

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

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

DATE: 6/22/15 FILE: PDD15-1238

THRU: Don L. Rosenthal, M.B.A
Assistant County Administrator

SUBJECT: Chapel Crossings MPUD
Master Planned Unit
Development Petition No. 7034,

FROM: Richard Gehring
Planning and Development
Administrator

BCC: 6/22/15, 1:30 p.m., NPR
Recommendation: Approval
with Conditions

STAFF: Justyna Buszewski
Planner II

REFERENCES: Land Development Code,
Section 522,
MPUD Petition No. 7034
CPAL14-(09) Chapel
Crossings
Comm. Dist. 1 and 2

PROJECT DESCRIPTION:

Project Name:	Chapel Crossings MPUD (Master Planned Unit Development) Petition
Applicant's Name:	Crown Community Development
Location:	North of SR 54 and east of Curley Road
Acreage:	431.29 acres
Zoning District:	MPUD Master Planned Unit Development
Future Land Use:	Residential 6 (RES-6) Retail Office Residential (ROR), CPAL14-(09) Chapel Crossings
Commercial, and Mixed-Use	175,000 sq. ft. of retail/commercial and 50,000 sq. ft. of office
No. of Dwelling Units:	1,100 residential Units
Wetlands and Isolated Uplands	117.2 acres

The applicant, Thornwood Associates, is proposing a mixed use development known as Chapel Crossings on 431.29 acres located north of SR 54 and east of Curley Road in Wesley Chapel. A maximum of 1,100 residential units, 175,000 sq. ft. of retail/commercial and 50,000 sq. ft. of office is proposed in the Chapel Crossings MPUD (Master Planned Unit Development). This project is to be developed by Crown Community Development which also developed the Seven Oaks and Watergrass projects in Pasco County.

FINDINGS OF FACT

1. A Large Scale Comprehensive Plan Amendment was adopted on May 5, 2015 to amend the Future Land Use (FLU) designation for a portion of the project's 87 acres of Commercial (COM) to Residential 6 (RES-6), and 60 acres of Residential 3 (RES-3) to Residential 6 (RES-6), and an amendment of the Future Land Element to remove Policy FLU 7.1.3, Curley Road/S.R. 54 Subarea Policies.
2. The proposed development is located within the South Market Area and Urban Service Area. The adjacent properties are New River MPUD, Ashley Pines MPUD and Wesley Chapel Lakes MPUD.
3. The proposed development has been re-designed and will have a significant reduction of entitlements than what was previously proposed.
4. The Applicant/developer has provided an access management study for external site access points/intersections. The applicant/developer agrees to the site-access improvements identified in the COA.
5. A Timing and Phasing Analysis was submitted assuming the following land uses: 700 single family detached, 400 multifamily (apartment or townhome), 175,000 sf of retail/commercial and 50,000 sf of office ("Approved Land Uses").

DRC DISCUSSION POINTS

ITEM (1) PRIVATE INTERCONNECTS

DRC recommended the following condition:

16. The interior project roadways and parking aisles/driveways, with the exception of Type 1B and 1A roadways, the roadway required by the DRC for interconnect to adjacent properties, and Zephyrhills Bypass Extension and Curley Road Extension, are not required to be dedicated to the public pursuant to LDC 901.6.D.11, LDC 700.11 or otherwise, and may be private, gated roads. Type 1B and Type 1A roadways required by the LDC shall be publically dedicated roadways connected to all future arterial, major collector, and subdivision collector (Type 1B and 1A) roadways at locations determined by the County consistent with applicable access management regulations, environmental constraints, and existing development approvals.

ITEM (2) INTERCONNECTS

DRC recommended the following condition:

20. If an alternative standard to LDC section 901.6.D.11 is granted by DRC, the applicant shall only be required to have one interconnect. The required interconnect shall be located in the Northeast quadrant of the site, connecting to the northern property boundary.

ITEM (3) PEDESTRIAN, BIKE PATH AND PARKS PLAN

DRC recommended the following condition:

24. The Master Developer has submitted a Conceptual Bicycle, Pedestrian and Neighborhood Parks Plan, which is attached as Exhibit "F",

ITEM (4) TRANSIT FACILITIES

DRC recommended the following condition:

25. The Master Developer or Parcel Developer shall not be responsible for the construction of any bus amenities (i.e. bus pads, shelters, pull-overs) within or outside the project boundaries.

ALTERNATIVE STANDARDS

DRC approved the following Alternative Standards:

The Alternative Standards applications with the applicant's justification are provided in Attachment 3 of this Agenda Memo.

Section 901.3.1

- a. Access spacing as set forth in 901.3.1 of the LDC, which provides alternative access spacing for the Project
 - Staff has reviewed the applicants request and finds the following:
 - i. The proposed signalized access on Zephyrhills Bypass is generally halfway between the SR 54 and Curley Realignment intersections. Providing a full movement access at this location has the potential to reduce turning movements at the signalized intersections of SR 54 and Curley Realignment, thereby increasing capacity at those intersections.
 - ii. The proposed right-in-right-out driveway in the southwest quadrant of the site is within 10% deviation from the required standard and a right turn lane will be provided to accommodate any queues associated with this access point.
 - iii. The proposed right-in-right-out driveway in the southeast quadrant of the site is constrained by wetlands and County ponds to the north. The applicant has shifted this access as far north as possible and will provide a right turn lane to accommodate any anticipated queues associated with the site.

As a result, staff believes the proposed site access locations provide an adequate balance between safety and connectivity.

Section 700.11

- b. Dedication (Allowing Private Streets) requirements as set forth in Section 700.11 of the LDC, to allow relief from the requirements to dedicate roads to Pasco County and permits the use of private streets within Chapel Crossings.
- Staff has reviewed the applicants request and concurs that dedication and maintenance shall be the responsibility of a homeowner's association, CDD or other appropriate entity for all roads, with the exception of type 1A and 1B roadways, those roadways required for interconnects, and collector and arterial roadways. Pasco County will not be responsible for the maintenance of any private streets.

REQUIRED ALTERNATIVE STANDARD

It is the County Engineer's interpretation that an Alternative Standard request to Section 901.6.D.11 of the LDC is required if the applicant does not want to interconnect to adjoining properties. As stated in Section 901.6.A (Attachment 4), the intent and purpose is "**to provide for the classification and design standards of subdivision collector and local streets** and for the safety of vehicular and pedestrian traffic." Further, Section 901.6.D.11 states,

"11.) Continuation of Existing Street Pattern and Street Access to Adjoining Property. The proposed street layout shall take into consideration the street system of the surrounding area. Streets in the proposed development shall be connected to streets and/or rights-of-way in adjacent areas to provide for proper traffic circulation unless approved otherwise at the time of preliminary plan approval, or unless all lots within a proposed MRS subdivision are five (5) acres or greater, or unless the lots are within a proposed LFLD. **Street connections and rights-of-way to adjoining areas shall be provided to give access to such areas and/or to provide for proper traffic circulation as determined necessary at the time of preliminary plan approval.** Where a cul-de-sac is not provided, a temporary T-type turnaround, including barricades, shall be provided on all dead-end streets with more than two (2) fronting lots or parcels. **Subdivision collectors shall also comply with Section 901.1.H.**

The developer, when required at the time of preliminary plan approval, shall extend, improve, and construct off-site streets and rights-of-way providing access to the development. The developer shall bear all costs of such extensions, improvements, and construction unless alternative relief pursuant to Section 407.4 has been granted. Mobility fee credit for off-site improvements shall be in accordance with Section 1302.2."

The applicant believes that an Alternative Standard is not required and therefore has not submitted such. DRC determined that an alternative standard to LDC Section 901.6.D.11 is required if the applicant chooses not to interconnect to adjacent properties to the north and east. DRC further recommended the condition below, in the event that the applicant chooses to submit the required alternative standard.

20. If an alternative standard to LDC section 901.6.D.11 is granted by DRC, the applicant shall only be required to have one interconnect. The required interconnect shall be located in the Northeast quadrant of the site to the northern property boundary.

APPROVED VARIANCE

DRC approved the following Request for Variance:

A variance from Land Development Code (LDC) Section 901.2, Transportation Corridor Management. According to Comprehensive Plan Table 7-2A the right of way required for Zephyrhills Bypass Extension is 200' and Curley Road (CR577) is 166'. If approved, the variance would require the Applicant to dedicate 124' of right of way for Zephyrhills Bypass Extension and Curley Road Extension, and would allow setbacks to be based on a 124' right of way for both Zephyrhills Bypass Extension (ZBE) and Curley Road Extension (CRE). (See Attachment 5 for Narrative). Comprehensive Plan Table 7-2A calls for these roadways to be built to a 4-lane section. However, consistent with the Villages of Pasadena Hills Plan, which indicates the need for 6-lane roadways, the reduced right of way will still accommodate a modified six-lane roadway.

Per attached COA, Master Developer and County agree to the exchange of property, specified in Condition 18, which may be more specifically set forth in a Development Agreement.

DEVELOPMENT REVIEW COMMITTEE ACTION

On June 11, 2015 the Development Review Committee (DRC) recommended approval of the proposed Chapel Crossings MPUD with COA and with revisions to the conditions as outlined above.

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

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

ATTACHMENTS:

1. MPUD Conditions of Approval
2. MPUD Master Plan
3. COA Exhibits
4. LDC Section 901.6

**CHAPEL CROSSINGS
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO.7034**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted as revised through _____ unless otherwise stipulated or modified herein.

General

2. Definitions. For purposes of this MPUD, the following terms and phrases shall have the meaning set forth below.
 - a. "CAO" means the Pasco County Attorney's Office.
 - b. "COA" means the Conditions of Approval of this MPUD zoning resolution or for a site plan.
 - c. "CO" means Certificate of Occupancy issued pursuant to the Pasco County Land Development Code (LDC).
 - d. "DA" means the Development Agreement between Pasco County and the Master Developer, as may be amended from time to time.
 - e. "Dedication and Maintenance Areas" means all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, recreation areas, neighborhood parks and other special purpose areas required to be established, set aside, dedicated or maintained pursuant to this MPUD rezoning, the land development code, or by the Southwest Florida Water Management District (SWFWMD).
 - f. "DRC" means the Pasco County Development Review Committee.
 - g. "LDC" means the Pasco County Land Development Code, as amended from time to time.
 - h. "Master Developer" means Thornwood Associates, LLC and its successors or assigns.
 - i. "MPUD" means these Master Planned Unit Development conditions of approval and master plan.
 - j. "Parcel Developer" means the person or entity submitting an application for development approval for lands subject to this MPUD zoning resolution, a person or entity developing land that is subject to this MPUD zoning resolution, or a

person undertaking other activities that may be regulated by this MPUD zoning resolution, as the context may indicate.

- k. "Responsible Entity" means mandatory property owners' association(s), homeowners' association(s), condominium association(s), merchants' association(s), community development district(s) or other entity/entities acceptable to the Southwest Florida Water Management District and/or the County that has/have the power to own property and levy assessments for the maintenance of any Dedication and Maintenance Areas under its ownership and control.
- l. "SWFWMD" means the Southwest Florida Water Management District.

Open Space/Buffering

- 3. Prior to the issuance of the Site Development Permit, the Master Developer or Parcel Developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit.
- 4. Prior to site development permit for any phase that contains suitable habitat for species occurrence, the Master Developer or Parcel Developer shall conduct and submit to the County Biologist the results of a Sherman's Fox Squirrel and Florida Sandhill Crane breeding season survey prepared in accordance with FFWCC guidelines.
- 5. Prior to construction plan approval as applicable, the Master Developer or Parcel Developer shall conduct and submit to the Planning and Development Department, County Biologist and FFWCC a Gopher Tortoise Survey in accordance with the FFWCC survey guidelines. Each Parcel Developer shall submit any required permits for each parcel prior to issuance of the site development permit as applicable.
- 6. The Master Developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by the 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."
- 7. All Dedication and Maintenance Areas required to be established by this MPUD rezoning, the LDC, or the SWFWMD shall be conveyed to the applicable Responsible Entity unless said area(s) is/are required to be dedicated to another governmental or quasi-governmental entity. When an application for site plan or plat approval is submitted, the Parcel Developer shall identify the applicable Responsible Entity that shall be responsible for maintaining any Dedication and Maintenance Areas subject to the site plan or plat approval, and shall dedicate such areas to that entity. Mobility fee/impact fee credits for improvements or dedications shall go to the Master Developer, Parcel Developer or Responsible Entity that funded such improvements as applicable, unless otherwise expressly agreed upon in writing among those parties.

8. Specific review and approval of the neighborhood parks will be conducted at each residential (including multifamily) preliminary development plan/preliminary site plan review.

Transportation/Circulation

Access Management

9. Access to any commercial out-parcels, except for the commercial sites located at the northeast and northwest corners of State Road 54 and Curley Road Extension, shall be provided from internal drives or parking areas, unless otherwise approved by the County at the time of Preliminary Site Plan Approval.
10. All access point locations, types of access points and spacing of access points shown on the MPUD master plan (or more specifically as shown on Exhibit A) and the access management plan are approved concurrently with the Chapel Crossings MPUD. Any modifications to the approved access management plan that comply with land development code requirements shall be reviewed and approved by the County Administrator or designee. Any modifications to the approved access management plan that vary from the land development code requirements shall be reviewed and approved in accordance with the land development code.
11. An access management analysis shall be submitted at each respective PDP/PSP to determine the geometry of each access and any internal intersections, in accordance with LDC and access management standards, as amended.
12. The Master Developer or Parcel Developer shall at its sole expense, design, permit and construct the following site related roadway improvements which are depicted on Exhibit B, attached hereto and incorporated herein to include all shoulders, striping, signalization, medians, sidewalks/trails, stormwater-drainage facilities, floodplain mitigation, wetland mitigation, and guardrails as determined by the County and other permitting agencies, as applicable, to be necessary during the design and permitting of the improvements(hereinafter collectively "Roadway Appurtenances"). Five (5) foot sidewalks shall be constructed on one side of each road, and a twelve (12) foot wide multi-use path shall be constructed on the other side. These improvements are not eligible for mobility fee credits and consist of the following:
 - a. Zephyrhills Bypass Extension Segment A which commences at its existing terminus within the project and extends to Curley Road Extension, as shown on Exhibit B. Concurrent with adjacent development or as necessary to serve project traffic, the Master Developer or Parcel Developer shall: (1) design and permit, at no cost to Pasco County, a four-lane, divided urban arterial roadway within 124 feet of right of way within the limits of the project, including Roadway Appurtenances for four lanes; (2) depict on the design plans the location and width of a six-lane roadway; and (3) construct , or post a performance guarantee acceptable to the County for two lanes within the limits of the project, at no cost to Pasco County, including the Roadway Appurtenances to accommodate four lanes, and all intersection improvements within or adjacent to this segment which shall be determined as part of the MRPP for Chapel Crossings .
 - b. Curley Road Extension Segment A which commences at SR 54 and extends to Zephyrhills Bypass Extension as shown on Exhibit B. Concurrent with adjacent development or as necessary to serve project traffic, the Master Developer or Parcel Developer shall: (1) design and permit, at no cost to Pasco County, a four-

lane, divided urban arterial roadway within 124 feet of right of way within the limits of the project, including Roadway Appurtenances for four lanes; (2) depict on the design plans the location and width of a six-lane roadway; and (3)) construct , or post a performance guarantee acceptable to the County for , two lanes within the limits of the project, at no cost to Pasco County, including the Roadway Appurtenances to accommodate four lanes, and all intersection improvements within or adjacent to this segment which are to be determined as part of the MRPP for Chapel Crossings.

- c. Zephyrhills Bypass Extension Segment B which commences at Curley Road Extension and extends to the project's east property line as shown on Exhibit B. Concurrent with adjacent development, the Master Developer or Parcel Developer shall: (1) design and permit, at no cost to Pasco County, a four-lane, divided urban arterial roadway within 124 feet of right of way within the limits of the project including Roadway Appurtenances for four lanes; (2) depict on the design plans the location and width of a six-lane roadway; and (3) construct , or post a performance guarantee acceptable to the County for , two lanes within the limits of the project, at no cost to Pasco County, including Roadway Appurtenances to accommodate four lanes, and all intersection improvements within or adjacent to this segment which are to be determined as part of the MRPP for Chapel Crossings.
 - d. Curley Road Extension Segment B which commences at Zephyrhills Bypass Extension and extends to the project's north property line as shown on Exhibit B. Concurrent with adjacent development, the Master Developer or Parcel Developer shall: (1) design and permit, at no cost to Pasco County, a four-lane, divided urban arterial roadway within 124 feet of right of way within the limits of the project, including Roadway Appurtenances for four lanes; (2) depict on the design plans the location and width of a six-lane roadway; and (3) construct , or post a performance guarantee acceptable to the County for , two lanes within the limits of the project, at no cost to Pasco County, including Roadway Appurtenances for four lanes, and all intersection improvements within or adjacent to this segment which are to be determined as part of the MRPP for Chapel Crossings.
13. The Master Developer or Parcel Developer shall design, permit and construct the following site related external intersection improvements prior to or concurrent with construction of Curley Road Segment A . These improvements are not eligible for mobility fee credits and consist of the following:
- a. The developer shall construct, or post a performance guarantee acceptable to the County for, a full access connection to SR 54 at Curley Road Extension. The access connection shall include a westbound right turn lane, a southbound left turn lane, a southbound thru/right turn lane, and an eastbound left turn lane as shown on Exhibit C.
 - b. The construction by the Master Developer or Parcel Developer of the external access improvements at the intersection of SR 54 and Curley Road Extension, as set forth in Exhibit C shall vest the Project entitlements against further required external access requirements for County purposes through the expiration date of the MPUD, subject to the following condition. (Note: these improvements may be subject to FDOT approval at the time of development. FDOT may require additional improvements).

- (1) At the time of each construction plan submittal, the applicant shall provide a cumulative reporting of the number of gross p.m. peak hour trips associated with the proposed project and the cumulative total for all prior Construction Plan approvals. In the event a proposed land use is not contained in the LUEM, the gross p.m. peak hour trips for the use shall be determined based on the Trip Generation Rates contained in the ITE, Trip Generation, 9th Edition. If the total peak hour trips (proposed plus approved) are greater than what was assumed in the Access Management Study, additional analysis or different improvements may be required.
14. Mobility fee credits may be awarded for creditable Transportation Capital Improvements, in accordance with Pasco County's mobility fee regulations.

Timing and Phasing

15. The submitted Timing and Phasing Analysis assumes the following land uses: 700 single family detached, 400 multifamily (apartment or townhome), 175,000 sf of retail/commercial and 50,000 sf of office ("Approved Land Uses"). The lands within the Chapel Crossings MPUD may be developed with up to these development rights, which may be exchanged by the Master Developer in accordance with the LUEM condition set forth below, without any requirements for timing and phasing analysis, or additional offsite transportation mitigation. Any development of land use(s) that generate(s) greater traffic impacts than the assumed land uses may 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 applicants or developer based on the updated County-approved Timing and Phasing Analysis Compliance with the conditions of approval and payment of mobility fees and other generally applicable taxes and assessments, fully mitigates the external transportation impacts of the Approved Land Uses through the expiration date of the MPUD with the right to exchange the approved land uses consistent with the LUEM set forth below.

Dedication of Right-of-Way

16. The interior project roadways and parking aisles/driveways, with the exception of Type 1B and 1A roadways, ~~the roadway these roadways~~ required by the ~~LDC-DRC~~ for interconnects to adjacent properties, and Zephyrhills Bypass Extension and Curley Road Extension, are not required to be dedicated to the public pursuant to LDC 901.6.D.11, LDC 700.11 or otherwise, and may be private, gated roads. Type 1B and Type 1A roadways required by the LDC shall be publically dedicated roadways connected to all future arterial, major collector, and subdivision collector (Type 1B and 1A) roadways at locations determined by the County consistent with applicable access management regulations, environmental constraints, and existing development approvals.
17. 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.
18. Master Developer and County agree to the following exchange of property which may be more specifically set forth in a Development Agreement:
 - a. Within 90 days of approval of this MPUD or by the date set forth in the Development Agreement, Master Developer shall dedicate to the County 124 feet in width of right-of-way for Zephyrhills Bypass Extension from the western boundary of the MPUD to the eastern boundary of the MPUD.

- b. Upon completion of construction of Zephyrhills Bypass Extension within the project and prior to or concurrent with final acceptance by the County, or within 30 days of the County's request after issuance of all permits for Zephyrhills Bypass Extension within the project, Master Developer shall convey at no cost to County (in fee if exclusively serving such roadway improvements or by non-exclusive easement if shared facilities) any permitted drainage/retention, wetland and/or floodplain mitigation facilities within the project for the Zephyrhills Bypass Extension as may be more fully set forth in the Development Agreement. If any such facilities are shared facilities, maintenance of the shared facilities shall be the responsibility of the Master Developer, or the designated common maintenance entity (HOA, CDD etc.) for the Project.
 - c. Within 90 days of approval of this MPUD or by the date set forth in the Development Agreement, County shall dedicate to Master Developer, for Master Developer to develop in connection with the MPUD, 42 feet in width of the existing right-of-way for Curley Road Extension within the project.
19. 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

- ~~20. The interconnections to adjoining properties external to the Chapel Crossings MPUD as shown on the approved MPUD Master Plan (Zephyrhills Bypass Extension and Curley Road Extension) satisfy LDC section 901.6.D.11 (as to requirements for continuation of street patterns, street accesses and interconnections to adjoining properties external to the Chapel Crossings MPUD).~~
- 20. If an alternative standard to LDC section 901.6.D.11 is granted by DRC, the applicant shall only be required to have one interconnect. The required interconnect shall be located in the Northeast quadrant of the site, connecting to the northern property boundary.
- 21. To comply with section 901.3.M of the LDC, the developer shall be required to provide cross access, but shall not be required to provide frontage or reverse frontage roads.
- 22. Approval of Chapel Crossings MPUD satisfies the County's collector and arterial design and spacing standards of the LDC, Section 901.1 (as to Transportation Corridor Spacing).
- 23. Prior to submittal of the first preliminary development plan/preliminary site plan, the developer shall submit a Master Roadway Plan to the Planning and Development

Department for review. The plan shall include, right-of-way widths, roadway typical cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, and alignment for major County collector and arterial roadways within the MPUD. Administrative approval of the respective Master Roadway Plan must be obtained prior to the first preliminary development plan/preliminary site plan submittal.

24. The Master Developer has submitted a Conceptual Bicycle, Pedestrian and Neighborhood Parks Plan, which is attached as Exhibit " E" .
25. The Master Developer or Parcel Developer shall not be responsible for the construction of any bus amenities (i.e. bus pads, shelters, pull-overs) within or outside the project boundaries.
26. If a CDD or CDDs are proposed for the project, as provided in Chapter 190, Florida Statutes and subject to the BCC's separate approval(s) , the CDD(s) is/are hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of this rezoning approval or the CDD(s). Further, any obligations of the Master Developer contained in this approval may be assigned to a CDD(s), homeowners'/property owners' association, or other entity approved by the County. However, such CDD(s) shall not be authorized to levy assessments on any property either owned or to be owned by the County or Pasco County District School Board (Public Properties) that are located within the boundary of the CDD(s). All applicable documents pertaining to the undertaking of funding and construction by the CDD(s) shall reflect the following:
 - a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD(s).
 - b. No debt or obligation of such CDD(s) shall constitute a burden on any Public Property.

Utilities/Drainage/Water Service/Wastewater Disposal

27. A Utilities Service Plan for the entire development shall be submitted by the Master Developer to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan.
28. Each Parcel Developer shall construct all water and wastewater facilities within the development to current County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
29. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the Master Developer or Parcel Developer, as applicable, 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, and then only for so long as such a production failure or shortfall exists, the Master Developer or Parcel Developer, as applicable, shall transfer to Pasco County any and all Water Use Permits or water-use rights the Master Developer or Parcel Developer, as applicable 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 Master Developer or Parcel Developer, as applicable, selling water, Water Use Permits, or water-use rights, the Master Developer or Parcel Developer shall notify the County, and the County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

- 30. Land Use maximums shall be in accordance with the following Permitted Uses and Development Limits Table. Master Developer may exchange land uses in accordance with the Land Use Equivalency Matrix (LUEM) set forth in Exhibit D. Land use exchange requests shall be submitted to the Planning and Development Department for verification as to implementation in accordance with the LUEM and administrative approval.

**Table 1
Permitted Uses and Development Limits**

Development Category	Totals
Townhouses, Villas or Multi-Family Residential (du)	400
Single Family Detached (du)	700
Retail/Commercial (square feet)	175,000
Office (square feet)	50,000

- 31. The Master Developer shall control the allocation, exchange, and assignment of all development entitlements and land uses to lands within the MPUD, by written instrument executed by an authorized officer of the Master Developer as described below. Upon submittal of any preliminary plan/preliminary site plan that utilizes land use entitlements within the Project, the applicable preliminary plan/preliminary site plan shall include with each such submittal to the County an original, executed "Assignment of Chapel Crossing MPUD Entitlements" that:
 - a. Specifically identifies the type and number of entitlements assigned to the site plan that is the subject of the permit application.
 - b. Is dated and executed by the Master Developer, witnessed by two witnesses and notarized.
 - c. Includes an accurate metes and bounds legal description of the specific area to which the entitlement have been assigned.
 - d. Is recorded in the public records of Pasco County, Florida.

32. Permitted uses shall be as follows:

- a. Residential
- b. Retail/Commercial permitted uses shall be all C-1 District (Neighborhood Commercial) and C-2 District (Commercial General) uses as listed in the land development code in effect at time of adoption of MPUD, including community recreational facilities (e.g., YMCA) and fitness centers.
- c. Office permitted uses shall be all office uses, including all PO-1 and PO-2 uses as listed in the land development code in effect at time of adoption of MPUD, professional, administrative and medical office and facilities, hospitals, clinics and outpatient facilities.
- d. Civic and institutional uses including, but are not limited to, community centers; churches; schools, colleges and universities (public or private); government buildings and facilities; cemeteries; and parks (public or private). There shall be no maximum for these uses and retail/commercial, office and residential entitlements approved herein will not be required to be used or exchanged for these uses if the total building footprint for each use at time of site plan is less than or equal to 20,000 square feet. For development of facilities that are larger, a land use exchange in accordance with the LUEM shall be required. If a proposed use is not listed in the LUEM, the Master Developer shall provide the applicable ITE code and conversion rate as applicable. There is no maximum number or square footage limitation and the retail, office and residential entitlements approved herein will not be required to be used or exchanged for government buildings or facilities and District School Board of Pasco County schools.

33. Development standards shall be as follows:

- a. Residential Development Standards:

:

Single Family Detached

Minimum Lot Width	50 feet
Minimum Lot Depth	100 feet
Minimum Front-Yard Setback	20 feet*
Minimum Side- Yard Setback	5 feet**
Minimum Rear- Yard Setback	15 feet
Maximum Lot Coverage	65 Percent Total - Principal and Accessory Structure
Maximum Height	35 Feet

*On corner lots where there is more than one front, one front-yard setback may be reduced to not less than 15 feet.

**Minimum Side- Yard Setback of 5 feet is subject to compliance with LDC Section 902.2K2b.

Townhouse

Minimum Lot Width	20 feet (end unit)
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Minimum Lot Width	16 feet (internal unit)
Minimum Lot Depth	66 feet
Minimum Front-Yard Setback	10 feet for Residences as measured from back of sidewalk or curb
Minimum Front-Yard Setback	20 feet for Garages as measured from back of sidewalk or curb
Minimum Side- Yard Setback	20 feet between Buildings
Minimum Rear- Yard Setback	3 feet from edge of patio
Maximum Lot Coverage	100 Percent Total – Principal and Accessory Structure

Villas

Minimum Lot Width	35 Feet
Minimum Lot Depth	120 Feet
Minimum Front-Yard Setback	20 Feet*
Minimum Side-Yard Setback of	5 Feet**
Minimum Rear-Yard Setback	15 Feet
Interior Rear-Yard Setback	0 feet
Maximum Lot Coverage	100 Percent Total - Principal and Accessory Structure
Maximum Height	35 Feet

*On corner lots where there is more than one front, one front-yard setback may be reduced to not less than 15 feet.

**Minimum Side- Yard Setback of 5 feet is subject to compliance with LDC Section 902.2K2b.

Multifamily Residential

Minimum Lot Area	20,000 square feet
Minimum Lot Width	125 feet
Minimum Lot Depth	125 feet
Minimum Front-Yard Setback	20 feet
Minimum Side-Yard Setback	15 feet
Minimum Rear- Yard Setback	15 feet
Maximum Lot Coverage	80 Percent Total – Principal and Accessory Structure
Maximum Height	50 feet

- b. Retail/Commercial uses shall be developed in accordance with the C-2 General Commercial District development standards.
- c. Office uses shall be developed in accordance with the PO-2 Professional Office development standards.
- d. Civic and institutional uses, including recreation/amenity centers, shall be developed in accordance with the C-1 Neighborhood Commercial District development standards.
- e. Community recreational facilities (e.g. YMCA) shall be developed in accordance with C-2 Commercial General District development standards.

34. Nothing in these conditions of approval guarantees that the maximum amount of entitlements set forth herein can be accommodated on any portion of the land within the MPUD due to other regulatory constraints and the physical constraints of the land itself.
35. Parcels may be developed out of numerical sequence and in fractions and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
36. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

Procedures

37. 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.
38. If a preliminary plan or preliminary site plan for the entire MPUD is not submitted and approved by December 31, 2031 (subject to any statutory or County-wide extensions issued subsequent to the approval of these revised conditions of approval), the conditions of approval for those portions of the MPUD that do not have (unexpired) PDP or PSP approval shall expire. If the MPUD expires, a new MPUD must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
39. Unless otherwise approved by the Emergency Services Director each development within the Project shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The Parcel Developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
40. Due to the mixed-use aspect of the project, preliminary development plans/preliminary site plans for increments within Parcels may be submitted; provided, however, that each preliminary development plan/preliminary site plan submittal includes one sheet dedicated as a common plan of development for the respective Parcel showing outstanding remaining entitlements and including all applicable information from any prior preliminary plan/preliminary site plan approvals within the respective Parcel.
41. 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.
42. The subject property has been and is currently utilized for agricultural and silvicultural activities. It is understood that while the use will cease when the subject property is built out, portions of the subject property may continue to be used for agricultural and silvicultural activities until the project is fully developed in accordance with this rezoning.

43. 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.
44. 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.

OWNER/DEVELOPER ACKNOWLEDGMENT:

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

Date

Signature

Print Name

Title

STATE OF FLORIDA _____

COUNTY OF _____

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the Master Developer 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

AN ORDINANCE AMENDING THE PASCO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP FROM COM (COMMERCIAL) TO RES- 6 (RESIDENTIAL 6 DU/GA) ON 87 ACRES M.O.L; AND AN AMENDMENT TO THE FUTURE LAND USE MAP FROM RES- 3 (RESIDENTIAL 3 DU/GA) TO RES- 6 (RESIDENTIAL 6 DU/GA) ON 60 ACRES M.O.L. OF REAL PROPERTY LOCATED NORTH OF SR 54 AND EAST OF CURLEY ROAD; AND AN AMENDMENT TO REMOVE SUBAREA POLICY FLU 7.1.3; PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes, authorize and require the Board of County Commissioners of Pasco County to prepare and enforce a Comprehensive Plan for the development of the County; and

WHEREAS, the Board of County Commissioners adopted a Comprehensive Plan on June 15, 1989, which has been subsequently amended; and

WHEREAS, the Local Planning Agency, on January 29, 2015 held a public hearing on the proposed Amendment to the Comprehensive Plan with due public notice provided pursuant to Section 163.3184, Florida Statutes, and recommended approval of the Amendment to the Board of County Commissioners; and

WHEREAS, on February 24, 2015, the Board of County Commissioners held an initial public hearing on the proposed Amendment to the Comprehensive Plan, with due public notice provided, pursuant to Section 163.3184, Florida Statutes, and authorized transmittal of the proposed Amendment to the adopted Comprehensive Plan to the Florida Department of Economic Opportunity (FDEO) and other agencies to obtain review and comment on the said Amendment; and

WHEREAS, on April 20, 2015, the Board of County Commissioners received a letter of no comment from the FDEO; and

WHEREAS, no objections have been received from the other reviewing agencies; and

WHEREAS, the proposed Amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, and Chapter 163, Florida Statutes; and

WHEREAS, the Board of County Commissioners, on May 5, 2015, held an adoption public hearing on the proposed Amendment to the Comprehensive Plan with due public notice provided, pursuant to Section 163.3184, Florida Statutes, and considered all comments received during the public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. The Official Future Land Use Map Amendment

The Official 2025 Future Land Use Comprehensive Plan Map 2-15, Map Sheet No. 22, is hereby amended to change the Future Land Use (FLU) designation to amend a portion of the properties 87 acres of Commercial

(COM) to Residential 6 (RES-6), and 60 acres of Residential 3 (RES-3) to Residential 6 (RES-6), totaling approximately 147 acres m.o.l. of real property, attached hereto as Exhibit A and made a part hereof.

SECTION 2. The Pasco County Comprehensive Plan, Future Land Use Element, Subarea Policy FLU 7.1.3 is deleted in its entirety and shown below in strikethrough format:

~~CURLEY ROAD/S.R. 54 SUBAREA POLICIES~~

~~POLICY FLU 7.1.3: CURLEY ROAD/S.R. 54 SUBAREA POLICIES~~

~~Identify the Curley Road/S.R. 54 Subarea on Subarea Map 2-9 and Map 2-9(1). Any property located in this subarea shall be zoned MPUD Master Planned Unit Development and shall be governed by the terms and conditions thereof. The subarea shall consist of not more than two (2) MPUD Master Planned Unit Developments, and all MPUD Master Planned Unit Development applications shall be submitted simultaneously. Any development that would exceed the level of development allowed under this subarea policy shall require an amendment to Policy 7.1.3, and such amendment shall be supported by data and analysis that demonstrate adequate public facilities, services, and infrastructure are available to accommodate the proposed density and intensity of development. Such amendment shall be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan; the requirements of Rule 9J-5, Florida Administrative Code; and Chapter 163, Florida Statutes. The maximum levels of development within the Curley Road/S.R. 54 Subarea shall be limited to the following:~~

Land Use	Square Footage/ Dwelling Units
Office	280,000 Square Feet
Retail	699,000 Square Feet
Multiple-Family Residential	1,945 Dwelling Unit

~~The general range of potential uses for the office, retail, and multiple-family residential land uses shall be established as a condition of the MPUD Master Planned Unit Development zoning approval and be consistent with the Comprehensive Plan.~~

~~The minimum upland acres for the office land uses shall be eighteen (18) acres. The location of the required office acreage shall be shown on the MPUD Master Planned Unit Development zoning master plans for any property located in the subarea.~~

~~The minimum upland acres for the multiple-family residential land uses shall be fifty-five (55) acres. The location of the required multiple-family residential acreage shall be shown on the MPUD Master Planned Unit Development zoning master plans for any property located in the subarea.~~

~~The office entitlements and the eighteen (18) acres of land necessary to construct the entitlements within the Curley Road/S.R. 54 Subarea may not be reduced, exchanged, utilized, or traded off for retail or residential entitlements, except that multiple-family residential uses vertically integrated with office uses and accessory retail located within office buildings may be located in the office land area.~~

~~The fifty-five (55) acres of land necessary to construct the multiple-family residential entitlements may not be reduced, exchanged, utilized, or traded off for retail entitlements.~~

~~Retail entitlements within the Curley Road/S.R. 54 Subarea may be reduced, exchanged, utilized, and traded off for office and multiple-family entitlements pursuant to an adopted Land Use Trade-Off Equivalency Matrix.~~

~~Multiple-family residential entitlements within the Curley Road/S.R. 54 Subarea may be reduced, exchanged, utilized, and traded off for office land uses pursuant to an adopted Land Use Trade-Off Equivalency Matrix.~~

~~In order to ensure consistency with the Economic Element of the Comprehensive Plan, the County may, upon approval of the Board of County Commissioners, waive or delay any subarea policy or Development of Regional Impact, MPUD Master Planned Unit Development, or Preliminary Development Agreement condition for a primary target industry.~~

~~If any MPUD Master Planned Unit Development zoning master plan prepared in accordance with the subarea policies exceeds applicable Development of Regional Impact thresholds, then the MPUD Master Planned Unit Development must obtain Board of County Commissioners and Florida Department of Community Affairs approval of the MPUD Master Planned Unit Development as a Development of Regional Impact in accordance with Section 380.06, Florida Statutes, and Rule 9J-2, Florida Administrative Code. Such approval may require additional amendment(s) of the Comprehensive Plan. However, any MPUD Master Planned Unit Development master plan may include entitlements that are below the Development of Regional Impact threshold. Notwithstanding the foregoing, the County and/or Florida Department of Community Affairs are under no obligation to approve the subarea or any MPUD Master Planned Unit~~

~~Construction of the entitlements identified above shall be contingent upon the developer's submittal and County's approval of the required Traffic Impact Study prior to rezoning approval and mitigation of transportation impacts as provided in the MPUD Master Planned Unit Development conditions of approval.~~

~~In the event the landowner(s) or developer(s) seek, pursuant to Section 319.9 of the Right-of-Way Preservation Ordinance, a waiver from, or compensation for, the required right-of-way dedications for the Zephyrhills Bypass, the Curley Road Extension, S.R. 54, or any other right-of-way or land areas required to be dedicated by Pasco County for roads, or in the event the landowner(s) or developers seek Transportation Impact Fee credits for such right-of-way or land, the value of such right-of-way or land shall be determined based on the land use classification and land values existing prior to the adoption of this subarea and the ROR (Retail/Office/Residential) Land Use Classification.~~

SECTION 3. REPEALER.

All provisions of the Pasco County Comprehensive Plan adopted pursuant to Ordinance No. 89-13, as subsequently amended, in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY.

Each provision of this Ordinance and all Exhibits hereto is material to the Board of County Commissioners' adoption of this Ordinance. Accordingly, these provisions are not severable. In the event any section, subsection, sentence, clause, or provision of this Ordinance and/or any Exhibits hereto is declared illegal or invalid by a body with jurisdiction to make such determination, the remainder of this Ordinance and all Exhibits hereto shall be suspended until such time that the Board of County Commissioners modifies this Ordinance and/or Exhibits hereto to address the illegal or invalid provision

SECTION 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance. The effective date of this Plan Amendment, if the Amendment is not timely challenged, shall be 31 days after the state land planning agency notifies Pasco County that the Plan Amendment package is complete. If timely challenged, this Amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the Amendment to be in compliance. No development orders, development permits, or land uses dependent on this Amendment may be effective or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

ADOPTED this 5th day of May, 2015.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

Paula S. O'Neil, Ph.D., Pasco County Clerk and Comptroller

Theodore J. Schrader ,Chairman

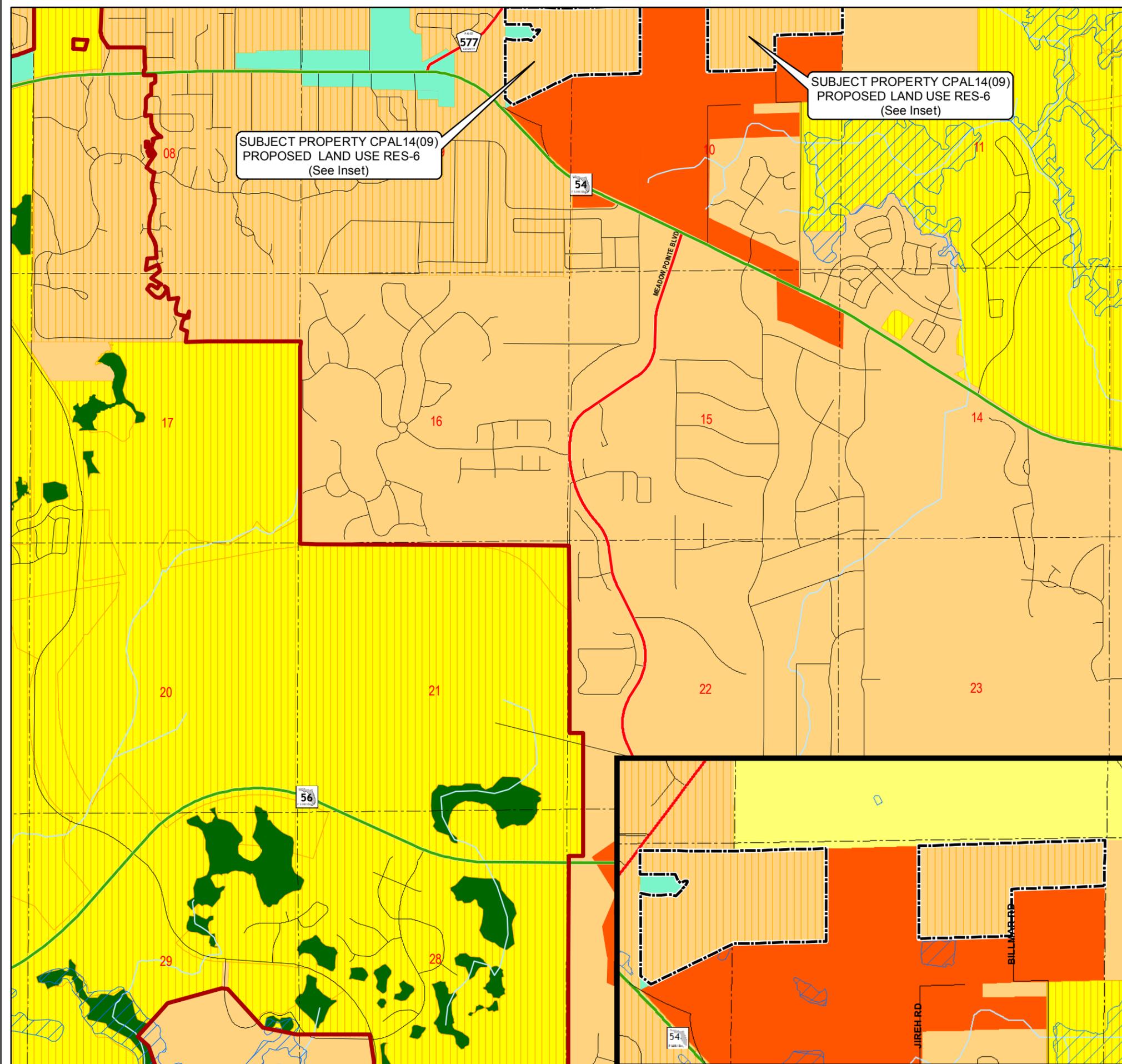
Exhibit A

THE COMPREHENSIVE PLAN OF UNINCORPORATED PASCO COUNTY FUTURE LAND USE 2025

**T 2 6 S - R 2 0 E
SHEET 22**

DATE ADOPTED: 06/15/89

ORDINANCE #: 89-13

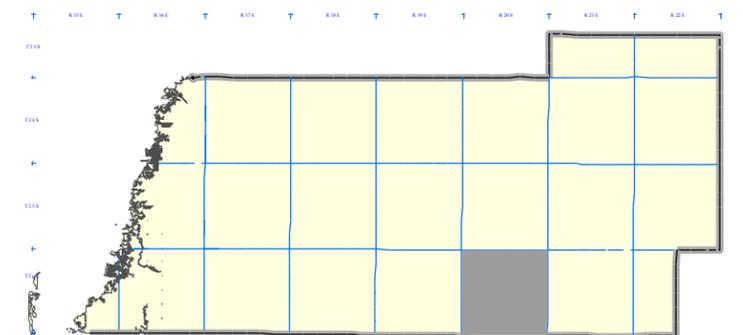


FUTURE LAND USE 2025 CLASSIFICATIONS

- | | | |
|---------------------------------------|--------------------------------------|--------------------------------------|
| AG
Agricultural | RES - 1
Residential | GH
Gateway Hub |
| AG/R
Agricultural / Rural. | RES - 3
Residential | NPC
New Port Corners |
| C/L
Coastal Land | RES - 6
Residential | TC
Town Center |
| CON
Conservation Land | RES - 9
Residential | OFF
Office |
| AT
Major Attractors | RES - 12
Residential | EC
Employment Center |
| R/OS
Major Recreation / Open Space | RES - 24
Residential | ROR
Retail / Office / Residential |
| P/S P
Major Public / Semi - Public | VMU1
Village Mixed Use - Type 1 | COM
Commercial |
| NT
New Town | VMU2A
Village Mixed Use - Type 2A | IL
Industrial - Light |
| PD
Planned Development | VMU2B
Village Mixed Use - Type 2B | IH
Industrial - Heavy |
| MU
Mixed Uses | VMU3
Village Mixed Use - Type 3 | |

OVERLAYS

- | | | |
|--------------------------|------------------------|------------------------|
| CLASS I WETLANDS / LAKES | FLEXIBLE PLAN BOUNDARY | PASADENA HILLS OVERLAY |
| CITY LIMITS | ROR OVERLAY | TRANSIT CENTER OVERLAY |



ADOPTION DATE	EFFECTIVE DATE	ORDINANCE
6/27/2006	1/26/2007	06-18
11/20/2007	2/21/2008	07-38
11/20/2007	4/10/2008	07-34
10/20/2009	11/22/2009	09-17
12/15/2009	1/15/2010	09-36
8/10/2010	8/31/2010	10-32
8/10/2010	8/31/2010	10-33
1/11/2011	2/11/2011	11-01



Pasco County, Florida
Geographic Information Systems
(G.I.S.)
Engineering Services
Survey Department

Created By: _____ Date Created: _____
Checked By: _____ Date Printed: _____