

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. Access to the property is from S.R. 54, a Florida Department of Transportation-maintained road, which has varying rights-of-way from 200-350 feet, and has been designated a six-lane arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
3. Access to the property is from Henley Road, a County-maintained road which has 50 feet of right-of-way with 24-foot-wide travel lanes (unpaved). Henley Road is listed on the Corridor Preservation Table as being a two-lane roadway with a total of 135 feet of right-of-way.
4. The subject property is located in Flood Zone "A." Development is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
5. Water and sewer are to be serviced by the Pasco County Utilities Water and Sewer Department.
6. On June 27, 2006, the Board of County Commissioners (BCC) adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
7. The applicants/developers are proposing a Future Land Use amendment to PD (Planned Development). The current Future Land Use Classification of the property is RES-6 (Residential - 6 du/ga).
8. The proposed Future Land Use amendment [CPAL09(01)] is scheduled for final adoption by the BCC on December 15, 2009.
9. The proposed request is consistent with the Pasco County LDC, Article 300, Subsection 303.2.E.1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the MPUD Master Planned Unit Development, subject to the attached rezoning conditions of approval, Petition No. 6866.

DEVELOPMENT REVIEW COMMITTEE ACTION (7/16/09):

Approved Staff Recommendation with Revised Conditions

REVISED CONDITIONS:

2. d. Revise the master plan to show a ~~25~~**15**-foot buffer **(25 feet if there is an abutting building)** on the southern portion of the property.
10. The developers shall provide a ~~25~~**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 submittal for the Cross Park development, then the appropriate buffer type, along with all applicable sections of Section 603, Landscaping and Irrigation Ordinance, shall apply.
21. e. ~~Prior to the issuance of the first Building Permit, or w~~**W**ithin 60 days of the County's request, the applicants/developers shall pay for their proportionate share contribution for the signalization at ~~and shall perform a signal warrant study for~~ the intersection of S.R. 54 and Henley Road, ~~in the amount of~~ **If, and when, the FDOT 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 FDOT 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.

30. 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 ~~and the minimum total stories shall be nine, or~~
 - b. ~~Two~~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.

After the requirements in 30.a, ~~and 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.

42. a. Office design standards:
- (3) Maximum of a single row of parking between buildings and front setback along S.R. 54 ~~and internal drive areas~~, unless otherwise approved by the DRC.
 - (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) ~~Fifty percent of the office development shall be built prior to any retail development approvals, unless the office development is constructed in combination with retail development, such as first floor retail in a multistory building.~~ 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 ancillary (stand alone) retail design standards are as follows:
- (2) Maximum of a single row of parking between buildings and front setback along S.R. 54 ~~and internal drive areas~~, unless otherwise approved by the DRC.
- e. Additionally, the following shall apply:
- (4) A maximum of ~~two commercial (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).

STAFF RECOMMENDATION:

Approval with Amended Conditions

AMENDED CONDITIONS:

22. 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, which shall be applied toward the construction of this interchange, or applied to other parallel facilities or mobility improvements that benefit the impacted facility. This amount shall be subject to impact fee credits in accordance with the Pasco County LDC.

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

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

The proportionate-share amount for the S.R. 54/U.S. 41 intersection is \$1,431,008.00, which shall be applied toward the construction of this intersection, or applied to other parallel facilities or mobility improvements that benefit the impacted facility. This amount shall be subject to impact fee credits in accordance with the Pasco County LDC.

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.**

~~In lieu of the above-mentioned off-site improvements,~~ The developers shall pay at the concurrency proportionate-share payment in the amount of \$1,620,467385,375.00 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** contribution shall be indexed ~~by 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 LDC, for any Targeted Primary Business or other qualified use(s) ~~If the required proportionate-share payment is made, the developers shall be entitled to impact fee credits against the proportionate-share payment in accordance with the Impact Fee Ordinance as amended.~~

ATTACHMENTS:

1. Conditions of Approval for Rezoning Petition No. 6866
2. Location Map
3. Master Plan

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation: 8 Ayes; 0 Nays

BOARD OF COUNTY COMMISSIONERS ACTION:

Approved with Amended Conditions

AMENDED CONDITIONS:

42. The design standards and uses for the development are as follows:
 - a. Office design standards:
 - (1) Maximum height of 75 feet.

