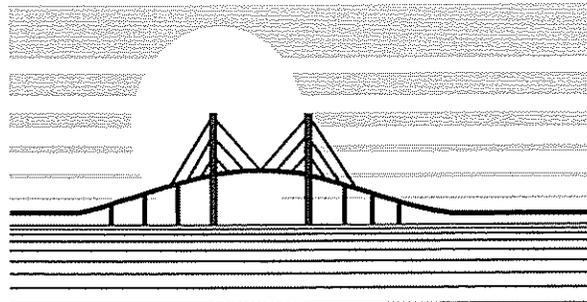


# FINAL REPORT

DRI #252

## Cypress Creek Town Center Pasco County



*Tampa Bay Regional Planning Council*

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Phone (727) 570-5151 Suncom 513-5066 FAX (727) 570-5118  
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REPORT ADOPTED: April 12, 2004

**DRI #252 - CYPRESS CREEK TOWN CENTER  
PASCO COUNTY**

**Table of Contents**

**EXECUTIVE SUMMARY** ..... i

**SECTION I - INTRODUCTION**

Applicant Information ..... 1  
Chronology of Project ..... 2  
Project Description ..... 2  
Development Area ..... 3  
Summary of Project Benefits and Impacts ..... 4  
Maps  
    1. General Location Map ..... 5  
    2. Master Development Plan Map ..... 6  
    3. Natural Resources of Regional Significance Map ..... 7  
    4. Outstanding Florida Waters Proximity Map ..... 8

**SECTION II - REGIONAL IMPACTS**

Transportation ..... 9  
Vegetation, Wildlife and Wetlands ..... 10  
Water Quality and Stormwater Management ..... 14  
Soils ..... 17  
Floodplains ..... 18  
Water Supply ..... 18  
Wastewater Management ..... 20  
Solid Waste/Hazardous Waste/Medical Waste ..... 21  
Air Quality ..... 22  
Affordable Housing ..... 23  
Police and Fire Protection ..... 23  
Recreation and Open Space ..... 24  
Education ..... 24  
Health Care ..... 24  
Energy ..... 25  
Historical and Archaeological ..... 26  
Economy ..... 26

**SECTION III - DEVELOPER COMMITMENTS**

General ..... 29  
Vegetation and Wildlife ..... 30  
Wetlands ..... 31  
Water Quality ..... 33  
Soils ..... 34  
Floodplains ..... 35  
Water Supply ..... 35  
Wastewater Management ..... 35  
Stormwater Management ..... 36  
Solid Waste/Hazardous Waste/Medical Waste ..... 37  
Transportation ..... 37  
Air Quality ..... 37  
Hurricane Preparedness ..... 37  
Recreation and Open Space ..... 37  
Health Care ..... 37  
Energy ..... 38

**SECTION IV - RECOMMENDED REGIONAL CONDITIONS**

Transportation ..... 39  
Vegetation, Wildlife and Wetlands ..... 45  
Water Quality and Stormwater Management ..... 47  
Soils ..... 49  
Floodplains ..... 49  
Water Supply ..... 50  
Wastewater Management ..... 51  
Solid Waste/Hazardous Waste/Medical Waste ..... 51  
Air Quality ..... 51  
Hurricane Preparedness ..... 52  
Police and Fire Protection ..... 52  
Recreation and Open Space ..... 52  
Education ..... 52  
Historical and Archaeological ..... 53  
General Conditions ..... 53

**SECTION V - REVIEW AGENCY COMMENTS**

Southwest Florida Water Management District  
Florida Department of Environmental Protection  
Florida Department of Transportation  
Tampa Bay Water  
Hillsborough County City-County Planning Commission  
City of Tampa  
TBRPC staff (Comprehensive Plan issues)

## EXECUTIVE SUMMARY

### DRI #252 - CYPRESS CREEK TOWN CENTER PASCO COUNTY

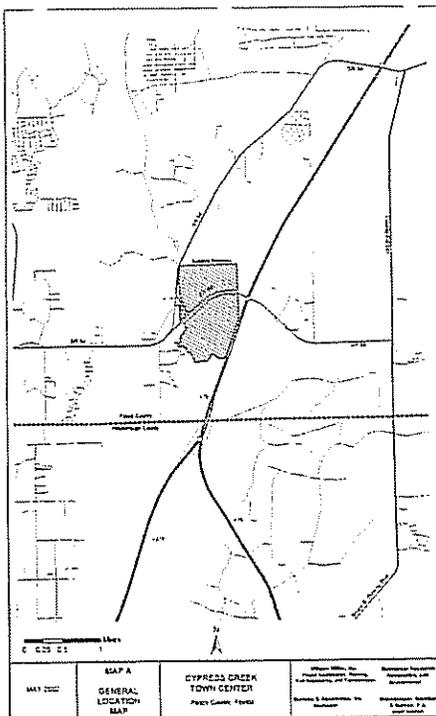
The applicant seeks approval to develop a 510± acre site in southern Pasco County, located immediately west of I-75 and bisected by S.R. 56. The project would consist of: 2.211 million square feet of retail space, 420,000 sq. ft. of office space, 630 multi-family residential units and 700 hotel rooms. The first (and larger) of the two project phases would be completed in 2008 and the second phase in 2011. The proposed phasing schedule and entitlements are identified on Page 2 of the Report. The applicant has requested approval for the entire project, except for Section 380.06, F.S., transportation and air quality analyses prior to specific approval of Phase 2 development. Such latter transportation review could result in Development Order Conditions specifying additional transportation improvements required for Phase 2 development. TBRPC recommends that mitigation activities associated with the proposed extensive wetland impacts be deemed “successful” by the Southwest Florida Water Management District prior to any Phase 2 approval.

While the location of the proposed development may be suitable from an economic geography perspective, the Tampa Bay Regional Planning Council (as well as other review agencies) remain concerned about several aspects of the proposal. Based on information received in the transportation analysis, the significant amount of impact proposed to Natural Resources of Regional Significance, and the lack of any wetland impact plan, TBRPC has proposed very stringent Development Order Conditions which must be adopted by Pasco County as a condition of this Council’s approval. In addition, other issues exist regarding the project. These include, but are not limited to, the following:

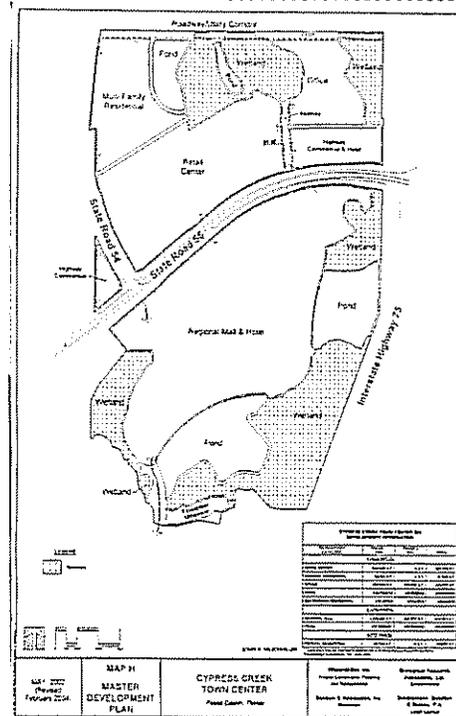
- **Transportation.** Several concerns over the applicant’s transportation analysis exist. An example is the 18.6 percent pass-by capture rate. The applicant had agreed to a maximum of 10 percent pass-by capture rate at the transportation methodology meeting.
- **Wetlands and Water Quality.** As currently proposed, the project would impact nearly 65 wetland acres (approximately 35 percent of on-site wetlands), much of which are designated as “Natural Resources of Regional Significance” by TBRPC. Rather than specifically identifying a plan for mitigation as required in the Development of Regional Impact review process, the applicant proposed to defer mitigation to the permitting process. TBRPC has proposed a series of recommendations concerning the establishment of a Ecosystem Improvement Plan and schedule for mitigation activities.
- **(In)Consistency with Pasco County Comprehensive Plan.** The intent of the approval of large development proposals is to ensure consistency of a tentative Development Order with the Local Government Comprehensive Plan. As currently proposed, the Cypress Creek Town Center is inconsistent with the adopted Pasco County Comprehensive Plan. The review of the DRI proposal and the proposed amendment to the Comprehensive Plan are intended (and required) to be coordinated in a manner that ensures consistency of the two governing documents. To date, the proposed Comprehensive Plan Amendment has not been submitted to TBRPC for review pursuant to Rule 9J-11, FAC.

- **(In)Consistency with Strategic Regional Policy Plan.** Upon incorporation of the Council's recommended conditions in a Cypress Creek Town Center Development Order, the Cypress Creek Town Center will be consistent with the Strategic Regional Policy Plan.
- **Other Agency Concerns.** Correspondence received from the Florida Department of Environmental Protection, the Florida Department of Transportation, the Southwest Florida Water Management District, Tampa Bay Water, the Hillsborough County City-County Planning Commission, the City of Tampa and TBRPC staff (Comprehensive Plan issues) are appended to this Report. Each identifies specific, significant concerns and/or recommendations for the project.

Based on the findings and the issues raised in this report, it is the recommendation of the Tampa Bay Regional Planning Council that Cypress Creek Town Center be approved only upon inclusion of all the recommended Development Order Conditions provided in this Report.



(For Larger Map  
see Page 5)



(For Larger Map  
see Page 6)

**SECTION I - INTRODUCTION**  
**DRI #252 - CYPRESS CREEK TOWN CENTER**  
**PASCO COUNTY**

This report is prepared in accordance with the Florida Land and Water Management Act, Chapter 380, Florida Statutes (F.S.), and in compliance with this legislation addresses the development's efficient use or undue burdening of public facilities in the region, as well as the positive and negative impacts of the development on economics and natural resources. The report presents the findings and recommendations of the Tampa Bay Regional Planning Council (TBRPC) based upon data presented in the Development of Regional Impact (DRI) application (ADA, and all Sufficiency Responses) as well as upon information obtained through on-site inspections, local and state agencies, outside sources and comparisons with local and regional plans. Policies cited in this report are from the Council's adopted policy document, *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region* (SRPP), adopted March 12, 1996, as amended.

<b>APPLICANT INFORMATION</b>	
<b>AUTHORIZED AGENT</b>	Mr. John R. Sierra, Jr. 509 Guisando De Avila, Suite 200 Tampa, FL 33613
<b>OWNER/APPLICANT</b>	Pasco 54 Ltd., Pasco Ranch, Inc. and Pasco Properties of Tampa Bay, Inc. 509 Guisando De Avila, Suite 200 Tampa, FL 33613
<b>LEGAL COUNSEL</b>	Biff Craine, Esquire Brickleymyer, Smolker & Bolves, P.A. 500 E. Kennedy Blvd., Suite 200 Tampa, FL 33602-4825
<b>DRI CONSULTANT</b>	Ms. Georgianne Ratliff Wilson Miller, Inc. 1101 Channelside Dr., Suite 400N Tampa, FL 33602
<b>ENVIRONMENTAL CONSULTANT</b>	Ms. Shirley Denton, C.E.P. Biological Research Associates, Inc. 3910 U.S. Hwy. 301 North, Suite 180 Tampa, FL 33619
<b>STORMWATER/FLOOD-PLAIN CONSULTANT</b>	Mr. Bruce McArthur, P.E. Burcaw & Associates, Inc. 10840 Sheldon Road Tampa, FL 33626
<b>ECONOMICS CONSULTANT</b>	Mr. Stan Geberer, Associate Fishkind & Associates, Inc. 11869 High Tech Avenue Orlando, FL 32817

**CHRONOLOGY OF PROJECT:**

Transportation Methodology Meeting	-	November 7, 2001
Preapplication Conference	-	January 28, 2002
ADA Submittal	-	June 6, 2002
Site Inspection	-	June 26, 2002
ADA Comments	-	July 5, 2002
First Sufficiency Response Submittal	-	October 11, 2002
First Sufficiency Response Comments	-	November 8, 2002
Second Sufficiency Response Submittal	-	March 7, 2003
Second Sufficiency Response Comments	-	April 4, 2003
Third Sufficiency Response Submittal	-	September 4, 2003
Third Sufficiency Response Comments	-	October 3, 2003
Third Sufficiency Response Submittal	-	February 13, 2003
Declaration of Sufficiency by TBRPC	-	March 12, 2004
Notify Pasco County to Set Hearing Date	-	March 12, 2004
Notification Received of Hearing Date	-	March 31, 2003
TBRPC Final Report	-	April 12, 2004
Pasco County BOCC Meeting	-	July 27, 2004

**PROJECT DESCRIPTION**

The applicant for the Cypress Creek Town Center Development of Regional Impact (DRI) is seeking specific DRI approval for Phase 1 of a two-phase, 510± acre, mixed-use development in southern Pasco County. The first phase is proposed to contain 1.996 million square feet (sq. ft.) of commercial uses including a regional mall, 120,000 sq. ft. of office development, 230 multi-family residential units, and 350 hotel rooms. Specific approval for Phase 2 will be contingent upon further transportation and air quality analyses. This phase would consist of a 215,000 sq. ft. Expansion of the regional mall, 300,000 sq. ft. of additional office space, 400 more multi-family residential units and 350 additional hotel rooms. The entitlements requested for each Phase are identified in the table provided below.

LAND USE		PHASE 1 (2002-2008)	PHASE 2 (2009-2011)	TOTAL
<b>Commercial</b>	<b>(Sq. Ft.)</b>	<b>1,996,000</b>	<b>215,000</b>	<b>2,211,000</b>
	Regional Mall	1,300,000	215,000	1,515,000
	Retail Center	600,000	0	600,000
	Highway Commercial	96,000	0	96,000
<b>Office</b>	<b>(Sq. Ft.)</b>	<b>120,000</b>	<b>300,000</b>	<b>420,000</b>
<b>Residential/Multi-Family</b>	<b>(Units)</b>	<b>230</b>	<b>400</b>	<b>630</b>
<b>Hotel</b>	<b>(Rooms)</b>	<b>350</b>	<b>350</b>	<b>700</b>

The project is generally located along S.R. 56 at the intersection of the realigned S.R. 54, adjacent and west of I-75 and north of the Hillsborough County line. S.R. 56 traverses and nearly bisects the project. The project is bounded to the south by Cypress Creek, an Outstanding Florida Water. The first of two phases is scheduled for buildout in 2008. Final project buildout (and the second phase) is anticipated in 2011. *Map 1* is a general location map for the project.

As depicted on the Master Development Plan (*Map 2*), the regional mall would be located at the southwest quadrant of the I-75/S.R. 56 intersection. A 600,000 sq. ft. "power center" of commercial establishments is proposed directly across S.R. 56 from the mall. Residential and office uses are also located to the north of the mall.

*Map 3* provides an illustration of the regionally-significant natural resources within and adjacent to the Cypress Creek Town Center project site. *Map 4* depicts the *Outstanding Florida Waters* in proximity of the project site.

**DEVELOPMENT AREA:**

LAND USE (FLUCCS)	EXISTING		PHASE 1		BUILDOUT	
	ACRES	%	ACRES	%	ACRES	%
Residential/Multi-Family (134)	0.0	0.00	12.5	2.45	33.3	6.52
Retail Sales & Services (141)	0.0	0.00	214.2	41.93	218.4	42.76
Professional Services {Office} (143)	0.0	0.00	7.6	1.49	27.7	5.42
Tourist Services {Hotel} (145)	0.0	0.00	11.6	2.27	23.1	4.52
Improved Pasture (211)	293.9	57.55	64.6	12.65	0.0	0.00
Pine Flatwoods (411)	4.9	0.96	1.1	0.22	0.0	0.00
Temperate Hardwoods (425)	9.4	1.84	1.7	0.33	0.0	0.00
Hardwood Conifer Mixed (434)	6.0	1.18	1.1	0.22	0.0	0.00
Lakes {small natural pond} (520)	0.4	0.08	0.4	0.08	0.0	0.00
Reservoirs {cattle watering & borrows} (630)	5.8	1.13	0.0	0.00	0.0	0.00
Stream Swamp (615)	12.7	2.49	11.9	2.33	11.9	2.33
Mixed Wetland Hardwoods (617)	13.2	2.58	6.0	1.17	6.0	1.17
Cypress Swamp-logged (621)	98.6	19.30	69.0	13.51	69.0	13.51
Vegetated Non-Forested Wetland (640)	9.1	1.78	4.0	0.78	4.0	0.78
Freshwater Marsh (641)	23.2	4.54	5.0	0.98	5.0	0.98
Wet Prairie (643)	23.2	4.54	12.0	2.35	12.0	2.35
Borrow Area {drainage pond} (742)	10.4	2.04	68.5	13.41	78.5	15.37
Roads (814)	0.0	0.00	10.5	2.06	18.4	3.60
Utilities (830)	0.0	0.00	9.1	1.78	3.5	0.69
<b>TOTAL</b>	<b>510.8</b>	<b>100.00</b>	<b>510.8</b>	<b>100.0</b>	<b>510.8</b>	<b>100.0</b>

SOURCE: SR3/Table 10-2 (Revised August 2003)

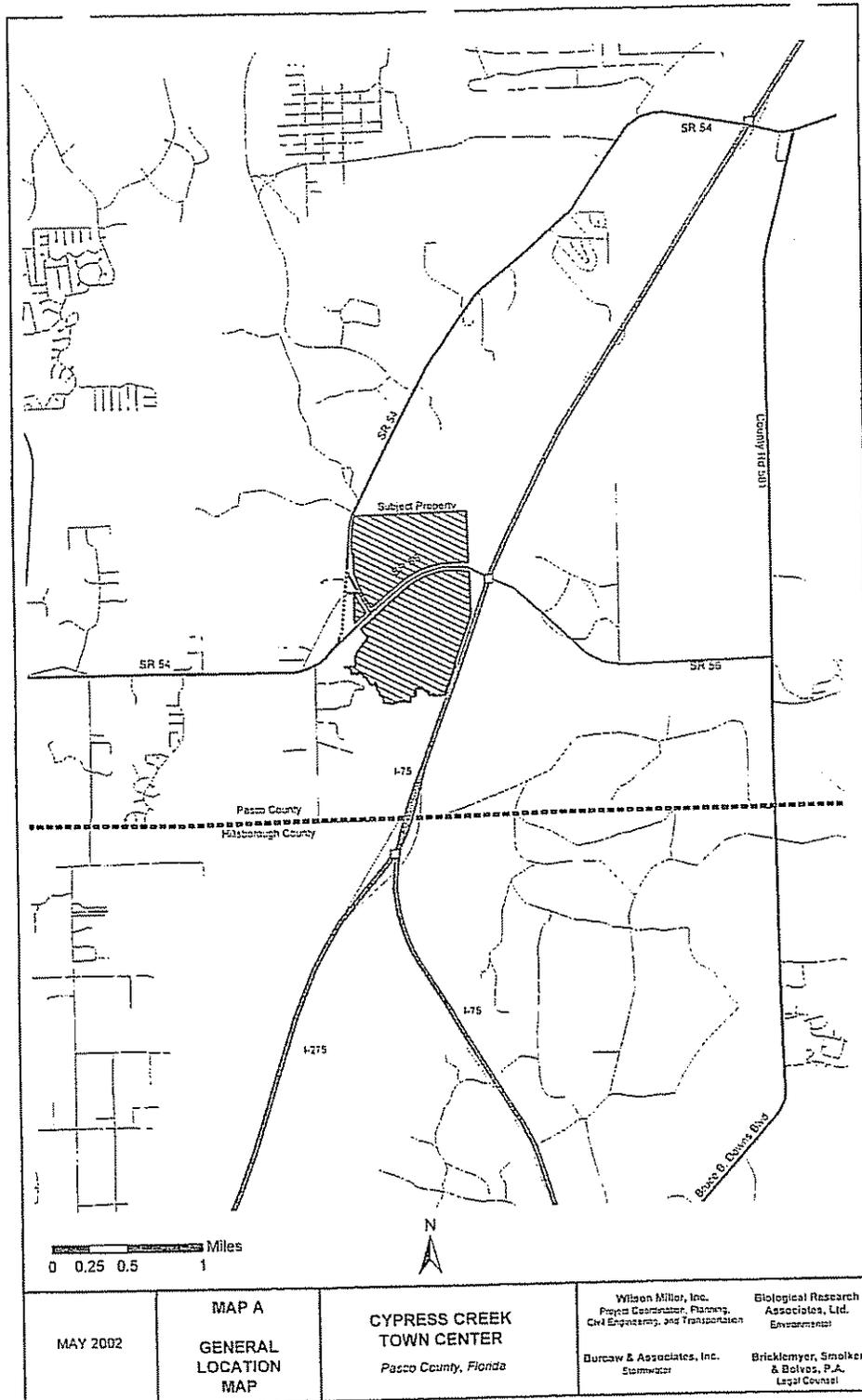
DEFINITION: FLUCCS - Florida Land Use Cover and Forms Classification System.

