

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Denise Hernandez
Customer Service Manager
Planning and Development
Zoning and Intake

DATE: 7/14/15 FILE: PDD15-1369

SUBJECT: MPUD Master Planned Unit
Development Non-Substantial
Modification – Florida Citrus
Investors (FCI) MPUD
Recommendation: Approval
with Conditions

FROM: 
Corelynn Burns
Planner II
Planning and Development
Department

REFERENCES: Land Development Code,
Section 522, Master
Planned Unit
Development District;
Comm. Dist. 2

It is recommended that the data presented herein be given formal consideration.

DESCRIPTION AND CONDITIONS:

Proposed is a request for a non-substantial modification to the previously approved master plan and conditions of approval for the FCI MPUD, Rezoning Petition No. 6920. The applicant/owner is requesting to modify the master plan in order to clarify that the east-west road as previously shown is the portion of the East-West Vision Road for the area that is shown on the Highway Vision Plan (Map No. 7-36). The applicant/owner is requesting to modify the conditions of approval in order to provide the appropriate conditions for the dedication, design, permitting and construction of the Vision Road. Staff has taken this opportunity to further revise the conditions of approval by removing outdated conditions. Attached is a redlined version of the proposed changes.

The property is located on the west side of U.S. 41 at the terminus of Keene Road, which is approximately one-half mile south of the intersection of U.S. 41 and S.R. 52 (Parcel ID Nos. 16-25-18-0000-02000-0000, 16-25-18-0000-02200-0000, 17-25-18-0000-00200-0000, and 08-25-18-0000-00300-0010) and contains 159.5 acres, m.o.l.

Commission District:
Project Name:
Applicant's Name:
Zoning District:
Future Land Use Classification:

The Honorable Mike Moore
Florida Citrus Investors (FCI) MPUD
Florida Citrus Investors, Inc.
MPUD
ROR (Retail/Office/Residential)
RES-3 (Residential – 3/du/ga)
“A” and “X”
Pasco/Pasco
317
Single-Family (Detached and Attached)

Flood Zones:
Water/Sewage:
No. of Dwelling Units:
Type of Dwelling Units:

Access/Roads:

Land O'Lakes Boulevard (US Hwy 41)/Public and Keene Road/Public

BACKGROUND:

1. On October 7, 2010, staff recommended the Development Review Committee (DRC) deny the MPUD rezoning. The applicant had not procured the right-of-way necessary to comply with the substandard road criteria as previously directed by the DRC on March 18, 2010, the revised traffic study to extend the project's build-out date had not been finalized and submitted and density had not been agreed upon by the applicant. The DRC approved a continuance to enable the applicant to complete and submit the revised traffic study to extend the build-out date. The DRC also determined that right-of-way for substandard road improvements could be incorporated as a condition of approval. The applicant agreed to accept staff's recommendation of 317 units.
2. On December 23, 2010, the DRC approved staff's recommendation of approval for the rezoning of the property to an MPUD, with amended conditions.
3. On January 12, 2011, the Planning Commission approved staff's recommendation of approval for the rezoning.
4. On January 25, 2011, the Board of County Commissioners heard the request and approved the rezoning from an A-C Agricultural District to an MPUD Master Planned Unit Development to allow 317 single-family detached/attached units on approximately 159.5 acres (Rezoning Petition No. 6920).

FINDINGS OF FACT:

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

	<u>Zoning District</u>	<u>Existing Use</u>	<u>Future Land Use</u>
North:	A-C Agricultural R-MH (Mobile Homes) R-1 (Residential) A-R Agricultural/Residential	Residential Dwellings Vacant/Unimproved	RES-3 (Residential - 3 du/ga)
South:	MPUD – Lester Dairy (Proposed)	Dairy Farm	RES-3 (Residential - 3 du/ga)
East:	R-1 (Residential) A-C Agricultural A-R Agricultural/Residential	Residential Dwellings	RES-3 (Residential - 3 du/ga)
West:	A-C Agricultural	CSX Railroad Undeveloped	RES-3 (Residential - 3 du/ga)

3. The petitioned site is located within the Central Market Area.

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

STAFF ANALYSIS:

MPUD modifications must be reviewed in accordance with Section 402.2.N, Modifications, of the Pasco County LDC to determine if the proposed changes are substantial. Under the provisions in the LDC for Modifications to MPUDs, it has been determined that the proposed request **does not** constitute a substantial change.

RECOMMENDATION:

The Planning and Development Department recommends approval of the non-substantial modification with the attached modified conditions.

ATTACHMENTS:

1. Aerial - Location Map
2. Zoning – Location Map
3. Conditions of Approval for Rezoning Petition No. 6920
4. Redlined Conditions of Approval
5. Master Plan

Zoning Dept. Approved
Non-substantial Modification

Date: 7/15/15 By: [Signature]

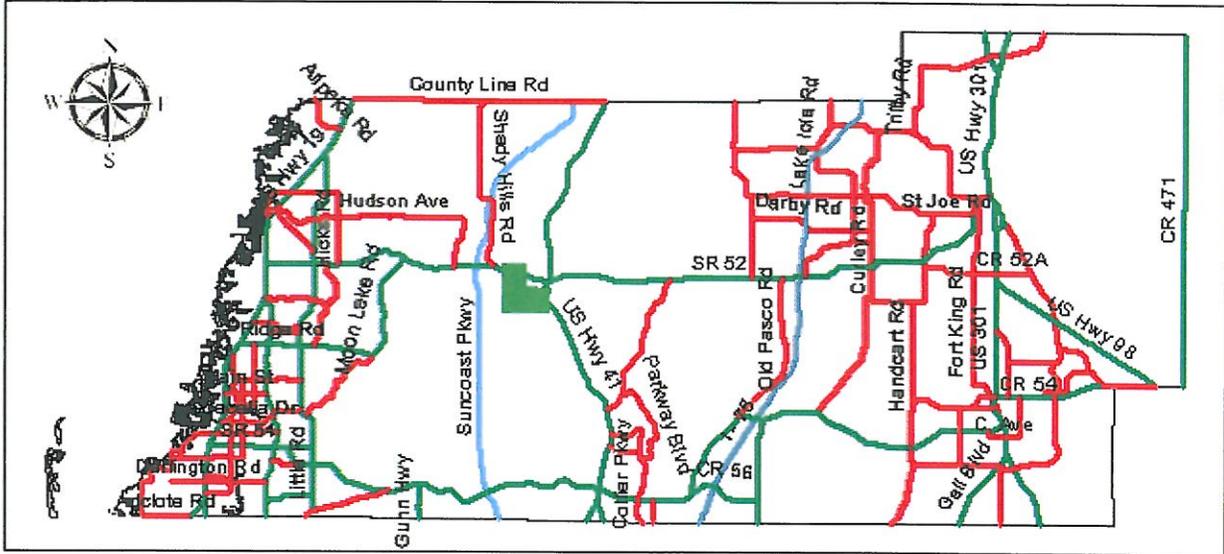
For compliance with the applicable provisions of
Pasco County Land Development Code Regulations

