



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O'LAKES (813) 929-6084
NEW PORT RICHEY (727) 847-8142
FAX (727) 815-7000

DEVELOPMENT REVIEW DIVISION
WEST PASCO GOVERNMENT CENTER
7530 LITTLE ROAD, SUITE 230
NEW PORT RICHEY, FL 34654

June 30, 2009

HQ Properties, LLC
36822 S.R. 54 West
Zephyrhills, FL 33541-6907

RE: Cypress Creek North, Parcel Fourteen – Preliminary Plan (SDU09-007)

Dear Sirs:

Please be advised that on June 11, 2009, the Development Review Committee, (DRC), reviewed and approved the above-referenced project as noted on the enclosed agenda memorandum DR09-736. This approval is issued under the provisions of Section 306, Development Review Procedures, of the Pasco County Land Development Code.

The owner/developer is hereby notified that no activity shall commence on-site until both the completed notarized acknowledgment portion of the above-referenced agenda memorandum and receipt for payment of Pasco County utility impact fees (if applicable) are received by the Development Review Division. Any site specific conditions listed as requiring completion prior to Site Development Permit issuance must also be completed.

The owner's/developer's acceptance of the enclosed conditions constitutes a notice of authorization to perform all related work as allowed by Section 306, Development Review Procedures, of the Land Development Code, but **shall not** include the structure, septic tanks, signs, construction within County/State right-of-way, and all other construction activities requiring separate governmental permits. Should the owner/developer object to any condition of approval as stated on the attached, a written notice of appeal shall be submitted within 30 days of this decision in accordance with Section 317, Administrative Appeals, of the Pasco County Land Development Code. The owner/developer may contact this office for information regarding corresponding application and fee requirements.

The Owner/developer shall obtain a hard-copy Site Development Permit prior to commencing any activity. **A stamped copy of the approved site plan shall be kept on the job site at all times.** No Certificate of Occupancy shall be issued until compliance with all requirements, including building and/or site inspection finals, are completed. **Deviations from the approved plan shall be approved by Pasco County prior to commencing construction.**

You may now submit, where applicable, four (4) complete sets of signed/sealed plans for Right-of-Way Use Permits.

Any person failing to implement or carry out developments in accordance with all applicable requirements, conditions, or approved plans shall be subject to penalties as stated in the Development Review Procedures.

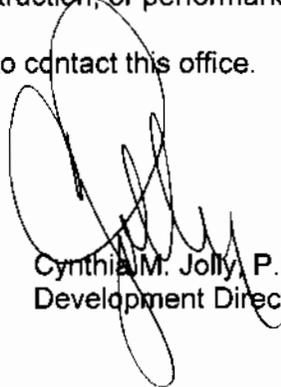
With regard to the Pasco County National Pollutant Discharge Elimination System program, information on the Florida Stormwater, Erosion and Sedimentation Control Training and Certification Program is available on the Internet at www.dep.state.fl.us/water/stormwater/erosion.

By issuance of this permit, Pasco County, its employees, and representatives, assume no responsibility and/or liability in regard to either the design, construction, or performance of the permitted facilities.

Should you have any questions, please feel free to contact this office.

Sincerely,

Dorothy E. Masumian
Development Review
Technician III



Cynthia M. Jolly, P.E., CFM
Development Director

CMJ/DEM/td

Enclosures

cc: Gamma Management & Development, LLC
12738 N. Florida Avenue
Tampa, FL 33612

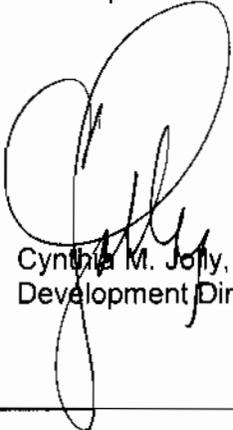
EMK Consultants of Florida, Inc.
7815 North Dale Mabry Highway
Tampa, FL 33614

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 6/16/09

FILE: DR09-736

FROM:  Cynthia M. Jolly, P.E., CFM
Development Director

SUBJECT: Class III, Subdivision Development
Review - Cypress Creek North, Parcel
Fourteen (SDU09-007), Preliminary
Plan (No Improvements)

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Subdivision Name:	Cypress Creek North, Parcel Fourteen
Owners' Names:	Gamma Management & Development, LLC; H. Q. Properties, LLC
Location:	On the northeast corner of S.R. 56 and Willow Oak Drive, south of Cypress Ridge Boulevard, Sec- tion 26, Township 26 South, Range 19 East.
Parcel ID Nos.:	26-26-19-0000-00100-0050, 26-26-19-0000-00100- 0051, and 26-26-19-0000-02800-0060
Land Use Classification:	MU (Mixed Use)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	S.R. 56
Existing Right-of-Way:	136 Feet from Centerline
Required Right-of-Way:	125 Feet from Centerline of Construction
Flood Zones:	"A4" and "B"
Hurricane Evacuation Zone:	None
Acreage:	6.75 Acres, m.o.l.
No. of Units:	3
Type of Units:	Commercial Lots
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	286
Present Land Use:	Undeveloped
Certificate of Capacity:	Initial

DEVELOPERS' REQUEST:

The owners of Cypress Creek North, Parcel Fourteen, are requesting approval of a preliminary plan, with no improvements, to subdivide 6.75 acres into three commercial lots. Each lot will undergo separate Class I reviews, and the infrastructure is in place to serve these lots.

BACKGROUND:

1. On August 20, 2002, the Board of County Commissioners (BCC) approved a rezoning petition changing 405 acres from an A-C Agricultural District to an MPUD Master Planned Unit Development District (RZ-5787).
2. On January 27, 2005, the DRC approved Cypress Creek Development of Regional Impact, Phase 4, infrastructure (DR05-704).
3. On October 23, 2008, the Development Review Division (DRD) approved a preliminary/construction site plan and Stormwater Management Plan and Report (DR09-023) for Time Race Plaza (IPR07-081).

4. On April 23, 2009, the DRC approved a preliminary/construction site plan and Stormwater Management Plan and Report (DR09-561) for Goodwill at Cypress Creek (IIPR09-004).

FINDINGS OF FACT:

1. The preliminary plan has been reviewed by the Growth Management Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
2. The preliminary plan for the above-subject project was prepared for Gamma Management & Development, LLC; H. Q. Properties, LLC, by EMK; and consists of one sheet dated April 17, 2009. The plan was originally received by the DRD on April 27, 2009, and final revisions were received on April 27, 2009.
3. Access to the property is from S.R. 56, Willow Oak Drive, and Cypress Ridge Boulevard; all County-maintained roadways.
4. No improvements are required to be constructed.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity will be issued for each lot as they go through Class I and II development plan reviews.

RECOMMENDATION:

The Development Director recommends approval of the preliminary plan for Cypress Creek North, Parcel Fourteen, with the following conditions:

General

1. The developers acknowledge that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
2. The owners/developers acknowledge that Option 1, TIFs, are required to be paid after December 31, 2008, unless such date is extended by the BCC pursuant to Section 402.11.A of the County Concurrency Management Ordinance.
3. Any roadway construction required herein as a condition of development approval shall not be entitled to TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
4. The owners/developers or successors in interest are advised of the following restrictions:
 - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the Southwest Florida Water Management District (SWFWMD) pursuant to environmental resource permitting.
 - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
 - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
5. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developers shall be required to comply with such ordinances/resolutions.
6. The owners/developers acknowledge for a Class IIIU development, 50 percent of the project must be platted, or where no plat is required, 50 percent of the infrastructure must be constructed or 50 percent of the Building Permits for the project must be issued within six years

of the original preliminary plan or preliminary site plan approval. Further, 100 percent of the project must be platted, or where no plat is required, 100 percent of the infrastructure must be constructed or 100 percent of the Building Permits for the project must be issued within ten years of the original preliminary plan or preliminary site plan approval. In the event that the developers do not comply with this provision, the preliminary plans or preliminary site plans, Stormwater Management Plan and Report, and construction plans related to the uncompleted portion of the preliminary plans or preliminary site plan shall be deemed void and approval shall be deemed withdrawn unless an extension has been obtained from the DRC prior to expiration of any of the above time limits. An extension shall be applied for at least 60 days prior to expiration of any of the above time limits (Section 306.3.H.2).

- ~~7. The owners/developers shall acknowledge that should Pasco County collect funds under a guarantee document, the developers shall authorize the County, or its designee, access to the property in question to complete the required work.~~
- ~~8. The owners/developers shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developers shall be responsible for attorney's fees and court costs incurred by the County in such action.~~
7. All driveway cuts shall be installed to local streets and not collector streets.
8. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
9. The owners/developers acknowledge that the Utilities Services Branch shall not accept any water mains, other water structures, sewer mains, or other sewage structures for ownership, operation, or maintenance within the development unless otherwise approved by the Utilities Service Agreement.
10. The developers acknowledge that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.
11. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 126 feet of right-of-way from the centerline of construction of S.R. 56 (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

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. All stormwater-management plans, reports, or calculations for the developers' project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

Construction Plan

12. No fill shall be placed within the 100-year floodplain designation unless compensating volume to mitigate the fill is provided on site or off site within the same basin and reviewed and approved by Pasco County.
13. The owners/developers acknowledge that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, and retaining walls.
14. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with the Land Development Code (LDC), Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developers shall ensure that any improvements installed in rights-of-way are constructed to County standards.

All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owners/developers shall obtain a Driveway Connection Permit from the DRD's New Port Richey office.

Handwritten signature and initials, possibly 'JF' and '15', written in black ink.

15. The applicants have not submitted a Traffic Impact Study (TIS) as the developers and their successors agree to submit for review and approval by Pasco County, individual TISs for each lot and agree to comply with any and all conditions set forth at that time.
16. The applicants have not submitted a Substandard Roadway Analysis as the developers and their successors agree to submit a Substandard Roadway Analysis for review and agree to comply with any and all conditions set forth on a lot-by-lot basis.

Record Plat

17. The developers acknowledge that approval of this preliminary plan and/or construction plan does not establish vested rights with respect to construction of the project. Further, the developers acknowledge that no permit shall be issued or plat approved without the issuance of an unconditional Certificate of Level of Service Compliance. The developers are, however, put on further notice and hereby agree that the BCC is not irrevocably bound by the current schedule of capital projects and shall not be held liable for any expenses, costs, or other damages incurred by the developers in reliance on the current schedule.
18. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owners/developers of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
19. Prior to platting, or where platting is not required prior to the issuance of the first Certificate of Occupancy (CO), the developers shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.
20. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owners/developers shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.
21. Two unique and/or independent corners on the boundary of the subdivision plat shall have State plane coordinates noted on them and shall be tied by bearing and distance to the current GPS network. The coordinates for the said corners shall be noted on the plat.
22. All open space, drainage areas, retention and detention ponds, recreation areas, common areas, buffer areas, and preservation areas shall be record platted as tracts and/or easements and shall be conveyed to a mandatory homeowners'/merchants'/property owners' association. Maintenance responsibility will be that of the association.
23. The developers shall create a mandatory homeowners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, where such association currently exists, proof of good standing shall be submitted and shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation areas, recreation areas, and other special purpose areas by the said association. Prior to platting the first unit or phase, homeowners'/merchants' documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, the bylaws, restrictive covenants and conditions, and all exhibits, shall be recorded in the Clerk's Office, Pasco County, Florida, and submitted to the Engineering Services Department, Survey Division, for review along with copies of instruments to be used to convey the above-mentioned areas to the said association.
24. All areas designated as SWFWMD, Florida Department of Environmental Protection (FDEP), or Army Corps of Engineers (ACOE) jurisdiction on the preliminary plan subject to any SWFWMD, FDEP, or ACOE required and/or approved mitigation adjustments shall be recorded on the record plat as conservation areas. The bearings and distances of the jurisdictional lines shall be so denoted on the plat. Within these areas, there shall be no construction, clearing, filling, or

improvements of any kind unless appropriate permits have been obtained allowing wetland encroachment.

- 25. Prior to record platting of any unit or phase, or where platting is not required, prior to the issuance of the first CO, the developers shall furnish a Letter of Commitment from the serving utility company stating that it will accept the water and sewer lines for maintenance, and the said letter shall certify that adequate domestic water and sewer services are available to meet the requirements of the LDC as specified in Section 610.12, Potable Water, and Section 610.13, Wastewater.
- 26. Unless otherwise approved by the Emergency Services Director, when the development is record platted, or where a plat is not required, prior to the issuance of the first Building Permit, 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 such a petition has been received by the Emergency Services Director.

Development Standards

- 27. The design standards are per the C-2 General Commercial Zoning District Lot Design Standards.
- 28. The applicants are hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the DRD.

The DRC's approval of this preliminary plan constitutes a finding by the DRC that the preliminary plan, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to preliminary plan approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

APPLICANTS' ACKNOWLEDGMENTS:

The applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

Date GAMMA MANAGEMENT & DEVELOPMENT, LLC

STATE OF FLORIDA
COUNTY OF _____
Title _____

The foregoing instrument was acknowledged before me this _____ (date),
by _____ (name of corporation
acknowledging) a _____ (State or
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or
who has produced _____ (type of identification) as identification.

Seal: _____
NOTARY


INITIAL
17

The applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

Date

H. Q. PROPERTIES, LLC

STATE OF FLORIDA
COUNTY OF _____

Title

The foregoing instrument was acknowledged before me this _____ (date),
by _____ (name of corporation
acknowledging) a _____ (State or
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or
who has produced _____ (type of identification) as identification.

Seal:

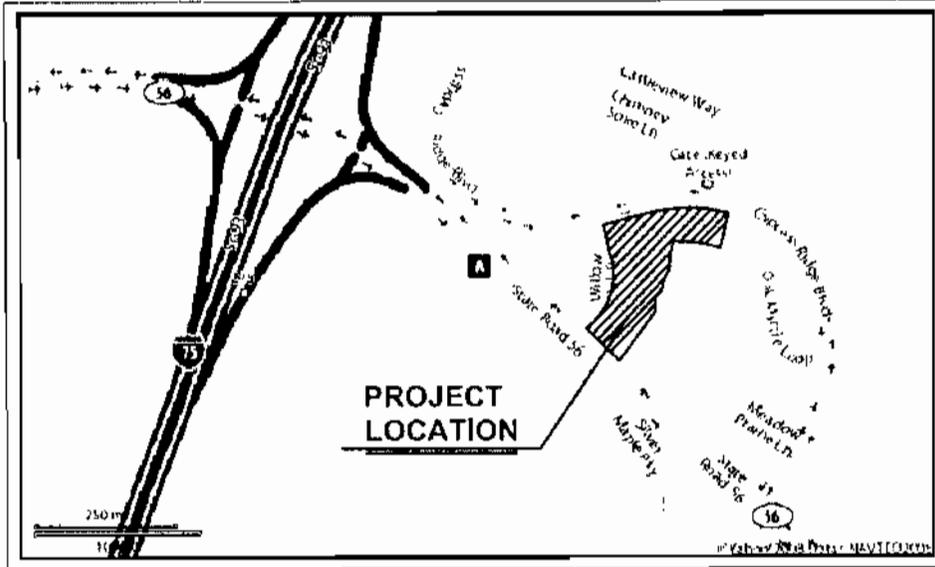
NOTARY

CMJ/DEM/dr/cypressckdr09736/11a

DEVELOPMENT REVIEW COMMITTEE ACTION (6/11/09):

Approved Staff Recommendation with Modified Condition No. 2 and Deletion of Condition Nos. 7 and 8

VICINITY MAP



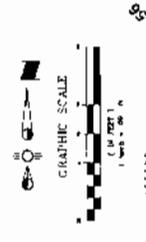
Cypress Creek North Parcel 14 Location map

CLASS III / PRELIMINARY/CONSTRUCTION PLANS FOR: CYPRESS CREEK NORTH - PARCEL FOURTEEN

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 19 EAST
PASCO COUNTY, FLORIDA

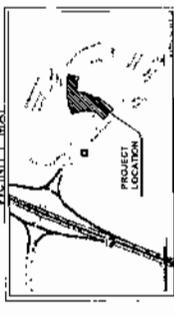
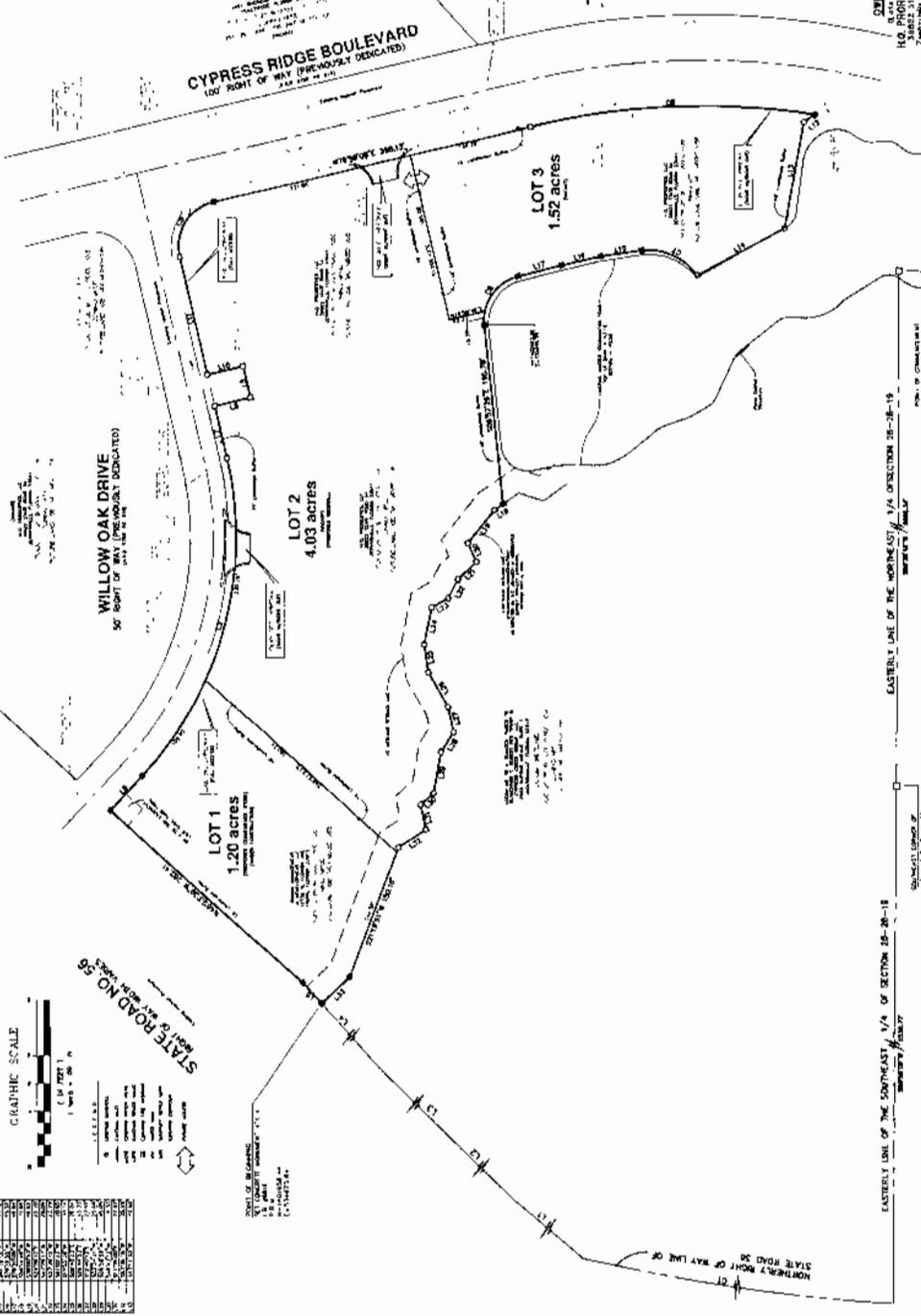
LINE TABLE

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CURVE TABLE

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LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY, FLORIDA

...

GENERAL NOTES

1. CONSULT THE PLAT OF THE CYPRESS CREEK NORTH SUBDIVISION, PLAT NO. 2000-0000-0000-0000, PASCO COUNTY, FLORIDA, FOR THE COMPLETE LEGAL DESCRIPTION OF THE PROPERTY.
2. THE PROPOSED LOTS ARE TO BE CONVEYED TO THE BUYER AS SHOWN ON THIS PLAN.
3. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES.
5. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY.
6. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEYS AND ENGINEERING PLANS.
7. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING.
8. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCING AND CLOSING COSTS.
9. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TITLE INSURANCE AND RECORDING.
10. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING AND FILING.

SITE DATA

PARCEL NO. 26-26-19-0000-0000-0000-0000
 TOTAL SITE AREA: 6.75 ACRES
 EXISTING USE: VACANT
 FUTURE LAND USE: MPO USE (MCO)
 ZONING: MPO (MPO-0000)
 PROJECT NO. 2000-0000-0000-0000
 PROJECT DATE: 03/28/2000

REVISIONS

NO.	DATE	DESCRIPTION
1	03/28/2000	ISSUED FOR PERMITS
2	04/15/2000	REVISED PERMITS
3	05/01/2000	REVISED PERMITS
4	05/15/2000	REVISED PERMITS
5	06/01/2000	REVISED PERMITS
6	06/15/2000	REVISED PERMITS
7	07/01/2000	REVISED PERMITS
8	07/15/2000	REVISED PERMITS
9	08/01/2000	REVISED PERMITS
10	08/15/2000	REVISED PERMITS
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12	09/15/2000	REVISED PERMITS
13	10/01/2000	REVISED PERMITS
14	10/15/2000	REVISED PERMITS
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16	11/15/2000	REVISED PERMITS
17	12/01/2000	REVISED PERMITS
18	12/15/2000	REVISED PERMITS
19	01/01/2001	REVISED PERMITS
20	01/15/2001	REVISED PERMITS
21	02/01/2001	REVISED PERMITS
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30	06/15/2001	REVISED PERMITS
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77	06/01/2003	REVISED PERMITS
78	06/15/2003	REVISED PERMITS
79	07/01/2003	REVISED PERMITS
80	07/15/2003	REVISED PERMITS
81	08/01/2003	REVISED PERMITS
82	08/15/2003	REVISED PERMITS
83	09/01/2003	REVISED PERMITS
84	09/15/2003	REVISED PERMITS
85	10/01/2003	REVISED PERMITS
86	10/15/2003	REVISED PERMITS
87	11/01/2003	REVISED PERMITS
88	11/15/2003	REVISED PERMITS
89	12/01/2003	REVISED PERMITS
90	12/15/2003	REVISED PERMITS
91	01/01/2004	REVISED PERMITS
92	01/15/2004	REVISED PERMITS
93	02/01/2004	REVISED PERMITS
94	02/15/2004	REVISED PERMITS
95	03/01/2004	REVISED PERMITS
96	03/15/2004	REVISED PERMITS
97	04/01/2004	REVISED PERMITS
98	04/15/2004	REVISED PERMITS
99	05/01/2004	REVISED PERMITS
100	05/15/2004	REVISED PERMITS

PARCEL AREAS

DESCRIPTION	AREA
LOT 1	1.20
LOT 2	4.03
LOT 3	1.52
TOTAL	6.75

DEVELOPER

DEVELOPER
 GAMMA MANAGEMENT
 B DEVELOPMENT, LLC
 11000 W. WINDY HILL
 TAMPA, FLORIDA 33617

ENGINEER
 ERK CONSULTANTS OF FLORIDA, INC.
 7800 North Dixie Highway
 Fort Lauderdale, FL 33308

ENGINEER
 GOODWILL INDUSTRIES, INC.
 8075 S.W. 11th Street
 Ft. Lauderdale, FL 33309

DATE

DATE: 03/28/2000

SCALE

SCALE: 1" = 200'

PROJECT

PROJECT: CYPRESS CREEK NORTH - PARCEL FOURTEEN

PROJECT NO.

PROJECT NO.: 2000-0000-0000-0000

PROJECT DATE

PROJECT DATE: 03/28/2000

PROJECT NO.

PROJECT NO.: 2000-0000-0000-0000