ}41'11''$ West, a distance of 21.48 feet to the POINT OF BEGINNING.

Containing 2538 square feet more or less.

30 July 2003/Revised 18 December 2003

SHEET 1 OF 2

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SEC. 29, TWP. 25 S., RNG. 20 E.



NOT TO SCALE

LEGEND:

- SEC=SECTION
- TWP=TOWNSHIP
- RNG=RANGE
- P.B.=PLAT BOOK
- OR=OFFICIAL RECORDS
- R/W=RIGHT OF WAY
- SW=SOUTHWEST
- NE=NORTHEAST
- POB=POINT OF BEGINNING
- CR=COUNTY ROAD
- PG=PAGE
- E= PROPERTY LINE

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N.89°58'04"E. FOR THE NORTH LINE OF THE SW 1/4 OF THE SW 1/4 OF SECTION 29 TWP 25S., RNG 20E.
2. SEE SHEET 1 FOR LEGAL DESCRIPTION
3. REVISED DEC 18 2003

CURVE TABLE

C-1 R=2190.50'
A=127.13'
C=127.11'
CB=N.02°28'30"E.

C-2 R=2180.50'
A=73.68'
C=73.68'
CB=N.00°15'33"W.

C-3 R=2210.50'
A=95.47'
C=95.46'
CB=S.00°13'22" E.

LINE TABLE

L-1 N.67°41'11"W. 10.75'
L-2 N.72°13'51"E. 31.26'
L-3 N.67°41'11"W. 21.48'

PROPOSED
RIGHT-OF-WAY

809.1

109

P.O.B.

AREA=2,538 SF MOL

909

OLD PASCO ROAD

108

NW COR
SW 1/4 OF SW 1/4
SEC 29-25-20

N LINE OF SW 1/4
OF SW 1/4 SEC 29-25-20
N.89°58'04"E. 1080.86'

NOTE: THIS SKETCH IS NOT A SURVEY.



PASCO COUNTY ENGINEERING
SERVICES DEPARTMENT
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

OLD PASCO ROAD
PERMANENT DRAINAGE EASEMENT
PARCEL 809.1

Hardoowar Singh

HARDOOWAR SINGH FLORIDA LICENSED
SURVEYOR AND MAPPER NO. 4575

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER.

| | | | |
|---------------------------------|-------------------------|------------------------|---------------------|
| DISK/FILE: C:\PASCOR\ | COORD-FILE C6505.CRD | DWG-FILE: P8091.DWG | W.O.# C-6505.10 |
| DATE OF SKETCH: 30-JUNE-2003 | DRAWN: RFP | CHECK: | SHEET 2 OF 2 |

EXHIBIT "D"

OR BK **6267** PG **646**
5 of 10

LEGAL DESCRIPTION

OLD PASCO ROAD

PARCEL 809.2

PERMANENT DRAINAGE EASEMENT

A portion of Section 20, Township 25 South, Range 20 East, Pasco County, Florida, being further described as follows:

Commence at the Southwest corner of the of said Section 20, Thence along the South line of the Southwest $\frac{1}{4}$ of said Section 20, South $89^{\circ}59'42''$ East, a distance of 289.20 feet to the proposed right-of-way of Old Pasco Road; Thence along said right-of-way 338.42 feet along arc of a 4031.50 foot radius curve to the right, said curve having a chord bearing North $03^{\circ}43'54''$ West, a distance of 338.32 feet to a point of reverse curvature; Thence 535.08 feet along the arc of a 11377.50 foot radius curve to the left, said curve having a chord bearing North $02^{\circ}40'27''$ West, a distance of 535.03 feet to the **POINT OF BEGINNING**: Thence leaving said right-of-way North $70^{\circ}16'28''$ West, a distance of 32.78 feet; Thence 118.19 feet along the arc of a 11347.50 foot radius curve to the left, said curve having a chord bearing North $04^{\circ}23'12''$ West, a distance of 118.19 feet; Thence North $59^{\circ}20'35''$ East, a distance of 33.36 feet to the aforementioned proposed right-of-way; Thence 146.35 feet along the arc of a 11377.50 foot radius curve to the right, said curve having a chord bearing South $04^{\circ}23'24''$ East, a distance of 146.35 feet to the **POINT OF BEGINNING**.

Containing 3968 square feet more or less.

30 July 2003

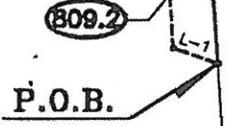
SHEET 1 OF 2

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SEC. 20, TWP. 25 S., RNG. 20 E.

R=11347.50'
A=118.19'
C=118.19'
CB=N.04°23'12"W.

R=11377.50'
A=146.35'
C=146.35'
CB=S.04°23'24"E.



R=11377.50'
A=535.08'
C=535.03'
CB=N.02°40'27"W.