PETITION # ZN10-005

SECTION(S): 08, 16, 17

T. 25 S.

R. 18 E.



PASCO COUNTY, FLORIDA



TAZ: 121

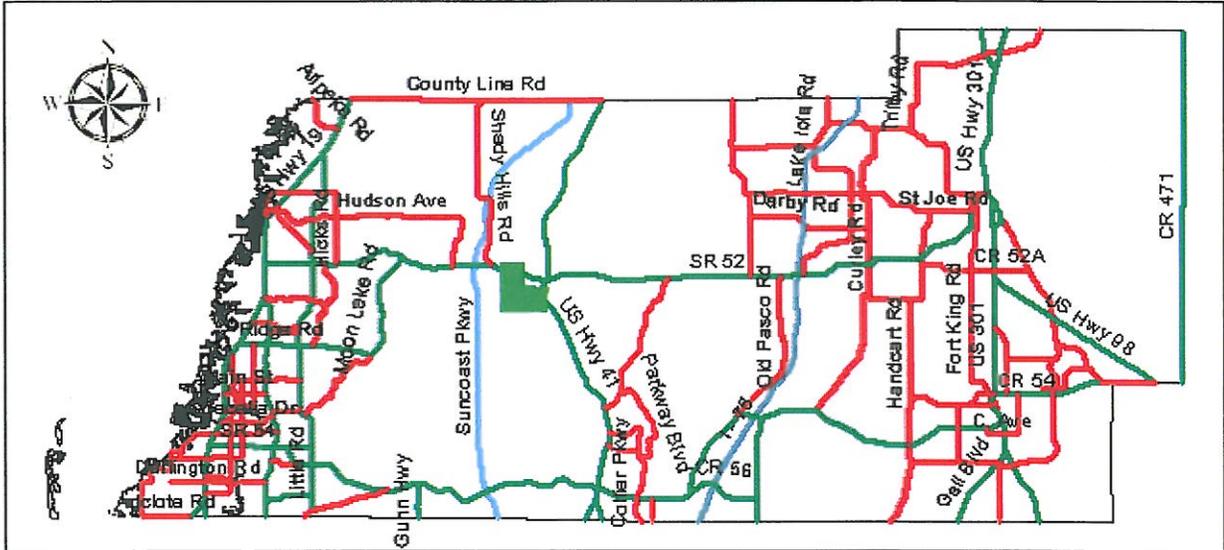
COMMISSION DISTRICT: 5

PETITION # ZN10-005

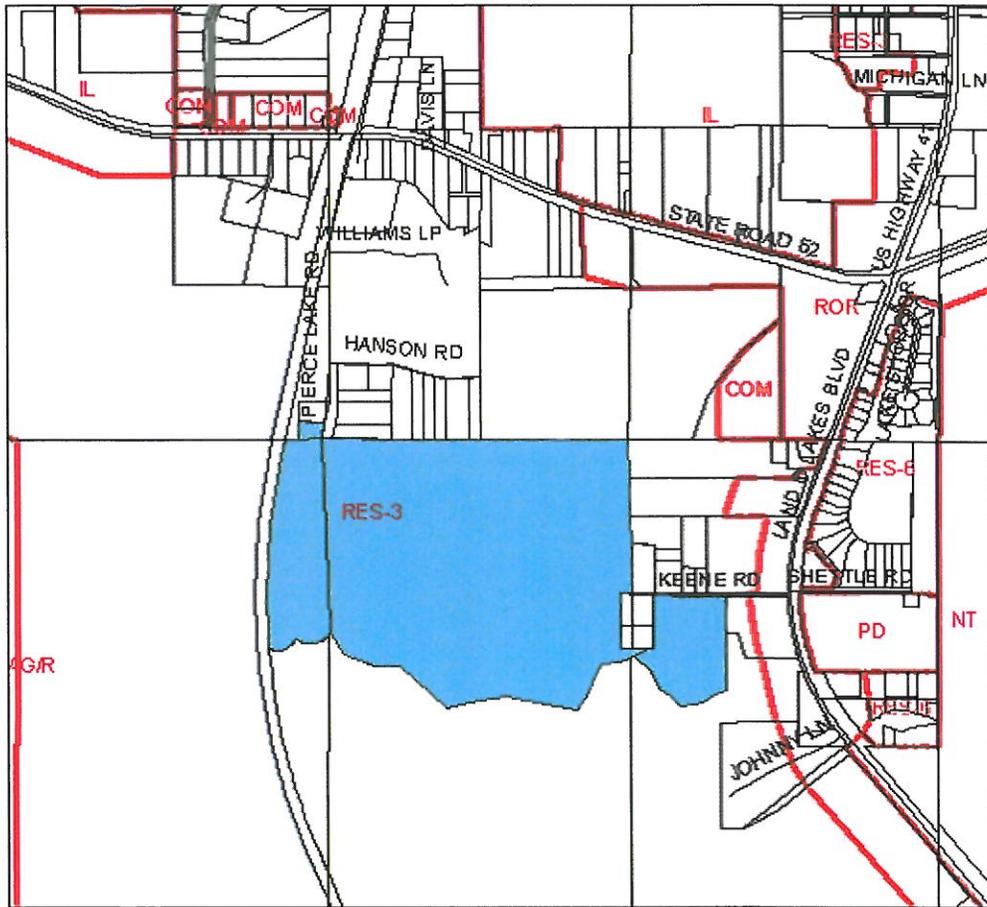
SECTION(S): 08, 16, 17

T. 25 S.

R. 18 E.



PASCO COUNTY, FLORIDA



TAZ: 121

COMMISSION DISTRICT: 5

**FLORIDA CITRUS INVESTORS, INC.
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6920**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted from August 21, 2006 thru November 29, 2010, July 8, 2015, the Land Development Code (LDC) and the Comprehensive Plan unless otherwise stipulated or modified herein.

