



**BOARD OF COUNTY COMMISSIONERS
AGENDA MEMORANDUM**

COMMISSION DISTRICT: 3

FILE NO.: PDD16-7169

DATE: 4/0427/16

SUBJECT: MPUD REQUEST (REGULAR) - Holiday Residential MPUD Master Planned Unit Development – Bartley L. Mickler Revocable Inter Vivos Trust and the Estate of Elaine E. Mickler – Request for a Rezoning to an MPUD to Allow 60 Single-Family Detached Units and Alternative Standard Request - No funding Required (Public Hearing: April 26, 2016, at 1:30 p.m., NPR)

REFERENCE: Continued from December 15, 2015; January 26, 2016; and February 24, 2016 BCC hearings)

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

FROM: Denise Hernandez, Customer Service Manager, Planning and Development (Zoning and Intake)

STAFF: Corelynn Burns, Planner II

RECOMMENDED COMMITTEE ACTION:

Approve the MPUD rezoning request and Alternative Standard request, subject to the attached rezoning conditions of approval and to authorize the Chairman to sign and execute four original Resolutions and direct the Board Records Department to distribute as set forth below under the Distribution section.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS:

Proposed is a rezoning request from an A-C Agricultural District to an MPUD Master Planned Unit Development District to allow 60 single-family detached dwelling units on 80 acres, m.o.l.

The applicant is also requesting an Alternative Standard from Section 901.4.F.1.b of the Land Development Code (LDC) to allow the applicant to pay in lieu of mitigation of the substandard road (Strauber Memorial Highway).

The property is located on the north side of Strauber Memorial Highway approximately 1,357 feet east of Baillies Bluff Road (Parcel ID Nos. 23-26-15-0000-00200-0000 and 23-26-15-0000-00200-0010).

Commission District:	The Honorable Kathryn Starkey
Project Name:	Holiday Residential
Applicant's Name:	Bartley L. Mickler Revocable Inter Vivos Trust and the Estate of Elaine E. Mickler
Zoning District:	MPUD
Future Land Use Classification:	RES-6 (6 du/ga)
Water/Sewage:	Pasco (Central)
Flood Zone:	"VE", "AE" and "X"
No. of Dwelling Units:	60
Type of Dwelling Units:	Single-Family Detached
Roads/Access:	Internal (Private)/External (Public)

The property has an original zoning of A-C Agricultural.

FINDINGS OF FACT:

1. Presently, the subject site contains one single-family residence.
2. The surrounding zoning district/use is as follows:

<u>Zoning District</u>		<u>Existing Use</u>	<u>Future Land Use</u>
North:	N/A	Gulf of Mexico	N/A
South:	MPUD (Key Vista)	Residential	RES-6
East:	A-C Agricultural	Wetlands (Category I)/ Coastal	RES-6
West:	R-2 (Single-Family)(Sand Bay) and A-C Agricultural	Wetlands/Coastal and Single-Family Residences	RES-6

3. A significant portion of the property (approximately 50 percent) is wetlands leaving the proposed homes clustered in an upland area containing roughly 25 acres. The proposed density on only the upland acreage is 2.4 dwelling units per acre.
4. It has been determined that the proposed development would not be able to provide interconnections to abutting properties to the east and west due to existing constraints. To the west lies an existing subdivision with no connection points and to the east are Category I wetlands.
5. The development is proposed to be a gated community with private streets operated and maintained by a Homeowner's Association or other entity.
6. On November 5, 2008, the Board of County Commissioners approved the addition of the Mickler Coastal Property to the Environmental Lands Acquisition and Management Planning (ELAMP) Acquisition List (Memorandum No. ELA09-002). In 2009, ELAMP made an offer to purchase the property but was not accepted by the seller. In 2014, ELAMP started re-negotiating for the purchase of the property but terms on the purchase price could not be agreed upon.
7. The applicant held a neighborhood meeting on October 17, 2015, to discuss the proposed development. Some of the major items discussed were:
 - Stormwater
 - Environmental
 - Traffic
8. After the November 19, 2015, Development Review Committee hearing, two eagle nests were located on the property. Staff and the applicant had extensive discussion to create conditions of approval regarding the protection of the eagles and their nests. Those conditions have been added to the conditions of approval as condition numbers 5, 6, 7, and 8. The location of the nests has been conceptually provided on the master plan.