- (2) Minimum of two stories (subject to criteria in Condition No. 30).
 - (3) Maximum of a single row of parking between buildings and front setback along S.R. 54, unless otherwise approved by the DRC.
 - (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.
- b. The permitted office uses are as follows: governmental or public use, medical office or clinic, banks and financial institutions (subject to limitation of one drive-through facility). Further, office uses principally dedicated to the provision of professional services including, but not limited to, 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.**
- c. 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.
 - (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 café 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, cafés, 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.

~~(5) Day care centers.~~

e. Additionally, the following shall apply:

- (1) Setbacks shall be inclusive of the required landscape buffer tract.
- (2) No stand-alone, fast-food retail, drive-through allowed.
- (3) There shall be no big box development.
- (4) A maximum of 33⅓ 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) The maximum floor area for the office development shall not exceed 145,000 square feet of gross floor area, including out-parcels.
- (6) 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.
- (8) 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.

OWNERS'/APPLICANTS' ACKNOWLEDGMENT:

The owners/applicants acknowledge that they have read, understood, and accepted this Zoning Petition Review Report. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

(Date)

Printed Name

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owners/applicants, to me known to be the persons 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:

Notary Public, State of _____ at Large

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

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.

Instructions

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 and Site Development Department, for review and approval, that addresses all applicable conditions set forth and 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.
 - d. 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.

Open Space/Buffering

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

The developers 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 shall be sent to the Zoning and Site Development Department for further review and approval by the County Biologist and to the FFWCC prior to preliminary plan/preliminary plan site plan approval.



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 Site Development Permit, the developers shall submit to the Development Information and Permitting Services a copy of the Environmental Resource Permit.
8. The developers have submitted an Archaeological/Historical Survey on April 24, 2009, which was reviewed and found acceptable by Pasco County. Although no 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.
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 submittal for the Cross Park development, then the appropriate buffer type, along with all applicable sections of Section 603, Landscaping and Irrigation Ordinance, shall apply.

Ordinances

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

Transportation/Circulation

Access Management

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 (FDOT). Prior to the issuance of the first Certificate of Occupancy (CO), the owners/developers shall provide a letter from the FDOT 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 (DRC) may also require further intersection improvements along the internal road intersections and the S.R. 54 and Henley Road intersection.
15. Access to commercial out-parcels shall be provided from internal drives or parking areas.
16. The access points shown on the master plan are not approved and are shown conceptually only. All access points shall require further review and approval with the corresponding preliminary plan/preliminary site plan approval as appropriate. All accesses shall meet access-management criteria unless otherwise approved by the DRC.

Dedication of Right-of-Way

17. 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 the first preliminary plan/preliminary site plan approval.
18. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers 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 DRC (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).

Design/Construction Specifications

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 DRC. 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. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
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 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 FDOT's standards and are pursuant to the FDOT'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 FDOT's standards and are pursuant to the FDOT'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 FDOT 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 FDOT 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



FDOT 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 FDOT'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 LDC, 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 DRC may impose additional conditions based upon the traffic study as approved by Pasco County. This 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.

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.

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 exact building orientation, along with the harmonious architectural features and color scheme.



Utilities/Drainage/Water Service/Wastewater Disposal

31. 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. 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:
- 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.
33. 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.
34. 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:
- 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.
 - 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.

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 40D-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.



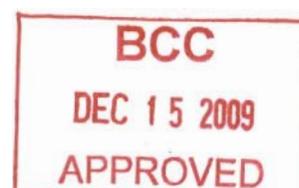
- d. Should the developers discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the developers shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications 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.

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 Floridan Aquifer is prohibited.
41. The historic, average rainfall volume discharged from the site should be maintained postdevelopment. 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. The design standards and uses for the development are as follows:
- a. Office design standards:
 - (1) Maximum height of 75 feet.
 - (2) Minimum of two stories (subject to criteria in Condition No. 30).
 - (3) Maximum of a single row of parking between buildings and front setback along S.R. 54, unless otherwise approved by the DRC.
 - (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.
- b. The permitted office uses are as follows: governmental or public use, medical office or clinic, banks and financial institutions (subject to limitation of one drive-through facility). Further, office uses principally dedicated to the provision of professional services including, but not limited to, 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.
- c. 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.
 - (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 café 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, cafés, 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. Additionally, the following shall apply:
- (1) Setbacks shall be inclusive of the required landscape buffer tract.
 - (2) No stand-alone, fast-food retail, drive-through allowed.
 - (3) There shall be no big box development.
 - (4) A maximum of 33⅓ 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) The maximum floor area for the office development shall not exceed 145,000 square feet of gross floor area, including out-parcels.
 - (6) 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.
 - (8) 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.
43. 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, then the request shall be presumed to be substantial.
44. Any overall increase to intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

Procedures

45. 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. If the preliminary plans and/or preliminary site plans for the entire MPUD Master Planned Unit Development are 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 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.
48. 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.
49. A preliminary plan/preliminary site plan 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 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.
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.