Environmental

2. The developer has submitted an environmental/habitat study on October 31, 2008, a gopher tortoise study and a sandhill crane study on June 19, 2009, which were reviewed by County staff. Based on the results of those studies, the following conditions shall apply:
 - a. Prior to any construction activities of any unit or phase, the developer shall submit a copy of any required permit for gopher tortoises issued by the FFWCC to the Planning and Development Department.
 - b. Prior to construction plan/construction site plan approval, the developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit.
3. The developer submitted an Archaeological/Historical Survey on October 31, 2008 and correspondence from the Division of Historical Resources dated May 29, 2009. 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."

Open Space/Buffering

4. The developer shall create a mandatory homeowners'/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 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

(School Board). The developer shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/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. The deed restrictions shall prohibit parking across any sidewalk area on any driveway. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.

Transportation/Circulation

Access Management

5. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the LDC as amended. The emergency access may be barricaded in a manner found acceptable by the Planning and Development Department and the Emergency Services Department.
6. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owner/developer shall furnish to the Planning and Development Department 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 owner/developer shall provide a letter from the Florida Department of Transportation stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
7. At each preliminary plan/preliminary site plan approval, the County may require, if recommended by the County Engineer or designee, pursuant to the LDC, further site-specific intersection improvements. Intersection improvements shall be determined in accordance with the LDC and Access Management Standards as amended.
8. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

Dedication of Right-of-Way

9. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County. Pasco County will not be responsible for the maintenance of any private streets.

10. Subject to the provisions of the LDC, Section 901.2.J (Transportation-Corridor Management; Dedication-Rough Proportionality), the developer shall convey, at no cost to Pasco County, 120 feet of right-of-way plus 11 foot landscape easements on both sides of the north-south public roadway depicted on the Master Plan as "Bulloch Boulevard", from the northern project boundary to the southern project boundary (the "Bulloch Segment") and a total of 142 feet of right-of-way for the east-west Vision Road Segment (all per Pasco County Corridor Preservation Table, as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities for a 4-lane facility on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Bulloch Boulevard and the east-west Vision Road Segment within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, buffers and buffer walls, slope easements, if applicable, (once grade of roadway is set) and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Bulloch Boulevard and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section 406.3. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

11. 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

12. If the property to the west and/or north has an approved preliminary development/PSP for the portion of their property that abuts the subject development, then prior to PDP/PSP submittal for the FCI development the developer shall supply evidence that it has coordinated with the developers and engineers/surveyors of any affected, adjoining parcels to identify and provide the location of the required interconnecting roadway. 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.
13. No excavation within the area of future lanes of multilane facilities will be allowed with the exception of excavation for drainage structures, permitted removal of wetlands, excavation to match existing grade, or as directed by the Engineering Services Director.
14. Developer shall design and permit the portion of the east-west Vision Road that lies within the project as depicted on the approved Master Plan (the "Vision Road Segment") as a 4-lane roadway (in the width provided hereinafter and as a type 1A or 1B roadway) and construct 2 lanes of the same, including all necessary drainage, wetland and floodplain mitigation associated with the same, as determined by the County and other permitting agencies having jurisdiction over the same. The Vision Road Segment shall be constructed by developer in phases as needed to serve the adjacent development phases. Upon completion of construction of the Vision Road Segment and upon County acceptance of the same, the Developer shall convey the Vision Road Segment to Pasco County at no cost to it. Developer acknowledges that the Vision Road Segment constitutes the portion of the east-west vision road for this area required by, and as depicted on, the Highway Vision Plan (Map No. 7-36). The Vision Road Segment is a site-access improvement that is not eligible for mobility fee credits, and shall be provided at no cost to the County.
15. The developer submitted a traffic study on October 28, 2010, that was reviewed by County staff. Prior to approval of the first record plat, or where platting is not required, prior to the issuance of the first Building Permit, the developer shall construct the following improvements:

Site-Access Related Improvements:

- a. The applicant shall construct a site access connection to Keene Road in accordance with the project's site plan as approved by the Pasco County Zoning and Site Development Department.
- b. The applicant shall construct a 430-foot southbound to westbound right-turn lane on U.S. 41 at Keene Road (including 50-foot taper).
- c. The applicant shall construct a 480-foot northbound to westbound left-turn lane on U.S. 41 at Keene Road (including 50-foot taper).

- d. The applicant shall construct a 150-foot eastbound left-turn/through lane on Keene Road approaching U.S. 41 (including 50-foot taper). Upon completion of this improvement, the eastbound Keene Road approach to U.S. 41 shall consist of a shared left-turn/through lane and a right-turn lane.

Off-Site Improvements

- a. ~~The applicant shall mitigate project impacts to the U.S. 41/S.R. 52 intersection through the construction of (a) a second northbound to westbound left turn lane at a length of 760 feet with a 0.5 mile receiving lane, (b) lengthening of the westbound left turn lane from 450 feet to 495 feet, (c) lengthening of the existing northbound left turn lane from 535 feet to 760 feet, (d) roadway transitions in accordance with the latest edition of the Florida Department of Transportation Design Standards, and (e) traffic signal modifications as necessary.~~

~~In lieu of the above-mentioned off-site improvements, the applicant shall pay a proportionate share in the amount of \$651,410 for the improvements specified in the condition above. The total proportionate share amount for the above-mentioned off-site improvements is \$651,410 (2010 dollars) for the improvements specified in the condition above. This proportionate share shall be paid prior to the issuance of the first Building Permit for any commercial and prior to record plat for residential. Such amount shall be adjusted at the time of payment by the most recent construction and right-of-way indices as adopted by the Transportation Impact Fee (TIF) Ordinance, as amended.~~