## SUMMARY OF PROJECT BENEFITS AND IMPACTS

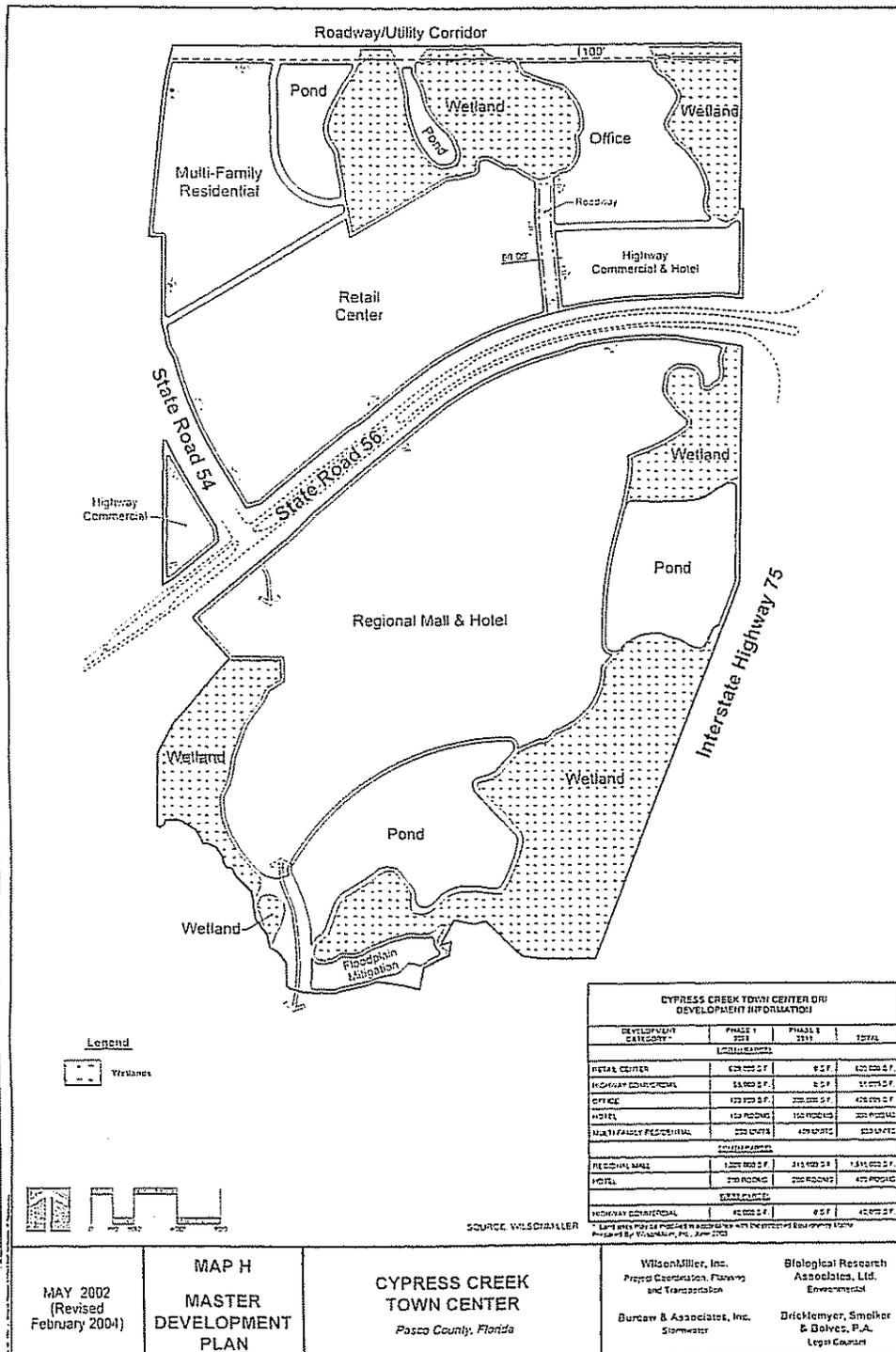
The following summary identifies those benefits and impacts anticipated following Phase 1 and total project buildout:

<b>BENEFITS</b>	Employment <sup>1</sup>	Employment Demand based on Phase 1 entitlements: Employment Demand based on Phase 2 entitlements:	<i>4,532 jobs</i> <i>1,570 jobs</i> <i>6,102 jobs</i>
	Government Tax Revenue <sup>2</sup>	Estimated Revenues to Pasco County (Phase 1): Estimated Revenues to Pasco County (Buildout):	<i>\$17,807,464</i> <i>\$23,754,969</i>
		Estimated Revenues to Pasco School Board (Phase 1): Estimated Revenues to Pasco School Board (Buildout):	<i>\$1,073,256</i> <i>\$1,516,671</i>
	<b>IMPACTS</b>	Water Supply <sup>3</sup>	Estimated Average Daily Potable Water Demand (Phase 1): Estimated Average Daily Non-Potable Water Demand (Phase 1):
Estimated Average Daily Potable Water Demand (At Buildout): Estimated Average Daily Non-Potable Water Demand (At Buildout):			<i>565,700 gpd</i> <i>294,900 gpd</i>
Wastewater <sup>4</sup>		Estimated Average Daily Flow (Phase 1): Estimated Average Daily Flow (At Buildout):	<i>306,100 gpd</i> <i>480,800 gpd</i>
Solid Waste <sup>5</sup>		Estimated Average Daily Generation (Phase 1): Estimated Average Daily Generation (At Buildout):	<i>27,640 lbs./day</i> <i>41,990 lbs./day</i>
Energy <sup>6</sup>		Estimated Average Daily Electrical Demand (Phase 1): Estimated Average Peak Hour Demand (Phase 1):	<i>224,760 KW</i> <i>16,072 KW</i>
		Estimated Average Daily Electrical Demand (At Buildout): Estimated Average Peak Hour Demand (At Buildout):	<i>286,032 KW</i> <i>21,077 KW</i>
School <sup>7</sup>		Estimated "School Age Children" for Phase 1: Estimated "School Age Children" at Buildout:	<i>81 Students</i> <i>220 Students</i>
Transportation <sup>8</sup>		Estimated Trip Generation for Phase 1:  P.M. Peak Hour Trips: Net Ext. P.M. Peak Hour Trips:	  <i>6,807 (3,231 Inbound/3,576 Outbound)</i> <i>4,227 (1,970 Inbound/2,257 Outbound)</i>
	Estimated Trip Generation at Buildout:  P.M. Peak Hour Trips: Net Ext. P.M. Peak Hour Trips:	  <i>7,988 (3,736 Inbound/4,252 Outbound)</i> <i>5,202 (2,373 Inbound/2,829 Outbound)</i>	
<b>DEFINITIONS:</b> gpd - gallons per day KW - kilowatts		<b>SOURCES:</b> 1. ADA/Table 24-3 2. ADA/Table 11-1 - Table 11-5 3. SR4/Revised Table 17-1 4. SR4/Revised Table 18-1 5. SR4/Revised Table 20-1 6. ADA/Table 29-1 7. SR4/Revised Table 27-1 8. ADA/Table 21-4	

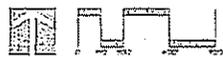
# MAP #1 CYPRESS CREEK TOWN CENTER GENERAL LOCATION MAP



# MAP #2 CYPRESS CREEK TOWN CENTER MASTER DEVELOPMENT PLAN



**Legend**  
Wetlands



SOURCE: WILDSCHALLER

CYPRESS CREEK TOWN CENTER DEVELOPMENT INFORMATION			
DEVELOPMENT CATEGORY	PHASE 1 2004	PHASE 2 2011	TOTAL
TOTAL DEVELOPMENT			
RETAIL CENTER	628,000 S.F.	0 S.F.	628,000 S.F.
HIGHWAY COMMERCIAL	53,900 S.F.	0 S.F.	53,900 S.F.
OFFICE	173,700 S.F.	220,000 S.F.	413,700 S.F.
HOTEL	150 PROJECTIONS	150 PROJECTIONS	300 PROJECTIONS
MULTI-FAMILY RESIDENTIAL	272 UNITS	479 UNITS	751 UNITS
TOTAL DEVELOPMENT			
REGIONAL MALL	1,200,000 S.F.	1,111,000 S.F.	2,311,000 S.F.
HOTEL	270 PROJECTIONS	270 PROJECTIONS	540 PROJECTIONS
TOTAL DEVELOPMENT			
HIGHWAY COMMERCIAL	40,000 S.F.	0 S.F.	40,000 S.F.

\* Land area for the project is based on the City of Pasco County's 2004 zoning map. Prepared by WilsonMiller, Inc., June 2003

MAY 2002  
(Revised  
February 2004)

**MAP H  
MASTER  
DEVELOPMENT  
PLAN**

**CYPRESS CREEK  
TOWN CENTER**  
*Pasco County, Florida*

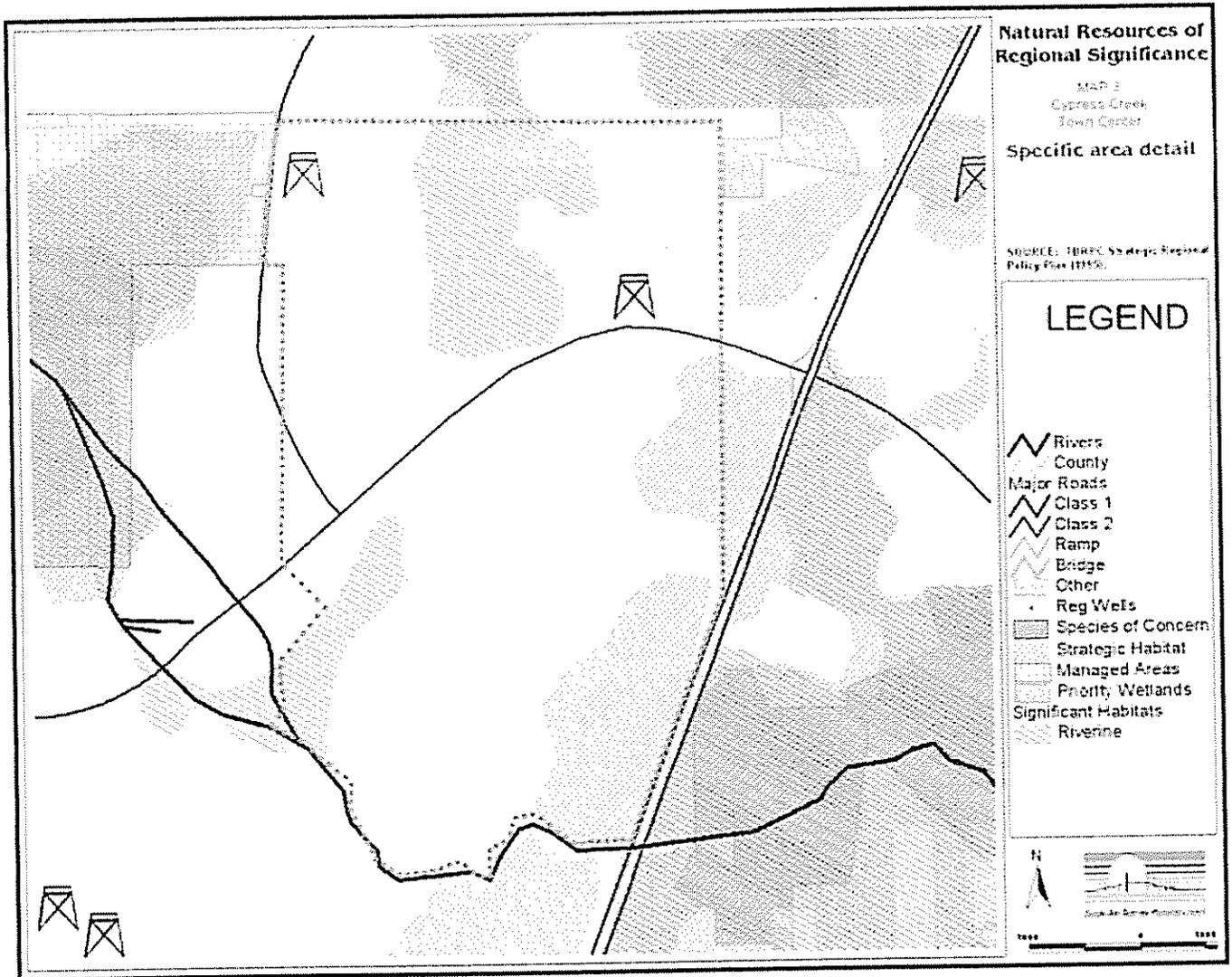
WilsonMiller, Inc.  
Project Coordination, Planning  
and Transportation

Burdaw & Associates, Inc.  
Stormwater

Biological Research  
Associates, Ltd.  
Environmental

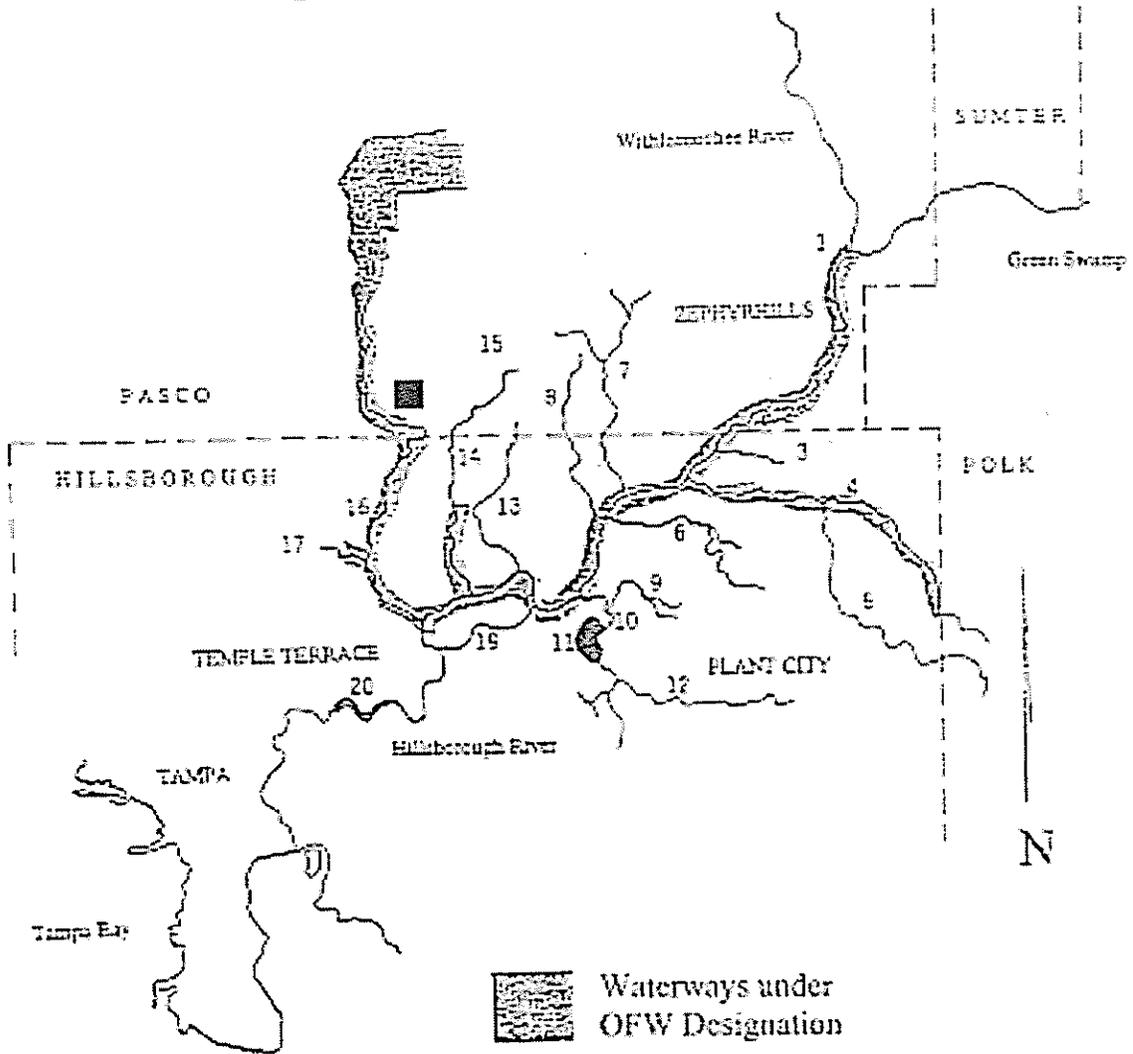
Drickheimer, Smolter  
& Bolves, P.A.  
Legal Counsel

**MAP #3  
CYPRESS CREEK TOWN CENTER  
NATURAL RESOURCES OF REGIONAL SIGNIFICANCE MAP**



**MAP #4  
CYPRESS CREEK TOWN CENTER  
OUTSTANDING FLORIDA WATERS PROXIMITY MAP**

**Hillsborough River System**



- |                                 |                            |
|---------------------------------|----------------------------|
| 1. Withlacoochee River Overflow | 11. Lake Thonotosassa      |
| 2. Crystal Springs              | 12. Baker Creek            |
| 3. Big Ditch                    | 13. Clay Gully             |
| 4. Blackwater Creek             | 14. Trout Creek            |
| 5. Indlepeckanassa Creek        | 15. Cabbage Swamp          |
| 6. Two Hole Branch              | 16. Cypress Creek          |
| 7. New River                    | 17. Thonotosassa Run       |
| 8. Eastern Branch               | 18. Big Cypress Swamp      |
| 9. Holloman Branch              | 19. Cow House Creek        |
| 10. Flint Creek                 | 20. Hillsborough Reservoir |

**SECTION II- REGIONAL IMPACTS  
DRI #252 CYPRESS CREEK TOWN CENTER  
PASCO COUNTY**

**TRANSPORTATION**

The project is proposed to be constructed in two phases, with the first phase scheduled for completion in 2008 and the second phase scheduled for completion in 2011. Specific approval is being sought for Phase 1 with conceptual approval of Phase 2. The first phase of Cypress Creek Town Center (CCTC) is estimated to generate 3,231 inbound and 3,576 outbound trips in the PM peak hour. Internal capture will reduce the number of trips generated by 16.28 percent to 2,677 inbound and 3,022 outbound. Pass-by capture to the commercial land uses will further reduce the number of trips generated, resulting in 1,970 inbound and 2,257 outbound trips in the PM peak hour at the end of Phase 1.

Conceptual approval is being sought for Phase 2. It is estimated that this phase would generate 3,736 inbound and 4,252 outbound trips in the PM peak hour. Internal capture will reduce the number of trips generated by 16.00 percent to 3,097 inbound and 3,613 outbound. Pass-by capture to the commercial land uses will further reduce the number of trips generated, resulting in 2,373 inbound and 2,829 outbound trips in the PM peak hour at the end of Phase 2.

The applicant has identified a number of state and county roads that will be significantly impacted by project traffic. These include I-75, SR 56, SR 54, Bruce B. Downs Boulevard, County Line Road, and Dale Mabry Highway. Mores road may be additionally impacted but it can not be determined without appropriate analysis. The acceptable Level of Service (LOS) for the impacted roadways is as follows: LOS D for I-75 from Fletcher Avenue north to Bruce B. Downs Boulevard, LOS C for I-75 from Bruce B. Downs Boulevard north to SR 52, LOS D for SR 56 from SR 54 east to I-75, LOS D for SR 54 from Sunset Drive east to CR 577, LOS D for Bruce B. Downs Boulevard from Cross Creek Boulevard north to SR 56, LOS D for County Line Road from Livingston Road east to Bruce B. Downs Boulevard, and LOS D for Dale Mabry highway from Lutz Lake Fern Road north to US 41. Most of the impacted roadway links, intersections, and I-75 ramps impacted by project traffic currently operate at acceptable levels of service. The developer conducted a traffic impact analysis to identify improvements needed as a result of project traffic upon completion of Phase 1 in 2008.

It is TBRPC policy to identify the regional roadway facilities to which the project will contribute five percent or more of the maximum service volume for the adopted LOS at peak hour for links and intersections. If the project contributes five percent or more of the maximum service volume for the acceptable level of service at peak hour and the link or intersection is projected to operate at an unacceptable LOS, then specific improvements are identified and become specific recommendation for project approval.

The Tampa Bay Regional Planning Council remains concerned about the high pass-by capture percentage (18.6%) assumed in the analysis. This is contrary to the maximum pass-by capture percentage (10%) agreed upon in the initial transportation methodology meeting. With the lack of additional response and/or analyses, TBRPC is unable to verify whether or not the transportation

improvements associated with Phase 1 (see Tables 1-2/Pages 40-41) should appropriately be expanded. Any revision(s) to these Tables would more than likely result in a corresponding increase in the proportionate share amount. However, the proposed monitoring provisions identified in the Recommend Regional Conditions section of this Report would resolve TBRPC's concerns in regard to pass-by capture.

Appropriate Transportation Policies of the *Strategic Regional Policy Plan* include:

Goal 5.1 *Develop a regional transportation system which is coordinated with land use patterns and planning and minimizes negative impacts on the environment, especially air quality.*

5.1.11 *Promote shared access and parking, improved bikeway and pedestrian facilities, improved mass transit systems, park-and-ride lots, and roadway capital improvements for downtown and urban development through local land use plans and land development regulations.*

5.1.16: *Developments of Regional Impact, and large-scale developments with interjurisdictional impacts, should assess and mitigate their impact on regionally significant transportation facilities in a compatible manner.*

5.2.2: *Protect the functional integrity of Regional Roadway Network, as well as protect the functional integrity of the Florida Intrastate Highway System, through coordination of LGCPs, MPO plans, and land development regulations as well as the limitation of access points near interchanges.*

5.2.6: *Utilize Transportation Systems Management (TSM) and Travel Demand Management (TDM) techniques to the fullest extent possible prior implementing major expansion of existing facilities or constructing new corridors.*

5.2.10: *Promote utilization of public-private partnerships, joint-ventures, user fees, impact fees and TES contributions (DRIs only) by jurisdictions to mitigate impacts of development on regionally significant transportation facilities.*

5.3.24: *Provide opportunities for internal bicycle and pedestrian systems and connections with adjacent developments as part of the local land development approval process.*

## **VEGETATION, WILDLIFE AND WETLANDS**

The Cypress Creek Town Center site is characterized by a variety of natural and altered land cover types. The applicant estimates that 76.4 acres are Natural Resources of Regional Significance, including Strategic Habitat and Riverine Habitat, but this cannot be verified with the information available. The predominant upland cover is *improved pasture*, though the low grazing pressure has allowed native shrub species to recruit into parts of the pasture. Native upland communities (approximately 20.3 acres) include *Longleaf pine flatwoods* which covers about five acres of the site. Fire has been excluded for years and grazing has been light, resulting in a thick understory of Saw palmetto and other native shrubs in this community. *Temperate Hardwood forest* (9.4 acres) is dominated by live oaks, Magnolia and Cabbage palm. The dense understory is typical of this community type. Over 13 acres of *Mixed hardwood/pine forest* occur adjacent to the hardwood swamp community. Clear-cut logging conducted in the recent past removed much of the overstory. Typical species, which are recovering, are oaks, Sweet gum, Cabbage palm, Wax myrtle and grape species.

Wetlands cover approximately 181 acres (35.3 %) of the site (see a complete narrative on Cypress Creek, a designated Special Waters Outstanding Florida Waters, in the Water Quality and Stormwater Management section below). The forested wetlands have largely been clear-cut in the past few years -

by the current owners. The species structure remains, however, and it is expected that the communities would recover in time. *Stream and lake swamp* (12.7 acres) occurs along most of the southern project boundary. Located in the incised floodplain of Cypress Creek, a buffer of uncut vegetation remains along the creek. The characteristic overstory species are Laurel oak, Cypress, Sweet gum and Red maple. Approximately 13 acres of cut-over *Mixed wetland hardwoods* remain, with canopy species of Red maple, Tupelo, Cypress, Slash pine and Buttonbush surviving the recent logging. Approximately 99 acres of *cypress swamp* community remains, though the canopy trees were recently removed. The stumps are resprouting, along with Holly, Red maple, and Tupelo. This remains a viable habitat. Non-forested wetlands include *Freshwater marsh*, *Wet prairie*, and *Depressional wetlands*. Cattle grazing and watering have disturbed most of these areas, though the vegetative structure remains. Additionally, a *stormwater management pond* and a *wetland mitigation pond* constructed to serve the recently completed State Road 56 occupy about 10.6 acres.

The wetland systems provide stormwater detention, flood attenuation, and nutrient cycling, and they capture and detain sediments. The site is located immediately adjacent to Cypress Creek and near Cabbage Swamp/Trout Creek, which form a large, high quality forested system of extremely high value to wildlife. This system is part of the headwaters of the Hillsborough River.