9. The proposed request is consistent with the Pasco County LDC, Chapter 400, Subsection 402.2 Zoning Amendment - MPUD Master Planned Unit Development, and with the applicable provisions of the Pasco County Comprehensive Plan.

ALTERNATIVE STANDARDS REQUEST:

The applicant has requested a specific alternative standard from the following provision of the LDC to be considered as a part of the modification:

Section 901.4.F.1.b, Substandard Roadway Analysis and Mitigation: Mitigation; For Projects Conducting Analysis, which, if approved, would relieve the applicants/ developers of mitigating (improving) for its proposed development that exceeds the maximum entitlements of the existing zoning, and instead provide a payment for the substandard road.

Applicants' Request:

The applicant states: "Strauber Memorial Hwy. is a substandard road in regards to pavement width. It is infeasible to construct the roadway to the required width; therefore the Alternate Standard is being requested to allow payment in lieu of the improvements that would otherwise be required in accordance with LDC Section 904.4.F.1.B."

Relief is being sought pursuant to the LDC, Section(s) 407.5.B.1 and 2 as the purpose for the alternative standards which reads as follows:

1. The alternative standard meets or exceeds the intent and purpose of the Code requirement at issue.

The applicant states: "Lane width is adequate for safe travel."

2. No feasible engineering or construction solutions can be applied to satisfy the regulation.

The applicant states: "Expanding the lane is infeasible because of the following issues that would be created: Mismatched roadway dimensions along this link of Strauber Memorial. Unsafe grad transitions on the south side of the road. Potential drainage issues associated with the increased impervious area and fill."

3. The alternative standard does not adversely affect compliance with other code provisions, development order(s), or permit(s).

The applicant states: "Correct – The Alternate Standard does not adversely affect compliance with other applicable regulations."

4. The alternative standard is not in conflict with other mandatory substantive requirements of local, State, or Federal law.

The applicant states: "Correct – The Alternate Standard does not adversely affect compliance with other applicable regulations."

5. The alternative standard is consistent with the applicable provisions of the comprehensive Plan.

The applicant states: "Correct – The Alternate Standard does not adversely affect compliance with other applicable regulations."

STAFF'S ANALYSIS:

Staff has reviewed the applicant's request and recommends approval. Approval of the alternative standard would allow the applicant to pay in lieu of mitigation for the substandard road (Strauber Memorial Highway) in accordance with the below cost estimate approved by Project Management:

UNIT	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
SY	192	3" Type S-1 Asphalt	\$15.00	\$2,880
SY	192	8" Crushed Concrete Base	\$12.00	\$2,304
SY	319	12" Stab. Sub-base (Includes Shoulder)	\$4.00	\$1,276
SY	1,500	1" Type S-1 Asphalt Overlay	\$7.00	\$10,500
LS	1	Striping	\$3,000.00	\$3,000
TOTAL				\$19,960

NOTES:

- (1) Asphalt and base quantities based on 3ft pavement widening over 575 LF of from Gulf Trace Blvd to the project entrance
- (2) Sub-base quantities based on pavement expansion and an additional 2ft of shoulder over the same lineal footage
- (3) Overlay quantity based on 1" asphalt over the 24ft pavement section along the entire 575 LF roadway improvement limits

Because the project is increasing entitlements, a rezoning to an MPUD was required. The MPUD requires that a substandard road application be submitted, and in this case, a substandard road analysis was necessary. The development was found to be responsible for a segment of substandard road which runs from the projects entrance (shown on the master plan) to Gulf Trace Boulevard. Staff determined that this was a relatively short segment with no plans to widen Strauber Memorial Highway in the future. Further, there are existing constraints such as existing platted subdivisions and marshes along Strauber Memorial that would hinder any widening of this roadway.

DEVELOPMENT REVIEW COMMITTEE ACTION: (11/19/15)

Approved Staff Recommendation

BOARD OF COUNTY COMMISSIONER ACTION: (4/26/16)

Approved DRC Recommendation _____ Nays/ 5 Ayes

FISCAL IMPACT/COST/REVENUE STATEMENT:

Funding is not required for this recommendation.