~~Payment of the proportionate share amount shall be eligible for transportation impact fee credits as determined by the County's Capital Improvements Plan (CIP) and in accordance with the Impact Fee Ordinance, as amended.~~

~~Based on the land use assumptions proposed in the approved traffic study, the generally applicable Transportation Impact Fees (TIF) for the project, based on 2010 dollars, is estimated to total \$3,408,670, as adjusted pursuant to the TIF Ordinance. Since the total Traffic Impact Study (TIS) calculated proportionate share amount of \$651,410 is less than the estimated Option 3 TIF amount, the applicant/developer shall pay its regular impact fees in accordance with the most recent impact fee schedule at the time impact fees are collected. However, if no Building Permit is issued within three years of this rezoning approval, the County reserves the right to adjust the proportionate share amount by the most recent construction and right-of-way indices as adopted by the TIF Ordinance and may require payment of the adjusted proportionate share amount if the same are greater than the project's projected total impact. This condition is being deleted as the applicant agreed not to Opt Out of Mobility Fees, in accordance with the LDC. (This condition is being deleted as the applicant/developer agreed not to opt out of Mobility Fees in accordance with the LDC).~~

Substandard Road Improvements:

- a. All necessary right-of-way for Keene Road shall be acquired prior to or concurrent with the submittal of the first preliminary plan.

- b. The applicant shall reconstruct Keene Road from the project site access connection to U.S. 41 to meet all applicable County standards; including but not limited to lane width, shoulder width, pavement design, side slopes, clear zone width, and approach grade to U.S. 41.
16. Prior to or concurrent with the approval of the first construction plan/construction site plan, if applicable, the developer shall obtain Right-of-Way Use Permits for the construction of the improvements identified above.
17. Prior to final plat approval for residential, or where platting is not required, prior to the issuance of any Building Permits occurring after December 31, 2015, the developer 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.
18. The traffic study submitted by the applicant on October 28, 2010, assumed the following land uses: 185 Single Family Residential and 200 Multi-Family Residential units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicant or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. 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.
19. The developer shall comply with the County and Pasco County Public Transportation requirements to accommodate mass transit service to and within the project. 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 developer 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 submittal 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 developer 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/developer 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.

20. The developer may submit an overall pedestrian/bike path plan to the Zoning and Site Development Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County LDC as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.
21. Prior to the first preliminary development plan/PSP submittal, the developer shall submit a Master Roadway Plan to the Planning and Development Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and arterial roadways within the MPUD. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the LDC, Section 901.1, Transportation-Corridor Spacing. Approval of this plan must be obtained from the DRC prior to the first preliminary development plan/PSP submittal. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections.

Utilities/Drainage/Water Service/Wastewater Disposal

22. 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 Utilities Service Plan guidelines implemented by the Utilities Services Branch.

Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.

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

Land Use

25. The residential dimensional standards are as follows:
 - a. Single Family Detached
 - (1) Minimum Lot Width of 50 Feet
 - (2) Minimum Lot Depth of 110 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet* (25 feet from back of sidewalk to face of garage)
 - (4) Minimum Side-Yard Setback of 7.5 Feet
 - (5) Minimum Rear-Yard Setback of 15 Feet
 - (6) Minimum Lot Area of 5,500 Square Feet
 - (7) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure
 - b. Single-Family Attached (Townhomes)

- (1) Minimum Lot Width of 16 Feet
- (2) Minimum Lot Depth of 66 Feet
- (3) Minimum Front-Yard Setback of 20 Feet to back of curb or sidewalk
- (4) Minimum Side-Yard Setback of 0 Feet for Interior Property Lines; 10 Feet for Exterior Property Lines (20 Feet Side Separation)**
- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 100 Percent
- (7) Maximum Building Height Shall Not Exceed 45 Feet
- (8) Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the structure and a minimum of 15 feet from the side of the structure

** The average distance between structures, for any building containing more than four units, shall be 30 feet, with no point closer than 20 feet.

26. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
27. The total aggregate number of dwelling units for FCI MPUD shall not exceed 317.
28. The maximum density 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.
29. 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.
30. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
31. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of four acres to be used for recreational vehicle storage for the exclusive use of FCI MPUD residents. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/ condominium owners'/merchants' association or CDD.

Procedures

32. A disclosure statement regarding the construction of all future roadways abutting and through the MPUD Master Planned Unit Development shall be included in all sales contracts for residential and nonresidential sales with the MPUD Master Planned Unit

Development. This disclosure shall include the future roadway's number of lanes and construction timing, if applicable.

33. 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.
34. 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.
35. 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 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.
36. 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.
37. All conditions of this MPUD approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD approval shall be suspended until such time that the BCC modifies the MPUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD or the MPUD conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD approval under any circumstances.

OWNER/DEVELOPER ACKNOWLEDGMENT:

The owner/developer acknowledges that they have read, understood, and accepted the above-listed conditions of approval.

_____ (Date) _____

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

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

My commission expires:

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

**FLORIDA CITRUS INVESTORS, INC.
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6920**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted from August 21, 2006 thru November 29, 2010, ~~June~~ July 8, 2015, the Land Development Code (LDC) and the Comprehensive Plan unless otherwise stipulated or modified herein.

Open Space/Buffering Environmental

~~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, 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.~~

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~~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 the SWFWMD or other regulatory agencies.~~

Comment [CB1]: Already a requirement of the LDC. There is no reason to have a condition.

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- ~~5. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands and wetland buffers shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' buffer line unless otherwise approved by the regulatory agencies and Pasco County. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. The homeowners' association/merchants' association~~

Comment [CB2]: Same as above

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~~documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.~~

Comment [CB3]: Same as above

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2. The developer has submitted an environmental/habitat study on October 31, 2008, a gopher tortoise study and a sandhill crane study on June 19, 2009, which ~~have~~ been reviewed by County staff, ~~and~~ Based on the results of those studies, the following conditions shall apply:

a. Prior to any construction activities clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developer shall submit a copy of any required permit for gopher tortoises issued by the FFWCC to the ~~Permits and Development Information Services Planning and Development~~ Department.