Best Management Practices (BMPs) for silvicultural operations in Florida have been established by the Florida Department of Agriculture and Consumer Services (*Silviculture Best Management Practices*, Revised 2000), as the minimum standards necessary for protecting and maintaining the State's water quality as well as certain wildlife habitat values during forestry activities. While not applicable to activities that have non-forestry objectives, BMPs provide the most prudent methods of removing trees and other activities in and near wetlands, OFWs, sinkholes, Class I waters, perennial streams, and in other topographic situations. Pertinent to this project site are the standards for activities near Outstanding Florida Waters and wetlands. Established BMPs prohibit clear-cut harvesting within 200 feet of any OFW, and the establishment of buffers around wetlands contiguous to streams that flow into OFWs. Additionally, BMPs identify the manner in which trees should be cut, gives guidance on which and how many trees per acre should be retained, and identifies special BMPs for harvesting operations in wetlands. Extended buffers of protection are required on steep grades, such as occur on the project site, in order to fully protect the OFW.

The Table below identifies the existing habitat types, the percent of the site covered, and the acreage (with percentage) of each community type to remain after buildout of each phase.

COMMUNITY TYPE	EXISTING	AFTER PHASE 1		AT BUILDOUT	
	Acreage	Acreage	% of Existing Habitat	Acreage	% of Existing Habitat
Improved Pasture	293.9	64.6	21.9	0	0
Cypress Swamp	98.6	69.0	69.9	69.0	69.9
Wet Prairie	23.2	12.0	51.7	12.0	51.7

COMMUNITY TYPE	EXISTING	AFTER PHASE 1		AT BUILDOUT	
	Acreage	Acreage	% of Existing Habitat	Acreage	% of Existing Habitat
Freshwater Marsh	23.2	5.0	21.6	5.0	21.6
Mixed Wetland Hardwoods	13.2	6.0	45.5	6.0	45.5
Stream Swamp	12.7	11.9	93.7	11.9	93.7
Stormwater/Mitigation Ponds	10.4	68.5	NA	78.5	NA
Temperate Hardwoods	9.4	1.7	18.1	0	0
Vegetated Non-Forested Wetland (wet pasture)	9.1	4.0	43.9	4.0	43.9
Hardwood Conifer Mixed	6.0	1.1	18.3	0	0
Reservoirs (cattle watering/borrow areas)	5.8	0	NA	0	NA
Pine Flatwoods	4.9	1.1	22.4	0	0
Lakes (small natural pond)	0.4	0.4	100.0	0	0

Source: SR3, Table 10-2 Revised. Does not reflect the statement in SR4 that 11 acres of wetland impact have been eliminated.

The forested communities on-site, though disturbed by (recent) logging and some grazing, retain natural species diversity and have not been invaded by exotic species. Wildlife values are different than for an unlogged system, but remain high due to the natural cover and the potential for restoration. State- or federally-listed species observed on-site include Gopher Tortoise, American Alligator, Sandhill Crane, Little Blue Heron, Snowy Egret, Tricolored Heron, Wood Stork and White Ibis. The Eastern Indigo snake and Sherman's Fox squirrel may use the site, or may have before logging occurred. Several listed plant species were determined likely to occur on-site, but none were reported from the applicant's surveys.

Lost Gopher tortoises/habitat will be mitigated through standard mitigation practice: payment to a Florida Fish and Wildlife Conservation Commission mitigation bank. Mitigation is not required for any of the other listed species observed on the project site.

The applicant has determined that at least 62 acres of wetland destruction (34% of the on-site wetlands) must occur to accomplish the proposed plan. At least 50 percent (applicant's estimate) of the on-site wetland impacts will be to habitat which has been determined to be Natural Resources of Regional Significance (FRSRPP). Wetlands designated as Class I - the highest standard set by Pasco County, are also slated for impact. Repeated requests for modification of the footprint, in order to substantially reduce wetland impacts, have not been satisfactorily met.

A bridge is planned over Cypress Creek to provide access to County Line Road, and the applicant has stated that the bridge will be designed to have minimal impacts on Cypress Creek and will include an adequate underpass for wildlife, but no details have been provided.

The applicant proposes to protect wetlands on-site using several techniques:

- staked hay bales, silt fences and other measures to prevent erosion and siltation;
- maintaining an average 25-foot buffer between wetlands and developed areas (Pasco County has requested a 75-100' buffer);
- pretreatment areas such as grease baffles and swales to protect wetlands will be part of the stormwater treatment system; and
- establishment of seasonal high and normal pool elevations for wetlands made part of the stormwater treatment system to mimic natural hydroperiods and depths.

Additionally, the applicant proposes to mitigate the wetland impacts through the US Army Corps of Engineers, Southwest Florida Water Management District, and Pasco County permitting processes. Off-site mitigation is proposed, but no details have been provided. It is stated that mitigation will consist of preservation, restoration and habitat enhancement, through fee simple purchase and donation to an appropriate agency or through conservation easement. The DRI review agencies have been unable to determine that such mitigation will not impact other significant resources or that the plan meets those agencies' or the Tampa Bay Regional Planning Council's standards for mitigating allowable impacts to Natural Resources of Regional Significance (Strategic Habitat 2:1; Riverine Habitat 3:1). An intrinsic part of the Chapter 380, F.S., Development of Regional Impact review process is the consideration of all regionally-significant impacts and the appropriate mitigation of unavoidable impacts. Permitting processes are not an acceptable substitute for a DRI-level review.

Due to the excessive amount of Natural Resources of Regional Significance loss without a reviewable mitigation plan, it is recommended that:

- A mitigation plan, including sufficient detail to allow a determination that natural resource impacts associated with the development will be appropriately mitigated, be provided for review and approval by the DRI reviewing agencies prior to any site development; and
- Mitigation shall be substantially complete prior to occupancy of the development. The plan should, at minimum meet the TBRPC standards for mitigating impacts to Natural Resources of Regional Significance.

Additionally, it is recommended that a plan for restoring and maintaining the on-site wetlands in a manner that allows reestablishment of the natural wetland systems which were subject to recent logging be provided for review by all DRI review agencies.

The following policies of the Council's *Strategic Regional Policy Plan* pertain to this project in the areas of Vegetation, Wildlife and Wetlands:

- 4.5.2: *Impacts to regionally-significant natural resources shall be allowed only in cases of overriding public interest and when it is demonstrated and/or documented that the mitigation will successfully recreate the specific resource. Mitigation should meet the following minimum ratios:*

- *Intertidal habitats* 3:1
- *Coastal strand and barrier islands* 3:1
- *Open water marine and estuarine habitats* 4:1
- *Beaches* 2:1
- *Riverine habitats* 3:1
- *Lake habitats* 3:1
- *Special habitats* 2:1

- 4.5.3: *Mitigation by habitat re-creation shall employ native plant material which replaces natural value and function. Monitor mitigation areas for a sufficient time to ensure success: a minimum 85 percent final coverage of desired species. Yearly maintenance and replanting should be undertaken to ensure final cover as necessary.*
- 4.5.5: *Mitigation for allowable impacts to regionally-significant wetland areas should be performed within the drainage basin.*
- 4.5.6: *Mitigation by restoring disturbed habitat of a similar nature, including the removal of exotic plant species, may be acceptable. The minimum acceptable ratio shall be twice the habitat re-creation ratio set forth in policy 4.5.2.*
- 4.5.10: *Maintain a minimum horizontal buffer necessary to preserve the natural value and function of the regionally-significant natural resource.*
- 4.6.7: *Encourage that mitigation be allowed only after avoiding impact to the greatest extent possible; and that habitat creation, restoration, and enhancement, with long-term management, be considered as viable methods of impact mitigation.*
- 4.11.6: *Land use decisions shall be consistent with federal- and state-listed species protection and recovery plans, and adopted habitat management guidelines.*

## **WATER QUALITY AND STORMWATER MANAGEMENT**

“Special Waters” and Outstanding Florida Waters (OFWs) include 40 of Florida's 1700 rivers, several lakes and lake chains, several estuarine areas, and the Florida Keys. In order to be designated a "Special Water" OFW, the following criteria must be met (62-302.700 (5), FAC), including: rulemaking procedures pursuant to Chapter 120, F.S.; at least one fact-finding workshop must be held in the affected area; all local county or municipal governments and state legislators whose districts or jurisdictions include all or part of a water body proposed for Special Water designation must be notified at least 60 days prior to the workshop in writing by the Secretary of DEP; a prominent public notice must be placed in a newspaper of general circulation in the area of the proposed Special Water at least 60 days prior to the workshop; an economic impact analysis, consistent with Chapter 120, must be prepared which provides a general analysis of the impacts on planned or potential industrial, agricultural or other development or expansion; and the Environmental Regulation Commission may designate waters of the state as a Special Water after making a finding that the waters are of exceptional recreational or ecological significance and a finding that the environmental, social, and economic benefits of the action outweigh the environmental, social, and economic costs (62-302.700(5), FAC).

The project site is included (62-302.700, FAC) as a Special Waters, designated on April 12, 1995, are:

*“Hillsborough River from Fletcher Avenue (SR 582A) in Hillsborough County upstream to the Withlacoochee River Overflow in Pasco County; and the following tributaries:*

- *Blackwater Creek westward of the Hillsborough - Polk County line;*
- *Cypress Creek, Thirteenmile Run eastward of Livingston Avenue, and Big Cypress Swamp upstream to and including the Cypress Creek Wellfield, as delineated in the maps entitled "Cypress Creek OFW Boundary Maps," incorporated herein by reference;*
- *Trout Creek upstream to Bruce B. Downs Boulevard (SR 581)." An Outstanding Florida Water (OFW) is a water body which has been designated worthy of special protection because of its natural attributes. This special designation is applied to certain waters, and is intended to protect existing good water quality. "Special Waters" are designated OFWs that have met certain requirements, including a public process of designation; and*
- *But excluding all other tributaries as well as the proposed transportation corridor, which crosses Cypress Creek in Section 21, Township 27 South, Range 19 East, as identified in the Adopted 2010 Long Range Transportation Plan of the Metropolitan Planning Organization, dated May 26, 1993."*

In general, DEP cannot issue permits for direct pollutant discharges to OFWs which would lower ambient (existing) water quality or indirect discharges which would significantly degrade the Outstanding Florida Water. Permits for new dredging and filling must be clearly in the public interest. Factors Determining the Public Interest, pursuant to Subsection 373.414(1)(a), F.S., are:

- Whether the activity will adversely affect the public health, safety, or welfare or property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Sec. 267.061, F.S.; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.

Cypress Creek, which forms the southern boundary of the project site, has been determined to be of exceptional ecological significance and the environmental, social, and economic benefits of protecting this creek outweigh the environmental, social, and economic costs. Special measures are appropriate for any development within the Cypress Creek watershed, and particularly adjacent to the floodplain itself and its contributing wetlands.

Cabbage Swamp and Trout Creek are also prominent features which receive surface flow from the project site. Cattle and other agricultural activities in the watersheds may have affected the quality of runoff and so the quality of the stream flow, but no monitoring is routinely performed immediately downstream of the site.

The stormwater treatment ponds will be located adjacent to existing wetlands, creating additional wetland impacts in some cases. The Southwest Florida Water Management District has advised the applicant to change the development plan to avoid existing wetlands, but the applicant insists that this is necessary in order to create a sufficiently-sized footprint to accommodate the desired plan. Littoral shelves planted with native species will be included in the stormwater treatment ponds; natural vegetation that becomes established will be maintained; and exotic species will be controlled. According to the applicant, the system has been designed to detain the first inch of runoff and to bleed down the volume in greater than 120 hours, as well as to provide a 14-day residence time.

It can be expected that, without special measures, the large area of impervious surface planned for the project, as well as landscape maintenance practices by the various commercial and residential uses, will adversely affect the quality of water in Cypress Creek and Trout Creek, which flow to the Hillsborough River - potable water supply for the City of Tampa and the region. State standards for stormwater treatment within the watersheds of Outstanding Florida Waters are designed to protect against degradation, but particular vigilance is needed to ensure that the stormwater treatment measures are implemented and maintained properly, and that the protection standards are met. In particular, State requirements regarding development within the watershed of OFWs stipulate that new direct pollutant discharges must not lower existing ambient water quality, and new indirect pollutant discharges (discharges to waters which influence OFWs, although not placed directly into an OFW) must not significantly degrade nearby OFWs.

Special considerations are appropriate for this site, which has significantly sloping land and surface water management challenges, and where the developers have not yet been identified, the land uses are subject to change, and multiple owners/managers are likely.

The groundwater system of the project site is characterized by a surficial aquifer over the Floridan Aquifer. The aquifers are separated by a semi-confining layer of clay, silt and sandy clay. Recharge to the Upper Floridan aquifer occurs through leakage across this semi-confining layer and through fractures or chemical dissolution of the underlying limestone. No sinkholes or other confinement breaches are known to occur on the site. The area has been determined to be an aquifer discharge area, meaning that the aquifer is not recharged in this area because the potentiometric surface is above the ground level (artesian conditions). The applicant has committed to preventing adverse effects to groundwater by allowing no excavation into the confining clay layers or underlying limestone. Groundwater flow is generally toward Cypress Creek or Trout Creek. Groundwater quality data is available for the wellfields, but not for the project site.

Three major potable water supply wellfields are operated in the vicinity, as well as a number of wells of smaller utilities. The closest wellfield is approximately 1.5 miles to the east. Past wellfield management may have resulted in an impact to the surficial aquifer in the project area, but the current operation schedule is designed to prevent impacts. The wetlands on-site do not exhibit subsidence or other affects of surficial aquifer draw down. This is a highly impacted area of the Northern Water Use Caution Area, as designated by the Southwest Florida Water Management District. This portion of the region is highly sensitive to groundwater withdrawals. The applicant has a permitted well for agricultural use on-site, and the current average withdrawal rate is 212,240 gallons per day. It has been proposed that this well serve as a nonpotable source post-development, but that will be subject to review and reauthorization by the Southwest Florida Water Management District.

Adherence to the following Goals and/or Policies of the Council's *Strategic Regional Policy Plan* will help minimize impacts in the areas of Water Quality and Stormwater Management:

- 4.1.1: *Implement plans to prevent, abate and control surface water and groundwater pollution so that the resource meets state standards.*
- 4.1.10: *Prevent land use and transportation planning and development decisions resulting in unacceptable degradation of existing surface water quality.*
- 4.1.11: *Upgrade or retrofit drainage systems to effectuate improved stormwater treatment for the improvement of water quality of the receiving waters.*
- 4.1.13 *Strongly discourage new development in the watershed of a potable water reservoir from degrading the existing water quality of the reservoir. Such development should:*
  - *incorporate higher stormwater treatment standards, i.e. Outstanding Florida Waters pollutant removal criteria;*
  - *maintain minimum buffers adjacent to all surface waters; and*
  - *use protective measures during construction to guard against pollution of receiving waters.*
- 4.2.1: *Implement plans to prevent, abate and control groundwater pollution so that the resource meets state or local standards, whichever is more stringent.*
- 4.2.4: *Prevent land use planning and development decisions resulting in degradation of existing groundwater quality.*
- 4.4.5: *Provide sufficient inspection and maintenance of all stormwater facilities.*
- 4.4.7: *Encourage multi-purpose facilities for stormwater management which complement open space, recreation and conservation objectives.*
- 4.6.9: *Protect the water storage and water quality enhancement functions of wetland and floodplain areas through acquisition and/or the application of Best Management Practices.*

## **SOILS**

The project site is flat to dramatically sloping. Myakka, EauGallie, Narcoosee, Tavares, Chobee and Okeelanta soil types are most prominent. All exhibit severe limitations for use as foundations or for embankments. In the areas where buildings are planned, mucky soils will be removed and replaced with suitable material. Wind and water-caused soil erosion will be handled by using Best Management Practices, and may include:

- providing staked hay bales or silt fences prior to construction;
- regularly inspecting the silt fence and hay bales and repairing or replacing as needed;
- watering during clearing and grading activities;
- retaining natural vegetation wherever possible;
- sodding, seeding and mulching all cleared areas as soon as practicable;
- staging development activities to limit clearing to areas scheduled for pending construction; and
- providing protection around stormwater inlets as required.

It is also proposed that soils unsuitable for construction will be used to the extent feasible in landscape berms or in wetland mitigation areas. Due to the high groundwater table, it is expected that a large percentage of the uplands will be altered by fill material to raise the elevations.

## **FLOODPLAINS**

Cypress Creek forms the southern boundary of the project, and a considerable amount of the site is within the 100-year floodplain as determined by the Federal Emergency Management Agency. Under any development scenario compensation for the encroachment into the 100-year floodplain will have to be provided. Development that includes a substantial acreage of paved parking and other impervious surfaces presents a particular challenge because of the rapid rate and high volume of stormwater runoff. It will also be important to protect the sensitive Cypress Creek floodplain vegetation/habitat and flow way from unnaturally high water flow rates and alterations of the hydroperiod.

Adherence to the following Policies of the Council's *Strategic Regional Policy Plan* would be an appropriate strategy for floodplain management:

4.11.2 *Discourage development in the undeveloped 100-year floodplain.*

4.11.3 *Implement floodplain management strategies to prevent erosion, retard runoff and protect natural functions and values.*

## **WATER SUPPLY**

Uses associated with Phase 1 of Cypress Creek Town Center are expected to generate a daily demand for more than 547,500 gallons of potable and non-potable water combined. The water demand is projected to increase by more than 273,100 gallons per day with Phase 2 development. As proposed, upon complete project buildout, an estimated 820,600 gallons of water per day will be required. Mr. Douglas Bramlett of the Pasco County Utilities Services Department has identified that an excess capacity of four million gallons per day (gpd) of potable water exists as of the date of his correspondence (November 19, 2001). The correspondence also included the following statement: "Tampa Bay Water, our regional water supplier has an absolute and unequivocal obligation to meet the present and future water supply needs of Pasco County."

The following summarizes the anticipated potable and non-potable water demand for each land use for each phase, as well as the total project:

PHASE	LAND USE	ENTITLEMENTS	WATER DEMAND (GPD)	
			Potable	Non-Potable
PHASE 1 (2003-2008)	COMMERCIAL	1,996,000 Sq. Ft.	239,500	155,600
	OFFICE	120,000 Sq. Ft.	16,800	6,100
	HOTEL	350 Rooms	57,800	9,200
	RESIDENTIAL	230 Multi-Family Units	46,000	16,500
	<b>PHASE 1 SUBTOTAL</b>			<b>360,100</b>
PHASE 2 (2008-2011)	COMMERCIAL	215,000 Sq. Ft.	25,800	14,300
	OFFICE	300,000 Sq. Ft.	42,000	15,400
	HOTEL	350 Rooms	57,800	9,200
	RESIDENTIAL	400 Multi-Family Units	80,000	28,700
	<b>PHASE 2 SUBTOTAL</b>			<b>205,600</b>
PROPOSED TOTAL PROJECT	COMMERCIAL	2,211,000 Sq. Ft.	265,300	169,900
	OFFICE	420,000 Sq. Ft.	58,800	21,500
	HOTEL	700 Rooms	115,600	18,400
	RESIDENTIAL	630 Multi-Family Units	126,000	85,100
	<b>TOTAL PROJECT</b>			<b>565,700</b>

Source: Revised Table 17-1, SR/4

Applicable Water Supply Policies of the *Strategic Regional Policy Plan* include:

4.3.6 *Encourage the use of the lowest quality water reasonably available, suitable and environmentally-appropriate to a given purpose in order to reduce the use of potable-quality water for irrigation and other non-potable purposes.*

4.3.14: *Encourage water use efficiency and conservation measures such as, but not limited to the following:*

- *xeriscape principles;*
- *the design of sewage treatment facilities to achieve 100 percent reuse of water;*
- *water saving devices, irrigation systems and low volume plumbing fixtures;*
- *water conservation-favorable utility rates;*
- *consistent per capita water use measurement methodology; and*
- *water and wastewater reuse systems.*

4.4.4: *Implement water reclamation and reuse alternatives for stormwater disposal to surface water bodies, as appropriate.*

## WASTEWATER MANAGEMENT

The Cypress Creek Town Center project is planned to include a mixture of land uses. All uses are expected to generate domestic wastewater. Among the retail uses, restaurants, laundromats, dry cleaners and supermarkets could locate within the project. These types of establishments potentially generate small quantities of industrial-type effluents. Any such generator would be required to comply with all applicable federal, state and local regulatory and licensing criteria.

Uses associated with Phase 1 of Cypress Creek Town Center are expected to generate more than 306,000 gallons of wastewater each day. The anticipated daily wastewater generation associated with Phase 2 development is 174,800 gallons per day. This equates to a total daily generation of 480,800 gallons per day at project buildout in 2011.

See the table below for the estimated wastewater generation rates and volumes for the planned land uses in Phase 1, Phase 2 and the entire project:

PHASE	LAND USE	ENTITLEMENTS	WASTEWATER GENERATION (GPD)
<b>PHASE 1 (2003-2008)</b>	COMMERCIAL	1,996,000 Sq. Ft.	203,600
	OFFICE	120,000 Sq. Ft.	14,300
	HOTEL	350 Rooms	49,100
	RESIDENTIAL	230 Multi-Family Units	39,100
	<b>PHASE 1 SUBTOTAL</b>		
<b>PHASE 2 (2008-2011)</b>	COMMERCIAL	215,000 Sq. Ft.	21,900
	OFFICE	300,000 Sq. Ft.	35,700
	HOTEL	350 Rooms	49,100
	RESIDENTIAL	400 Multi-Family Units	68,000
	<b>PHASE 2 SUBTOTAL</b>		
<b>PROPOSED TOTAL PROJECT</b>	COMMERCIAL	2,211,000 Sq. Ft.	225,500
	OFFICE	420,000 Sq. Ft.	50,000
	HOTEL	700 Rooms	98,200
	RESIDENTIAL	630 Multi-Family Units	107,100
	<b>TOTAL PROJECT</b>		

Source: Revised Table 18-1/SR4

A November 19, 2001 correspondence from Mr. Douglas Bramlett of the Pasco County Utility Services Department was included within the ADA. In summary, the letter implied the County's ability to meet the project's wastewater treatment demands at the Land-O-Lakes and Wesley Chapel facilities and included a description of Pasco County's future wastewater expansion efforts in order to "accommodate growth in Central Pasco County." A service agreement with the County will be necessary to ensure service commitments in accordance with County Codes and Ordinances.

Septic tanks are not planned for permanent use in the project. However, the applicant has requested the use of "interim" septic tanks for sales offices, construction trailers and the like.

**SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE**

It is estimated that the Cypress Creek Town Center project will generate more than 13 tons of solid waste per day following completion of Phase 1 and more than 20 tons per day at project buildout. It has been assumed that all solid waste will be domestic in nature. In a November 19, 2001 correspondence from Mr. Douglas Bramlett, Assistant County Administrator, it was stated that Pasco County "has capacity available" at the County's Resource Recovery Facility. An additional correspondence was provided by Ms. Patti Pope of Waste Management of Pasco (dated April 9, 2002) in the ADA. This correspondence expressed the company's ability to meet the projected disposal demands of 189.4 cubic yards of solid waste each day for the project.