- 53. 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.
- 54. 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 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. If the corresponding PD (Planned Development) Land Use Classification change is found not to be in compliance by the FDCA or otherwise challenged by a third party, this MPUD Master Planned Unit Development shall be null and void.
- 56. This MPUD Master Planned Unit Development shall not be effective until the corresponding PD (Planned Development) Land Use Classification change is effective.

DEVELOPER'S ACKNOWLEDGMENT:

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.**

_____ (Date) _____

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



INITIAL CERTIFICATE OF CAPACITY

REQUIRED FOR DRIs, REZONINGS, PRELIMINARY SITE PLANS, PRELIMINARY PLANS,
NONRESIDENTIAL SUBDIVISION, RESIDENTIAL SUBDIVISION INTO MORE THAN
ONE DWELLING UNIT PER LOT, AND PUBLIC SCHOOL COMPREHENSIVE PLAN CONSISTENCY REVIEW

To Be Completed By Department Responsible for Approval Sought; Completed Certificate Must Be Attached to the Agenda Item and Approval Document

Completed Application Received On (Date): February 10, 2009 Certificate Form Completed By: Corelynn Burns

Parcel I.D. #'s: 26-26-18-0000-02500-0000 (attach survey if project includes portion of parcel)

Project Name: Cross Park MPUD Subdivision Name: _____

AZ No.: 162 TAZ Map Version: GIS (April 8, 2009)

Applicant Name, Address, and Telephone Number: Cross Park Properties, LLC, 6909 Arabian Road, Odessa, FL 33556

Job Site Address: On the southeast corner of SR 54 and Henley Road

Project has direct connection (See 402.5.C.5.A) to following collectors/arterials:
SR 54

Aggregated with another project? (See 402.5.C.5.B) Yes No (If yes, identify project name and I.D. No. _____)

Prior building(s) on or after January 1, 1985? Yes No (If yes, identify use and units/sq. ft. _____)

Approval Sought (Check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> DRI | <input type="checkbox"/> Nonresidential Subdivision |
| <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Residential Subdivision into More than One Dwelling Unit Per Lot |
| <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Public School Comprehensive Plan Consistency Review |
| <input type="checkbox"/> Preliminary Site Plan | |

TYPE OF DEVELOPMENT

(Use TIS Exhibits for land use description and units of measurement, and if not on Exhibits, use ITE land use codes and description)
If not restricted by applicant, use maximum allowed by requested (rezoning or DRI) or approved (other approvals) zoning or land use, whichever is less)

Residential	Nonresidential
<input type="checkbox"/> Single Family D.U. _____	Specific Use <u>General Retail</u> / <u>48,450</u> sq. ft.
<input type="checkbox"/> Mobile Home Park D.U. _____	<u>General Office</u> / <u>45,040</u> sq. ft.
<input type="checkbox"/> Congregate Care Facility D.U. _____	<u>High Turn Over Restaurant</u> / <u>6,000</u> Sq. ft.
	<u>Drive-In Bank</u> <u>8,448</u> Sq. ft.
<input type="checkbox"/> Apartments D.U. _____	
<input type="checkbox"/> Low-Rise Condo/Townhouse D.U. _____	<u>Storage/ Display Area</u> / _____ sq. ft.
<input type="checkbox"/> Hi-Rise Condominium (3 or more stories) D.U. _____	
<input type="checkbox"/> Other Residential D.U. _____	

EXEMPTIONS AND LIMITED EXEMPTIONS (Requires Authorized Signature)

EXEMPTIONS (See 402.6 and Concurrency Applicability):