Comment [CB4]: This is no longer allowed with a preliminary plan approval. Shall we modify it now?

b. Prior to construction plan/construction site plan approval, the developer shall submit to the ~~Permits and Planning and Development Information Services~~ Department a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developer shall submit to the ~~Permits and Planning and Development Information Services~~ Department a copy of the Environmental Resource Permit.

3. The developer ~~has~~ submitted an Archaeological/Historical Survey on October 31, 2008 and correspondence from the Division of Historical Resources dated May 29, 2009. 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."

Open Space/Buffering

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4. The developer shall create a mandatory homeowners'/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 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 (School Board). The developer shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/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. The deed restrictions shall prohibit parking across any sidewalk area on any driveway. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.

Ordinances

- ~~9. In addition to the MPUD Master Planned Unit Development conditions of approval, the developer shall comply with all Pasco County ordinances, including all impact fee ordinances.~~
- ~~10. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owner/developer shall be required to comply with such ordinances/resolutions.~~

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Comment [CB5]: These conditions are used anymore.

Transportation/Circulation

Access Management

5. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the LDC as amended. The emergency access may be barricaded in a manner found acceptable by the ~~Permits and Planning and Development Information Services~~ Department and the Emergency Services Department.
6. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owner/developer shall furnish to the ~~Permits and Planning and Development Information Services~~ Department 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 owner/developer shall provide a letter from the Florida Department of Transportation stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
7. At each preliminary plan/preliminary site plan approval, the County may require, if recommended by County Engineer or designee, DRG may also require pursuant to the LDC, further site-specific intersection improvements. Intersection improvements shall be determined in accordance with the LDC and Access Management Standards as amended.
8. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any

existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

Dedication of Right-of-Way

~~Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to or concurrent with the first preliminary plan/preliminary site plan approval.~~

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9. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County. Pasco County will not be responsible for the maintenance of any private streets.

Comment [CB6]: We don't use this anymore.

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~~10. Vehicular access rights along the rear of all double frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.~~

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~~18. Subject to the provisions of the LDC, Section 901.2.J (Transportation Corridor Management; Dedication-Rough Proportionality), Right-of-Way Preservation Ordinance, the developer shall convey, at no cost to Pasco County, 142-120 feet of right-of-way plus 11 foot landscape easements on both sides of the for the north-south public roadway depicted on the MPUD Master Plan as "Bulloch Boulevard", from the northern project boundary to the southern project boundary (the "Bulloch Segment") and a total of 142 feet of right-of-way for the east-west Vision Road Segment (all per Pasco County Corridor Preservation Table, as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).~~

Comment [CB7]: LDC requirement

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In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities for a 4-lane facility on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Bulloch Boulevard and the east-west Vision Road Segment within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, buffers and buffer walls, slope easements, if applicable, (once grade of roadway is set) and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Bulloch Boulevard and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section ~~403406.3~~. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and

Comment [CB8]: Move from below.

permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

11. To the extent that any of the conditions of this approval constitute monetary or property exactions that are subject to *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the applicant/owner, and successors and assigns (a) agrees that there is a nexus and rough proportionality between such conditions and the impacts of this project/development, and that such conditions are necessary to ensure compliance with the criteria of the LDC and Comprehensive Plan that are applicable to this approval, and (b) waives any claims based on such conditions. This agreement/waiver was entered into voluntarily, in good faith, for valuable consideration, and with an opportunity to consult legal counsel, but does not affect the applicant/owner's ability to seek variances, administrative remedies, or modifications of the conditions of this approval through applicable processes in the LDC.

Design/Construction Specifications

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12. If the property to the west and/or north has an approved PDP/PSP for the portion of their property that abuts the subject development, then prior to PDP/PSP submittal for the FCI development ~~Prior to preliminary plan/preliminary site plan submittal~~, the developer shall supply evidence that it has coordinated with the developers and engineers/surveyors of any affected, adjoining parcels to identify and provide the location of the required interconnecting roadway. 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.

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13. No excavation within the area of future lanes of multilane facilities will be allowed with the exception of excavation for drainage structures, permitted removal of wetlands, excavation to match existing grade, -or as directed by the Engineering Services Director.

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~~21. Alternative roadway design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.~~

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14. Developer shall design and permit the portion of the east-west Vision Road that lies within the project as depicted on the approved Master Plan (the "Vision Road Segment") as a 4-lane roadway (in the width provided hereinafter and as a type 1A or 1B roadway) and construct 2 lanes of the same, including all necessary drainage, wetland and floodplain mitigation associated with the same, as determined by the County and other permitting agencies having jurisdiction over the same. The Vision Road Segment shall be constructed by developer in phases as needed to serve the adjacent development phases. Upon completion of construction of the Vision Road Segment and upon County acceptance of the same, the Developer shall convey the Vision Road Segment to Pasco County at no cost to it. Developer acknowledges that the Vision Road Segment constitutes the portion of the east-west vision road for this area required by, and as depicted on, the Highway Vision Plan (Map No. 7-36). The Vision Road Segment is a

Comment [CB9]: This is allowed in the LDC. No need to reiterate.

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site-access improvement that is not eligible for mobility fee credits, and shall be provided at no cost to the County.

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14.15. The developer ~~has~~ submitted a traffic study on October 28, 2010, that was reviewed by ~~the staff of the~~ County staff. Prior to approval of the first record plat, or where platting is not required, prior to the issuance of the first Building Permit, the developer shall construct the following improvements:

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Site-Access Related Improvements:

- a. The applicant shall construct a site access connection to Keene Road in accordance with the project's site plan as approved by the Pasco County Zoning and Site Development Department.
- b. The applicant shall construct a 430-foot southbound to westbound right-turn lane on U.S. 41 at Keene Road (including 50-foot taper).
- c. The applicant shall construct a 480-foot northbound to westbound left-turn lane on U.S. 41 at Keene Road (including 50-foot taper).
- d. The applicant shall construct a 150-foot eastbound left-turn/through lane on Keene Road approaching U.S. 41 (including 50-foot taper). Upon completion of this improvement, the eastbound Keene Road approach to U.S. 41 shall consist of a shared left-turn/through lane and a right-turn lane.

Off-Site Improvements

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~~a. The applicant shall mitigate project impacts to the U.S. 41/S.R. 52 intersection through the construction of (a) a second northbound to westbound left turn lane at a length of 760 feet with a 0.5 mile receiving lane, (b) lengthening of the westbound left turn lane from 450 feet to 495 feet, (c) lengthening of the existing northbound left turn lane from 535 feet to 760 feet, (d) roadway transitions in accordance with the latest edition of the Florida Department of Transportation Design Standards, and (e) traffic signal modifications as necessary.~~

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~~In lieu of the above mentioned off-site improvements, the applicant shall pay a proportionate share in the amount of \$651,410 for the improvements specified in the condition above. The total proportionate share amount for the above mentioned off-site improvements is \$651,410 (2010 dollars) for the improvements specified in the condition above. This proportionate share shall be paid prior to the issuance of the first Building Permit for any commercial and prior to record plat for residential. Such amount shall be adjusted at the time of payment by the most recent construction and right-of-way indices as adopted by the Transportation Impact Fee (TIF) Ordinance, as amended.~~

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~~Payment of the proportionate share amount shall be eligible for transportation impact fee credits as determined by the County's Capital Improvements Plan (CIP) and in accordance with the Impact Fee Ordinance, as amended.~~

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~~Based on the land use assumptions proposed in the approved traffic study, the generally applicable Transportation Impact Fees (TIF) for the project, based on 2010 dollars, is estimated to total \$3,408,670, as adjusted pursuant to the TIF Ordinance. Since the total Traffic Impact Study (TIS) calculated proportionate share amount of \$651,410 is less than the estimated Option 3 TIF amount, the applicant/developer shall pay its regular impact fees in accordance with the most recent impact fee schedule at the time impact fees are collected. However, if no Building Permit is issued within three years of this rezoning approval, the County reserves the right to adjust the proportionate share amount by the most recent construction and right of way indices as adopted by the TIF Ordinance and may require payment of the adjusted proportionate share amount if the same are greater than the project's projected total impact fees. (This condition is being deleted as the applicant/developer agreed not to opt out of Mobility Fees in accordance with the LDC).~~

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Comment [CB10]: Jennifer: Because it says "in lieu of" can't this condition be deleted administratively? I think that's what Ali told me - but can never remember.

Substandard Road Improvements:

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- a. All necessary right-of-way for Keene Road shall be acquired prior to or concurrent with the submittal of the first preliminary plan.
- b. The applicant shall reconstruct Keene Road from the project site access connection to U.S. 41 to meet all applicable County standards; including but not limited to lane width, shoulder width, pavement design, side slopes, clear zone width, and approach grade to U.S. 41.

~~23. 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.~~

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~~15.16. Prior to or concurrent with the approval of the first construction plan/construction site plan, if applicable, the developer shall obtain Right-of-Way Use Permits for the construction of the improvements identified above.~~

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25. Prior to final plat approval for residential, or where platting is not required, prior to the issuance of any Building Permits occurring after December 31, 2015, the developer 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.

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~~16.17. The traffic study submitted by the applicant on October 28, 2010, assumed the following land uses: 185 Single Family Residential and 200 Multi-Family Residential units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and~~

Transportation Impact Fee reduction process. If the applicant or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. 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.

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Comment [CB11]: Moved to number 10

Comment [CB12]: Move to number 10

~~17-18.~~ The developer shall comply with the County and Pasco County Public Transportation requirements to accommodate mass transit service to and within the project. 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 developer 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 submittal 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 developer 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/developer 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.

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~~18-19.~~ The developer may submit an overall pedestrian/bike path plan to the Zoning and Site Development Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County LDC as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.

20. Prior to the first preliminary development plan/PSP submittal, the developer shall submit a Master Roadway Plan to the Planning and Development Department for review. The

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plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and arterial roadways within the MPUD. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the LDC, Section 901.1, Transportation-Corridor Spacing. Approval of this plan must be obtained from the DRC prior to the first preliminary development plan/PSP submittal. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections.

Comment [CB13]: Added because of the vision roadway

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Utilities/Drainage/Water Service/Wastewater Disposal

~~20-21. The developer shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County 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 Permits and Development Information Services Department.~~

Comment [CB14]: No longer used. Requirement of the LDC

21-22. A Master Utilities-Utility Service Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:

- a. Trunk sewer lines and lift stations.
- b. Main potable water lines and 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 Utilities Service Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.

22-23. The developer shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.

23-24. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:

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

Water Quality and Drainage

~~33. 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.~~

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~~34. 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/developer shall comply with the following design requirements:~~

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

~~35. Stormwater design shall include low impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State water quality standards.~~

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Water Resource Protection

~~36. The applicant/developer shall comply with the Pasco County Wellhead Protection Ordinance.~~

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~~37. Should any noticeable soil slumping or sinkhole formation become evident, the applicant/ developer 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:~~

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~~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.~~

~~38. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.~~

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~~39. The historic, average rainfall volume discharged from the site shall be maintained in accordance with the LDC, Sections 604, 605, 606, as applicable, and the Stormwater Management Practices Manual.~~

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Comment [CB15]: No longer used.
Requirement of the LDC

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Land Use

24.25. The residential dimensional standards are as follows:

a. Single Family Detached

- (1) Minimum Lot Width of 50 Feet
- (2) Minimum Lot Depth of 110 Feet
- (3) Minimum Front-Yard Setback of 20 Feet* (25 feet from back of sidewalk to face of garage)
- (4) Minimum Side-Yard Setback of 7.5 Feet
- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Minimum Lot Area of 5,500 Square Feet
- (7) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure

~~(8) Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the structure and a minimum of 15 feet from the side of the structure.~~

Comment [CB16]: This doesn't belong here. This was intended for lots with 100 percent lot coverage or for apartments.

b. Single Family Detached

- ~~(1) Minimum Lot Width of 60 Feet~~
- ~~(2) Minimum Lot Depth of 110 Feet~~
- ~~(3) Minimum Front Yard Setback of 20 Feet* (25 feet from back of sidewalk to face of garage)~~
- ~~(4) Minimum Side Yard Setback of 7.5 Feet~~
- ~~(5) Minimum Rear Yard Setback of 15 Feet~~
- ~~(6) Minimum Lot Area of 6,600 Square Feet~~
- ~~(7) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure~~

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c. Single-Family Attached (Townhomes)

- (1) Minimum Lot Width of 16 Feet
- (2) Minimum Lot Depth of 66 Feet
- (3) Minimum Front-Yard Setback of 20 Feet to back of curb or sidewalk
- (4) Minimum Side-Yard Setback of 0 Feet for Interior Property Lines; 10 Feet for Exterior Property Lines (20 Feet Side Separation)**

Comment [CB17]: If all setbacks are the same as above, then why is this needed? As long as the lot size does not go below 50 foot wide. It is always possible to go larger than 50 feet.

- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 100 Percent
- (7) Maximum Building Height Shall Not Exceed 45 Feet

~~(7)(8) Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the structure and a minimum of 15 feet from the side of the structure~~

** The average distance between structures, for any building containing more than four units, shall be 30 feet, with no point closer than 20 feet.

~~f. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the LDC. Any reduction of the minimum right-of-way width may require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.~~

~~g-26. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.~~

~~h-27. The total aggregate number of dwelling units for FCI MPUD shall not exceed 317.~~

~~i-28. The maximum density or 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.~~

~~j-29. 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.~~

~~46. Any proposed increase in density/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 that necessitates a revised traffic study, then the request shall be presumed to be substantial.~~

~~47. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.~~

~~48-30. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.~~

~~49-31. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of four acres to be used for recreational vehicle storage for the exclusive use of Livingston FCI MPUD residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation~~

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Comment [CB18]: No longer used.

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Comment [CB19]: LDC defines substantial or non-substantial modification. No need for this condition.

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~~Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan.~~ The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

Procedures

50-32. A disclosure statement regarding the construction of all future roadways abutting and through the MPUD Master Planned Unit Development shall be included in all sales contracts for residential and nonresidential sales with the MPUD Master Planned Unit Development. This disclosure shall include the future roadway's number of lanes and construction timing, if applicable.

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51-33. 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.

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52-34. 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.

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53-35. 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 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.

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~~54. 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 density and 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.~~

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~~In the event the Route Studies alter proposed road alignments or the School Board releases the School site, the developer shall submit a revised MPUD Plan to reflect such events, for approval by the Zoning Administrator.~~

55-36. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase

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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.

~~56. Development shall occur in accordance with the LDC, Section 402, Concurrency Management System.~~

~~57. Rezoning of this property with conditions does not relieve any developer of responsibilities under state law, including, but not limited to, Development of Regional Impact requirements under Chapter 380, Florida Statutes.~~

58.37. 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.

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Comment [CB20]: Required by Code.

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OWNER/DEVELOPER ACKNOWLEDGMENT:

The owner/developer acknowledges that they have 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)

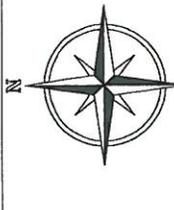
I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owner/developer, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein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

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

My commission expires:

(Date)

Notary Public, State of _____ at
Large)



SCALE: 1" = 300'
 REVISIONS: 6-25-2015
 REVISIONS: APRIL 14, 2006
 REVISIONS: MAY 19, 2006
 REVISIONS: JULY 28, 2009
 REVISIONS: MARCH 7, 2011



VICINITY MAP
 PASCO COUNTY, FLORIDA
 SECTION 9, 16, & 17 TOWNSHIP 28 SOUTH,
 RANGE 19 WEST

- LEGEND**
- APPROPRIATE WETLAND LIMITS
 - PROJECT BOUNDARY
 - INTERNAL NON-FRONTED ROAD
 - PASCO COUNTY WETLAND CATEGORY I, II, III
 - WETLAND AREA
 - MAJOR ACCESS POINT
 - MINOR ACCESS POINT
 - WETLAND IMPACTS
 - WETLAND MITIGATION
 - CONTOUR LINES
 - PRE-DEVELOPMENT DRAINAGE PATTERN

WETLAND CLASSIFICATION SUMMARY

CLASS I	0 AC
CLASS II	+/- 62.13 AC
CLASS III	0 AC
TOTAL*	+/- 62.13 AC

Project Specific Data:

Est. Total Project Area:	+/- 161.99 ac.
Estimated Wetland Area:	+/- 62.13 ac.
Est. Upland (Developable) Area	+/- 99.86 ac.

PARCEL DATA

Community Parcel	Development Time Frame	Total Area (±) Ac.	Percentage of Total Site	Upland Area (±) Ac.	Wetland Area (±) Ac.	Pond Area (±) Ac.	Unit Type	Max. Unit Count	Net Density
A	2007-2011	12.9 AC	8.2%	12.9 AC	0 AC	0 AC	Townhomes	60	8.5 U/AC
B	2007-2011	23 AC	17.5%	14.8 AC	3.9 AC	2.3 AC	S.F.	60	8.5 U/AC
C	2007-2011	99.9 AC	62.6%	18.7 AC	59.8 AC	10.8 AC	S.F.	34	5.7 U/AC
D	2007-2011	18.7 AC	11.7%	18.7 AC	0 AC	7.8 AC	S.F.	50	5.7 U/AC
TOTAL		154.3 AC	100.0%	116.3 AC	42.8 AC	17.5 AC	N/A	317	N/A

Note: The information above is preliminary and subject to final calculation pending wetland delineation and final design.

PRODUCT DISTRIBUTION CHART

COMMUNITY PARCEL	LAND USE DESCRIPTIONS	MIN. LOT WIDTH	MIN. LOT DEPTH	MIN. LOT AREA
A	RESIDENTIAL COMMUNITY TOWNHOMES/F	18'	56'	1,026 SF
B	RESIDENTIAL COMMUNITY TOWNHOMES/S	18'	56'	1,026 SF
C	RESIDENTIAL COMMUNITY SINGLE FAMILY	50'	110'	5,500 SF
D	RESIDENTIAL COMMUNITY SINGLE FAMILY	50'	110'	5,500 SF

LEASED PROPOSED ALIGNMENT FOR BALLOON RD

Discussions with County Most recent road alignment to be shown at time of engineering

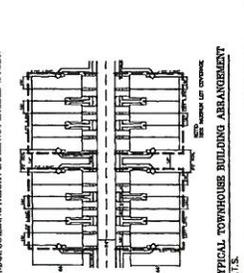
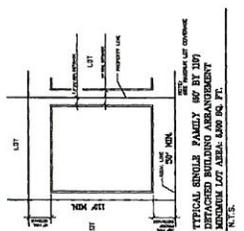
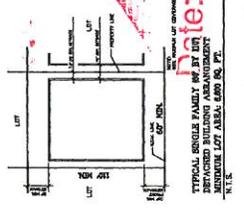
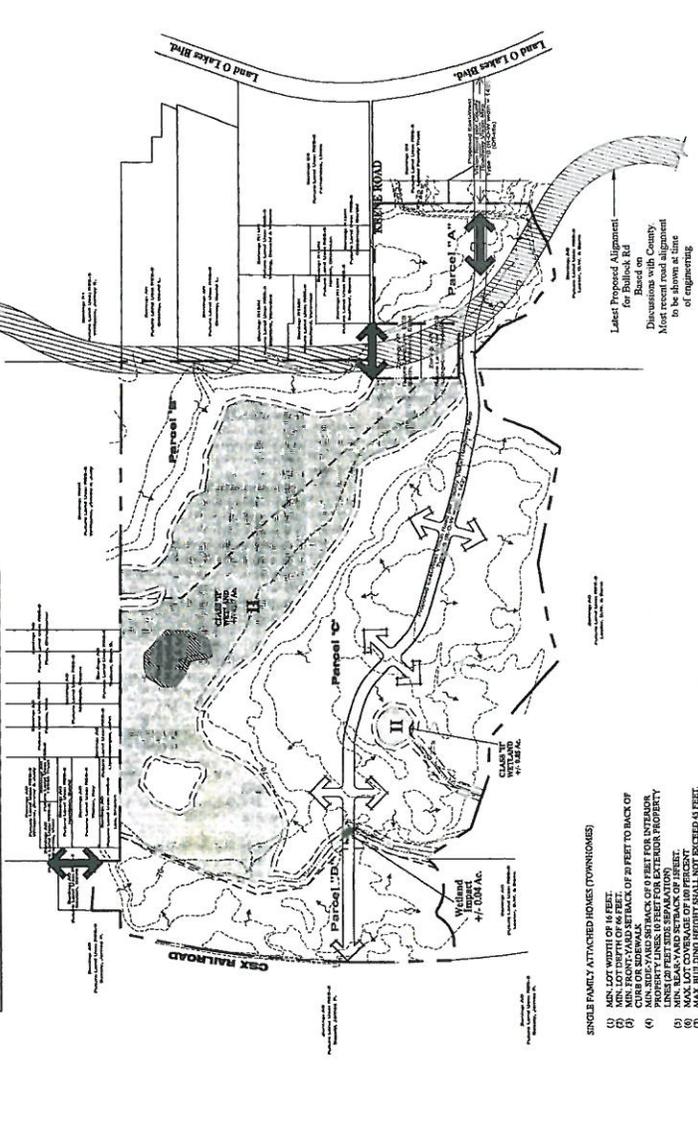
Parcel	Area
Parcel A	1,026 SF
Parcel B	1,026 SF
Parcel C	5,500 SF
Parcel D	5,500 SF

NOTES AND DENSITY CALCULATIONS

SUB-DATA
 Total Project Acreage: +/- 161.99 Ac.
 Total Wetland Acreage: +/- 62.13 Ac.
 Total Upland Acreage: +/- 99.86 Ac.

Maximum residential units permitted: 317
 Total Park Acres to be provided: +/- 31.17 Acres
 Total Open Space Permitted: +/- 46.24 Acres
 Wetland Acres +/- 62.13 Acres
 62.13 Acres +/- 31.17 Acres = +/- 66.83 Acres
 *Wetlands are estimated & require final delineation & surveying.

OPEN SPACE CALCULATIONS
 Total Park Acres to be provided: +/- 31.17 Units
 Total Open Space Permitted: +/- 46.24 Acres
 Wetland Acres +/- 62.13 Acres
 62.13 Acres +/- 31.17 Acres = +/- 66.83 Acres
 *Wetlands are estimated & require final delineation & surveying.



LEGAL DESCRIPTION (By Other)

As per the plat of Section 9, 16, & 17 Township 28 South, Range 19 West, Pasco County, Florida, recorded in Public Records of Pasco County, Florida, Book 10, Page 1, the subject property is described as follows: ...

GENERAL NOTES

- Property Owners: Parde Citrus Investment, Inc. 1000 W. Hillsborough Avenue, Tampa, Florida 33606.
- Attorney: Charles G. Hobbs Esq. 109 N. Beach St., Suite 250 Tampa, FL 33602 (813) 221-3338
- Engineer: Armando Cabre, P.E. Cabre Engineering, LLC 602 1/2 South Boulevard (813) 917-4297
- Wetlands are estimated and will require final delineation and engineering development in accordance with this plan, lotline and applicable laws and regulations.
- The project is located within the following utilities service area: Electric: Whitehorse River Electric Coop The Service Area Center has been determined and shall be adjusted to accommodate the meter absorption. Gas: The property is currently within the "AC" Zoning District. Sewer: The property is currently within the following "Future Land Use" designation RES-3.
- Total Open Space (INCLUDING WETLANDS/IMPACTS/IMPACTS) is approximately 46.24 AC. Minimum of 3.8 AC, in accordance with the LDC, based on 317 units.
- Minor access point locations along Krome Road, and the proposed easement, are shown. The easement and any other engineering design.

MASTER PLANNED UNIT DEVELOPMENT
FCI SITE
 PASCO COUNTY, FL

Prepared for: Oscar Investment 1201 W. Hillsborough Avenue Tampa, FL 33603 Telephone: (813) 237-6329

Revised by: Cabre Engineering, LLC 1000 W. Hillsborough Avenue Tampa, Florida 33606 Telephone: (813) 237-6329

Legal Counsel: Charles G. Hobbs Esq. 109 N. Beach St., Suite 250 Tampa, FL 33602 Telephone: (813) 221-3338

Zoning Dept. Approved
Non-substantial Modification

Date: 1/15/15

For compliance with the applicable Pasco County Land Development Code.