OLD PASCO ROAD

109

PROPOSED RIGHT-OF-WAY

R=4031.50'
A=338.42'
C=338.32'
CB=N.03°43'54"W.

W. LINE OF SW 1/4 SEC 20-25-20

S. LINE OF SW 1/4 SEC 20-25-20

S.89°59'42"E. 289.20'

SW COR OF SEC 20-25-20

LINE TABLE

L-1 N.70°16'28"W. 32.78'
L-2 N.59°20'35"E. 33.36'

LEGEND:

- SEC=SECTION
- TWP=TOWNSHIP
- RNG=RANGE
- P.B.=PLAT BOOK
- OR=OFFICIAL RECORDS
- R/W=RIGHT OF WAY
- SW=SOUTHWEST
- NE=NORTHEAST
- POB=POINT OF BEGINNING
- CR=COUNTY ROAD
- PG=PAGE
- E= PROPERTY LINE
- R=RADIUS
- A=ARC
- C=CHORD
- CB=CHORD BEARING

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF S.89°59'42"E. FOR THE SOUTH LINE OF THE SW 1/4 OF SECTION 20 TWP 25S., RNG 20E.
2. SEE SHEET 1 FOR LEGAL DESCRIPTION

NOTE: THIS SKETCH IS NOT A SURVEY.



PASCO COUNTY ENGINEERING SERVICES DEPARTMENT
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34854

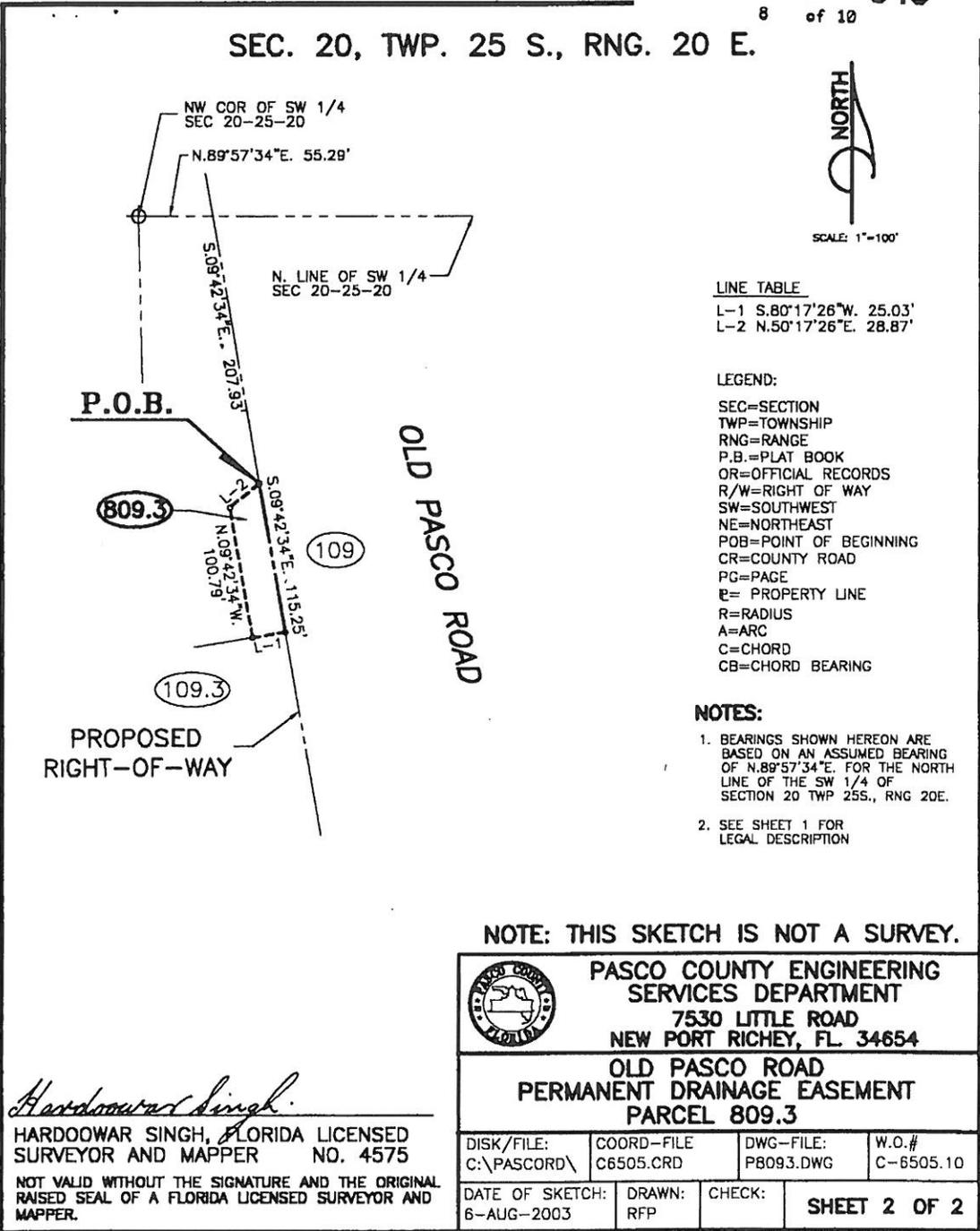
OLD PASCO ROAD
PERMANENT DRAINAGE EASEMENT
PARCEL 809.2

Hardoowar Singh
HARDOOWAR SINGH, FLORIDA LICENSED SURVEYOR AND MAPPER NO. 4575

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

| | | | |
|-------------------------------|-------------------------|------------------------|--------------------|
| DISK/FILE: C:\PASCORD\ | COORD-FILE C6505.CRD | DWG-FILE: PB092.DWG | W.O.# C-6505.10 |
| DATE OF SKETCH: 5-AUG-2003 | DRAWN: RFP | CHECK: | SHEET 2 OF 2 |

SEC. 20, TWP. 25 S., RNG. 20 E.



SCALE: 1"=100'

LINE TABLE

L-1 S.80°17'26"W. 25.03'
L-2 N.50°17'26"E. 28.87'

- LEGEND:**
- SEC=SECTION
 - TWP=TOWNSHIP
 - RNG=RANGE
 - P.B.=PLAT BOOK
 - OR=OFFICIAL RECORDS
 - R/W=RIGHT OF WAY
 - SW=SOUTHWEST
 - NE=NORTHEAST
 - POB=POINT OF BEGINNING
 - CR=COUNTY ROAD
 - PG=PAGE
 - P= PROPERTY LINE
 - R=RADIUS
 - A=ARC
 - C=CHORD
 - CB=CHORD BEARING

- NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF $N.89^{\circ}57'34''E.$ FOR THE NORTH LINE OF THE SW 1/4 OF SECTION 20 TWP 25S., RNG 20E.
 2. SEE SHEET 1 FOR LEGAL DESCRIPTION

NOTE: THIS SKETCH IS NOT A SURVEY.

| | | | |
|---|--|------------------------|---------------------|
|  | PASCO COUNTY ENGINEERING SERVICES DEPARTMENT 7530 LITTLE ROAD NEW PORT RICHEY, FL. 34654 | | |
| | OLD PASCO ROAD PERMANENT DRAINAGE EASEMENT PARCEL 809.3 | | |
| DISK/FILE: C:\PASCORD\ | COORD-FILE C6505.CRD | DWG-FILE: P8093.DWG | W.O.# C-6505.10 |
| DATE OF SKETCH: 6-AUG-2003 | DRAWN: RFP | CHECK: | SHEET 2 OF 2 |

Hardowar Singh
HARDOOWAR SINGH, FLORIDA LICENSED SURVEYOR AND MAPPER NO. 4575
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGAL DESCRIPTION

PARCEL 859

OLD PASCO ROAD "FLOOD PLAIN 4"

A portion of Section 29, Township 25 South, Range 20 East, Pasco County, Florida, being further described as follows:

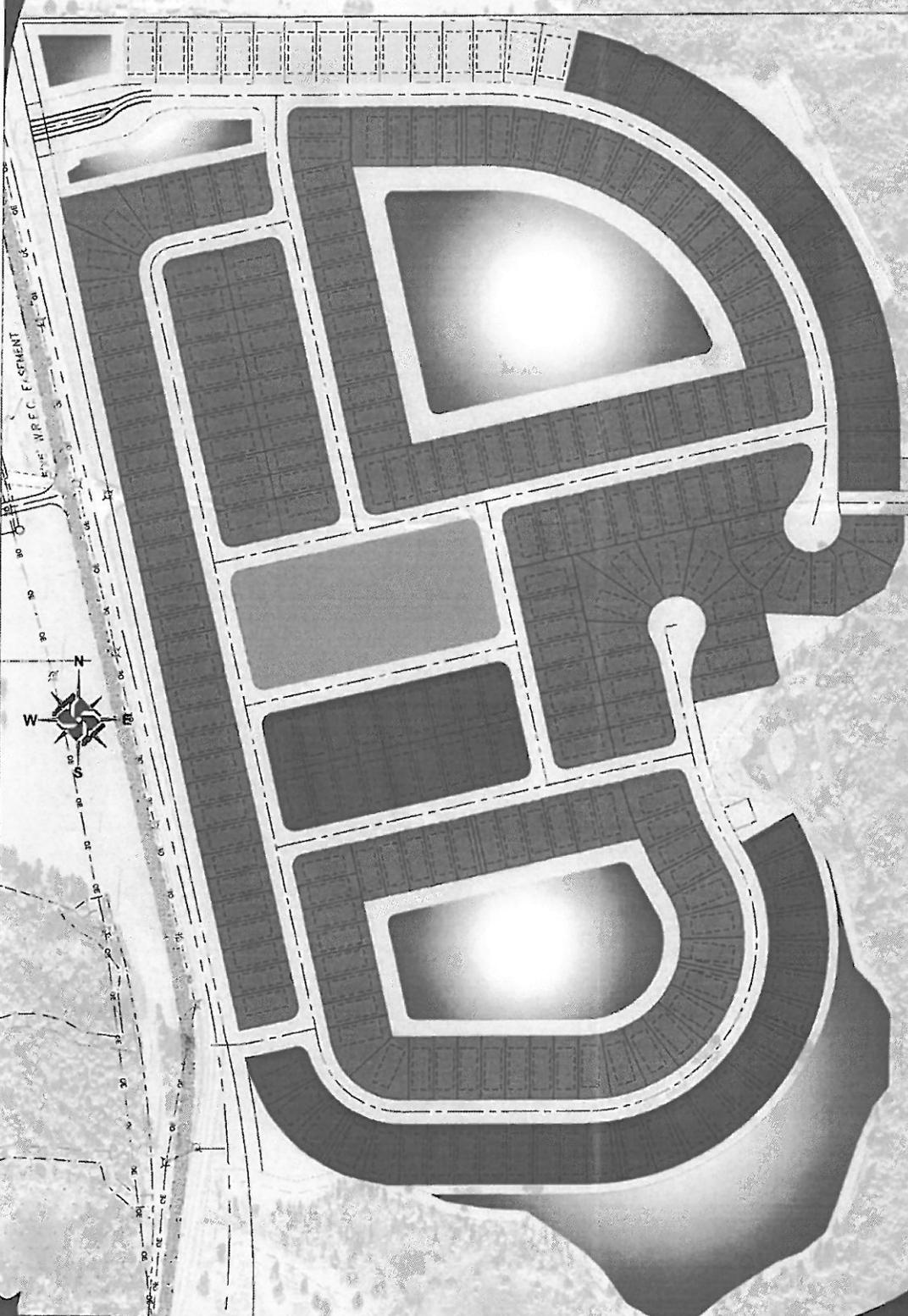
Commence at the Southwest corner of said Section 29, Thence along the South line of said Section 29 North 89°58'05" East, a distance of 1040.84 feet to the Proposed easterly right-of-way line of Old Pasco Road; Thence along said right-of-way North 09°43'22" East, a distance of 1097.17 feet; Thence 57.13 feet along the arc of a 2368.50 foot radius curve to the left, said curve having a chord bearing North 09°01'52" East, a distance of 57.13 feet to the POINT OF BEGINNING; Thence continue 424.28 feet along the arc of a 2368.50 foot curve to the left, said curve having a chord bearing of North 03°12'29" East, a distance of 423.72 feet; Thence leaving said proposed right-of-way, North 88°04'35" East, a distance of 40.48 feet; Thence South 00°16'19" East, a distance of 90.48 feet; Thence South 66°32'57" East, a distance of 329.64 feet; Thence South 20°40'30" East, a distance of 252.52 feet; Thence South 08°28'05" West, a distance of 34.02 feet; Thence North 81°31'55" West, a distance of 456.13 feet to the POINT OF BEGINNING.

Containing 2.841 acres more or less.

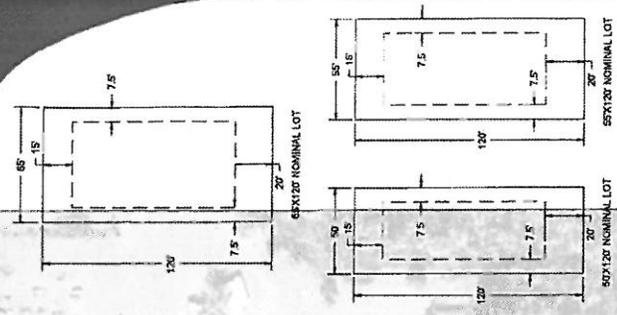
28 July 2003

SHEET 1 OF 2

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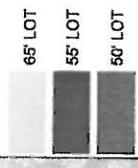


W. H. R. C. E. S. P. M. E. N. T.



NOTE: THIS PLAN IS FOR DISCUSSION PURPOSES ONLY. SUBJECT TO FINAL SURVEYS, DESIGN, ENGINEERING, AND REGULATORY REVIEW.

TOTAL # OF LOTS 289
 65' - 14
 55' - 65
 50' - 190



GRANTHAM RANCH EAST

CONCEPT 12