1. ALL FACILITIES

- Approved school consistency review or preliminary/construction plan prior to December 1, 2006
- Complete application prior to December 1, 2006 (apply old 402 and TIS Guidelines)
- Unexpired Certificate of Level of Service Compliance
- Unexpired DRI approved prior to April 9, 1991
- Unexpired Initial Certificate of Capacity

3. ROADS ONLY

- Unexpired DRI applied for or approved prior to December 1, 2006
- Unexpired Traffic Study completed after June 4, 1999
- Unexpired approved Traffic Study Methodology prior to December 1, 2006 (apply old TIS Guidelines)
- Unexpired approved Development Agreement exempt from transportation concurrency

Exemption Expires On: _____
Exemption Revoked On: _____

Authorized Growth Management Signature (required for roads only)

ISSUANCE DATE: 12/15/09
(Use date of final zoning/development order approval)

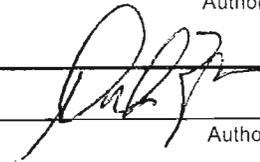
***LIMITED EXEMPTIONS** (See 402.7; requires signature from County Administrator or his designee):

- Public School or School Required for School Concurrency
- Governmental Building or Use
- Target Business (requires letter from PEDC)
- EC Preferred Industrial Uses
- Corporate Business Park
- Affordable Housing (requires letter from Community Development)
- TND Development

Exemptions (check all that apply):

- Impact Fees or Interlocal Agreement As Proportionate Share (Roads Only)
- Traffic Study Waiver (Roads Only)
- 3 years committed capacity vs. 1 yr. (Roads Only)
- Extension of Certificate w/o Additional Review
- Other (requires CAO approval)

Authorized Signature



Authorized Signature

EXPIRATION (See 402.3.A):

All Facilities (other than roads): Certificate of Capacity Expires (or subject to additional review) On: 12/15/15 (6 yrs. from issuance)
Roads: Certificate of Capacity Expires (or subject to additional review) On: Dec. 31, 2013 (GM to complete)

Revoked On: _____ Relinquished On: _____
Revoked On: _____ Relinquished On: _____

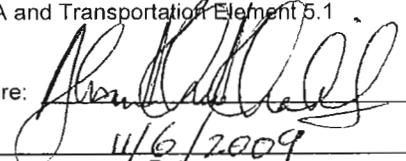
*Completed Certificate of Capacity with limited exemptions or with exemptions for which no prior certificate of capacity has been issued must be distributed to the following: 1) Growth Management Administrator; 2) Engineering Services Director; 3) Parks and Recreation Director; 4) Transportation Manager; 5) Development Director; 6) MPO Transportation Planning Coordinator; 7) Assistant County Administrator for Development Services; 8) Assistant County Administrator for Utilities Services; 9) OMB Director; and 10) BCC as a noted item on agenda, excluding 3) and 8) if exemption is for roads only.

CONCURRENCY REVIEW

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

Comp. Plan Elements	Meets LOS Std.			Review Standards
	Yes	No	Conditional Approval (attach conditions of approval)	
Roads (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
Water/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 1.1 and 1.3
Sewer (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 3.1
Parks/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B and Recreation and Open Space Element 1.1
Solid Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 4.1
Mass Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Transportation Element 5.1

Reviewed by: Ahsan Khalil

Authorized Signature: 

Transportation Planner II
Title

11/6/2009
Date

1. 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 improvements:
 - a. An eastbound right-turn lane for a total length of 375 feet, including decal 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 FDOT's standards and are pursuant to the FDOT's approval and permitting.
 - b. An eastbound right-turn lane for a total length of 375 feet, including decal 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 FDOT's standards and are pursuant to the FDOT'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 FDOT 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 FDOT 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 FDOT 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.

2. 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 FDOT's Concept Plan.

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

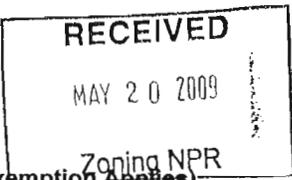
Revised language for condition number 23.

3. Based on the land use assumptions proposed in the approved traffic study, the generally applicable Transportation Impact Fees for the project, based on 2009 dollars, is estimated to total \$1,235,092.00, as adjusted pursuant to the Transportation Impact Fee Ordinance. This portion of the 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 Transportation Impact Fee Ordinance, as amended. Any TIS calculated proportionate share amount in excess of the generally applicable Transportation Impact Fees 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 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 #22 of the MPUD conditions for this condition #23 of the MPUD conditions shall preclude the developers from seeking proportionate share credits from the Board of County Commissioners pursuant to the Pasco County LDC, for any Targeted Primary Business or other qualified use(s).