DISTRIBUTION:

Board Records Department to distribute as set forth below:

1. Retain One Original
2. One Original to Planning and Development Department
Attention: Denise B. Hernandez, Customer Service Manager (Zoning and Intake)
Planning and Development Department
3. One Original to Pasco County Property Appraiser
Attention: Vicki Lewis, Senior Land Records Analyst
4. Mail One Original to:
Barbara Wilhite, P.A.
2523 Permit Place
New Port Richey, FL 34655
Telephone (727) 942-0733

ATTACHMENT(S):

1. Location Map
2. Resolution
3. Exhibits A, B and C
4. Alternative Standard Request
5. Public Notice

DR/KH/DH/CB/cb/G:\DevSvcs Documents\SITE PLANS REVIEW\HOLIDAY RESIDENTIAL MPUD\
SUBMITTALS\MPUD\BCC\BCC agenda-4-26-16.docx

**RESOLUTION AMENDING ZONING CLASSIFICATION OF
PROPERTY DESCRIBED IN REZONING PETITION NO. 7169
FOR AN MPUD MASTER PLANNED UNIT DEVELOPMENT.**

WHEREAS, the Board of County Commissioners of Pasco County, after due public notice, held a public hearing on April 26, 2016, on Rezoning Application No. 7169 which included an Alternative Standard Request from Section 901.4.F.1.b of the Land Development Code (LDC); and

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

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

FINDINGS OF FACT

1. The subject parcel has an original zoning of A-C (Agricultural).
2. Presently, the subject site contains one single-family residence.
3. A significant portion of the property (approximately 50 percent) is wetlands leaving the proposed homes clustered in an upland area containing roughly 25 acres. The proposed density on only the upland acreage is 2.4 dwelling units per acre.
4. It has been determined that the proposed development would not be able to provide interconnections to abutting properties to the east and west due to existing constraints. To the west lies an existing subdivision with no connection points and to the east are Category I wetlands.
5. The development is proposed to be a gated community with private streets operated and maintained by a Homeowner's Association.
6. On November 5, 2008, the Board of County Commissioners approved the addition of the Mickler Coastal Property to the Environmental Lands Acquisition and Management Planning (ELAMP) Acquisition List (Memorandum No. ELA09-002). In 2009, ELAMP made an offer to purchase the subject property but the offer was not accepted by the seller. In 2014, ELAMP started re-negotiating for the purchase of the property, but terms on the purchase price could not be agreed upon.
7. The applicant held a neighborhood meeting on October 17, 2015, to discuss the proposed development with residents. Some of the major items discussed were:

- Stormwater
- Environmental
- Traffic

8. The applicant has requested a specific alternative standard to be heard concurrently with this rezoning. The request is from the provision of the Land Development Code Section 901.4.F.1.b, Substandard Roadway Analysis and Mitigation, which, if approved, would relieve the applicants/developers of improving the substandard roadway conditions on Strauber Memorial Highway, and instead provide a payment equivalent to the estimated cost of improving the substandard roadway conditions on Strauber Memorial Highway. The alternative standard request and staff's analysis is part of agenda memorandum number PDD16-7169, dated November 19, 2015 to the BCC.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled, this 26th day of April, 2016, that the zoning classification of the following described real property is hereby amended to an MPUD Master Planned Unit Development, subject to the conditions of approval and master plan for the Holiday Residential MPUD as set forth in Exhibits B and C attached hereto and made part hereof.

DONE AND RESOLVED this 26th day of April, 2016.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

ATTEST:

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

KATHRYN STARKEY, CHAIRMAN

EXHIBIT A
LEGAL DESCRIPTION

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EXHIBIT A

RZ-7169

Govt Lot No 2, being the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 23, T26S, R15E, Pasco Co, FL.

EXHIBIT B
CONDITIONS OF APPROVAL

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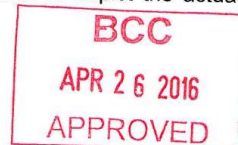
**HOLIDAY RESIDENTIAL
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 7169**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted on August 10, 2015, and November 3, 2015, the Land Development Code (LDC), and the Comprehensive Plan unless otherwise stipulated or modified herein.

Environmental

2. Prior to the first Preliminary Development Plan (PDP) approval, the applicant and all subsequent developers shall submit to the County Biologist and the Planning and Development Department (PDD) an FDEP-approved plan which follows the 1996 Mangrove Trimming and Preservation Act and protects the on-site mangroves. The mangrove plan shall be included in the articles of formation of the Homeowners' Association. The developers, initially, and the HOA, subsequently, shall provide all potential buyers with a copy of the mangrove plan and shall ensure that owners and residents abide by the plan.
3. Prior issuance of a hard copy Site Development Permit, the applicant and all subsequent developers shall coordinate with Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) to ensure all state and federally protected species regulations are met by the applicant. Any resulting species specific surveys and/or management plans shall be submitted for review and approval by FFWCC, USFWS and County Biologist.
4. Prior to issuance of the Site Development Permit, the applicant and all subsequent developers shall submit to the PDD a copy of the SWFWMD Environmental Resource Permit.
5. Bald Eagle Nests shall be protected in accordance with the federal Bald and Golden Eagle Act, the state Bald Eagle Rule F.A.C. 68A-16.002, and the state Bald Eagle Management Plan Guidelines and any required permits. If a Bald Eagle Disturbance Permit is obtained, all proposed development shall follow permit conditions.
6. The 660-foot and 330-foot Eagle Nest Protection Areas and the 660-foot and 330-foot Potential Eagle Nest Protection Areas as shown on the Master Plan are only conceptual. The actual protection area(s), if any, shall be in accordance with the federal Bald and Golden Eagle Act, the state Bald Eagle Rule F.A.C. 68A-16.002, and the state Bald Eagle Management Plan Guidelines and any required permits. The actual protection area(s), if any, shall be depicted on the Preliminary Development Plan. No modification to the MPUD Master Plan will be required to depict the actual protection area(s).



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DRC 11/19/15
BCC 4/26/16
Rev 4/06/16

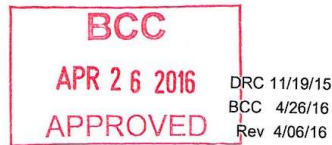
7. Prior to preliminary development/site plan approval, the applicant and all subsequent developers shall coordinate with and follow the guidelines of FFWCC to determine if a Bald Eagle Disturbance Permit is required. If such a permit is required, submit a copy of the FFWCC-approved permit and Bald Eagle Management Plan to the PDD and County Biologist.
8. All plans (preliminary, site, construction, etc.) shall include Condition 5 in their notes.
9. If, during construction activities, any evidence of the presence of State and/or Federally protected plant and/or animal species is discovered that would result in a take, work shall come to an immediate stop, and Pasco County shall be notified within two working days. Work may resume if construction activities are consistent with state and/or federal rules, guidelines and/or all pertinent permits have been obtained.
10. If the applicant or any subsequent developers propose a dock(s), or boardwalk(s), then prior to or concurrent with the first PDP the applicant and all subsequent developers shall clearly propose a single, specific design, so that conditions may be based on the details of that design, including bathymetric data and planned vessel ingress and egress. Proposed boat docks shall meet Florida state standards and criteria found in Florida Administrative Rule 18-21.004(1)(n), (3)(d), and (4)(a-g.) When applying for state or federal permits, the same plans, notes and narrative submitted to Pasco County shall be submitted, including the single, specific dock/boardwalk design.
11. If mooring (i.e., a long-term or semi-permanent method of securing a vessel to a fixture) remains a part of the design, then prior to or concurrent with the first PDP, the applicant and all subsequent developers shall provide, at a minimum, dredging and flushing analyses and state and federal authorization.
12. Wetlands shall be defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1. Jurisdictional wetland lines shall be delineated in accordance with and verified by the responsible regulatory agency or agencies.
13. All wetlands, and all wetland buffers shall be platted outside of lots and shown as "Wetland Conservation Areas" on all plans and plats. Permissible uses of the Wetland Conservation Areas shall be those uses allowed by SWFWMD or other regulatory agencies. Concurrent with platting, all wetlands shall be deeded, as Wetland Conservation Areas, to the Homeowners' Association, who shall maintain these Wetland Conservation Areas in their natural form in perpetuity. The Homeowners' Association shall pay taxes, if any, on the Wetland Conservation Areas.
14. All boardwalks, docks, and/or mooring shall be approved by applicable agencies including: SWFWMD, Department of Environmental Protection (DEP), and/or USACE. The applicant shall not alter, impact, develop, or encroach on the Category I Wetlands or 25 ft. upland buffer except for where the agency-approved boardwalk, dock, or mooring is authorized by an approved permit.



Open Space/Buffering

15. The developer shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the State of Florida, Secretary of State, or, if approved, by the BCC, a Community Development District (CDD) shall encompass the entire boundaries of the MPUD 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 State of Florida, Secretary of State, restrictive covenants, and all exhibits shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.
16. To the extent not inconsistent with requirements of issued permits/approvals from regulatory agencies with jurisdiction, maintenance and prohibited activity within the wetlands and upland buffers shall be specifically defined in said documents; that the buffers retain the existing undisturbed vegetation and remain in their undisturbed condition except for planting of native vegetation, removing invasive vegetation, controlling and removing litter from the wetlands and upland buffers, and maintenance of features allowed.
17. The developer shall provide a ten foot landscape buffer tract equivalent to a Type "B" landscape buffer along the western boundary of the development as depicted on the approved master plan. The developer shall leave the existing vegetation along the western boundary (with the exception of exotic or invasive species which are required to be removed) to act as a buffer between properties. Further, the developer shall show a ten foot wide landscape buffer tract on the PDP/construction plans and shall be platted as a tract.
18. The neighborhood parks as depicted on the master plan are conceptual only and have not been reviewed or approved for consistency with the LDC, Section 905.1, Neighborhood Parks. Specific review and approval of the neighborhood parks will be conducted at each PSP/PDP review. Neighborhood parks' green space greater than or equal to one-half acre may be counted toward the neighborhood park acreage requirement. This does not alleviate the developer from providing the required neighborhood park's total acreage, or other requirements from the LDC Section 905.1, Neighborhood Parks.

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Transportation/Circulation

Access Management

19. The access points shown on the master plan are conceptual only. Permanent placement of each access point shall be determined at the time of review with the corresponding PSP/PDP and shall meet established access-management criteria. Based on the corresponding PSP/PDP, the County Administrator, or designee, DRC, or BCC may impose additional conditions on the applicant/developer.
20. At each PDP/PSP approval, the County Engineer, or designee, may require site-specific intersection improvements. Intersection improvements shall be in accordance with the LDC and Access Management Standards as amended.
21. Construction traffic, both site and building related, shall be identified on the preliminary development/preliminary site plan/construction plans for review and approval. Prior to issuance of the Hard Copy Site Development Permit, the developer(s) shall be responsible for conducting a condition survey and videotaping the construction route. Upon completion of construction, the developer(s) shall be responsible for restoring the construction route to an equal or better condition. To guarantee the restoration of the construction route pavement to an equal or better condition, a Performance Guarantee shall be posted which shall remain in full force and effect until completion of all construction. The amount of the Performance Guarantee shall be based upon an estimate from the developer's engineer of record and shall be subject to approval by the County Engineer.

Substandard Roads

22. A Substandard Road Analysis was prepared which demonstrated that the section of Strauber Memorial Highway providing access does not to meet Pasco County minimum standards for lane width and shoulder width. Prior to the first record plat, in lieu of repaving Strauber Memorial Highway from the project driveway to Gulf Trace Boulevard, the applicant shall pay an Engineers Estimate of Probable Cost for said improvements in the amount of \$19,960.00, as approved by the County Engineer or designee. This cost is based on 2015 dollars, and shall be indexed by the Florida Department of Transportation construction cost index from January 1, 2016, to the date of payment.

Dedication of Right-of-Way

23. Street connections and/or rights-of-way to the west and east properties shall not be required due to existing constraints on the abutting properties. To the west is an existing subdivision with no possible connection(s) and to the east are Category I wetlands. An alternative standards request shall not be required to be submitted with the PDP.
24. Private streets shall be dedicated and maintained by an appropriate entity other than the County (HOA/CDD). Pasco County will not be responsible for the maintenance of any private streets.



25. 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 the County, the required amount of right-of-way to achieve 71 feet of right-of-way from the centerline of construction of Strauber Memorial Highway for a distance of 714 feet as measured from the eastern boundary to the west and the remaining to be a total of 50 feet of right-of-way as measured from the centerline of construction (Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

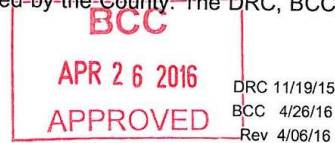
In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another 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 Strauber Memorial Highway 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, permanent slope easements (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 Strauber Memorial Highway, 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.

26. 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

27. The timing and phasing application submitted by the applicant assumes the following land uses: 60 single family residential units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated Timing and Phasing Analysis utilizing a methodology approved by the County. The DRC, BCC,

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or County Administrator or designee, may impose additional conditions on the applicant or developer based on the updated County-approved Timing and Phasing Analysis.

28. The entire project must be platted by December 31, 2022, or an updated timing and phasing analysis utilizing a methodology approved by Pasco County shall be required. Additional conditions based upon the updated timing and phasing analysis may be imposed by the County.
29. Prior to the first record plat, the developer shall construct a minimum six-foot wide sidewalk along the entire front of the proposed development, commencing at the terminus of the existing sidewalk to the west and parallel to Strauber Memorial Highway and continuing adjacent and parallel to Strauber Memorial Highway. This sidewalk shall include an enhanced pedestrian crossing to connect to the existing eight-foot path on the west side of Gulf Trace Boulevard. Crosswalk markings shall be in accordance with Florida Department of Transportation (FDOT) 2014 Design Standards Index No. 17346 – SPECIAL EMPHASIS CROSSWALK MARKINGS. Additionally, Rectangular Rapid Flashing Beacons activated by sidewalk/trail users shall be installed in accordance with FDOT, Federal Highway Administration (FHWA) and Manual on Uniform Traffic Control Devices (MUTCD) standards and guidelines.
30. The developer may submit an overall pedestrian/bike path plan to the Planning and Development Department for approval prior to approval of the first preliminary development plan/PSP, which provides a path circulation in accordance with the Pasco County LDC, as amended, or an alternative method acceptable to the DRC, and in compliance with the handicapped provisions of Section 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.
31. As provided in Chapter 190, Florida Statutes, and subject to the BCC's separate approval, the CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD that are identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the County or School Board (Public Properties) that are located within the boundary of the CDD. All applicable documents pertaining to the undertaking of funding and construction by the CDD shall reflect the following:
 - a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.
 - b. No debt or obligation of such CDD shall constitute a burden on any Public Property.



Utilities/Drainage/Water Service/Wastewater Disposal

32. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first PDP/construction plan/construction plan. This utility plan shall show, at a minimum, the following:
 - a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and non-potable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a non-potable water system for irrigation.
 - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. Utilities Services Plan shall include *AutoCAD* and PDF electronic files and hydraulic analysis for the water, wastewater, and reclaimed water systems and shall be in conformance with the Utilities Services Plan guidelines implemented by the Utilities Services Branch.
33. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
34. The developer shall construct all water and wastewater facilities within the development to current County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
35. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, and then only for so long as such a production failure or shortfall exists, the developer/owner shall transfer to the County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within the subject property, provided that the same are not needed to continue any existing agricultural uses on the subject property, in which case, such transfer shall not be required as long as such agricultural uses are active.
 - b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

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Page 7 of 10



DRC 11/19/15
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Rev 4/06/16

Land Use

36. The residential dimensional standards are as follows:
- (1) Minimum Lot Width of 55 Feet*
 - (2) Minimum Lot Depth of 110 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet From Residence**
25 Feet From Garage
 - (4) Minimum Side-Yard Setback of 7.5 Feet
 - (5) Minimum Rear-Yard Setback of 15 Feet
 - (6) Maximum Height of 45 Feet***
 - (7) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure

*Lots abutting the western property line shall have a minimum width of 80 feet

**Lots with more than one front may reduce one front yard setback to no less than 15 feet.

***35 feet for habitable area as measured from the established base flood elevation level per the definitions in the LDC for Building, height of.

37. Any landscape buffers are to be located within easements or tracts for residential or multiple-family developments, and cannot be counted toward the minimum setback requirements. The applicable side- or rear-yard setback shall be measured from the landscape buffer easement or tract line.
38. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
39. The maximum density set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable County ordinances and resolutions.
40. 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.
41. The developer shall comply with the Hurricane Hazards pursuant to Section 1103 of the LDC.



Procedures

42. If the PDPs for the entire MPUD are not approved by December 31, 2022, the conditions of approval shall expire for those portions of the MPUD that do not have (unexpired) preliminary development plan or preliminary site plan approval. If the MPUD expires, a new MPUD must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and LDC in effect at that time.
43. 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.
44. A PDP/PSP must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. The maximum density of each increment shall not exceed the limits shown on the approved MPUD Plan.
45. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the **BCC approved** document is completed (including notarization) and received by the Planning and Development Department after the BCC action.
46. 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.

BCC
APR 26 2016
APPROVED

DRC 11/19/15
BCC 4/26/16
Rev 4/06/16

OWNER'S/DEVELOPER'S ACKNOWLEDGMENT:

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

05/10/16
Date

Gary M. Fernald
Signature

Gary M. Fernald
Print Name

Attorney Ad Litem
Title

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this May 10, 2016
(date), by Gary M. Fernald (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 n/a (type of
identification) as identification.

Seal:

Cheryl J. Rice
NOTARY
Cheryl J. Rice



EXHIBIT C
MASTER PLAN

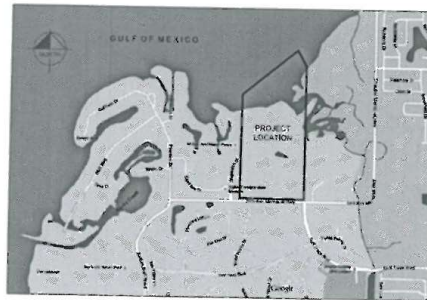


MPUD PLAN FOR HOLIDAY RESIDENTIAL

PARCEL ID: 23-26-15-0000-00200-0000, 23-26-15-0000-00200-0010
PASCO COUNTY, FLORIDA

SITE DATA TABLE

PARAMETER	VALUE	UNIT
Parcel ID	23-26-15-0000-00200-0000	Parcel
Parcel ID	23-26-15-0000-00200-0010	Parcel
Site Area	1.00	Acres
Lot Area	1.00	Acres
Lot Width	100.00	Feet
Lot Depth	100.00	Feet
Front Setback	10.00	Feet
Side Setback	10.00	Feet
Rear Setback	10.00	Feet
Minimum Lot Area	1.00	Acres
Minimum Lot Width	100.00	Feet
Minimum Lot Depth	100.00	Feet
Minimum Front Setback	10.00	Feet
Minimum Side Setback	10.00	Feet
Minimum Rear Setback	10.00	Feet
Minimum Lot Area	1.00	Acres
Minimum Lot Width	100.00	Feet
Minimum Lot Depth	100.00	Feet
Minimum Front Setback	10.00	Feet
Minimum Side Setback	10.00	Feet
Minimum Rear Setback	10.00	Feet
Minimum Lot Area	1.00	Acres
Minimum Lot Width	100.00	Feet
Minimum Lot Depth	100.00	Feet
Minimum Front Setback	10.00	Feet
Minimum Side Setback	10.00	Feet
Minimum Rear Setback	10.00	Feet



- NOTES**
1. THIS PLAN IS A PRELIMINARY PLAN. THE FINAL PLAN SHALL BE SUBMITTED TO THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS FOR APPROVAL.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AND THE PASCO COUNTY ENGINEER.
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FIRM DATA

PREPARED BY
Engineering - Environmental
Water Resource

SERVICE PROVIDERS

OWNER / APPLICANT
HOLIDAY RESIDENTIAL

ENGINEER

4260 W. Loughbough Ave.
Tampa, Florida 33614
3041 Cooper Creek Blvd., Suite 210
University Park, Florida 34291
www.waterengineering.com
Phone: 813-255-3100 Fax: 813-255-3121



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LEGAL DESCRIPTION

THE LEGAL DESCRIPTION OF THE PROPERTY IS AS SHOWN ON THE PLAT OF THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS, DATED 10/15/2010, AND IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS THEREON.

DRAWING INDEX

G-001 COVER SHEET
G-002 MPUD PLAN

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BCC
APR 26 2016
APPROVED