If potential commercial or office tenants utilize, produce or store hazardous wastes or materials on site, these facilities must operate in accordance with federal and state regulations and guidelines.

The following Table summarizes the anticipated solid waste generation for each land use in Phase 1, Phase 2 and the entire project:

PHASE	LAND USE	ENTITLEMENTS	SOLID WASTE GENERATION (LBS./DAY)
<b>PHASE 1 (2003-2008)</b>	COMMERCIAL	1,996,000 Sq. Ft.	19,960
	OFFICE	120,000 Sq. Ft.	1,200
	HOTEL	350 Rooms	2,800
	RESIDENTIAL	230 Multi-Family Units	3,680
<b>PHASE 1 SUBTOTAL</b>			<b>27,640</b>
<b>PHASE 2 (2008-2011)</b>	COMMERCIAL	215,000 Sq. Ft.	2,150
	OFFICE	300,000 Sq. Ft.	3,000
	HOTEL	350 Rooms	2,800
	RESIDENTIAL	400 Multi-Family Units	6,400
<b>PHASE 2 SUBTOTAL</b>			<b>14,350</b>

PHASE	LAND USE	ENTITLEMENTS	SOLID WASTE GENERATION (LBS./DAY)
PROPOSED TOTAL PROJECT	COMMERCIAL	2,211,000 Sq. Ft.	22,110
	OFFICE	420,000 Sq. Ft.	4,200
	HOTEL	700 Rooms	5,600
	RESIDENTIAL	630 Multi-Family Units	10,080
TOTAL PROJECT			41,990

Source: Revised Table 20-1/SR4

### AIR QUALITY

While the application requests specific approval for Phase 1, specific approval of Phase 2 will be contingent upon further air quality analyses submitted in accordance with Section 380.06, F.S.

Fugitive dust will be a byproduct of site preparation and construction, resulting from wind blowing over disturbed soil surfaces, the movement of construction equipment, and burning of cleared vegetation. The project will utilize various procedures to minimize fugitive dust:

- clearing and grubbing will be performed only on individual parcels where construction is scheduled to proceed;
- sodding, seeding, mulching or planting of landscape material in cleared or disturbed areas; and
- watering as needed.

Potential air quality impacts from transportation-related emissions were screened using COSCREEN98 at those seven locations (intersections and on-site traffic) where project traffic is expected to exceed five percent of total traffic at buildout of Phase 1 or the entire project. Only one of the locations (on-site traffic) failed the screening test, and the second level of testing predicted that project traffic will not significantly impact air quality. There remain significant concerns about the traffic analyses conducted for this project, however, and so the transportation-related air quality impact analysis may need to be redone.

Adherence to the following Goals and/or Policies of the Council's *Strategic Regional Policy Plan* would benefit air quality in the vicinity of Cypress Creek Town Center:

- 4.14.4: *Incorporate specific mitigative measures to prevent fugitive dust emissions during excavation and construction phases of all land development projects which produce heavy vehicular traffic and exposed surfaces.*
- 4.14.5: *Implement land-use related performance standards, such as setbacks and prohibition of conflicting land uses, that minimize negative air quality impacts resulting from development.*

4.14.6: *Promote and implement Congestion Management strategies, Traffic Control Measures and other programs which serve to reduce SOV (single-occupant vehicle) trips and reduce VMT (vehicle miles traveled).*

### **AFFORDABLE HOUSING**

The affordable housing analysis was based on households with incomes up to \$60,600. The ADA analyzed the housing supply area for the availability of affordable rental and for-sale housing. Affordable housing supply/demand was analyzed utilizing the East Central Florida Regional Planning Council housing methodology. The analysis determined that 4,951 affordable units were available at the time of the study. Demand was calculated based on the estimated head of households projected to be employed by the project's land use types.

The Cypress Creek Town Center ADA indicates that the project will create a demand for 1,907 affordable housing units through Phase 1 and 2,674 affordable housing units through project completion. **The analysis projected a deficit of 78 affordable housing units in the “very low” income range upon project buildout in 2011.** However, since the identified shortage is less than “5 percent of the applicable DRI residential threshold [i.e. 100 units] for the affected local government, or 50 units, whichever is greater,” the project would not be deemed to have a significant impact on affordable housing and no mitigation would be required under the provisions of Rule 9J-2.048, F.A.C.

The following represents a summary of the affordable housing analysis:

CATEGORY	INCOME RANGE	HOUSING SUPPLY	HOUSING DEMAND			SUPPLY MINUS DEMAND	
			Phase 1	Phase 2	Buildout	Phase 1	Buildout
Very Low	>\$25,250	1,103	1,024	157	1,181	79	- 78
Low	\$25,250 -\$40,400	1,929	668	404	1,072	1,261	857
Moderate	\$40,001 -\$60,600	1,919	215	206	421	1,704	1,498
<b>TOTAL</b>	<b>&lt;\$60,600</b>	<b>4,951</b>	<b>1,907</b>	<b>767</b>	<b>2,674</b>	<b>3,044</b>	<b>2,277</b>

Source: ADA/Tables 24-9 & 24-10

### **POLICE AND FIRE PROTECTION**

Law enforcement support of the site will be provided by the Pasco County Sheriff's Office. Colonel Al Nienhuis' June 28, 2002 correspondence stated that “a very conservative estimate of the number of deputies needed as a direct result of this project, considering the necessity for 24 hour a day coverage, would be thirteen (13).” The correspondence further speculated that it would cost \$1,310,400 yearly to provide law enforcement service and protection to the site.

The applicant provided a December 7, 2001 correspondence from Mr. Anthony Taylor with the Pasco County Emergency Services Department, which will be responsible for fire protection of the project. The correspondence included proposed impact fees and the timing thereof. The impact fees are intended to offset the “significant impact” to public safety services anticipated.

**RECREATION AND OPEN SPACE**

The developer has identified that the Cypress Creek waterway and adjacent wetlands would continue to serve as open space on site. The developer has suggested that boardwalks within or adjacent to wetlands could function as passive recreational opportunities if permitted by the regulatory agencies. The developer does not intend to dedicate any parks or open space to the County.

The developer anticipates that the multi-family component of development would provide private recreational opportunities to residents, although no specific amenities were identified or discussed.

**EDUCATION**

The applicant has submitted a December 17, 2001 correspondence from Mr. Michael Rapp, Planning Director for the District School Board of Pasco County. Mr. Rapp indicated that each of the existing schools which would serve the Cypress Creek Town Center site are already over capacity: Denham Oaks has a current enrollment of 973 students and a design capacity for 865 students, Pine View Middle School has a current enrollment of 1,432 students and a design capacity for 1,235 students, and Land O’Lakes High School has a current enrollment of 1,793 students and a design capacity for 1,463 students. Mr. Rapp’s correspondence concluded with *“it would appear that the appropriate housing of 300 new students projected for the Cypress Creek Town Center DRI will not be possible without the construction of new schools.”* It should be noted that the project’s anticipated school population has been slightly reduced as a result of the proposed reduction of 252 multi-family residential units planned for Phase 2. The developer acknowledged that the project will be subject to the Pasco County School Impact Fee Ordinance.

The following Table identifies the estimated number of school age children (by school type) following completion of Phase 1 development and at project buildout. It is hereby noted that these numbers could vary as a result of utilization of the proposed Land Use Equivalency Matrix.

PHASE	SCHOOL TYPE			TOTAL
	ELEMENTARY (Grades K-5)	MIDDLE SCHOOL (Grades 6-8)	HIGH SCHOOL (Grades 9-12)	
1 (2004-2008)	38	20	23	81
2 (2009-2011)	65	34	40	139
<b>TOTAL</b>	<b>103 (49 - 212)</b>	<b>54 (26 - 111)</b>	<b>63 (30 - 132)</b>	<b>220 (105-455)</b>

Source: SR4/Revised Table 27-1 - The total reflects the number of students estimated under the proposed development scenario (the number of students estimated using the minimum residential development scenario - number of students estimated using the maximum residential development scenario).

**HEALTH CARE**

The majority of health care needs can be provided to Cypress Creek Town Center by East Pasco Medical Center (in Zephyrhills), Pasco Regional Medical Center (in Dade City), Community Hospital

and North Bay Hospital (both in New Port Richey), as well as University Community Hospital, University Community Hospital - Carrollwood and St. Joseph's Hospital (all in Hillsborough County). The January 4, 2002 correspondence from the East Pasco Medical Center identified the anticipated expansion into the Wesley Chapel area within a 4-10 year period due to the significant growth occurring in the area. Pasco Regional Medical Center's November 29, 2001 correspondence indicated that the facility is a "120-bed acute care hospital with emergency, ICU, inpatient, outpatient and surgical services."

**ENERGY**

A November 19, 2001 correspondence from Withlacoochee River Electric Cooperative (WREC) was provided. The letter highlights the ability of WREC to meet the future demands of the Cypress Creek Town Center proposal. A July 16, 2002 letter has also been submitted from the Peoples Gas division of TECO identifying that the existing natural gas mains are "close enough [to the project site] to consider it available." Extensions of the gas mains as an alternative energy source would require further coordination with TECO Peoples Gas and would be dependent on the demand of Cypress Creek Town Center residents and tenants.

As presented in the Table below, the average daily energy consumption of 224,760 kilowatts (KW) and peak-hour demand rates of 16,072 KW are anticipated upon completion of Phase 1. The average daily energy demand is projected to increase by 61,272 KW daily and 5,005 KW during the peak-hour as a result of Phase 2 development.

PHASE	LAND USE	ENTITLEMENTS	ENERGY DEMAND (IN KILOWATTS)	
			Avg. Daily Hr.	Peak Hour
PHASE 1 (2003-2008)	COMMERCIAL	1,996,000 Sq. Ft.	8,383	13,972
	OFFICE	120,000 Sq. Ft.	264	480
	HOTEL	350 Rooms	350	700
	RESIDENTIAL	230 Multi-Family Units	368	920
	<b>PHASE 1 SUBTOTAL</b>			<b>9,365</b>
PHASE 2 (2008-2011)	COMMERCIAL	215,000 Sq. Ft.	903	1,505
	OFFICE	300,000 Sq. Ft.	660	1,200
	HOTEL	350 Rooms	350	700
	RESIDENTIAL	400 Multi-Family Units	640	1,600
	<b>PHASE 2 SUBTOTAL</b>			<b>2,553</b>

PHASE	LAND USE	ENTITLEMENTS	ENERGY DEMAND (IN KILOWATTS)	
			Avg. Daily Hr.	Peak Hour
PROPOSED TOTAL PROJECT	COMMERCIAL	2,211,000 Sq. Ft.	9,286	15,477
	OFFICE	420,000 Sq. Ft.	924	1,680
	HOTEL	700 Rooms	700	1,400
	RESIDENTIAL	630 Multi-Family Units	1,008	2,520
TOTAL PROJECT			11,918	21,077

Source: Table 29-1/ADA [as revised to reflect reduction of 252 multi-family units proposed for Phase 2, as referenced in the *Third Sufficiency Response*]

The developer has acknowledged that consideration will be given to site design, building construction and landscaping as a means of energy conservation.

### HISTORICAL AND ARCHAEOLOGICAL

The applicant conducted a Cultural Resource Assessment, also referred to as a site survey, during the review stage of the project. The Assessment was provided as Appendix E in the ADA. An April 2, 2002 correspondence from Mr. Frederick P. Gaske on behalf of Ms. Janet Snyder Matthew, Director for the Florida Division of Historical Resources, expresses concurrence with the Assessment, as evidenced by the following citation:

“Results of the survey indicate that two previously unrecorded archaeological sites (8PA1381, 8PA1382) were identified, and the boundaries of two previously recorded archaeological sites (8PA357, 8PA633) were expanded. No evidence of previously recorded site 8PA356, which has been determined to be ineligible for listing in the National Register of Historic Places, was encountered. Due to the limited artifact assemblages, absence of intact cultural deposits, and lack of substantive research potential, none of the sites identified during the survey are considered eligible for listing in the National Register of Historic Places. Based on the information provided, this office concurs with this determination and finds the submitted report complete and sufficient.”

### ECONOMY

#### **Employment**

The applicant estimates that, upon completion, Cypress Creek Town Center would create an estimated 6,102 permanent jobs. Approximately 75 percent of these jobs would result from Phase 1 development. The following table summarizes the anticipated permanent positions by land use for each phase:

### Permanent Employment

LAND USE	PHASE 1		PHASE 2		TOTAL (At Buildout)	
	DEVELOPMENT	EMPLOYMENT	DEVELOPMENT	EMPLOYMENT	DEVELOPMENT	EMPLOYMENT
RETAIL	1,996,000 Sq. Ft.	3,992	215,000 Sq. Ft.	430	2,211,000 Sq. Ft.	4,422
OFFICE	120,000 Sq. Ft.	400	300,000 Sq. Ft.	1,000	420,000 Sq. Ft.	1,400
HOTEL	350 Rooms	140	350 Rooms	140	700 Rooms	280
	<b>TOTAL</b>	<b>4,532</b>	<b>TOTAL</b>	<b>1,570</b>	<b>TOTAL</b>	<b>6,102</b>

Source: ADA/Table 24-3

### Revenues Generated

Cypress Creek Town Center would generate revenues for the Pasco County Board of County Commissioners, the Pasco County School Board, and other taxing units of government through several sources. The primary sources of revenue would be ad valorem taxes and impact fees. Revenues would also be realized from State and Federal revenue sharing.

**Property Tax Revenues** - As proposed, Cypress Creek Town Center DRI is predominantly a retail project with a variety of other uses. The project would generate substantial property tax revenues for Pasco County and the School Board. Revenue estimates were derived from estimated construction costs, land costs and sales. At buildout, annual property taxes would yield an estimated \$1.8 million in revenues to Pasco County and \$1.5 million to the School Board.

The property taxes generated by Cypress Creek Town Center DRI would depend on the value of land and vertical construction, as indicated above, and on the millage rates charged by Pasco County and the School Board. In calculating revenues, the applicant estimated a total taxable value of \$168 million; and a Pasco County millage rate of 10.926 mills. Pasco County School Board was anticipated to levy 6.382 mills, .64 mills in two bonds, plus 2.0 mills for capital projects. These millage levels are expected to remain relatively constant in the future.

**Impact Fee Revenues** - Residential impact fees include transportation at \$1,761, solid waste at \$39, schools at \$704, and parks and recreation at \$627 per development unit. Commercial construction impact fees include retail at \$6.18 per gross square foot leasable area, office at \$1.45 gross square foot buildable area, and hotel at \$1,029 per room. Cypress Creek Town Center impact fee collections would be expected to reach \$17.7 million during the project's development.

**Sales Tax Revenues** - For Cypress Creek Town Center, sales taxes would be generated by on-site retail sales. For all tax funds as described in the Pasco County budget, Pasco County would receive an estimated \$2.8 million in tax revenues per year upon completion of Cypress Creek Town Center.

**Gasoline Tax Revenues** - For Cypress Creek Town Center, gas taxes would be generated by employment-based and home-based trips. Pasco County will receive estimated gas tax revenues of \$1.3 million per year upon completion of Cypress Creek Town Center.

**School Board Ad Valorem** - It is projected that School Board ad valorem tax revenue would reach \$1.5 million annually at buildout, based upon an estimated total taxable value of \$168 million and tax millage rate of 6.382, a school capital outlay of 2.0 mills, a 1972 school bond of .106 mills and a 1991 school bond of .537 mills.

**Revenue Summary**

Cypress Creek Town Center DRI could provide Pasco County with substantial economic benefits. In terms of revenues flowing to Pasco County and the Pasco County School Board and other authorities, the project could deliver one time impact fees of \$17.75 million over the construction period and \$7.5 million in annual ongoing revenues. These funds could be used to enhance the quality of services provided to Pasco County residents.

**REVENUE PROJECTIONS SUMMARY BY PHASE**

<b>RECIPIENT/SOURCE</b>	<b>THROUGH PHASE 1 (2008)</b>	<b>THROUGH PHASE 2 (2011)</b>
Pasco County/Ad Valorem Taxes (annually at end of Phase)	\$1,299,324	\$1,836,139
Pasco County/Impact Fees	\$13,941,724	\$17,755,222
Pasco County/Sales Taxes (annually at end of Phase)	\$2,566,416	\$2,842,859
Pasco County/Gas Taxes (annually at end of Phase)	Not given	\$1,320,749
School Board/Ad Valorem Taxes (annually at end of Phase)	\$1,073,256	\$1,516,671

SOURCE: ADA/Table 11-1

**SECTION III - DEVELOPER COMMITMENTS**  
**DRI #252 - CYPRESS CREEK TOWN CENTER**  
**PASCO COUNTY**

The following commitments have been made by, or on behalf of, the applicant in the Application for Development Approval (ADA), the First Sufficiency Response (SR1), the Second Sufficiency Response (SR2), the Third Sufficiency Response (SR3), or the Fourth Sufficiency Response (SR4):

**GENERAL**

1. *A new roadway through the south parcel will be created as an extension of the S.R. 54 intersection with S.R. 56. (ADA/Page 10.4)*
2. *The office uses located on the north side of S.R. 56 will be designed in a campus setting nestled between two large wetland areas and accessed via the internal roadway loop. (ADA/Page 10.4)*
3. *Wetlands bordering Cypress Creek on the south of the project will remain largely in their natural state, providing for natural site drainage and overall project aesthetics. (ADA/Page 10.11)*
4. *The multi-family residential land uses within Cypress Creek Town Center will contain both active and passive private recreation facilities for use by their residents. It could be expected that swimming, tennis, hiking/nature trails, and similar facilities would be provided. (ADA/Page 10.11)*
5. *Much of the on-site wetland system associated with Cypress Creek, including mixed wetland forest, cypress strands, swamps and marshes of Cypress Creek Town Center will be protected and maintained, thus preserving the functioning of these natural systems. (ADA/Page 10.13)*
6. *The project's stormwater management system will be integrated into the natural wetlands ensuring that surface and groundwater quality during and after development will meet or exceed all state and local water quality standards. (ADA/Page 10.14)*
7. *The project will utilize approved methodologies for prevention of fugitive dust particles during construction. (ADA/Page 10.14)*
8. *Cypress Creek Town Center will provide access for its residents, through the creation of recreational easements developed in conjunction with on-site ponds and wetland areas to maintain accessibility to natural resources. (ADA/Page 10.14)*
9. *Cypress Creek Town Center... will comply with their requirements for installation of water saving fixtures and adherence to water-conserving maintenance practices. (ADA/Page 10.15)*

10. *Access to natural systems on site will be provided for residents of the project through methods such as boardwalks and/or nature trails. (ADA/Page 10.15)*
11. *On site-wetlands will be retained in their natural state or enhanced in an effort to address impacts related to prior access and poor quality attributable to recent agricultural and silviculture operations. (ADA/Page 10.15)*
12. *Where impacts are anticipated, permitting and mitigation standards will ensure that post-development natural and recreated resources are at least equal to, and most likely higher quality and of a greater quantity than those existing in pre-development condition. (ADA/Page 10.17)*
13. *Any floodplain impacts will be compensated through the creation of additional storage volumes equal to those lost to development. (ADA/Page 10.18)*
14. *The project will utilize public wastewater collection and treatment services as well as reuse water supply, if available. (SR1/Page 10.4)*
15. *... (wetland) mitigation is proposed to occur within the drainage basin containing the proposed project. (SR1/Page 10.6)*

#### **VEGETATION AND WILDLIFE**

1. *In the case of gopher tortoises, the Applicant intends to provide mitigation for take of tortoises through donation to Florida Fish and Wildlife Conservation Commission (FWCC) mitigation bank. (ADA/Page 12.13)*
2. *In addition, loss of existing on-site wetland habitat will be mitigated through enhancement, restoration, and creation of wetlands in the Cypress Creek basin. Regionally, no loss of breeding or foraging habitat for cranes is anticipated. (ADA/Page 12.13)*
3. *The mitigation program will replace wetland functions lost on site with a greater quality and function of restored wetlands off site. (SR1/Page 12.4)*
4. *The Applicant is preserving the entirety of Cypress Creek OFW lands located on the site. The proposed roadway crossing over Cypress Creek will be designed to minimize impacts to the environmentally sensitive areas. (SR1/Pages 10.10 & 12.5)*
5. *The applicant will commit to the roadway crossing having an adequate underpass to accommodate wildlife and that the remainder of the Cypress Creek OFW be set aside as preservation area. (SR1/Pages 10.11 & 12.6)*
6. *Prior to development, appropriate permits will be obtained from the Florida Fish and Wildlife Conservation Commission (FWCC) to handle incidental "take" of listed species including the gopher tortoise and its commensals. (SR1/Page 12.6)*

7. *If cranes are nesting in a wetland, construction in or adjacent to that wetland will be avoided until the cranes have completed nesting. (SR1/Page 12.7)*
8. *The applicant will provide a roadway crossing that allows wildlife movement under the roadway. (SR1/Page 12.8)*
9. *The Applicant must meet a laundry list of requirements including: 1) post-development discharge rates that do not exceed pre-development discharge rates, 2) side-slope requirements, and 3) restrictions on where runoff can be treated prior to release in order to meet OFW water quality requirements. (SR2/Page 12.2)*
10. *Impacts due to surface water management will be mitigated within the overall off-site mitigation solution being developed. (SR2/Page 12.3)*
11. *Oversized littoral zones will be constructed at the outfalls of each [pond] system. (SR3/Page 12.1)*
12. *The bottom of wet pond littoral zones will be covered with partially degraded vegetative matter and peaty materials that possess natural ion exchange abilities. (SR2/Page 12.2)*
13. *It is anticipated that the surface water monitoring plan will require sampling during and following construction to ensure that water quality on and exiting the site remains the same or is improved by the proposed surface water management system. (SR2/Page 12.3)*
14. *Through an approved wetland mitigation plan, the Applicant will provide at least as much foraging habitat, through an as yet undetermined combination of wetland enhancement, restoration, and creation as is lost onsite. (SR2/Page 12.5)*
15. *The overall mitigation package to be provided will provide more than 1:1 replacement of wetland losses and will provide protection and potential restoration of additional wetland and upland acreage in the basin. (SR3/Page 12.5)*

## **WETLANDS**

1. *The applicant will use best management practices such as silt fencing and hay bales to protect wetlands during construction. (ADA/Page 13.3)*
2. *Several techniques will be used to maintain/restore the preserved wetlands in a natural state (SR1/Pages 13.2 & 13.3):*
  - *during construction, wetlands will be protected from erosion and siltation by placement of silt fences, hay bales, or other appropriate measures;*
  - *an average 25-ft buffer will be maintained between wetlands and developed areas...;*

- pretreatment areas such as grease baffles, swales, or other measures to reduce entry of oils, trash etc. into the wetlands will protect wetlands incorporated into the surface water management system; and
  - key elevations (seasonal high water and normal pool) will be established for any wetland to be incorporated into the surface water management system.
3. *All water control structures will be designed to maintain natural hydroperiods and water levels in the natural wetlands. During the engineering design phases of the project, appropriate analyses will be conducted to establish appropriate depths for the floodplain compensation areas and to provide either adequate distance or engineering solutions that will prevent the dewatering of wetlands. (SR1/Page 13.2)*
  4. *There will be no stormwater discharges directly into any area mapped as part of the Outstanding Florida Water. (SR1/Page 13.7)*
  5. *The Applicant will place stipulations in any sales or lease agreements that prohibit discharges to groundwater. (SR1/Page 13.7)*
  6. *The Applicant will place stipulations in the sales or lease agreements that developers of individual parcels must comply with xeriscape principles and principles of the Florida Yards & Neighborhoods (FY&N) program to the extent the latter apply to retail and office settings. (SR1/Page 13.8)*
  7. *The Applicant will conduct such testing (geotechnical investigation) as is appropriate to support the surface water management system design and construction engineering processes. (SR1/Page 13.9)*
  8. *Although wetlands are proposed to be removed from the project site, substantial mitigation for those impacts will be provided that will result in an increased in total quantity of wetlands within the Cypress Creek basin and/or enhancement/improved quality of other wetlands within the watershed. (SR2/Page 10.2)*
  9. *The overall mitigation package to be provided will provide more than 1:1 replacement of wetland losses and will provide protection and potential restoration of additional wetland and upland acreage in the basin. (SR3/Page 12.5)*
  10. *...mitigation will occur within the same basin. (SR3/Page 13.5)*
  11. *Conservation easement(s) will be provided for mitigation areas... (SR3/Page 13.5)*
  12. *The developer shall submit a detailed Ecosystem Improvement Plan (“Ecosystem Plan”) prior to approval of any Preliminary Site Plan or Preliminary Plan that would impact any on-site wetlands. The Ecosystem Plan shall include a “net ecosystem benefit,” as defined in Chapter 403.0752, F.S. (SR4/Page 13.2)*

13. The Ecosystem Plan shall be designed to meet... *the Future of the Region Strategic Regional Policy Plan Regional Goal 4.5 and related policies.* (SR4/Page 13.3)
14. (Within proposed Development Order conditions) *The amount of mitigation will exceed the amount that would be required for mitigation when the wetland losses (on site) and the gains are assessed using the Florida Unified Wetland Assessment Methodology or other methodology as agreed to by SWFWMD.* (SR4/Page 13.3)
15. *The proposed mitigation will be in some combination of wetland creation, enhancement, and preservation that will provide greater relative values of function than the areas to be affected. The mitigation is proposed to enhance regional wetland functions in a manner that will be permanent.* (SR4/Page 13.8)
16. *More detailed, in-depth analysis (of stormwater treatment) will be conducted when the mall layout has been determined. No treatment ponds will outfall into the OFW, so further wetland treatment will occur before water reaches the OFW.* (SR4/Page 13.9)
17. *The applicant is willing to encumber the remaining wetlands (post-development) with a conservation easement.* (SR4, Page 13.10)

#### **WATER QUALITY**

1. *The wetlands that will be retained after the proposed development will be buffered by swales and stormwater ponds that are created for stormwater attenuation and treatment for the project. The proposed rates of surface water discharge will not increase as a result of the development, but due to the increased amount of impervious surface, evapotranspiration will be reduced.* (ADA/Page 14.3)
2. *The surface water management system proposed for the site will be designed to protect surface water quality through the use of grass swale systems, surface water detention ponds, and stormwater attenuation ponds. The design will incorporate on-site detention of the first one inch of runoff.* (ADA/Page 14.4)
3. *Construction Best Management Practices (BMPs) will be used to prevent construction related turbidity and erosion problems.* (ADA/Page 14.5)
4. *The detention ponds, inflow and outflow structures will be owned and maintained by the Applicant or assignee. A regular maintenance program will be developed for the site in a form similar to the "Operating and Maintenance Instructions"...* (ADA/Page 19.5)
5. *All ditches and swales shall be periodically mowed and cleaned. During the mowing operation, ditches and swales shall be inspected for bare spots, damage and erosion. Any bare spots greater than one square foot in area shall be seeded or sodded to replace the grass cover. In case of erosion or damage where underlying soil is missing, the missing soil*

*shall be replaced and the area brought back to grade, then seeded or sodded as required. (ADA/Page 19.5)*

6. *Inlet grates will be checked monthly for damage or blockage. Any damaged grates will be replaced or repaired. Any debris blocking full flow through the grate will be removed. Pipes and inlets will be checked yearly for damage or blockage. Any damaged pipes or inlets will be replaced or repaired. Any trash, debris or sand deposits will be removed. (ADA/Page 19.6)*
7. *Each detention pond will be provided with a littoral zone. Natural vegetation that becomes established will be maintained and encouraged. (SR1/Page 19.2)*
8. *All vegetation that becomes established in the littoral zone will be maintained. Dredging of the littoral zone, application of herbicides and the introduction of grass carp will be prohibited. In addition, cattails, bulrushes, and other nuisance vegetation will be cut back from inlet or outfall structures, to the minimum extent needed to maintain design discharges. All inflow and outflow structures will be maintained by the procedures outlined for pipes, inlets and grates. (ADA/Page 19.6)*
9. *The applicant will use Best Management Practices to prevent erosion, sedimentation, and turbid discharges to waters of the state... (SR2/Page 14.2)*
10. *Before disturbance occurs in any area of construction, perimeter controls, sediment traps, basins, and diversions will be in place to control runoff and capture sediments. Areas in the vicinity of water bodies, wetlands, slopes, etc. will be prioritized to receive effective stabilization as quickly as possible, preferably prior to the next anticipated precipitation event, and always within seven days of disturbance. Graded areas that will not be the focus of ongoing construction will be mulched immediately, rather than waiting until all project grading is done. Any construction roads will be stabilized to prevent offsite sedimentation and to keep sediments off of public roads and completed project roads. (SR2/Pages 14.2-14.3)*
11. *The Applicant will develop an appropriate planting plan for littoral shelves that will use native species and control exotic nuisance species. (SR2/Page 19.1)*

## **SOILS**

1. *Spoil derived from soils unsuited for construction will be used to the extent feasible in landscape berms and similar areas. (ADA/Page 15.5)*
2. *Should any noticeable soil slumping or sinkhole formation become evident, the Developer shall immediately notify the County and SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and SWFWMD... (SR3/Page 15.1)*

## FLOODPLAINS

1. *In the post development situation the floodplain limits will be contained within the stormwater management system. No proposed development will lie within the revised floodplain. (SR2/Page 16.1)*
2. *The pond south of the development adjacent to Cypress Creek will provide only floodplain mitigation and will not receive direct runoff from the development. (ADA/Page 19.3)*

## WATER SUPPLY

1. *The Development will commit to encourage the use of water conserving landscape materials and the responsible use of water, pesticides and fertilizers by the occupants. (ADA/Page 17.3)*
2. *The Developer will use the lowest quality of water available for irrigation purposes. Those sources will include non-potable quality groundwater, stormwater, and/or reclaimed water (when available). Irrigation systems shall be designed, installed, and operated for water use efficiency. (ADA/Page 17.3)*
3. *For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conservation devices shall be used. (ADA/Page 17.3)*
4. *The above referenced water saving measures will be enforced through such devices as deed restrictions, property owner's associations' rules and regulations and/or building design standards. (ADA/Page 17.3)*
5. *[The developer has no objections to a requirement that] excavations for retention/detention facilities will not remove any of the confining clay unit, and in no event will contact the limestone aquifer. (SR1/Page 17.2)*
6. *The Applicant... will request a commitment for service from the public reuse system [since it has been installed adjacent to the subject property]. (SR3/Page 17.1)*

## WASTEWATER MANAGEMENT

1. *Interim use of septic tanks may be requested although it is not expected that septic tanks will be used on site. (ADA/Page 18.2)*
2. *At such time as those uses [for sales offices, construction trailers and the like] are no longer needed, the "interim" septic tanks would be removed. (SR1/Page 18.1)*

3. *The Cypress Creek Town Center DRI project will utilize reuse water if sufficient quantities are available from Pasco County to meet the project's demands and if the water quality provided is such that it does not degrade groundwater quality. (SR1/Page 18.2)*

### **STORMWATER MANAGEMENT**

1. *There will be a floodplain mitigation pond south of the development adjacent to Cypress Creek. That pond will provide only floodplain mitigation and will not receive direct runoff from the development. (ADA/Page 19.3)*
2. *The detention ponds, inflow and outflow structures will be owned and maintained by the Applicant or assignee. A regular maintenance program will be developed for the site in a form similar to the "Operating and Maintenance Instructions"... (ADA/Page 19.5)*
3. *All ditches and swales shall be periodically mowed and cleaned. During the mowing operation, ditches and swales shall be inspected for bare spots, damage and erosion. Any bare spots greater than one square foot in area shall be seeded or sodded to replace the grass cover. In case of erosion or damage where underlying soil is missing, the missing soil shall be replaced and the area brought back to grade then seeded or sodded as required. (ADA/Page 19.5)*
4. *Inlet grates will be checked monthly for damage or blockage. Any damaged grates will be replaced or repaired. Any debris blocking full flow through the grate will be removed. (ADA/Page 19.6)*
5. *Pipes and inlets will be checked yearly for damage or blockage. Any damaged pipes or inlets will be replaced or repaired. Any trash, debris or sand deposits will be removed. (ADA/Page 19.6)*
6. *All side slopes and maintenance berms (of detention ponds) will be periodically mowed and cleaned. During the mowing operation, the ponds will be inspected for bare spots, damage and erosion. Any bare spots greater than one square foot in area shall be seeded or sodded to replace the grass cover. In case of erosion or damage where underlying soil is missing, the missing soil shall be replaced and the area brought back to grade with seeding or sodding as required. All vegetation that becomes established in the littoral zone will be maintained. Dredging of the littoral zone, application of herbicides and the introduction of grass carp will be prohibited. In addition, cattails, bulrushes, and other nuisance vegetation will be cut back from inlet or outfall structures, to the minimum extent needed to maintain design discharges. All inflow and outflow structures will be maintained by the procedures outlines for pipes, inlets and grates. (ADA/Page 19.6)*
7. *Each detention pond will be provided with a littoral zone. Natural vegetation that becomes established will be maintained and encouraged. (SR1/Page 19.2)*

8. *The Applicant will develop an appropriate planting plan for littoral shelves that will use native species and control exotic nuisance species. (SR2/Page 19.1)*
9. *The development will be designed with the most efficient method for stormwater treatment, which is the construction of wet detention/bioretenion systems. (SR4, Page 19.1)*

### **SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE**

*No hazardous waste are anticipated for this project; however, commercial and/or office tenants will be provided with information at the time of purchase or lease which identifies hazardous and/or medical materials and proper procedures for the disposal of such materials. (ADA/Page 20.2)*

### **TRANSPORTATION**

*Cypress Creek Town Center supports transit use and will work with Pasco County or other appropriate entities to make transit service available to the site, at such time as service becomes available. All primary access points and major internal circulation roadways will be designed and constructed to provide sufficient geometry to accommodate transit vehicles. (ADA/Page 21.8)*

### **AIR QUALITY**

*To minimize wind erosion, clearing and grubbing operations will be performed only on individual parcels of land where construction is scheduled to proceed... Measures to be employed to minimize fugitive dust will include sodding, seeding, mulching, or planting of landscaped material in cleared and disturbed areas. Watering procedures will be employed as necessary to minimize fugitive dust. (ADA/Page 22.1)*

### **HURRICANE PREPAREDNESS**

*The developer will coordinate with the Pasco County Emergency Management Department regarding incorporation of hurricane and wind resistant technology into the design criteria of all commercial, office and hotel facilities. (ADA/Pages 23.1 & 23.2)*

### **RECREATION AND OPEN SPACE**

*Approximately 82.2± acres, or more than 16% of the site will be available in the form of open space and wetlands... (ADA/Page 26.1)*

### **HEALTH CARE**

*At the present time, it is anticipated that the office use will not contain medical offices. (SR1/Page 28.1)*

## ENERGY

*Xeriscape landscaping methods will be recommended wherever possible to reduce irrigation and energy needs by selecting and grouping plants with similar water needs that are most suitable to the climate and conditions of the area. (ADA/Page 29.3)*

**SECTION IV - RECOMMENDED REGIONAL CONDITIONS  
DRI #252 - CYPRESS CREEK TOWN CENTER  
PASCO COUNTY**

Subsection 380.06(15), F.S., requires that the local government render a decision on the development proposal within 30 days after a public hearing, and issue a development order containing, at minimum:

- findings of fact
- conclusions of law
- conditions of approval
- consideration of whether or not the development interferes with the achievement of the objectives of an adopted state land development plan applicable to the area
- consideration of whether the development is consistent with the local comprehensive plan and local land development regulations
- consideration of whether the development is consistent with the report and recommendations of the regional planning agency
- monitoring responsibility
- expiration dates for commencing development, compliance with conditions or phasing requirements and termination date of the order
- biennial report requirements
- a date until which the local government agrees that the approved DRI shall not be subject to down-zoning, unit density reduction or intensity reduction
- substantial deviation determinations
- legal description of the property

Any Development Order for Cypress Creek Town Center shall include the above-referenced Section 380.06, F.S., requirements and shall include the following recommended regional conditions:

**BASED ON THE FINDINGS AND THE ISSUES RAISED IN THIS REPORT, IT IS THE RECOMMENDATION OF THE TAMPA BAY REGIONAL PLANNING COUNCIL THAT CYPRESS CREEK TOWN CENTER, AS CURRENTLY PROPOSED, BE APPROVED WITH THE FOLLOWING STRENUOUS CONDITIONS, AT MINIMUM:**

**TRANSPORTATION**

1. The CCTC development will have a negative impact on several regionally significant roadway facilities within the primary impact area. Tables 1 and 2 (below) identify the improvements triggered by Phase 1 development.

**TABLE 1**  
**Cypress Creek Town Center DRI**  
**Phase 1 (2008) Required Link Improvements**

LOCATION	TOTAL TRAFFIC LOS PRIOR TO IMPROVEMENT	PROJECT TRAFFIC IMPACT (% of Service Volume)	REQUIRED IMPROVEMENT
I-75 from Bruce B. Downs Boulevard north to I-75/275 junction	D	9.7	Widen to 6 lanes
I-75 from I-75/275 junction north to SR 56	F	15.2	Widen to 6 Lanes
I-75 from SR 56 north to SR 54	F	5.8	Widen to 6 Lanes
SR 56 from SR 54 east to DRI site	F	38.7	Widen to 6 Lanes
SR 56 from DRI site east to I-75	F	60.3	Widen to 6 Lanes
SR 54 from US 41 east to Collier Parkway	F	12.1	Widen to 6 Lanes
SR 54 from Collier Parkway east to Livingston Road	F	22.9	Widen to 6 Lanes
SR 54 from Livingston Road east to Cypress Creek Boulevard	F	30.0	Widen to 6 Lanes
SR 54 from Cypress Creek Boulevard east to SR 56	F	38.5	Widen to 6 Lanes
SR 54 from SR 56 east to DRI site	F	58.4	Widen to 6 Lanes
SR 54 from I-75 east to Bruce B. Downs Boulevard	F	15.2	Widen to 6 Lanes
S.R. 54 from Bruce B. Downs Blvd. east to CR 577	F	22.7	Widen to 4 Lanes
Bruce B. Downs Boulevard from Cross Creek Boulevard north to County Line Road.	F	8.4	Widen to 6 Lanes

**TABLE 2**  
**Cypress Creek Town Center DRI**  
**Phase 1 (2008) Required Intersection and Ramp Improvements**

LOCATION	TOTAL TRAFFIC LOS PRIOR TO IMPROVEMENT	PROJECT TRAFFIC IMPACT (% of Service Volume)	REQUIRED IMPROVEMENT
SR 54 / US 41	F	53.4	Add NB RT lane and WB LT lane
SR 54 / Collier Parkway	E	47.7	Add EB & WB through lanes
SR 54 / SR 56	F	100.0	Add EB & WB through lanes, 2 SB through lanes, 2 NB LT lanes, 2 NB through lanes and a NB RT lane
SR 56 / DRI Site	F	100.0	Add EB & WB through lanes
SR 56 / I-75	F	100.0	Add EB LT lane
SR 56 / Bruce B. Downs Blvd.	F	38.6	Add EB RT lane and NB LT lane
SR 54 / Bruce B. Downs Blvd.	F	21.2	Add EB & WB through lanes, NB through lane, NB RT lane, and WB LT lane.
SR 54 / CR 577	F	19.2	Add EB & WB through lanes
County Line Rd. / Livingston Rd.	F	32.9	Realignment and signalization when warranted by MUTCD
Bruce B. Downs Blvd. / County Line Road	F	27.1	Add NB & SB through lanes
Bruce B. Downs Blvd. / Cross Creek Blvd.	F	6.4	Add EB & WB through lanes, EB & WB LT lanes, NB & SB through lanes and NB & SB LT lanes
I-75/SR 56, SB "On" Ramp	F	45.0	Add 2 Lane Ramp
<b>ACRONYM LISTING:</b> EB - East Bound                      MUTCD - Manual on Uniform Traffic Control Devices WB - West Bound                     LT - Left-Turn NB - North Bound                    RT - Right Turn SB - South Bound			

Rule 9J-2.045, FAC, provides several options for transportation mitigation:

- A. **SCHEDULING OF FACILITY IMPROVEMENTS.** A schedule which specifically provides for the mitigation of impacts from the proposed development on each significantly-impacted roadway which will operate below the adopted level of service standard at the end of each project phase's buildout, or, alternatively, a subset stage of that phase. The schedule shall ensure that each and every roadway improvement which is necessary to achieve the adopted level of service standard for that project stage or phase shall be guaranteed to be in place and operational, or under actual

construction for the entire improvement, at buildout of each project stage or phase that creates the significant impact.

- B. ALTERNATIVE CONCURRENCY PROVISIONS. A schedule that appropriately addresses each significantly impacted state and regional roadway segment through compliance with that jurisdiction's specific alternative concurrency provision of Subsections 163.3180, F.S., where such mitigative measures are specifically adopted in an in-compliance local government comprehensive plan and are fully explained and applied in the development order.
- C. PROPORTIONATE SHARE PAYMENTS. This option is available if affected extra-jurisdictional local governments, or the Florida Department of Transportation for facilities on the State Highway System, agree to accept proportionate share payments as adequately mitigating the extra-jurisdictional impacts of the development on the significantly impacted state and regional roadways within their jurisdiction.
- D. LEVEL OF SERVICE MONITORING. A monitoring schedule for the mitigation of impacts from the proposed development on each significantly impacted roadway which will operate below the adopted level of service standard at the end of each project phase's buildout, or, alternatively, a subset stage of that phase shall be developed. The schedule shall identify each roadway improvement which is necessary to achieve the adopted level of service standard, and indicate the amount of development and the timing of that development which will cause a roadway to operate below the adopted level of service. In the circumstance where the schedule does not identify the necessity and timing of improvements for a particular phase or substage, the development order shall require that building permits for that phase or substage will not be issued until the appropriate written approvals are obtained and any needed mitigation requirements are complied with.
- E. COMBINATION OF MITIGATION MEASURES. A combination of the mitigative measures contained in paragraphs A-D, above, that mitigates for each significantly impacted state and regional roadway, or other mitigative measures which are proposed and reviewed in the ADA, including the provision for capital facilities for mass transportation, or the provision for programs that provide alternatives to single occupancy vehicle travel, which reasonably assure that public transportation facilities shall be constructed and made available when needed to accommodate the impacts of the proposed development.

- 2. Due to the rapid growth of south Pasco County, deficiencies of the existing transportation system and the impacts anticipated from this project, the following measures are necessary as conditions of approval.

Due to the pass-by capture rate utilized in the transportation analysis, a transportation monitoring program shall be established to provide annual p.m. peak hour project driveway counts at all project entrance driveway intersections with S.R. 56. The monitoring program

shall commence upon completion of 50 percent of Phase 1 development in terms of trip generation. Monitoring shall continue on an annual basis until project buildout. The results of each monitoring event shall be submitted to Pasco County, the Tampa Bay Regional Planning Council and the Florida Department of Transportation.

The monitoring program shall consist of weekday PM peak hour directional counts from 4:00 to 6:00 PM, with subtotals at 15-minute increments, at all project entrance driveways to SR 56. Only turns to and from the project entrances need to be counted (through volumes on SR 56 will not be required). The sum of the project entrance trips will be totaled in 15-minute increments and the highest four consecutive 15 minute totals will be summed to determine the project's total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Cypress Creek Town Center development. For Phase 1 the total PM peak hour project traffic was estimated to be 4,227 net external, 1,472 pass-by, and 1,108 internal trips, for a total of 6,807 trips.

The required monitoring data shall be included in each respective Biennial Report and submitted separately for other years when not included within a Biennial Report. If the monitoring results demonstrate that the project is generating more than fifteen (15) percent above the number of trips estimated in the original analysis (as stated above) or the transportation monitoring report is not submitted within 30 days of its due date, Pasco County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The revised Transportation Analyses, if required, shall be subject to review by all appropriate review entities.

3. Specific approval of Phase 2 shall be contingent upon further Section 380.06, F.S. transportation analysis submitted through the Notice of Proposed Change process. Any identified Phase 2 transportation improvements shall be included within the Development Order.
4. LAND USE EQUIVALENCY MATRIX
  - A. The request for incorporation of a Land Use Equivalency Matrix was submitted during the Application for Development Approval review process. The Matrix allows for conversions of approved land uses and stipulates the range (Minimums and Maximums) associated with each range. The Tampa Bay Regional Planning Council has recommended modifications to the minimums and maximums associated with each use in order to ensure the general character of the proposed development and comparable travel patterns. Table 3 (below) represents the Land Use Equivalency Matrix, which would be acceptable to TBRPC.

**TABLE 3**  
**Cypress Creek Town Center DRI**  
**Land Use Equivalency Matrix**

<b>CHANGE TO → ▼ CHANGE FROM</b>	<b>OFFICE (Northside) [1,000 S.F.]</b>	<b>RETAIL (Northside) [1,000 S.F.]</b>	<b>HOTEL (Northside) [ROOMS]</b>	<b>MULTI- FAMILY (Northside) [UNITS]</b>	<b>RETAIL (Southside) [1,000 S.F.]</b>	<b>HOTEL (Southside) [ROOMS]</b>	<b>MOVIE THEATRE [SEATS]</b>
OFFICE (Northside) [1,000 S.F.]	N/A	0.8999	2.9630	2.8725	0.8914	2.8070	11.4286
RETAIL (Northside) [1,000 S.F.]	1.1113	N/A	3.2926	3.1921	0.9905	3.1193	12.7000
HOTEL (Northside) [ROOMS]	0.3375	0.3037	N/A	0.9695	0.3008	0.9474	3.8571
MULTI-FAMILY (N'side) [UNITS]	0.3481	0.3133	1.0315	N/A	0.3103	0.9772	3.9786
RETAIL (Southside) [1,000 S.F.]	1.1219	1.0096	3.3240	3.2226	N/A	3.1491	12.8214
HOTEL (Southside) [ROOMS]	0.3563	0.3206	1.0556	0.9772	0.3176	N/A	0.421
MOVIE THEATER [SEATS]	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>EXAMPLE EXCHANGE:</b>							
Add 100 hotel rooms (Northside) by reducing office. 100 rooms/2.9630 [office factor] = 33,750 Reduce office by 33,750 Sq. Ft.							
<b>MINIMUMS &amp; MAXIMUMS</b>							
<u>LAND USE</u>	<u>MINIMUM</u>	<u>PROPOSED</u>			<u>MAXIMUM</u>		
<b>COMMERCIAL [SQ. FT.]</b>							
Regional Mall (Southside)	845,000	1,300,000			1,755,000		
Retail Center (Northside)	390,000	600,000			810,000		
Hwy. Commercial (Northside)	36,400	56,000			75,600		
Hwy. Commercial (Westside)	0	40,000			40,000		
<b>OFFICE [SQ. FT.] (Northside Only)</b>	78,000	120,000			162,000		
<b>MULTI-FAMILY [UNITS] (Northside Only)</b>	150	230			310		
<b>HOTEL [ROOMS]</b>							
Hotel (Northside)	0	150			203		
Hotel (Southside)	0	200			270		
<b>MOVIE THEATRE [SEATS]</b>	0	0			2,400		

- B. Any modification of the Land Use Equivalency Matrix shall require a Substantial Deviation determination through the Notice of Proposed Change process.
- C. Conversion of land uses authorized under provisions of the Land Use Equivalency Matrix shall be limited to the location(s) of conversion(s). For example, land uses located on the parcel north of S.R. 56 could only be exchanged for authorized uses located on the north parcel. The same applies for south parcel uses. It is the intent of this requirement to ensure that projected traffic volumes and patterns would be similar to those initially approved.

- D. The developer shall submit all proposed equivalency conversions to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and comment a minimum of 14 days prior to final authorization granted by Pasco County. All authorized conversions shall be duly noted in respective Biennial Reports.

### **VEGETATION, WILDLIFE AND WETLANDS**

1. Since the proposed wetland impacts are substantial and include impacts to Natural Resources of Regional Significance, and because a wetlands impact mitigation plan was not provided during the DRI review process by which the environmental protection agencies would have been able to complete their review pursuant to Section 380.06, F.S., the Development Order shall include conditions:
- A. Requiring protection and restoration of the on-site wetlands that were impacted by logging activities and will remain after development, distinct from wetland impact mitigation.
  - B. Requiring maintenance of preserved wetlands and mitigation areas, assured through the incorporation of a Wetland Protection Plan. The Plan shall be submitted to Pasco County for approval and included in the first biennial report submitted following commencement of development. The natural hydroperiod shall be restored and maintained in the on-site wetlands.
  - C. Requiring submittal of a Ecosystem Improvement Plan ("Ecosystem Plan"), which must include identification of the specific location and methods of wetland habitat creation, enhancement and/or preservation to be employed, by the Southwest Florida Water Management District, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Tampa Bay Regional Planning Council and Pasco County as part of the approval of any Preliminary Site Plan or Preliminary Plan for any portion of the Cypress Creek Town Center development.
  - D. Requiring approval of the Ecosystem Plan prior to issuance of the first construction permit associated with Cypress Creek Town Center development.
  - E. Requiring completion of all wetland mitigation activities, in accordance with the approved Ecosystem Improvement Plan, prior to issuance of Certificate(s) of Occupancy beyond 500,000 sq. ft. of development within Cypress Creek Town Center. The mitigation activities shall be determined successful, using SWFWMD criteria, prior to any Phase 2 approval.
  - F. Stipulating the wetland impact mitigation criteria to be met including, at a minimum, the ratios found in SRPP policy 4.5.2 and 4.5.6.

2. Natural Resources of Regional Significance shall not be negatively impacted for the construction of wetland mitigation, stormwater treatment, or floodplain compensation areas.
3. In the event that any additional state- or federally-listed species, nesting colonies of wading birds or nesting Florida Sandhill cranes are discovered on-site during project development, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
4. Nuisance and exotic plant species shall be removed from the project site during site development. A plan shall be developed to address how the project site will be maintained free of nuisance and exotic species in perpetuity. The Plan shall be submitted to Pasco County for approval and included in the first biennial report submitted following commencement of development.
5. The project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use.
6. The entirety of Cypress Creek OFW lands located on the site shall be preserved. The proposed roadway crossing over Cypress Creek shall be designed to minimize impacts to the environmentally sensitive areas. The bridge shall have a span adequate to accommodate wildlife.
7. A master development plan shall be prepared and submitted to all appropriate DRI reviewing agencies, that identifies wetlands that will be preserved and those that will be impacted. The plan will reflect the maximum elimination of impacts to floodplain wetlands associated with Cypress Creek and a reduction of impacts to other on-site wetlands to those sufficiently justified as unavoidable. Design alternatives that have been considered to eliminate or reduce wetland impacts must also be addressed. A narrative shall be provided that details the need and justification for each wetland impact, and why the impact is considered unavoidable. The method and entity responsible in perpetuity for preserving those wetlands identified as non-impacted shall be identified. (SWFWMD)
8. A wetland mitigation plan shall be developed to fully compensate for impacts to wetlands associated with the revised master development plan. The plan must provide a wetland impact map that shows wetlands to be impacted and preserved, as well as a table showing wetland numbers, acreages, impact acreages, FLUCCS Type, and conservation categories per the Pasco County Comprehensive Plan. The plan must provide for the “functional” replacement of the impacted wetlands to achieve viable, sustainable ecological and hydrological wetland functions as required by Rules 40D-4, F.A.C. (SWFWMD)
9. The revised master development plan and wetland mitigation plan shall be submitted for review to all appropriate DRI reviewing agencies for their evaluation and recommendations to the local government. (SWFWMD)

10. Existing natural buffers around on-site wetlands and to Cypress Creek shall be maintained and areas of sparse buffering enhanced with native vegetation. When as little as 10% of a watershed is impervious, species diversity and stream health decline. Retention of a wide, continuous riparian zone in forest cover or wetlands is the Best Management Practice (BMP) of greatest potential and versatility among those in current use for reducing the impact of urban development. (SWFWMD)
11. The on-site wetland systems and buffers, conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall have their developmental uses restricted by easements conveyed to the local government, a state or federal agency, or an organization dedicated to conservation. (SWFWMD)

### **WATER QUALITY AND STORMWATER MANAGEMENT**

1. Special considerations are appropriate for this site, which has significantly sloping land and surface water management challenges and where the developers have not yet been identified, the land uses are subject to change, and multiple owners/managers are likely.
  - A. The stormwater management system shall meet the most stringent water quality standards adopted by the FL Department of Environmental Protection for Special Waters / Outstanding Florida Waters.
  - B. The stormwater management system should be designed to maintain the natural hydroperiod of the on-site wetlands and the floodplain habitats of Cypress Creek, Trout Creek and Cabbage Swamp.
  - C. Development practices should incorporate adopted Best Management Practices.
2. An integrated pest management program shall be implemented to minimize the use of fertilizers and pesticides, and the design and construction techniques listed below shall be utilized to minimize groundwater contamination:
  - lining stormwater ponds with clay or synthetic material if no natural clay layer exists;
  - using shallow ponds;
  - ensuring that ponds and swales are properly grassed;
  - setting a maximum depth for stormwater storage;
  - implementation of a site-specific groundwater quality monitoring system; and
  - maintaining a minimum distance between pond bottoms and the top of the confining layer for the Floridan aquifer.
3. The developer shall encourage the use of water conserving landscapes and the responsible use of water by occupants. The developers shall participate in the Florida Yards & Neighborhoods Program and follow the guidelines for lawn and landscape maintenance set forth therein.

4. Existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable.
5. Monitoring shall be conducted during and following construction to ensure that water quality on and exiting the site remains the same or is improved by the proposed surface water management system.
6. To prevent adverse effects to ground water quality during construction, there shall be no excavation into the Floridan aquifer's confining layers or underlying limestone.
7. If /when reclaimed water becomes available to the project site, the developer or its assigns shall implement reuse for all irrigation on-site.
8. The wetlands on-site shall be protected from development and buffered by natural habitat, swales and stormwater ponds that are created for stormwater attenuation and treatment.
9. Construction Best Management Practices (BMPs) shall be used to prevent construction related turbidity and erosion problems.
10. Appropriate subsurface investigations shall be performed prior to construction of stormwater management and /floodplain compensation ponds. (SR2/Page 15.1)
11. Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism, and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by Pasco County prior to development, and implementation of the plan must begin prior to each phase. Failure to implement the approved plan requires the applicant to file a Notice of Proposed Change. (SWFWMD)
12. Existing wetlands shall not be included in the stormwater treatment system. Water chemistry in existing wetlands is not conducive for removal of many pollutants and introducing stormwater changes the chemical composition of the water, degrades the habitat and reduces species diversity. Other infiltration techniques (such as those mentioned in item 5 below) shall be used to maintain wetland hydroperiods. (SWFWMD)
13. The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management system on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each biennial DRI report. (SWFWMD)
14. Any shoreline banks created along on-site stormwater wet detention ponds shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall

be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The applicant shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for the duration of the project. (SWFWMD)

15. The amount of development proposed will result in an increased volume of stormwater runoff. Several methods exist that can help reduce the impact from this increased volume of stormwater. Retention ponds should be built with 14-day residence time. Low impact design elements should be incorporated throughout the site to include: shallow vegetated swales in all parking areas; small recessed garden areas throughout parking and building landscape areas; porous pavement and other pervious pavement technologies; stabilized grass areas for overflow parking; and retention of the maximum amount of existing native vegetation. (SWFWMD)
16. The applicant has mentioned the intent to treat the first inch of runoff for stormwater events with wet detention ponds. Because the proposed development abuts and contributed to an Outstanding Florida Water, 1.5 inches of runoff will be required to be treated. (SWFWMD)
17. Development of Cypress Creek Town Center shall not impact the existing water quality of Cypress Creek, an OFW, for any measurable parameter as determined by DEP. (SWFWMD)

### **SOILS**

1. Best Management Practices, including those identified in the ADA, shall be employed during site preparation and construction to prevent soil erosion.
2. Construction activities shall be conducted so as to minimize soil compaction throughout the site. (SWFWMD)
3. The Florida Sinkhole Research Institute map shows this DRI to be very near the area of 'Numerous' sinkholes. All test boring logs of the site are to be provided, during the permitting process and prior to any construction, at a minimum to DEP and the SWFWMD. (SWFWMD)

### **FLOODPLAINS**

1. All habitable structures and access roadways shall be constructed above the 100-year flood elevation.
2. Compensation for the loss of 100-year flood storage capacity shall be provided, but shall not be constructed in existing wetlands or other native habitat.

## WATER SUPPLY

1. Assurance of adequate water supply capacity (potable and non-potable) to serve the project and identification of the entity(ies) responsible for maintenance of the water supply systems within the project site shall be provided in the Development Order. This shall include adequate water supply for fire-fighting.
2. The project shall utilize the lowest quality water reasonably available, suitable and appropriate. As committed, the development shall utilize the public reuse water service as soon as practicable, since the current supply lines run adjacent to the project.
3. The developer shall utilize the water conservation techniques/methods identified in the ADA to the maximum extent possible and feasible. This would include, but not be limited to:
  - use of water conserving landscape materials and responsible use of water, pesticides and fertilizers by the occupants;
  - installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices per the Florida Water Conservation Act (Section 553.14, F.S.) ; and
  - irrigation systems to be designed, installed and operated for water use efficiency.
4. As committed, water saving measures shall be enforced through such devices as deed restrictions, property owner's associations' rules and regulations and/or building design standards.
5. Planning and development of Cypress Creek Town Center shall conform to the SWFWMD adopted rules for the Northern Tampa Bay Water Use Caution Area. (SWFWMD)
6. Pasco County, along with 9 other counties within the Southwest Florida Water Management District, is located in a region where water demand is expected to exceed the ability of traditional ground water sources to provide necessary supplies over the next 20 years. New development represents additional water demand in an area where water resources are already stressed in providing for current reasonable and beneficial uses. The development must therefore implement to the maximum extent possible, all options for developing alternative supplies (reclaimed water, stormwater, water conservation, etc.) To meet their needs. (SWFWMD)
7. Prior to construction, the applicant shall determine the opportunities to use non-potable water for irrigation and other purposes within the development. Non-potable sources may include, but are not limited to, reclaimed wastewater, stormwater, and water pumped from shallow wells. The determination shall include, at a minimum, the proximity of the non-potable source to the proposed development, the long-term availability of that source, the appropriateness of the source or the intended use, and the installation of distribution lines

during construction in anticipation of future availability of the non-potable source. (SWFWMD)

8. Other water conservation measures shall be included such as landscaping, buffering, rain and soil moisture sensors and shut-offs, low-volume fixtures, mulching, preservation of natural areas, individual meters on multi-family units, and dual irrigation lines to accommodate reclaimed water when it becomes available. (SWFWMD)
9. Water conserving (Florida Friendly) landscape principles shall be used in all landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated. (SWFWMD)

### **WASTEWATER MANAGEMENT**

1. Approval of the project shall include assurance of adequate wastewater treatment capacity as well as developer provision of the internal wastewater collection system.
2. Wastewater shall not be treated on-site or by a private utility, unless approved by Pasco County.
3. No permanent septic tanks shall be installed on the Cypress Creek Town Center site. "Interim" septic tanks shall be removed from the site following completion of construction.

### **SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE**

Commercial and/or office tenants shall be provided with information at the time of purchase or lease which identifies hazardous and/or medical materials and proper procedures for the handling and disposal of such materials.

### **AIR QUALITY**

1. Specific approval of Phase 2 shall be contingent upon further Section 380.06, F.S., air quality analysis submitted through the Notice of Proposed Change process. The Development Order shall be modified, as appropriate, to specifically include any Phase 2 air quality impact mitigative measures necessary.
2. In the event that the required Transportation analysis identifies additional intersection improvements needed to accommodate the impacts of the Cypress Creek Town Center project, DRI level analysis for potential air quality impacts shall also be conducted and the results provided to TBRPC, FDEP, and Pasco County for review. Any improvements determined necessary to mitigate air quality impacts shall be required in a Development Order amendment.

3. Best Management Practices, including those identified in the ADA, shall be employed during site preparation and construction to minimize air quality impacts.

### **HURRICANE PREPAREDNESS**

The developer shall coordinate with the Pasco County Office of Emergency Management regarding incorporation of hurricane and wind resistant technology into the design criteria of all development.

### **POLICE AND FIRE PROTECTION**

1. The developer shall provide a pro-rata share of the cost for additional equipment and/or personnel required of the Pasco County Sheriff's Department and Pasco County Emergency Services in order to ensure adequate police and fire protection to the development if deemed appropriate by Pasco County and required through the application of uniform development standards. The mitigative measures shall be identified in the Development Order.
2. The developer shall review the concepts of "fire safe communities," as provided by the Florida Division of Forestry, and implement all appropriate measures.
3. The developer shall coordinate with the Pasco County Sheriff's Office to optimize environmental building attributes prior to construction and to incorporate security features throughout the project.

### **RECREATION AND OPEN SPACE**

1. On-site open space shall be maintained by an assigned, appropriate entity. This entity should be identified in the Development Order.
2. As committed, the multi-family residential land uses within Cypress Creek Town Center shall contain both active and passive private recreation facilities for use by the residents.
3. As committed, Cypress Creek Town Center shall provide access for its residents, through the creation of recreational easements developed in conjunction with on-site ponds and wetland areas to maintain accessibility to natural resources.

### **EDUCATION**

The developer shall cooperate with the District School Board of Pasco County to accurately assess and mitigate school system impacts. Any required mitigative measures shall be identified in the Development Order.

## **ENERGY**

The developer shall encourage the incorporation of energy conservation measures into the site design, building construction and landscaping to the maximum extent feasible.

## **HISTORICAL AND ARCHAEOLOGICAL**

The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Pasco County.

## **GENERAL CONDITIONS**

1. Should development significantly depart from the parameters set forth in the ADA, the project will be subject to substantial deviation review pursuant to Section 380.06, F.S.
2. Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving the assumed Phase 1 buildout of 2008. For the purpose of the Development Order, this term means construction of infrastructure, roadways or other vertical development.
3. Any approval of Cypress Creek Town Center shall, at minimum, satisfy the provisions of Subsection 380.06(15), F.S., and the following provisions of the Florida Administrative Code (F.A.C.): Rule 9J-2.041 (Listed Plant and Wildlife Resources Uniform Standard Rule); Rule 9J-2.044 (Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule); Rule 9J-2.043 (Archaeological and Historical Resources Uniform Standard Rule); Rule 9J-2.045 (Transportation Uniform Standard Rule); and 9J-2.048 (Adequate Housing Uniform Standard Rule).
4. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, SR1, SR2, SR 3 and SR4 be honored, except as they may be superseded by specific terms of the Development Order. Such commitments have been summarized in Section IV of this Report.
5. Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the developer in accordance with Rule 9J-2.0252, FAC.
6. The potential Development Order for the project shall be adopted concurrently with the Comprehensive Plan Amendment necessary for the project.
7. Approval of Cypress Creek Town Center shall be contingent upon the project's consistency with the Pasco County Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, F.S., and the state and regional plans.

8. The Development Order for the Cypress Creek Town Center DRI shall not be effective until the Florida Department of Community Affairs has issued its Notice of Intent and the appeal period passed for all comprehensive plan amendments associated with the Cypress Creek Town Center DRI.
9. The Development Order shall address the concerns set forth in the attached letters from the Florida Department of Environmental Protection, the Southwest Florida Water Management District, the Florida Department of Transportation, Tampa Bay Water, the Hillsborough County City-County Planning Commission and the City of Tampa.

\_\_\_\_\_  
Steve Simon, Chair

ATTEST: \_\_\_\_\_  
Lori Denman, Recording Secretary

These comments and recommendations were approved by a majority vote of the Tampa Bay Regional Planning Council on this 12th day of April, 2004

**SECTION V - REVIEW AGENCY COMMENTS  
DRI #252 - CYPRESS CREEK TOWN CENTER  
PASCO COUNTY**

**Please note that this Section includes comments from:**

- **the Florida Department of Environmental Protection;**
- **the Southwest Florida Water Management District;**
- **the Florida Department of Transportation;**
- **Tampa Bay Water;**
- **the Hillsborough County City-County Planning Commission;**
- **the City of Tampa; and**
- **TBRPC staff (Comprehensive Plan issues)**



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# Southwest Florida Water Management District

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)  
SUNCOM 578-2070

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)  
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: WaterMatters.org

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)  
SUNCOM 531-6900

**Lecanto Service Office**  
3600 West Sovereign Path  
Suite 226  
Lecanto, Florida 34461-8070  
(352) 527-8131  
SUNCOM 667-3271

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- T. G. "Jerry" Rice**  
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- David L. Moore**  
Executive Director
- Gene A. Heath**  
Assistant Executive Director
- William S. Bilenky**  
General Counsel

March 19, 2004

Mr. John M. Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard, Suite 219  
St. Petersburg, FL 33702-2491

**SUBJECT: DRI #252 – Cypress Creek Town Center, Pasco County –  
Development Order Conditions**

Dear Mr. Meyer:

The staff of the Southwest Florida Water Management District has developed recommended Development Order Conditions for the above referenced project. Thank you for this opportunity. A continuing issue identified by District staff is the applicant's proposal to impact a significant portion of the wetlands within the site, the majority of which are floodplain wetlands. The materials submitted for review have not substantively addressed concerns previously expressed by District staff regarding the potential impacts this development may have on water quality within Cypress Creek. Concerns revolve around the proposed intensity of the development, the wetland characteristics of the property, and its location within the watershed.

### **Recommended Development Order (D.O.) Conditions For Cypress Creek Town Center**

This project is located in the Cypress Creek watershed, adjacent to Cypress Creek, an Outstanding Florida Water and a major tributary to the Hillsborough River – the primary source of drinking water for the City of Tampa. As has been noted in all previous letters, this development is proposed at a high level of intensity that may be inappropriate for this site. In the event this project is approved, the following Development Order Conditions are recommended.

#### Wetland Protection

1. A master development plan shall be prepared and submitted to all appropriate DRI reviewing agencies, that identifies wetlands that will be preserved and those that will be impacted. The plan will

reflect the maximum elimination of impacts to floodplain wetlands associated with Cypress Creek and a reduction of impacts to other on-site wetlands to those sufficiently justified as unavoidable. Design alternatives that have been considered to eliminate or reduce wetland impacts must also be addressed. A narrative shall be provided that details the need and justification for each wetland impact, and why the impact is considered unavoidable. The method and entity responsible in perpetuity for preserving those wetlands identified as non-impacted shall be identified.

2. A wetland mitigation plan shall be developed to fully compensate for impacts to wetlands associated with the revised master development plan. The plan must provide a wetland impact map that shows wetlands to be impacted and preserved, as well as a table showing wetland numbers, acreages, impact acreages, FLUCCS Type, and conservation categories per the Pasco County Comprehensive Plan. The plan must provide for the "functional" replacement of the impacted wetlands to achieve viable, sustainable ecological and hydrological wetland functions as required by Rules 40D-4, F.A.C.
3. The revised master development plan and wetland mitigation plan shall be submitted for review to all appropriate DRI reviewing agencies for their evaluation and recommendations to the local government.
4. Existing natural buffers around on-site wetlands and to Cypress Creek shall be maintained and areas of sparse buffering will be enhanced with native vegetation. When as little as 10% of a watershed is impervious, species diversity and stream health decline. Retention of a wide, continuous riparian zone in forest cover or wetlands is the Best Management Practice (BMP) of greatest potential and versatility among those in current use for reducing the impact of urban development.
5. The on-site wetland systems and buffers, conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall have their developmental uses restricted by easements conveyed to the local government, a state or federal agency, or an organization dedicated to conservation.

#### Stormwater Management

1. Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism, and provide assurance through written commitments that the entity

in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by the local government prior to development, and implementation of the plan must begin prior to each phase. Failure to implement the approved plan requires the applicant to file a Notice Of Proposed Change.

2. Existing wetlands shall not be included in the stormwater treatment system. Water chemistry in existing wetlands is not conducive for removal of many pollutants and introducing stormwater changes the chemical composition of the water, degrades the habitat and reduces species diversity. Other infiltration techniques (such as those mentioned in item 5 below) shall be used to maintain wetland hydroperiods.
3. The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management system on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each annual DRI report.
4. Any shoreline banks created along on-site stormwater wet detention ponds shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The applicant shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for the duration of the project.
5. The amount of development proposed will result in an increased volume of stormwater runoff. Several methods exist that can help reduce the impact from this increased volume of stormwater. Retention ponds should be built with 14-day residence time. Low impact design elements should be incorporated throughout the site to include: shallow vegetated swales in all parking areas; small recessed garden areas throughout parking and building landscape areas; porous pavement and other pervious pavement technologies; stabilized grass areas for overflow parking; and retention of the maximum amount of existing native vegetation.
6. The applicant has mentioned the intent to treat the first inch of runoff for stormwater events with wet detention ponds. Because the proposed

development abuts and contributes to an Outstanding Florida Water, 1.5 inches of runoff will be required to be treated.

7. Development of Cypress Creek Town Center shall not impact the existing water quality of Cypress Creek, an OFW, for any measurable parameter as determined by DEP.

#### Soils

1. Construction shall be conducted to minimize soil compaction throughout the site.
2. The Florida Sinkhole Research Institute map shows this DRI to be very near the area of 'Numerous' sinkholes. All test boring logs of the site are to be provided, during the permitting process and prior to any construction, at a minimum to DEP and the SWFWMD.

#### Water Supply Protection

1. Planning and development of Cypress Creek Town Center shall conform to the SWFWMD adopted rules for the Northern Tampa Bay Water Use Caution Area.
2. Pasco County, along with 9 other counties within the Southwest Florida Water Management District, is located in a region where water demand is expected to exceed the ability of traditional ground water sources to provide necessary supplies over the next 20 years. New development represents additional water demand in an area where water resources are already stressed in providing for current reasonable and beneficial uses. The development must therefore implement to the maximum extent possible, all options for developing alternative supplies (reclaimed water, storm water, water conservation, etc.) to meet their needs.
3. Prior to construction, the applicant shall determine the opportunities to use non-potable water for irrigation and other purposes within the development. Non-potable sources may include, but are not limited to, reclaimed wastewater, stormwater, and water pumped from shallow wells. The determination shall include, at a minimum, the proximity of the non-potable source to the proposed development, the long-term availability of that source, the appropriateness of the source for the intended use, and the installation of distribution lines during construction in anticipation of future availability of the non-potable source.
4. Installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices is required. Efficient plumbing fixtures are required by the Florida Building Code.

Mr. John Meyer  
March 19, 2004  
Page 5

5. Other water conservation measures shall be included such as landscaping, buffering, rain and soil moisture sensors and shut-offs, low-volume fixtures, mulching, preservation of natural areas, individual meters on multi-family units, and dual irrigation lines to accommodate reclaimed water when it becomes available.
6. Water conserving (Florida Friendly) landscape principles shall be used in all landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.

The above recommendations are provided for your evaluation and use in developing the Tampa Bay Regional Planning Council's recommended final order. We appreciate this opportunity. These recommendations do not constitute permit approval under Chapter 373, Florida Statutes, or any rules promulgated thereunder, nor do they stand in lieu of normal permitting procedures. Additionally, these comments are not necessarily the final position of the District and may be subject to revision pursuant to additional information and further review. If I can be of further assistance, please call me at (352) 796-7211 extension 4413.

Sincerely,



Mikel Renner, AICP  
Senior Planner

MER

cc: Michael LaSala, Pasco County, DRI Coordinator  
Brenda Arnold, DEP  
Rand Baldwin, SWFWMD Governmental Affairs Coordinator, CLA-TPA  
John Parker, Brooksville Regulation Manager, REG-BRO  
Len Bartos, Brooksville Regulation Manager, REG-BRO  
Betty Rushton, Environmental Scientist, MAN  
Lisa Henningsen, Environmental Scientist, DEV  
Michael Kelley, Professional Geologist, DEV



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619-1352

Colleen M. Castille  
Secretary

Mr. John Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre  
Suite 100  
Pinellas Park, Fl. 33782

March 29, 2004

*Sent via: regular mail and facsimile*  
Re: Cypress Creek Town Center Final Comments

Dear Mr. Meyer:

The Southwest District office of the Florida Department of Environmental Protection has reviewed the above referenced submittal and offers the following comments:

The Development of Regional Impact process exists, in part, to identify imminent, potential and existing regional impacts so that they may be addressed prior to the issuance of a Development Order and prior to the permitting stage of a given project. The Department has previously commented on several issues related to the project as proposed which, to date, have not been resolved. These issues are storm water treatment, the lack of a specific mitigation plan for review, a site wide Environmental Monitoring Plan (EMP), and the large percentage of impacts to on-site wetlands resulting from the project. As a result, The Department has formulated the following Development Order conditions, which are recommended in the event that the project is approved.

## Storm water

The storm water treatment system will be designed to treat the first 1 ½ inches of rainfall due to the proposed direct discharge to the Outstanding Florida Water (OFW), Cypress Creek, a tributary to the Hillsborough River, which is a source of public drinking water. The applicant indicates that wetlands and wet detention ponds will be incorporated as part of the storm water management system, identifying a direct discharge to the OFW. Storm water management systems discharging directly to OFW's are required to treat 50% more of the water quality treatment volumes as required for the selected treatment system, therefore, the wet detention systems discharging into the Cypress Creek system, as defined by 62-301.400, which is considered a Special OFW, must provide water quality treatment for the *first one and one half inches (1½") of runoff* from the contributing area. Discharging to the Cypress Creek system at the end of the wet detention treatment system treatment train is considered a direct discharge to an OFW. Further, all on-site storm water systems should provide 14-day residence time in order to adequately protect drinking water supplies.

## Wetland Mitigation and Protection

Prior to *any* on-site construction, a specific wetland mitigation plan will be developed and implemented to address and compensate for impacts resulting from this project. This plan will be approved prior to implementation by The Department, the SWFWMD, FFWCC, and the TBRPC, at minimum and will be located within the same drainage basin as the project. Further, the remaining on-site wetland systems,

buffers, conservation areas, and wetland mitigation areas will be encumbered in perpetuity by conservation easements conveyed to an appropriate governmental entity. These easements shall include provisions for proper management, including funding, of the sites in order to maintain their ecological system value and functions in perpetuity. The Department contends that it appears possible to further reduce on-site wetland impacts therefore; the applicant will provide all previously considered alternatives, and justification for impacts to wetlands, which are deemed unavoidable by the applicant. Should the applicant identify any further reductions resulting from this study, the applicant will provide the revised Master Development Plan for review and comment by the appropriate DRI review agencies. Comments will be provided to Pasco County.

### **Environmental Monitoring Plan**

A Site-wide Environmental Monitoring Plan will be formulated and approved by The Department and the SWFWMD, at minimum, prior to any construction activities on-site.

The following is an outline of the minimum contents of the EMP:

- 1) Environmental Monitoring Plan (EMP), Ground Water
  - a) Sampling Parameters.
    - i) Florida Standards shall include all Primary and Secondary Standards contained in Chapter 62-550, F.A.C., with the exception of dioxin and asbestos.
    - ii) Indicator parameters shall include nitrate, total dissolved solids, sodium, chloride, sulfate, total phosphorus, ortho-phosphate, total kjeldahl nitrogen, fecal coliforms, arsenic, cadmium, chromium, copper, zinc, lead, iron, diazinon, and atrazine.
    - iii) Other Parameters shall include:
      - Grounds maintenance materials (such as pesticides, herbicides, and fertilizers).
      - Any parameter that indicates an exceedance of Standards. The applicable Standards for the determination of an exceedance shall be the lower value between Drinking Water Standards (ground water) and Surface Water Standards.
      - Any parameter indicating an increase that constitutes cause for concern.
      - Any regulated substance utilized in any activity on the property. A regulated substance is defined here as any substance that has been identified by EPA or DEP as a possible contaminant and/or for which a risk-based numerical threshold has been determined (i.e. MCLs, Guidance Concentrations, etc).
    - iv) Field parameters shall be sampled from all wells during all sampling events. These include turbidity, specific conductance, dissolved oxygen, temperature, water table elevations (relative to NGVD29), and pH.
  - b) Sampling Frequency
    - i) Establishment of baseline data. All wells shall be sampled for Florida Standards and field parameters. This sampling event shall commence as soon as possible after the installation and proper development of the wells, and a 24-hour recovery

- period. This sampling should commence prior to any development construction or earthwork.
- ii) 1.5-year Sampling. All wells shall be sampled for all parameters listed in item 1) a) above. This sampling event can be done concurrently with semi-annual sampling to avoid repetition.
  - iii) Semi-annual sampling. All wells shall be sampled for Indicator Parameters, Other parameters, and field parameters. This shall be conducted during May and November.
- c) Detection limits. One purpose of the regional GWMP is to avoid impacts to the surrounding area before problems occur. To that end, actual background levels will be determined so that increasing trends could be recognized prior to the occurrence of a violation. Regional data suggests that natural background levels of some parameters are significantly lower than the MCLs and general minimum detection limits (MDLs) chosen in reference to them for permitting and compliance purposes. The initial sampling will have MDLs set to accommodate the objective of determining actual levels present in the natural environment. Following the initial event, MDLs will be set to accommodate the value known so that increasing trends can be determined. When some 'crossover' exists, MDLs for all sampling parameters will be set to accommodate the lower value between ground water and surface water standards. To summarize, MDLs for all sampling events in all wells shall set MDLs to the lowest possible detection limit listed in Rule 62-4.246(3), F.A.C. If any particular parameter is absent from the list therein, the MDL shall be set to the lowest detection level attainable by a qualified laboratory, as outlined in its (previously approved) Comprehensive Quality Assurance Plan.
- d) Reporting
- i) EMP Proposal.
    - Ground water contours (NGVD29 datum) delineating flow direction, obtained from site-specific piezometers data.
    - Proposed Ground Water Monitoring Wells. Wells shall be of sufficient number to assess regional impacts of the development, and proposed locations should be identified on a map that includes their proximity to development features, property boundaries, natural feature boundaries (wetlands, surface water bodies), and areas of water or effluent collection, storage or channelization. Well specifications shall be proposed. Sampling proposal shall specify concurrence with sampling recommendations outlined below.
    - The EMP shall be consistent with Chapter 62-522.600, F.A.C.
    - EMP Proposal shall be approved by the Department prior to the installation of any wells and/or collection of baseline data.
  - ii) Baseline Report.
    - All wells should be installed and developed according to proper industry specifications prior to baseline sampling. Water Management District (WMD) permits, WMD completion forms, DEP Well Completion Reports, boring

logs, and finalized well specifications should all be submitted as part of this report.

- Baseline sampling results shall be submitted for all wells.
- Discussion of the source(s) of any exceedances noted therein.
- The Baseline Report shall be approved by the Department prior to the commencement of any development construction and/or earthwork.
- All monitor wells and piezometers on the property not part of the EMP should be abandoned prior to the initiation of the EMP sampling. The proper SWFWMD abandonment forms should be submitted.

iii) Annual Report.

- All sampling data collected during the year
- Scaled development and well location map, with specific notation of any changes from previous report(s).
- All data (analyses results) collected on the property since the installation of the wells in digital format. This data should be presented in tabular (Microsoft excel spreadsheet) form.
- Data collected during the relevant year in hard copy, also in the same tabular form.
- Raw data lab sheets for analyses conducted during the relevant year.
  
- Any parameters of possible concern will be represented in contour form over a property map.
- Report of pesticide/herbicide/fertilizers used during the relevant year. Any foreseen or proposed changes in that materials list should also be reported.
- Any changes in the development regarding the layout, location of possible inputs to ground or surface water should be reported. Any other occurrences or changes that may be pertinent to environmental effects should be reported. This includes indications of possible karst development.
- The status of the monitor wells should be reported with any proposed action if necessary. Changes in well location should be approved prior to installation. If any parameter values that constitute cause for concern are present, a narrative describing possible cause(s) and proposal for remedy/action.
- Request for removal of sampling parameters, if appropriate.

e) Monitoring Duration.

- i) All monitoring in the EMP, in the absence of an approved request for reduction, shall continue through build-out of the development property.
  - ii) Semi annual sampling shall continue through build-out if no issues of concern exist at that time. After buildout, 1.5-year sampling shall continue for a minimum of 5 years. A formal request to discontinue should be submitted and approved prior to discontinuance of the monitoring.
  - iii) After submission of the baseline report, a decrease in the sampling suite may be requested in each Annual Report. Any such request will be considered based on compliance history and relevance to ongoing or upcoming activities.
- f) Cause for Concern. One purpose of this regional GWMP is to avoid impacts to the surrounding area before problematic impacts occur; and to that end, increasing trends will be sufficient cause for concern or action. Because the Department has no criteria through which an 'increasing trend' can be defined, the Audubon guidelines for Criteria for Management Response shall be extrapolated from to determine when further consideration or action is warranted. Specifically, an increasing trend will be defined as a parameter analysis value being two standard deviations from the baseline mean (baseline levels determined during initial sampling event). Subsequently, cause for concern or action will be defined as a parameter analysis value being above Florida Standards or indicating an increasing trend. Resulting action can include an expansion of the sampling suite, sampling frequency, mitigation and/or remedial action for the purpose of preventing possible impacts to the surrounding area. Because the focus of concern at this site is the ground-to-surface water interaction and impact, the applicable Standards for the determination of an exceedance shall be the lower value between Drinking Water Standards (ground water) and Surface Water Standards.
- g) Well Documentation.
- i) Well locations and construction details should be approved by the Department prior to installation. The Department recommends that grain size analyses from sediments in the target sampling intervals be performed to properly determine the appropriate filter pack and slot specifications and that wells experiencing high turbidity be developed to the maximum extent possible. Based on the grain size analyses, the screen slot size should be designated to retain 70% of the monitored aquifer formation material and the filter pack should retain 90% of the aquifer formation material. A monitor well should be screened to intercept the seasonal low and seasonal high water table in a particular area. To avoid sample dilution, each well should have a screening interval of no greater than ten feet.
  - ii) All wells should be installed and developed according to proper industry specifications prior to sampling (see attached narrative related to well development). Documentation of development, copies of Water Management District (WMD) permits, WMD well completion report forms, and DEP well completion report forms, and well specification diagrams should be included in the Baseline Report.
  - iii) All monitor wells and piezometers not part of the EMP should be abandoned prior to the initiation of the EMP sampling. The proper WMD abandonment forms should be submitted.

The EMP will also include a surface water component to include sampling receiving water bodies on a recurring basis for the parameters DO, Temperature, conductivity, salinity, fecal coliform, total coliform, turbidity, total suspended solids, color, CBOD, chloro a, phaeo a, alkalinity, chloride, fluoride, sulfate, TDS, total phosphate, ammonia, nitrate+nitrite, TKN, TOC, Calcium, magnesium, potassium, sodium, iron, copper, lead, zinc, oil and grease.

The EMP will also include a proposal to determine the karst sensitivity of the property. The first step in this investigation shall be in the form of a fracture trace analysis of the entire property. Especially in areas of planned collection, storage or channelization of water or effluent, the karst investigation shall include GPR, electromagnetic, resistivity, or other appropriate methods. The results of this investigation shall be submitted in conjunction with projected design plans, with a specific design plan approved by the Department prior to the initiation and approval of any earthwork or construction activities. This area is prone to karst activity; the depressional areas should not be used for building or other settlement sensitive structures, and would be best utilized as passive recreational areas (preservation). Depressions on the property shall not be utilized for the collection, channelization, or storage of water or effluent.

We appreciate the opportunity to comment on this project as part of the DRI process. Comments provided were and are not necessarily the final position of the Department and may be subject to revision pursuant to additional information and further review. These comments and those previously made do not preclude or deem exempt the applicant from any permitting responsibilities that are required by the FDEP or other applicable agencies. If I can be of further assistance, please do not hesitate to contact me at (813) 744-6100, ext. 440.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Arnold", with a stylized flourish at the end.

Brenda Arnold  
Environmental Specialist

Cc: Scott Rodgers, DCA  
Richard Deadman, DCA



# Florida Department of Transportation

11201 N. McKinley Drive • Tampa, FL 33612 6456 • Phone (813) 975-6000 • 1-800-276-7220

JER BUSH  
GOVERNOR

JOSÉ ABREU  
SECRETARY

April 2, 2004

Mr. John Meyer  
DRI Review Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Blvd.  
Pinellas Park, FL 33782

RE: Cypress Creek Town Center (DRI# 252)  
Pasco County, Florida

Dear Mr. Meyer:

Attached are the collective consultant and FDOT comments for the above referenced DRI. The Florida Department of Transportation reserves the right to seek additional information related to our comments. Thank you for the opportunity to comment.

Sincerely,

Yvonne M. Arens  
Corridor Management Administrator

Cc: Domingo Noriega, URS Corporation  
Kent Fast, FDOT, District Seven



**CYPRESS CREEK TOWN CENTER DRI**  
**Review Comments – Proportionate Share - Sufficiency Response**  
**April 1st, 2004**

URS has been retained by Pasco County and FDOT to review the above referenced DRI traffic study. Also, URS has assisted Pasco County and FDOT in the efforts to calculate a "Proportionate Share" dollar amount that properly identifies the developer's fair share cost to mitigate its traffic impacts on those significantly and adversely impacted roadways. The following is a summary of major issues regarding the final proportionate share calculations:

- Finalizing and agreeing on a proportionate share amount does not necessarily mean that Pasco County MPO or FDOT has accepted or deemed complete the last version of the traffic study.
- Allowing a proportionate share payment is at the discretion of Pasco County and its actual dollar amount may be subject to changes due to additional comments from the Tampa Bay Regional Planning Council (TBRPC). Any other mitigation option may require the re-evaluation of the latest submitted traffic study for Phase 1.
- The Applicant is not requesting Phase 2 approval at this time. Phase 2 DRI transportation issues should be evaluated at a later date by a revised traffic study.
- The road improvement costs for the significantly and adversely impacted roadways are in 2002 dollars, except for the sections of I-75 impacted by this DRI, which are in 2003 dollars. The proportionate share amount shall be adjusted to account for the effects of inflation based on the actual year of construction of these road improvements.
- The Applicant's proportionate share is significantly lower than the one calculated by URS in behalf of the Pasco County MPO and FDOT, primarily due to assumptions used in the construction costs. Specifically, the costs used in the Pasco County/FDOT proportionate share version are based on a per-lane mile cost estimates developed by FDOT and based on the latest available information from the PD&E study for I-75 and SR 54. On the other hand, the Applicant's proportionate share amount is based on FDOT's 2002 Transportation Costs.
- The Applicant's method of balancing the traffic and the percentage of trucks assumed for Phase 1 may result in additional improvements.

Board of Directors Robert Stewart, Frank Parker, Rick Baker, Kathy Castor,  
Ann Hildebrand, Pam Iorio, Susan Lalvola, Jan Platt, Ted Schrader

General Manager Jerry L. Maxwell

General Counsel Donald D. Conn

2535 Landmark Drive, Suite 211, Clearwater, FL 33761-3930  
Phone: 727.796.2355 / Fax: 727.791.2388 / SunCom: 513.7010  
www.tampabaywater.org



VIA FAX & U.S. MAIL

March 30, 2004

Mr. John Meyer, DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Center Boulevard, Suite 100  
Pinellas Park, Florida 33782

**Re: DRI #252 – Cypress Creek Town Center, Final Comments, Pasco County  
Review of DRI Information, Proposed DO Comments**

Dear Mr. Meyer:

Tampa Bay Water appreciates the opportunity to provide additional comments for the Cypress Creek Town Center DRI as the TBRPC staff creates proposed Development Order conditions. In our original correspondence, dated November 21, 2003, Tampa Bay Water identified the importance of appropriate planning for the proposed development in relationship to the region's public water supply facilities.

The proposed project is located in Pasco County and is approximately 1.5 miles from a Tampa Bay Water production well and approximately 1 mile from a monitoring well that are part of the Cypress Bridge Wellfield. Cypress Creek and other surface water features and tributaries contribute to the Hillsborough River which is a major water supply source for Tampa Bay Water and the City of Tampa. Both the Cypress Creek Wellfield and the Hillsborough River are vitally important to the overall public water supply for Tampa Bay Water's member governments, who in turn serve over 2 million residents in the Tampa Bay area.

Tampa Bay Water staff recommends the following development order conditions for the Cypress Creek Town Center DRI. Tampa Bay Water staff also continues to requests that we be able to review and comment on conditions when the final Development Order is drafted.

**Water Quality and Drainage:**

1. Development of the project shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted

Comprehensive Plan and Land Development Code as maybe amended from time to time.

2. The project's stormwater-management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4, or 40D-40, Florida Administrative Code (FAC), 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 to the tributaries of the Hillsborough River as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the applicants/developers shall comply with the following design requirements:
  - a. All swales shall be fully vegetated and operational.
  - b. Dry stormwater, retention/detention areas, including side slopes and bottoms, shall be vegetated as required.
  - c. The applicants/developers or other responsible entities shall ensure that the stormwater management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
  - d. Should the applicants/developers discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the applicants/developers shall, within seven (7) days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The Biennial Report 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 Biennial Report.
  - e. Landscape and irrigation shall be in conformance with the Land Development Code in effect at the time of preliminary plan/site plan approval.
3. Pre-development hydrologic/hydraulic properties of all of the onsite wetlands should remain unaltered to maintain the quantity and timing of runoff discharges to offsite wetlands and creeks.
4. No outlet or conveyance, either natural or man-made, should be lowered in elevation to prevent lower water levels and reduced hydroperiods. No changes to wetland outlets or conveyances should occur unless it is to restore artificially

connected wetlands to a more natural state so that existing wetland and normal flow quantities to Cypress Creek and the Hillsborough River are maintained.

5. The development activities must not breach the clay-confining unit, and in no event should contact with the limestone aquifer be allowed. Developer responsibilities to prevent this occurrence and any remedial actions are required during the site plan permitting process.
6. In order to protect surface water quality, stormwater exiting the site shall meet all applicable State water quality standards. The applicants/developers shall develop a surface water quality monitoring program approved by Pasco County, SWFWMD, FDEP, and Tampa Bay Water, and shall be instituted before commencement of development, as defined in the Pasco County Land Development Code, and continue through build-out of the development. Access to the monitoring sites shall be made available to the agencies listed above. One of the purposes of these monitoring programs is to ensure no adverse impact to the Cypress Creek Wellfield, which is a regionally significant resource. The following parameters shall be included within any required water-quality, monitoring program:
  - a. Sampling locations and specific parameters (including nutrients, pesticides, herbicides, and stormwater parameters), frequency (minimum of twice annually) of monitoring, and reporting shall be subject to Pasco County, FDEP, and other appropriate regulatory body approval.
  - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/FDEP quality-control standards and requirements.
  - c. The monitoring results shall be submitted to FDEP, SWFWMD, Tampa Bay Water, and Pasco County. Should the monitoring indicate that applicable State water quality standards are not being met; the violation shall be reported to Pasco County and other appropriate regulatory bodies immediately. In the event there is a violation of any State water quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the sub-basin shall cease until the violation is corrected.
  - d. The postdevelopment annual rainfall volume discharge from the project shall not exceed the historic predevelopment average annual rainfall-volume discharge.

7. A ground water monitoring program shall be developed in coordination with FDEP, SWFWMD, and Tampa Bay Water to establish parameters, methodology, and locations of monitoring sites, if required in the permitting process. Any such program shall be submitted to FDEP, SWFWMD and Tampa Bay Water for review and to Pasco County for approval and shall be included in the next Biennial Report. Any required groundwater quality monitoring program shall be instituted before commencement of development begins as defined in the Pasco County Land Development Code to provide background data and shall continue to project build out. If reclaimed water for irrigation purposes is used in the future, any groundwater monitoring program will be amended as required by the permit for use of reclaimed water. In the event there is a violation of any State water quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. Monitoring results shall be included in the Biennial Report.

**Wellfield Protection:**

1. The applicants/developers shall comply with the current Wellhead Protection Ordinance (Section 612 of the Pasco County Land Development Code) as amended.
2. Should any noticeable soil slumping or sinkhole formation become evident, the applicants/developers shall immediately notify the County, Tampa Bay Water, and SWFWMD, and adopt one (1) or more of the following procedures as determined to be appropriate by the County and SWFWMD:
  - a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.
  - b. Take immediate measures to ensure 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 distance of five (5) 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.

3. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridian Aquifer is prohibited.
4. The historic average rainfall volume discharged from the project should be maintained postdevelopment. The developers shall, in cooperation with Tampa Bay Water and to the extent the permitting agencies (Pasco County and SWFWMD) can allow, propose stormwater design solutions which achieve this goal (i.e., use of swale systems and reducing treatment volume requirements).

Tampa Bay Water staff appreciates the opportunity to review and comment on land development-related activities proposed within the Tampa Bay Water "Area of Interest". Please contact me at (727) 796-2355 if you have any questions, or if you need any further information.

Sincerely,



Paula Dye, AICP  
Chief Environmental Planner



**MEMORANDUM**

**TO:** John Meyer, TBRPC  
**FROM:** Shawn C. College, AICP   
**DATE:** November 20, 2003  
**RE:** DRI #252 – Cypress Creek Town Center

The Environmental and Community Facilities Team of the Hillsborough County City-County Planning Commission has completed a review of Proposed DRI #252 (Cypress Creek Town Center).

The general location of the DRI has potential negative implications for Cypress Creek, which is both an Outstanding Florida Water (OFW) and a tributary to the Hillsborough River - a source of potable water for the City of Tampa. This has a direct bearing on the health, safety and welfare of a sizable population of citizens of Hillsborough County and the City of Tampa.

It is therefore recommended that the loss of any wetlands be minimized to the greatest extent possible. It is further recommended that encroachment/loss of any wetland with a hydrologic connection to Cypress Creek and/or its tributaries be prohibited.

It is recommended that upland naturally vegetated buffers of no less than 75 feet be required to be created/preserved adjacent to all wetlands with a hydrologic connection to Cypress Creek and/or its tributaries.

We support the 14 day residence time for stormwater ponds as already cited in the application as an appropriate measure to address stormwater quality issues. If the uses proposed, particularly the regional mall, can not meet these requirements, it is recommended that alternative uses be substituted.





# CITY OF TAMPA

Pam Iorio, Mayor

Department of Business and Housing Development

Land Development Coordination

March 31, 2004

Mr. John Meyer  
Tampa Bay Regional Planning Council  
4000 Gateway Center Boulevard  
Ste. 100  
Pinellas Park, Florida 33782

Re: Cypress Creek Town Center – Pasco County

Dear Mr. Meyer:

The City of Tampa received a request regarding the proposed approval of a retail mall located in South Central Pasco County. As part of the request, a significant amount of wetland encroachment is to occur. As you know, some City of Tampa developments also border the Cypress Creek drainage basin and the City has faced similar requests as part of DRI amendments over the years. Specifically, developers within Tampa Palms had requested encroachments along with off-site mitigation proposals within the same drainage basin (Cypress Creek) as the one currently under review. It was a highly controversial request and ultimately settled through implementation of Development Order conditions which served to protect the interests of all impacted parties. The approved Development Order conditions contained the following:

1. Access to parcels through jurisdictional wetland areas was limited to infrastructure, utilities, drainage retention areas, ponds, rights of ways and grade transitions from roadway surfaces that might extend beyond the right of way.
2. The owner was allowed to encroach no more than 1% of total open space which amounted to approximately 34 acres.
3. In addition, mitigated wetlands had to be either within the DRI property, on other property within the Cypress Creek drainage basin that was also within the City of Tampa.
4. Proposals for off-site mitigation not within the City of Tampa were not permitted under the terms of the Development Order.

Finally, the City of Tampa Water Department has serious concerns regarding the detrimental effect the destruction of wetlands with possible off-site mitigation would

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have on the City's water supply. Tampa's primary water source is the Hillsborough River and the flood plans of Cypress Creek replenish this resource.

Thank you for the opportunity to comment on this request. Please do not hesitate to contact me if you have questions.

Regards,



Susan Johnson,  
City of Tampa, Florida  
DRI Coordinator



**CYPRESS CREEK DRI  
PRELIMINARY REVIEW  
Amendments to the Future Land Use Map,  
Transportation and Capital Improvements Elements**

**I. Submission Dates**

On November 17, 2003, the staff received a preliminary copy of the proposed comprehensive plan amendment associated with the Cypress Creek Town Center DRI. According to the transmittal letter, the proposed amendment will be submitted to the County's Development Review Committee on December 18, 2003, Local Planning Agency on January 27, 2004, and the Board of County Commissioners on February 24, 2004. Based on this schedule, it is anticipated that the amendment would be formally submitted to the Council for review in late February or early March 2004. The Council staff will be providing the County with preliminary comments on the proposed amendments.

**II. Statutory Provision**

Pursuant to Section 163.3187(1)(b), FS, a comprehensive plan amendment "directly related to a proposed development of regional impact...may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval...without regard to statutory or local ordinance limits on the frequency [twice yearly] of consideration of amendments to the local comprehensive plan."

**III. Proposed Amendments**

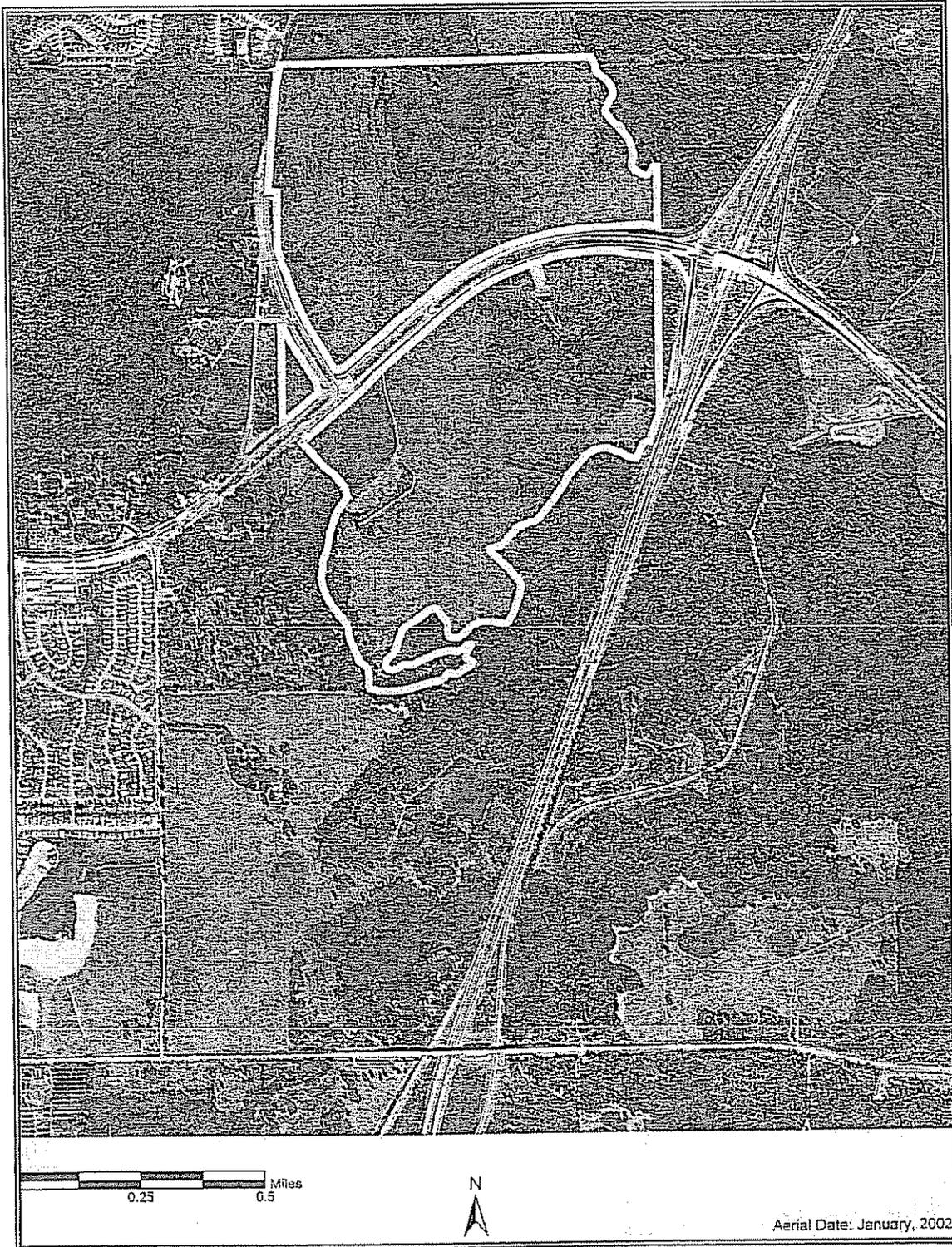
A. Description - Future Land Use Map

From: Residential-3 (RES-3)

To: Residential/Office/Retail (ROR)

- B. Size: 438.3 acres
- C. Location:       North and South:     SR 56  
                  East:                   SR 54  
                  West:                   I-75
- D. Existing Use: Active pasture, wetlands, and 100' utility easement
- E. Proposed Use:
- South of SR 56, a 1.5M square foot regional mall and 400 room hotel
  - North of SR 56, retail center (600,000 sq. ft.), highway commercial (56,000 sq. ft.), office (120,000 sq. ft.), 300 hotel rooms , and 630 multi-family residential units
  - West of SR 54, highway commercial (40,000 sq. ft.)
- F. Adjacent Land Use Designations:
- North: RES-3
  - South: RES-3
  - East: RES-3 and Mixed-Use (east of I-75)
  - West: Conservation, ROR, and RES-3
- G. Adjacent Uses:
- North: Vacant, single-family residential, agriculture, and wetlands
  - South: Cypress Creek, agriculture, and wetlands
  - East: I-75, vacant, and wetlands
  - West: Agriculture, residential, borrow pit, and wetlands
- H. Description - Transportation and Capital Improvements Elements

The application contained a request to amend the Transportation Element to reflect the construction of a two-lane collector roadway that would connect SR 54 from its intersection with SR 56 southward to County Line Road. This roadway would be reflected in the future Traffic Circulation Map Series, Maps 7-14, 7-18, 7-20, and 7-21. The amendment is necessary in order that the roadway be considered for inclusion in the County's capital improvements program. According to the documentation, "this proposed collector roadway would serve as the last segment of a continuous roadway system parallel to and west of Interstate 75 between State Road 52 and County Line Road." The Capital Improvements



Element would be revised to incorporate the roadway into Table 11-1, Schedule of Capital Projects, as a Major Road during the 2008 timeframe and Table 11-4, Summary of Revenue and Expenditures for Capital Projects.

**IV. Regionally Significant**

Yes, based on the following:

- Site located within the Cypress Creek DRI;
- Site located adjacent to Cypress Creek, identified as an Outstanding Florida Water and a major tributary of the Hillsborough River, a regionally significant riverine system;
- Site located at the intersections of SRs 54 and 56 and I-75 each designated as a regionally significant roadway;
- Site identified as containing regionally significant riverine and strategic habitat conservation areas; and
- Extra-jurisdictional impacts associated with the proposed development.

**V. Impact regional facilities/ resources?**

Yes. As noted above, the site contains areas identified as regionally significant riverine and strategic habitat conservation areas. The impact on the resources was described in the supporting documentation as follows:

The proposed project will necessitate impacts to wetlands on the property in order to circumscribe a contiguous parcel totaling approximately 100 acres for the primary land use - the regional mall.

Wetlands are to be protected to the extent feasible given the need to provide adequate building sties, parking, stormwater retention/ treatment, and floodplain compensation.

The wetland impacts will be mitigated at an off-site location that will fully compensate for losses of wetlands on site that will provide a long-term benefit to the region.

In addition to the potential for extra-jurisdictional impacts on regionally significant natural resources, the transportation analysis of the ADA identified the following impacted regionally significant roadways:

- I-75;

- SR 54;
- SR 56;
- Bruce B. Downs Boulevard/SR 581; and
- Dale Mabry Highway.

## VI. Result in extra-jurisdictional impacts?

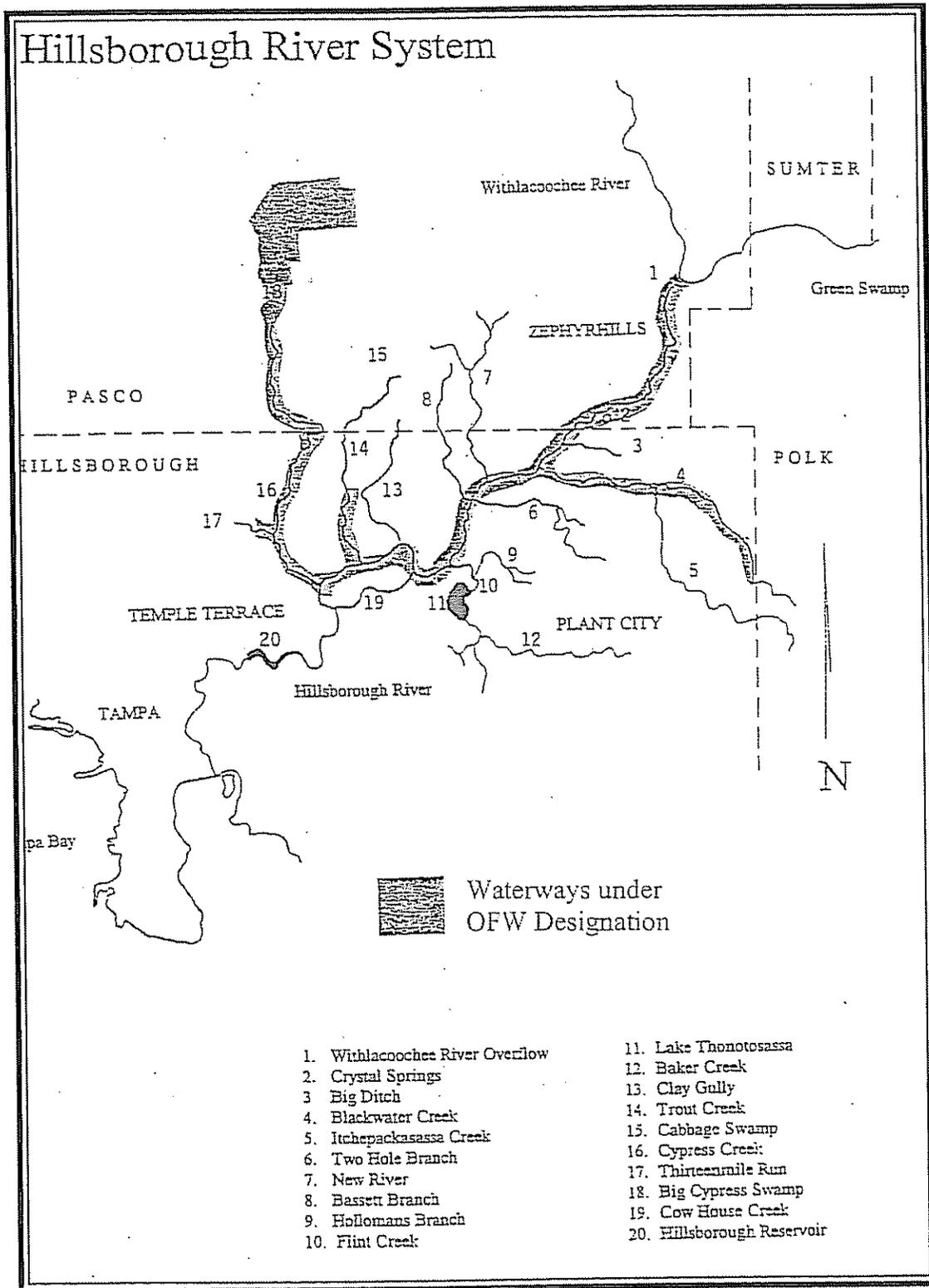
Yes. Cypress Creek, which forms the southern boundary of the site, ultimately flows into the Hillsborough River north of the Hillsborough River Reservoir, the primary potable water source for the City of Tampa. Similarly, drainage flowing north of the site enters the Cabbage Swamp. This swamp system forms the northwestern headwater for Trout Creek, which also ultimately flows into the Hillsborough River north of the Hillsborough River Reservoir. The Hillsborough River Reservoir was identified in the SRPP as a regionally significant water resource.

It should also be noted that, pursuant to Section 62-302.700, FAC, the Hillsborough River, from Fletcher Avenue north to the Withlacoochee River has been designated as Special Water OFW. Included in this designation were Cypress Creek and Trout Creek upstream to Bruce B. Downs Boulevard. The River has been identified as a Class I-A (potable) water. The SRPP identifies both the Hillsborough River, Class I waters, and major riverine tributaries as being regionally significant natural resources. A map from the Bureau of Surface Water Management's Proposed Designation of the Hillsborough River and Major Tributaries (January 1995) showing the delineated water bodies can be found on the following page.

Throughout the Conservation and Aquifer Recharge Element, Hillsborough County, noted the need to protect the environmental quality of the Hillsborough River. This is particularly evident in Objective 26 which states "continue to protect this major source of drinking water and promote the improvement of water quality in the river where it does not meet or exceed state water quality standards for its designated use."

In addition to the potential for extra-jurisdictional impacts on regionally significant natural resources, the transportation analysis on the ADA identified the following impacted roadways in Hillsborough County:

- I-75 from Fletcher Avenue north to County Line Road;
- Bruce B. Downs Boulevard from Cross Creek Boulevard north to SR 56;
- County Line Road from Livingston Road east to Bruce B. Downs Boulevard; and
- Dale Mabry Highway from Lutz Lake Fern Road north to US 41.



**VII. Regional Comments**

In its discussion of the impacts on public facilities/services and natural resources/features on the subject property, the amendment application deferred to the Application for Development Approval (ADA) for the Cypress Creek Town Center DRI. Similar cross references to the ADA were made in the section entitled Comprehensive Plan Review.

According to the information provided, “the Applicant and Pasco County Staff have discussed issues relating to the Class I wetlands located within the proposed FLUM amendment area. An agreement has been reached to remove as much of the Class I wetlands from the amendment area as possible. This revision will result in approximately 72.5 acres of Class I wetlands retaining a RES-3 FLUM designation. The acreage being change to an ROR FLUM designation has also been revised, and an amended legal description has been prepared to describe only the area proposed to be changed to ROR.” As a result of this agreement, the total amount of developable land was reduced from 510 acres, as originally presented in the ADA to the current 437.3 acres.

It is laudable that an additional 72.5 acres of Class I wetlands is proposed for non-development. Still, the question must be asked, why the existing RES-3 land use designation is being retained? By keeping the RES-3, the possibility for development on the parcels continues to exist. If it is the intent of the applicant and County to protect these wetlands, then the existing RES-3 should be amended to Conservation. This would ensure that regionally significant natural resources on- and off-site would be protected and development impacts minimized.

**VIII. Applicable SRPP Policies**

Affordable Housing: 1.3.3, 1.3.7, and 1.4.3

Economic Development: 2.2.2 and 2.3.3

Natural Resources: 4.1.1, 4.1.9, 4.1.10, 4.1.13, 4.3.4, 4.3.8, 4.3.11, 4.5.1, 4.5.2, 4.5.5, 4.5.9, 4.5.10, 4.5.13, 4.6.9, 4.11.1, 4.11.2, 4.11.3, and 4.11.9

Regional Transportation: 5.1.2, 5.1.7, 5.1.9, 5.1.16, 5.2.2, 5.2.10, 5.3.23, and 5.3.24

Of particular noteworthiness are the following SRPP policies:

- 1.4.3: Encourage incentives that enhance opportunities for mixed-use and residential developments to provide affordable housing units which are readily

accessible to employment center, health care facilities, recreation, shopping, and public transportation.

- 2.3.3: Develop additional programs/incentives to encourage new development to locate within local and regionally designated activity centers.
- 4.1.1: Implement plans to prevent, abate and control surface water and groundwater pollution so that the resource meets state standards.
- 4.1.13: Strongly discourage new development in the watershed of a potable water reservoir from degrading the existing water quality of the reservoir.
- 4.3.8: Link water management with growth management/ land use planning.
- 4.3.11: Minimize and mitigate where possible, adverse impacts to wetlands and river systems from major water users.
- 4.5.2: Impacts to regionally significant natural resources shall be allowed only in cases of overriding public interest and when it is demonstrated and/or documented that the mitigation will successfully recreate the specific resource.
- 4.5.5: Mitigation for allowable impacts to regionally significant wetland areas should be performed within the drainage basin. 4.5.13: Protect, preserve, and restore the natural functions of riverine systems.
- 4.11.2: Discourage development in the undeveloped 100-year floodplain.
- 5.1.16: Developments of Regional Impact, and large-scale developments with interjurisdictional impacts, should assess and mitigate their impact on regionally significant transportation facilities in a compatible manner.
- 5.2.2: Protect the functional integrity of Regional Roadway Network, as well as protect the functional integrity of the Florida Intrastate Highway System, through coordination of local government comprehensive plans, MPO plans, and land development regulations as well as the limitation of access points near interchanges.

#### IX. Preliminary Determination as to Consistent with SRPP

The preliminary review of the proposed comprehensive plan amendments associated with the Cypress Creek Town Center DRI has determined that the amendments are not consistent with the SRPP. This determination is based on the following:

November 26, 2003

- The number of regionally significant issues remaining to be resolved in the review of the ADA for the Cypress Creek Town Center DRI;
- The fact that these regionally significant issues are reflected as concerns in this preliminary review of the comprehensive plan amendments associated with the Cypress Creek Town Center DRI;
- The extra-jurisdictional impacts of the unresolved regionally significant issues; and
- The linkage between resolving the regionally significant issues reflected in the proposed comprehensive plan amendment and the provisions of the adopted Development Order for the Cypress Creek Town Center DRI.