4. 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.



CONCURRENCY REVIEW

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

Comp. Plan Elements	Meets LOS Std.		Review Standards
	Yes	No	
Roads (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
Water/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 1.1 and 1.3
Sewer (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 3.1
Parks/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B. and Recreation and Open Space Element 1.1
Solid Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Public Facilities Element 4.1
Mass Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A. and Transportation Element 5.1

Conditional Approval
(attach conditions of approval
or list below)

Authorized Signature:

Michael A. Kirkpatrick
Lead Utilities Inspector

Reviewed by: Cindy A. Zatorski

Development Review Tech I
Title

May 18, 2009
Date

CROSS PARK MPUD

PARCEL ID# 26-26-18-0000-02500-0000

PCU 04-315.01

We have reviewed the referenced parcel and have determined that this parcel is within the existing/future areas where water, wastewater and/or solid waste service(s) may be provided by Pasco County Utilities. An Application for Service, per County codes and ordinances, for water, wastewater and/or solid waste service(s) to this property must be submitted and will be subject to the following conditions:

The provision of water and wastewater services is contingent upon the County obtaining adequate water supply from Tampa Bay Water; receiving all the necessary permits and approvals to implement and construct the County's planned system improvements and facility expansions needed to serve the development; and the Developer's, and its successors or assigns, compliance with the conditions of Pasco County Code Chapters 46 and 110, (including but not limited to the obligation to execute and implementation, as applicable, a Utility Services Agreement and a Master Utility Plan, both acceptable to the County, and the payment of water and/or wastewater impact fees).

The provision of solid waste service is contingent upon the County receiving all permits and approvals necessary to implement and construct the County's planned disposal system improvements and facility expansions needed to serve the development; and the Developer's, and its successors or assigns, compliance with the conditions of Pasco County Code Chapter 90 and other applicable regulatory requirements.

CONCURRENCY REVIEW

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

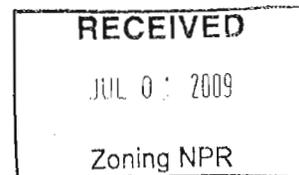
Plan Elements	Meets LOS Std.			Review Standards
	Yes	No	Conditional Approval (attach conditions of approval)	
Land Use (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
Water/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 1.1 and 1.3
Sanitary (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 3.1
Recreation (Parks)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B and Recreation and Open Space Element 1.1
Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 4.1
Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Transportation Element 5.1

Reviewed by: _____

Authorized Signature: *[Signature]*

_____ Title

6/30/09 Date



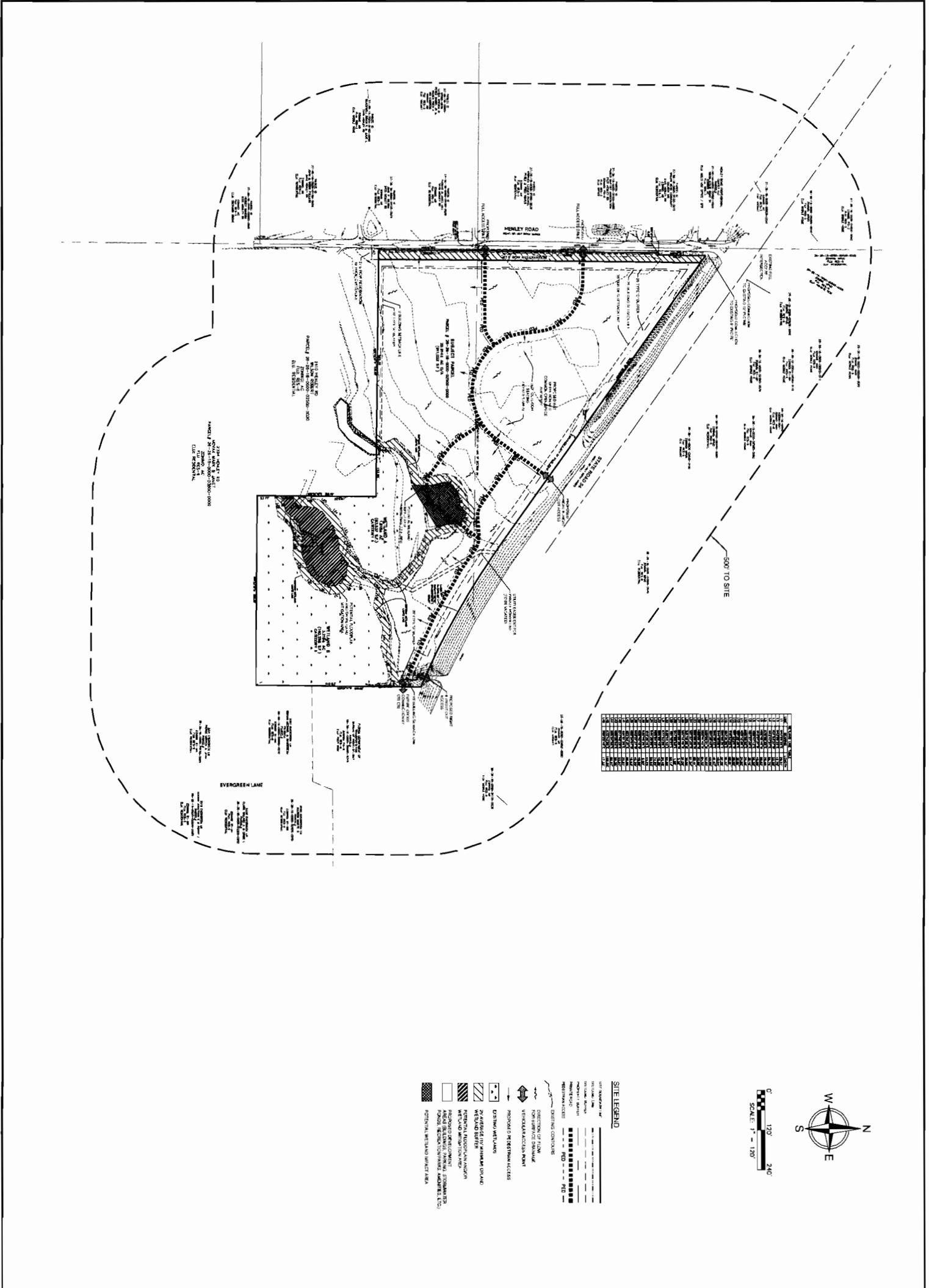
CONCURRENCY REVIEW

(To Be Completed by Department Listed Below Only; Leave Blank If a 402.6 Exemption Applies)

Comp. Plan Elements	Meets LOS Std.		Conditional Approval (attach conditions of approval)	Review Standards
	Yes	No		
Roads (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
Water/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 1.1 and 1.3
Sewer (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 3.1
Parks/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B and Recreation and Open Space Element 1.1
Solid Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 4.1
Mass Transit (Public Transportation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Transportation Element 5.1

Reviewed by: M. Carrell & T. Williams
Jane Admin mgr
Title

Authorized Signature: J Williams
5-14-09
Date



2	CROSS PARK PLANNED DEVELOPMENT PASCO COUNTY, FLORIDA M.P.U.D. PLAN	CROSS PARK PROPERTIES, LLC CIVIL ENGINEERING 2300 CURLEW ROAD STE 100 LAND PLANNING PALM HARBOR, FLORIDA 34883 TRAFFIC TRANSPORTATION LANDSCAPE ARCHITECTURE PHONE (727) 789-9500 ENVIRONMENTAL SCIENCES FAX (727) 784-6682 SURVEYING GIS AVIDGROUP.COM	SCALE AS SHOWN DRAWN BY DJG PROJ. MANAGER WAUGH PROJ. # 2808-001 DATE 1/14/09	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>4/15/09</td> <td>REVISED PER COUNTY COMMENTS</td> <td>BGM</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	1	4/15/09	REVISED PER COUNTY COMMENTS	BGM
NO.	DATE	DESCRIPTION	BY									
1	4/15/09	REVISED PER COUNTY COMMENTS	BGM									

NOT VALID UNLESS SIGNED & CERTIFIED BY A REGISTERED PROFESSIONAL AND SEALED
 CS-04 01/09, LB 7045, LC 000361
 AVID GROUP IS HEREBY RELEASING THESE PLANS FOR CONSTRUCTION PER THE FOLLOWING PRINCIPAL AUTHORIZATION: