

11/6/94



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
FAX (813) 847-8084
NEW PORT RICHEY (813) 847-8132

GROWTH MANAGEMENT/ZONING DEPT.
PASCO COUNTY GOVT. COMPLEX
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654

November 7, 1994

Mr. Tim Butts
DRI Coordinator
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: McKendree Ranch Development of Regional Impact
Development Order Abandonment

Dear Mr. Butts:

Enclosed please find for your records a certified copy of the McKendree Ranch Development of Regional Impact, Development Order Abandonment (Resolution No. 95-24). The document was approved by the Pasco County Board of County Commissioners on November 1, 1994.

Sincerely,

Samuel P. Steffey II
Growth Management Administrator

SPS/j110401/67:ltr

Enclosure

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, APPROVING THE ABANDONMENT OF THE MC KENDREE RANCH DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, Pasco County previously approved a development order (Resolution No. 89-82) pursuant to Chapter 380, Florida Statutes (F.S.), on January 10, 1989, for the McKendree Ranch Development of Regional Impact (hereinafter called "the DRI"), which authorized the development of certain properties near the southwest corner of the intersection of I-75 and S.R. 52, and consisting of approximately 747.35 acres; and,

WHEREAS, the original owners of the property did not pursue implementation of the development plan of the DRI because of an economic recession and changed market conditions; and,

WHEREAS, the property of the DRI was purchased by the Tampa Bay Golf and Tennis Club, Inc.; Dr. J. C. Benefield; and Worsley Properties, Inc., from the original owners; and,

WHEREAS, because of changed market conditions, the original development plan envisioned by the DRI failed, and the new owners have revised the development plan to meet current market conditions; and,

WHEREAS, the revised plan of development falls below the eighty (80) percent threshold for a multiuse DRI as provided for in Chapter 380.06(26), F.S.; and,

WHEREAS, the Tampa Bay Golf and Tennis Club, Inc; Dr. J. C. Benefield; and Worsley Companies, Inc., have submitted an application to Pasco County requesting approval of the abandonment of the DRI; and,

WHEREAS, Pasco County has duly noticed and held public hearings pursuant to Rule 9J-2.0251, Florida Administrative Code (FAC), dealing with abandonment of development orders; and,

WHEREAS, Pasco County has made the following findings of fact and conclusions of law concerning abandonment of the DRI development order:

A. The primary reason for abandonment of the DRI is the fact that the market conditions supporting the original plan of development have changed considerably thereby causing the new owners to downsize, reduce, and change the development plan to the extent that the development is now below the eighty (80) percent threshold for a DRI.

B. To date, the only development on site consists of a 26.78-acre Planned Unit Development (PUD), which includes 129 lots for single-family detached housing. In addition to paved streets, other support facilities constructed include a clubhouse of approximately 7,500 square feet, a swimming pool and spa, an "out" building from the clubhouse

for laundry and mailboxes, shuffleboard courts, a guardhouse at the entrance way to the development, and decorative walls on both sides of the entrance way. This PUD represents 3.6 percent of the land area of the original DRI and 8.4 percent of the original 1,528 residential units.

C. Since only minor development has occurred on-site to this point, no material adverse impacts have occurred to either existing resources or facilities because of DRI approved development. The property will be developed as an Master Planned Unit Development (MPUD) and PUD subject to the current Comprehensive Plan and Land Development Regulations for Pasco County, including concurrency. The MPUD application is being considered concurrent with this abandonment application. In addition, all development will be done in compliance with all applicable Federal, State, local, and regional agency permitting requirements. All impacts will be dealt with within the context of permitting each new phase of the postabandonment development.

D. The new proposed plan of development (after abandonment) does not contemplate encroachment on any of the wetlands within the project area. The new proposed plan of development does not propose developments in any areas previously set aside or identified for preservation or protection in the Pasco County Comprehensive Plan, the Tampa Bay Regional Planning Council Regional Policy Plan, the State Land Development Plan, or State Comprehensive Plan. The new proposed plan of development does not have any significant regional impacts.

E. The developer has complied with all applicable conditions of the DRI development order which authorizes existing development.

F. The developer has not relied upon benefits granted to authorized DRI, pursuant to Chapters 163.403 and 380, F.S., which would not otherwise be available after abandonment.

G. The proposed development after abandonment will be consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council Regional Policy Plan, and the Pasco County Comprehensive Plan. Current development is consistent with the existing Pasco County Comprehensive Plan, the State Comprehensive Plan, the State Land Development Plan, and the Tampa Bay Regional Planning Council Policy Plan.

H. The development is eligible to request abandonment pursuant to Rule 9J-2.0251, FAC, and Subsection 380.06(26), F.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled this 1st day of November, 1994, that pursuant to the authority granted in Subsection 380.06(26), F.S., and

Rule 9J-2.0251, FAC, the development order approving the McKendree Ranch Development of Regional Impact is hereby abandoned with conditions (see Exhibit "A").

DONE AND RESOLVED this 19th day of November, 1994.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: 
JED PITTMAN, CLERK

BY: 
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: 
ATTORNEY

EXHIBIT "A"

Conditions of Approval for Abandonment -
McKendree Ranch Development of Regional Impact

1. The developers/owners shall comply with the MPUD Master Planned Unit Development conditions approved by the Pasco County Board of County Commissioners on September 20, 1994 (MPUD Application No. 4779).
2. The developers/owners (Tampa Bay Golf and Tennis Club, Inc., Dr. J. C. Benefield, and Worsley Properties, Inc.) agree to waive, relinquish, and release any vested rights under Subsection 163.3167(8), Florida Statutes, which may have arisen by virtue of the approved DRI.
3. Future development on this property will not exceed 80 percent of any DRI threshold or guideline.
4. Existing and future development on this property will be subject to the Comprehensive Plan and Land Development Regulations for Pasco County in effect at the time of submittal of preliminary/site plans for review and approval by the County, including concurrency.
5. The developers/owners shall comply with all applicable Florida Game and Fresh Water Fish Commission regulations for wildlife corridor preservation as they pertain to development below the 80 percent threshold for a DRI.
6. All development on this property will be done in compliance with all applicable Federal, State, local, and regional agency permitting requirements.

As a specific condition of abandonment, the developers/owners of this property are also required to protect the long-lipped ladies tresses, a plant listed as threatened on the July 1, 1988, list of endangered and potentially endangered fauna and flora of Florida.

NOTICE OF ADOPTION OF ABANDONMENT OF THE DEVELOPMENT ORDER
FOR THE MC KENDREE RANCH DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 95-24 dated November 1, 1994, has adopted an amendment to the Development Order for a Development of Regional Impact known as McKendree Ranch (Resolution No. 89-92). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit "A", attached hereto.

A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "A" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.


ANN HILDEBRAND, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of an Abandonment of the Development Order was acknowledged before me this 15th day of November, 1994.


Notary Public
State of Florida at Large
My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

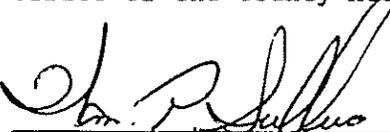
BY: 
ATTORNEY

EXHIBIT "A"

Legal Description

In Section 8, Township 25 South, Range 20 East; The South 3/4 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4, lying East of Pasco Road; The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4; The East 1/2 of the Southwest 1/4 lying South of State Road No. 52; AND all the East 1/2 lying West of Interstate No. 75 and South of State Road No. 52; LESS AND EXCEPT a parcel described as follows: Beginning at a point where the South right-of-way line of State Road No. 52 intersects the West right-of-way line of Interstate No. 75, thence along said right-of-way line of State Road No. 52, run S.84°26'14"W., 777.84 feet, thence S.05°33'46"E., 462.42 feet, thence N.84°26'14"E., 905.03 feet to said right-of-way line of Interstate No. 75, thence along said line run N.05°41'39"W., 154.08 feet, thence N.3°57'14"E. 250.00 feet, thence N.75°23'28"W., 179.17 feet to the Point of Beginning.

In Section 17, Township 25 South, Range 20 East; all that part lying West of Interstate No. 75 and East of Pasco Road.

In Section 18, Township 25 South, Range 20 East; all that part of the East 1/4 lying East of Pasco Road.

In Section 19, Township 25 South, Range 20 East; all that part of the North 1/4 of Northeast 1/4 lying East of Pasco Road.

In Section 20, Township 25 South, Range 20 East; The North 1/4 of the Northwest 1/4; The West 1/2 of the Northeast 1/4 lying West of Interstate No. 75; AND the North 1/2 of the Northwest 1/4 of the Southeast 1/4 lying West of Interstate No. 75.

All lying and being in Pasco County, Florida.

SUBJECT TO any easements or reservations of record.

Above legal description developed by:

SIMMONS LAND SURVEYING, INC.
Bobby W. Simmons 12/9/85
Seal #2763
Dade City, Florida



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
NEW PORT RICHEY (813) 847-8132

PLANNING AND ZONING DEPT.
PASCO COUNTY GOVT. COMPLEX
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654

January 31, 1989

Ms. Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: McKendree Ranch Development of Regional Impact
Development Order and Notice of Adoption

Dear Ms. Cooper:

Attached please find the Development of Regional Impact Development Order and Notice of Adoption for McKendree Ranch, approved by the Pasco County Board of County Commissioners on January 10, 1989.

The date of receipt by your office thus marks the start of the 45-day appeal period. Please inform me of any desire of wording changes prior to filing appeals, so that any differences can be negotiated administratively.

Thank you for your cooperation.

Sincerely,

Elizabeth A. Eginton

Elizabeth A. Eginton
Senior Planner

EAE/m013102:wp

Attachments

169

*100-11111
100-11111*

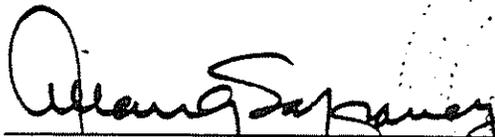
NOTICE OF ADOPTION OF DEVELOPMENT ORDER

MC KENDREE RANCH DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(14)(d), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 89-82, dated January 10, 1989, has adopted a Development Order for the Development of Regional Impact known as McKendree Ranch. A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

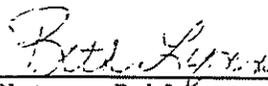
The above referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A."

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in Exhibit "A" nor actual nor constructive notice of any of the same under the authority of Section 380.06(14)(d), Florida Statutes.


ALLAN G. SAFRANEK, JR., Chairman
Board of County Commissioners

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 24th day of January, 1989.


Notary Public
State of Florida at Large
My Commission Expires:
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. OCT. 4, 1992
BONDED THRU GENERAL INS. UND.

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

Attorney

16-7
11/17/89
DO

Legal Descriptio

In Section 8, Township 25 South, Range 20 East; The South 3/4 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4, lying East of Pasco Road; The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4; The East 1/2 of the Southwest 1/4 lying South of State Road No. 52; AND all the East 1/2 lying West of Interstate No. 75 and South of State Road No. 52; LESS AND EXCEPT a parcel described as follows: Beginning at a point where the South right-of-way line of State Road No. 52 intersects the West right-of-way line of Interstate No. 75, thence along said right-of-way line of State Road No. 52, run S.84°26'14"W., 777.84 feet, thence S.05°33'46"E., 462.42 feet, thence N.84°26'14"E., 905.03 feet to said right-of-way line of Interstate No. 75, thence along said line run N.05°41'39"W., 154.08 feet, thence N.3°57'14"E. 250.00 feet, thence N.75°23'28"W., 179.17 feet to the Point of Beginning.

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All lying and being in Pasco County, Florida.

SUBJECT TO any easements or reservations of record.

Above legal description developed by:

SIMMONS LAND SURVEYING, INC.
Bobby W. Simmons 12/9/85
Seal #2763
Dade City, Florida

RESOLUTION ADOPTING A DEVELOPMENT ORDER
APPROVING, WITH CONDITIONS, THE MCKENDREE
RANCH DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, Mr. J. Warren Hughes has filed with the Pasco County Planning and Zoning staff an Application for Master Development Approval, Application for Incremental Development Approval, and associated Sufficiency Responses, the sum total of which shall be referred to as the "Application"; and,

WHEREAS, the Application has been received in accordance with Chapter 380.06, Florida Statutes, as amended; and,

WHEREAS, the culmination of that review requires the approval, denial, or approval with conditions, of the above-referenced Application.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session, duly assembled, this 10th day of January, 1989, that:

The above-referenced Application is approved with conditions, as set forth in the following Development Order, which is hereby adopted by the Pasco County Board of County Commissioners:

McKendree Ranch Development of Regional Impact (DRI) Development Order

A. General Findings of Fact

The Pasco County Board of County Commissioners makes the following general Findings of Fact:

1. Mr. J. Warren Hughes, hereinafter referred to as the "Applicant" or "Developer", has filed, in accordance with Section 380.06, Florida Statutes, as amended, an Application for the McKendree Ranch Development of Regional Impact (DRI #169).
2. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended.
3. The Board of County Commissioners is in receipt of a sufficiency notification from the Tampa Bay Regional Planning Council dated June 22, 1988.
4. Both the Pasco County Planning Commission and the Board of County Commissioners have scheduled and held public hearings on the above-referenced Application on December 7, 1988, and January 10, 1989, respectively.
5. Notice of these hearings has been published in a newspaper of general circulation at least 60 days prior to the date set for the Board hearing.

6. At said public hearings, all parties were afforded the opportunity to present evidence and argument on all issues, and submit rebuttal evidence.
7. Additionally, at said public hearings, any member of the general public requesting to do so was given the opportunity to present written or oral communications.
8. The Board of County Commissioners has received and considered the Tampa Bay Regional Planning Council report on the above-referenced Application.
9. The Board of County Commissioners has received and considered the recommendation of the Pasco County Planning Commission and various other reports and information, including, but not limited to, the recommendation of the Pasco County Planning and Zoning staffs and the Development Review Committee.
10. The real property encompassed by this proposed Development of Regional Impact is owned by Mr. Robert B. McKendree, Colonial Village Development, Inc., Cypress Woods Golf and Country Club, Inc., H & L Properties, and Cypress Woods Travel Park, Inc., and a description of said real property is attached hereto as Exhibit "A" and made a part hereof by reference.
11. The nature, type, scope, intensity, density, costs, and general impact of the proposed Development of Regional Impact is that which is summarized on Composite Exhibit "B", the Application for Incremental Development Approval, Application for Master Development Approval, Sufficiency Responses, and associated correspondence; and attached in Exhibit "C", the Specific Findings of Fact contained on Pages 2-10, and 31-35 of the Tampa Bay Regional Planning Council Final DRI Report. Both Exhibits are incorporated by reference herein.
12. The land uses proposed in the Application are consistent with the policies of the adopted Pasco County Comprehensive Plan.
13. Zoning on the property which is subject to the Application is R-MH (Mobile Home), A-R (Agricultural-Residential), R-1MH (Single-Family/Mobile Home), C-2 (General Commercial), and A-C (Agricultural). Application to rezone the A-C portions will be made subsequent to this Development Order approval. Upon receipt of this approval, the zoning on the entire site will allow the proposed uses.

B. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

1. The McKendree Ranch Development of Regional Impact will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan, if any, applicable to the area encompassed by the Application.

2. The development is consistent with local land development regulations.
3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.
4. The development is not in an Area of Critical State Concern.

C. Approvals and Master Development Plan

1. Specific approval with conditions is granted for Increments 1 and 2 of McKendree Ranch. Conceptual approval is granted for Increment 3; this may be changed to specific approval subject to an additional transportation analysis performed pursuant to the requirements of Chapter 380.06, Florida Statutes, and as referenced in Specific Condition D.13.j. of this Development Order.
2. Development shall not create additional adverse impacts beyond those which were predicted in the Application unless, prior to issuance of preliminary/site plan approvals, mitigation is being implemented or is programmed pursuant to Pasco County, Florida Department of Community Affairs, and Tampa Bay Regional Planning Council policies and regulations.
3. All development of the property subject to this Development Order shall substantially conform to the Application, unless otherwise modified by the provisions of this Development Order. The requirements of and conditions imposed by this Development Order shall further regulate the development of the property described in Exhibit "A" attached hereto. Following the adoption of this Development Order, all plans for development on the referenced property shall be consistent with the conditions and restrictions recited therein. Such regulations and restrictions shall be binding upon all successors in interest to any of the parties hereto.
4. Development of the area encompassed by the Application shall be governed by the standards and procedural provisions of the Pasco County Comprehensive Plan in effect at time of adoption of the Development Order and applicable land development regulations of Pasco County.
 - a. If there is a conflict between the standards of the underlying zoning districts of the project with provision(s) of the Development Order (or other parts thereto incorporated by reference), then the more stringent provision(s) shall prevail unless specifically waived by the Pasco County Board of County Commissioners.
5. All of the Developer's commitments set forth on Pages 27-30 of the Tampa Bay Regional Planning Council's Final DRI Report (attached as Exhibit "E") shall be honored by the Developer, except for those commitments which have been superseded by specific terms of this Development Order.

6. Excess infrastructure capacity constructed to potentially serve latter phases of the development shall be at the Developer's risk and shall not vest latter phase development rights.
7. Within 45 days of final approval of this Development Order and prior to the first preliminary/site plan submittal, a revised Master Development Plan that incorporates the revisions required pursuant to this Development Order shall be submitted to the Planning Department for review and to the Development Review Committee for a determination of compliance with this Development Order.
8. A preliminary plan must be approved for each complete subphase (bubble) prior to any phased construction drawing approval. A preliminary site plan must also be approved for each recreational vehicle and commercial subphase in its entirety prior to any phased site plan approvals. All submittals shall also include the accumulative number of residential units or total gross floor area (g.f.a.) of commercial space which has received preliminary/site plan approval and is constructed or record platted.

D. Specific Conditions of Approval

1. Phasing Schedule

- a. Development of McKendree Ranch shall proceed in accordance with the following proposed phasing schedule. The project buildout date is 1999.

TABLE 1

MCKENDREE RANCH
PHASING SCHEDULE

<u>Land Use</u>	<u>Increment 1</u>		<u>Increment 2</u>		<u>Increment 3</u>		<u>Total</u>	
	(1987-90)		(1990-94)		(1994-99)			
	<u>Size</u>	<u>Acres</u>	<u>Size</u>	<u>Acres</u>	<u>Size</u>	<u>Acres</u>	<u>Size</u>	<u>Acres</u>
Residential Mobile Homes	431	61.90	547	66.78	398	60.18	1,376	188.86
Single-Family Homes	---	---	---	---	152	42.10	152	42.10
Recreational Vehicle Pads	306	34.00	430	30.24	---	---	736	64.24
Retail/Service Uses	122,500*	13.71	132,500*	17.13	---	---	255,000	30.84
Golf Course/Clubhouse/ Driving Range		95.97	---	---	---	---	---	95.97
Private Recreation		4.50	---	2.50	---	3.95	---	10.95
Church Sites	---	---	---	---	---	16.80	---	16.80

*Square Feet

2. Land Use

- a. No principal structures (exclusive of swimming pools) shall be closer than 35 feet from the right-of-way of the major internal roads and along S.R. 52. This setback shall include all buffers required by the Pasco County Zoning Ordinance and may be reduced to 25 feet if a six-foot high wall is provided as a buffer. Along Pasco Road, the required setback shall be 20 feet, inclusive of a 5-foot landscape buffer.
- b. The Developer shall obtain all necessary zoning approvals to permit development of the golf course within the R-MH (Mobile Home) District.

3. Water Quality and Drainage

- a. All drainage system components shall comply with Chapters 17-25, 40D-4, and 40D-40, Florida Administrative Code, as well as any other applicable local, state, and federal rules and regulations. Moreover, the Developer shall implement best management practices to reduce water quality impacts which shall include a street vacuuming program for roadways and parking areas within the development.
- b. The Developer shall institute and implement ground and surface water monitoring as committed on Page 15-2 of the Application for Master Development Approval to ensure that water quality is not being adversely affected by development of the project. The program shall be initiated upon the effective date of this Development Order. If determined to be necessary by the Southwest Florida Water Management District and other appropriate regulatory agencies, the water quality monitoring program shall be expanded geographically concurrent with development of the project. Also, these agencies will approve the proposed parameters, will determine if additional parameters need to be tested, will approve sampling locations, methodologies and frequencies, and shall review the monitoring results. Documentation that all required monitoring plans and mitigative measures have been approved and implemented shall be provided to Pasco County as part of each annual report.
- c. The Master Drainage Plan submitted as part of the Application shall be approved as part of the approval of this Development Order.
- d. The Developer shall submit detailed drainage plans for each development subphase at the time of preliminary plan approvals for the subphase in question. These plans shall include drainage maps and

runoff computations for all predevelopment and postdevelopment watersheds; detention/retention computations and quantities; drainage structure, pipe, swale, ditch, and other appurtenant structure locations, sizes, cross sections, types, and sizing computations. All drainage plans shall be in conformance with the above-referenced Master Drainage Plan and shall be approved prior to submission of the construction plans for the subphase in question. Documentation shall also be provided that the confining layers of the Floridan aquifer have not been breached within retention/detention and borrow areas. The subsequent construction drawings for each portion of the drainage system shall indicate how and when that portion will coordinate with the system for the entire subphase and with the Master Drainage Plan. No design of an individual subphase or portion thereof shall be dependent upon the ultimate construction of future subphases, unless an interim design for drainage through a future subphase is approved by the Development Review Committee.

4. Wetlands

- a. The wetlands (preservation/conservation areas) shall be as defined in the Tampa Bay Regional Planning Council's Future of the Region, Policies 10.1.2, and 10.3.1, and shall be delineated by the Florida Department of Environmental Regulation jurisdictional boundaries. These boundaries may be adjusted as a result of appropriate permit approval and shall be shown on each preliminary/site plan. Any such adjustments shall be subject to further review and approval as part of the preliminary/site plan review process. The areas contained therein shall be platted or where no platting is required, designated as preservation or conservation areas, whichever is appropriate.
- b. Lot lines shall not extend into jurisdictional wetland areas. A minimum five-foot buffer shall be maintained around these areas, both existing and proposed. Ownership and maintenance shall be provided by the mandatory homeowners'/property owners' association.
- c. All modifications to on-site wetlands shall be carried out pursuant to applicable local, State, and Federal regulations as permitted by the Florida Department of Environmental Regulation and the Southwest Florida Water Management District, including any special conditions that may be attached to such permits. Mitigation shall be carried out as committed in the Application and pursuant to applicable rules and regulations in effect at the time. Documentation that the proposed

modifications meet regulatory and permitting criteria shall be reported as part of each annual report as well as any significant adverse alterations to wetlands hydroperiods. Any variation from these requirements, mandated through the permitting process, shall be documented in the next annual report following issuance of the permit. The Developer has posted the bond committed on Page 12-4 of the Application for Master Development Approval and Page D-4 of Sufficiency Response #1 with the Southwest Florida Water Management District.

- d. Use of on-site wetlands for stormwater treatment and disposal of treated wastewater effluent shall be carried out only where permitted by applicable local, State, and Federal regulations.
- e. Monitoring of wetlands and wetlands hydroperiods shall be performed by the Developer for a five-year period as committed in the Application and a report of consistency therewith included in each annual report. If it is apparent to applicable regulatory agencies that preservation/conservation areas are being stressed due to any project development activities, Pasco County, and/or the applicable regulatory agency, shall notify the Developer and shall direct the development activity which is presumed to be causing such stress to cease until remedial measures have been taken to correct any resulting hydroperiod imbalances. Documentation that required remedial measures have been implemented shall be provided in the annual report, if applicable.

5. Flood Plains

- a. The Developer shall cooperate in determining the feasibility of use of proposed project facilities (e.g. clubhouses) as public hurricane shelters/host facilities with the appropriate public authorities. A report on these discussions shall be submitted in the first annual report following issuance of the first residential Certificate of Occupancy. Copies of any subsequent agreements to utilize project based facilities as hurricane shelters or host facilities shall be forwarded to the Tampa Bay Regional Planning Council and Pasco County.
- b. There shall be no net loss of hydrologic storage capacity within the 25-year flood plain as defined in surface water management permit applications for the project submitted to the Southwest Florida Water Management District.
- c. Base floor elevations for all habitable structures shall be at or above the 100-year flood plain elevation. All preliminary/site plan submittals shall provide 100-year flood elevation data.

6. Soils

- a. The Developer shall, at minimum, implement the soil conservation measures referenced on Page 14-2 of the Application for Master Development Approval.
- b. Site preparation shall be carried out pursuant to the measures referenced on Page P-2 of the Sufficiency Response #1, at minimum.

7. Air Quality

- a. Prior to approval of the first preliminary/site plan for Increment 2, the Applicant shall submit to Pasco County and the Florida Department of Environmental Regulation a list of any roadway improvements listed in Tables 2 and 3 of this Development Order, which are not in place when needed, as specified in the Tables, thereby resulting in peak hour LOS "E" or "F" operation of the affected roadway links or intersections. Any roadway or intersection so identified shall be modeled for air quality impacts and exceedances of the applicable National Ambient Air Quality Standards and the results of such modeling conveyed to Pasco County and the Florida Department of Environmental Regulation. Submission of the study shall be deemed sufficient mitigation for the air quality impacts of Increments 1 and 2.
- b. Prior to issuance of specific approval for Increment 3, the Developer shall perform an air quality impact modeling analysis in conjunction with the traffic study referenced in Specific Condition D.13.j. The study shall be done in accordance with the Florida Department of Environmental Regulation's draft Guidelines for Evaluating the Air Quality Impacts of Indirect Sources (1/88), or revisions thereof, in effect at the time of modeling. The analysis shall be submitted to the Florida Department of Environmental Regulation for approval.
- c. If the air quality modeling analyses required for specific approval of Increment 3 predicts any exceedances of the applicable National Ambient Air Quality Standards, the Developer shall develop a mitigation plan prior to specific approval for Increment 3 that describes how such exceedances can be avoided or reduced to acceptable levels. The mitigation plan will be subject to the review and approval of the Florida Department of Environmental Regulation. Verification of the effectiveness of the proposed mitigation strategies shall be provided by the modeling analysis included with the study described above in this Condition.

8. Natural Vegetation and Wildlife

- a. Relocation and/or habitat preservation plans, including preservation of upland and lowland tracts as well as wildlife corridors, for all threatened and endangered species previously reported in the Application as being present on development tracts shall be implemented as approved by the Florida Game and Fresh Water Fish Commission and other applicable regulatory agencies. Documentation of compliance shall be submitted as part of the annual report prior to issuance of any preliminary/site plan approvals for the affected tracts.
- b. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission.
- c. The Developer shall create a mandatory homeowners'/property owners'/condominium owners' association in the form of a nonprofit corporation, registered with the Secretary of State, State of Florida. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, and other special purpose tracts. All incorporation and other relevant documents shall be submitted to the Engineering Services Department for review prior to the record platting of the first single-family or condominium unit or subphase within the development.
- d. Landscape buffering shall be provided along all nonlocal internal and abutting roads, and along I-75 as proposed in the Preliminary Development Agreement (attached as Exhibit "D"). A unifying landscape buffer plan for these roads may be provided to the Development Review Committee for approval and may be submitted in phases for review and approval simultaneously with each preliminary/site plan submittal. Approval of the landscape buffer plan will obviate the need to strictly comply with the requirements of Section 23.3 of the Pasco County Zoning Ordinance.
- e. The Developer shall comply with the provisions of the Pasco County Tree Ordinance (#81-10), as amended. It is the intent of this condition to encourage the preservation of individual trees and/or groupings of trees whose size, location, species, and environmental function warrant their protection as public resources.

9. Historical and Archaeological Sites

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

10. Utilities: Water Supply, Wastewater Treatment, and Electric Power Service

- a. A Master Utility Plan for the remainder of the development after Increment 1 must be submitted to the Pasco County Utilities Division for review and approval prior to approval of construction drawings of the first preliminary/site plan after Increment 1. This Utility Plan shall minimally show the following:
- (1) Size of trunk sewer lines and lift stations.
 - (2) Size of main potable water lines and nonpotable water lines, if applicable.
 - (3) Method of lighting all major roads.
- b. Water-saving devices shall be required in the project as mandated by Chapter 533.14, Florida Statutes, 1985 (the Florida Water Conservation Act).
- c. Native vegetation shall be used in landscaping wherever feasible.
- d. Irrigation shall be from reuse of treated effluent, where available and as permitted by appropriate regulatory agencies. Responsibility for installation of a dual water supply system shall be established in accordance with the appropriate Utility Service Agreement.

11. Solid Waste

- a. The collection, transportation, and disposal of solid waste shall take place in accordance with applicable County ordinances, current and future.

12. Energy

- a. The Developer shall implement the energy conservation measures referenced on Page 25-2 of the Application for Master Development Approval.
- b. Where economically feasible, all McKendree Ranch tenants, businesses, residents, etc., shall use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration.
- c. Energy conservation programs shall be encouraged by the Developer to promote energy conservation and recycling by employees, buyers, suppliers, and the public. A report on the implementation of and

participation in energy conservation programs shall be included in each annual report.

13. Transportation

- a. The capacity and loading of transportation facilities in the McKendree Ranch transportation area shall be limiting factors in any approvals. Regional roadway link and intersection improvements required to mitigate the negative impact on transportation facilities of McKendree Ranch are listed in Tables 2 and 3 of this Development Order, along with the entities responsible for said improvements, mitigation dates and costs, and the cost of necessary additional rights-of-way.

TABLE 2

LINK IMPROVEMENTS NECESSITATED BY MCKENDREE RANCH

<u>Increment</u>	<u>Network Element</u>	<u>% LOS "D"</u>	<u>Peak Hour LOS With the Project</u>	<u>Improvement</u>	<u>Responsible Entity/Year</u>	<u>Total Cost *</u>	<u>R/W Cost</u>
2	S.R. 52						
	C.R. 581 - Site	42.5	E	Widen to 4LD	FDOT/	\$6,412,724	\$1,154,290
	Site - I-75	82.7	E	Widen to 4LD	not	1,407,672	253,380
	I-75 - C.R. 577	52.6	E	Widen to 4LD	programmed	8,946,732	1,610,411
	C.R. 577-C.R. 579	31.9	E	Widen to 4LD	"	8,132,210	1,463,797
	S.R. 41-U.S. 301	5.8	E	Widen to 4LD	"	2,909,186	532,653
	S.R. 54						
	West of I-75	6.9	F	Widen to 4LD	"	3,128,158	536,168
	I-75 - C.R. 581	7.6	F	Widen to 4LD	"	1,253,190	225,574

* Total costs are calculated using TBRPC fair share formula and include right-of-way and intersection improvements.

Abbreviations:

4LD - Four-lane divided
6LD - Six-lane divided
NB - Northbound
SB - Southbound
EB - Eastbound
WB - Westbound

TABLE 3

INTERSECTION IMPROVEMENT

<u>Increment</u>	<u>Intersection</u>	<u>Peak Hour LOS With the Project</u>	<u>% of LOS "D"</u>	<u>Improvement</u>
1	S.R. 52 at Main Project Entrance	E	N/A	Construct left-turn lane WB and project entrance with left- and right-turn lanes NB. Signalize when warranted by MUTCD.
	Pasco Road at North Project Entrance	E	N/A	Construct left-turn lane SB and project entrance with left- and right-turn lanes.
	S.R. 52 at Pasco Road	E	N/A	Construct left-turn lane WB.
	S.R. 52 at C.R. 581	F	36.6	Signalize when warranted by MUTCD.
	S.R. 52 at I-75 West Ramps	F	58.2	Signalize when warranted by MUTCD.
	S.R. 52 at I-75 East Ramps	F	54.9	Signalize when warranted by MUTCD.

	S.R. 52 at C.R. 577	F	38.7	Signalize when warranted by MUTCD.
	S.R. 52 at C.R. 579	F	8.5	Signalize when warranted by MUTCD.
	S.R. 52 at C.R. 583	E	10.0	Construct right-turn lane NB.
	S.R. 54 at I-75 East Ramps	F	5.9	Signalize when warranted by MUTCD.
2	S.R. 52 at Main Project Entrance	E	N/A	Construct second left-turn lane WB and second through lanes EB and WB.
	S.R. 52 at West Project Entrance	E	N/A	Construct left-turn lane WB and second through lanes EB and WB. Signalize when warranted by MUTCD.
	S.R. 52 at Pasco Road	E	N/A	Construct second through lanes EB and WB. Signalize when warranted by MUTCD.
	S.R. 52 at C.R. 583	F	17.3	Signalize when warranted by MUTCD.
	S.R. 41 at C.R. 52A	F	5.4	Construct left-turn lanes EB and WB. Signalize when warranted by MUTCD.
	C.R. 52A at C.R. 579	E	9.8	Construct right-turn lane WB.

Note: Costs of intersection improvements, responsible entities, and year programmed are incorporated in total link costs, in Table 2.

- b. Pipeline Provision - Within three years of the adoption date of this Development Order, the Developer shall, subject to the Florida Department of Transportation permitting process, design and construct the following improvement to S.R. 52 at I-75:
- Construct raised medians;
 - Remove and replace guardrails;
 - Signalize the ramp and interconnect the terminals;
 - Construct necessary new pavement.
- (1) The above-mentioned improvements have been determined to be an appropriate method to cure and mitigate impacts of the project on regionally significant transportation highway facilities within the primary impact zone. The selection of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained from the improvement, and its consistency with Tampa Bay Regional Planning Council and Florida Department of Community Affairs policies regarding pipelining transportation improvements.
- (2) The Developer's proportionate share contribution is \$370,173.00 for Increments 1 and 2. This amount is equal to that calculated pursuant to the formula outlined in Chapter 9J-2.0255(3)(f), Florida Administrative Code.
- c. The Developer may subphase the project in the event that commitments for transportation improvements are adequate to permit partial construction of this development. Specific amounts of project development within a phase are tied to specific roadway improvements. The Tampa Bay Regional Planning Council shall have the right to review and comment and Pasco County shall approve the defined amounts of development to be allowed.
- (1) Should the Developer elect to subphase the project, a new traffic analysis shall be submitted and approved by Pasco County prior to preliminary plan/site plan approvals for the subphase. Said analysis shall be performed by the Developer to determine when additional road improvements will be necessary to allow continued development of the project. The Developer will generate and provide Pasco County and Tampa Bay Regional Planning Council, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the

completion of the currently approved project construction (if any), plus that to be generated by the next portion of which the Developer is seeking approval. The resulting new traffic analysis shall be the responsibility of the Developer and shall serve to verify the findings of the original traffic analysis in the Application (listed in Tables 2 and 3) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the regional roadways at a satisfactory Level of Service (LOS)--peak hour LOS "C" in rural areas; peak hour LOS "D" in urban areas. The analysis may partially be based upon results of the required monitoring program referenced in Condition D.13.i. The specific methodology shall be prepared consistent with generally accepted traffic engineering practices and the original Application and shall be performed pursuant to Chapter 380.06 and all other rules and regulations in effect when the study is done. There shall be no further development approvals until the above-mentioned traffic analysis has been approved by Pasco County and reviewed by the Tampa Bay Regional Planning Council. The Development Order shall be amended, as appropriate, to reflect the results of the analysis and the allowable amount of development in the subphase.

d. The Developer shall donate to the public the following amounts of rights-of-way and easements:

(1) Abutting Roads (minimum total half width as measured from the centerline of the existing right-of-way)

- 112 feet along the south side of S.R. 52.
- 45 feet on the east side of Pasco Road along the western project boundary.

(2) Intersections

- S.R. 52/Main Project Entrance: Sufficient right-of-way to construct an additional eastbound through lane, eastbound left turn, and eastbound right-turn acceleration/deceleration lane, or other necessary improvements as may be reasonably required by the Florida Department of Transportation as customary conditions of driveway permit approvals.
- S.R. 52/West Project Entrance: Sufficient right-of-way to construct an additional eastbound through lane, or other necessary improvements as may be reasonably required by the

Florida Department of Transportation as customary conditions of driveway permit approvals.

Right-of-way donation shall be within 60 days of the County's request; either the time of record plat approval of the abutting increment or where no record plat is required, prior to final construction drawing approvals. Reductions in right-of-way may occur, if approved by the County and coordinated with the Florida Department of Transportation, if road stormwater drainage is accommodated--e.g., may include urban roadway designs with a stormwater sewer system or stormwater easements into retention areas within adjoining increments.

- e. The Developer shall make the following roadway and intersection improvements prior to approval of any preliminary/site plan for Increment 3:
 - (1) Construct the intersections of Pasco Road and S.R. 52 and the entrance roads as required by the Florida Department of Transportation.
 - (2) Design any future alterations to the project's easternmost driveway and construct the western driveway on S.R. 52 to allow S.R. 52 to operate at a peak hour LOS "C".
- f. The Developer shall also pay transportation impact fees to Pasco County and shall receive credit against impact fees for the pipeline improvements as referenced in Condition D.13.b. above to help mitigate the transportation impacts of the project. The amount of impact fee credits received shall be limited to the proportionate share contribution referenced in Condition D.13.b.(2), above or the actual expenditures by the Developer for the pipeline improvements, whichever is less. The payment of impact fees in itself shall not constitute funding commitments by responsible entities for necessary roadway improvements. No impact fee credits shall be given for on-site or site-related improvements.
 - (1) There shall be no access to the project from unimproved Pasco Road; except for emergency purposes. Prior to approval of Increment 3, the developer may choose to improve Pasco Road as a two-lane offset collector from S.R. 52 to the southernmost project entrance in order to use Pasco Road for other than emergency access. This improvement will not be eligible for impact fee credits.

If Pasco County requires the developer to improve Pasco Road as referenced above as a condition of approval for Increment 3, the Developer shall receive reimbursement for the construction of said improvements. The amount of the reimbursement will be based on the results of the traffic analysis required prior to approval of Increment 3 and referenced in Condition D.13.c.(1)., and will depend upon the ratio of development generated traffic to total traffic volume on the affected roadways. Any reimbursements will be made in cash.

- g. If improvements are not being constructed as scheduled, except where exempted by compliances with pipelining or subphasing provisions, issuance of building permits shall cease as follows: 1) at the completion of the phase being monitored if the improvements are to be constructed by a government entity; or 2) immediately, if the improvements in question are to be constructed by the Developer.
- h. Annual field surveys of the regional roadway network as referenced in Specific Condition D.13.d. shall be conducted by the Developer after issuance of the final Certificate of Occupancy for the development covered under the Preliminary Development Agreement. Monitoring shall continue annually until build-out and will record driveway volumes in the evening peak hour and on a daily basis. Survey results, which include traffic counts and improvements made, shall be included in the required annual report. If the annual report indicates that the driveway volumes exceed those predicted in the Application for that year by more than ten percent, Pasco County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19)(b), Florida Statutes, and amend the Development Order to require any necessary additional roadway improvements.
- i. A new traffic analysis shall be performed by the Developer in order to obtain specific approval for Increment 3. The analysis will revise the list of necessary road improvements and shall be performed as previously described in Condition D.13.d. (including a new traffic methodology meeting) consistent with Chapter 380.06, Florida Statutes, and all other applicable rules and regulations in effect when the study is done and may also be partially based upon the results of the surveys referenced in Condition D.13.i. The specific methodology shall be agreed upon at a new transportation methodology meeting which shall be held prior to preparation of the new traffic analysis. There

shall be no further development approvals until the above-mentioned traffic analysis has been submitted to Pasco County and the Tampa Bay Regional Planning Council and approved by Pasco County. The Development Order shall be amended to reflect the conclusions of the new traffic analysis and specific approval for Increment 3.

- j. A sidewalk shall be constructed on both sides of all proposed internal public roads. Bicycle lanes shall also be provided along nonlocal internal public roadways. A Development Review Committee approved pedestrian/bikeway plan, which provides an alternative method of pedestrian circulation, may supersede this requirement. Such bikeway/pedestrian plans shall comply with the handicapped provisions of Chapter 336.045, Florida Statutes.

14. Recreation

- a. The Developer shall provide a \$50.00 per unit (unless modified by Ordinance) park service fee to the County prior to the first record plat approval for each subphase, or where no record plat is required, at the time of each building permit issuance.
- b. Parkland donation shall be carried out as committed in Exhibit 27-A of the Application for Incremental Development Approval.

15. Educational Facilities

- a. The Developer shall record deed restrictions that limit occupancy of the mobile home park within the project to adults over 16 years of age.

16. Fire and Police Protection

- a. The development of McKendree Ranch shall not create adverse impacts to fire, police, and EMS services beyond those predicted in the Application.
- b. The Developer shall arrange for fire protection by the San Antonio Volunteer Fire Department or Pasco County, whichever is appropriate and police protection by the Pasco County Sheriff's Department.
- c. The Developer agrees not to oppose and to provide its consent, if necessary, for the County to annex this property into the Pasco County Municipal Fire Tax District.

E. Duration

1. This Development Order shall take effect on January 10, 1989.
2. The duration of the Development Order shall be a period of 16 years, expiring January 10, 2005. The effective period may be extended by the Board

of County Commissioners upon a showing of good cause. Application for such extension shall be made at least 60 days prior to the expiration date.

3. If the development does not commence within three years of the date of adoption, Pasco County shall make a substantial deviation determination.
4. The approved Development of Regional Impact shall not be subject to down zoning, unit density reduction, or intensity reduction for 16 years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

F. Monitoring Procedures

1. Monitoring of this development shall be at the time of the annual report submittal and during review of the development approvals. Monitoring the McKendree Ranch Development of Regional Impact shall be carried out by the Pasco County Planning Department.
2. The Developer shall provide an annual report on Florida Department of Community Affairs Form BLWM-07-85 to the Pasco County Planning Department, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs, or their successor agencies, on January 10 the anniversary date, of each year during the term of the Development Order.

The annual report shall be the mechanism for documentation that the adverse impacts attributable to McKendree Ranch are equivalent to or less than those predicted in the Application. Should the impacts be greater, the annual report shall demonstrate that mitigation is being implemented or is programmed pursuant to Pasco County, Florida Department of Community Affairs, and Tampa Bay Regional Planning Council rules and policies. The report shall include, at a minimum, the following information:

- a. An assessment of the Developer's compliance with each Development Order condition applicable at the time the report is filed.
- b. Special studies and reports when applicable and as referenced in Conditions D.3.b., D.4.c., D.4.e., D.5.a., D.7.a., D.7.b., D.7.c., D.8.a., D.12.c., D.13.c.(1)., D.13.h., D.13.i.
- c. Any changes in the proposed plan of development.
- d. Description of the development activities which have occurred over the previous year, including a summary of the number, type, and location of residential units and commercial structures.

- e. A description of development activity proposed for the next year.
 - f. A statement setting forth names and addresses of major assignees or successors in interest to this Development Order.
3. If the annual report is not submitted within 30 days of the due date, Pasco County shall notify the Developer and may initiate a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes.
 4. If any development on an individual tract or increment takes place that does not comply with the Development Order or any other provisions thereto are not complied with, all development on that tract shall cease until the increment or tract in question is again being developed or the provision in question addressed in compliance with the Development Order. The Pasco County Planning Department may issue a notice of noncompliance to the Developer or may recommend that the Board of County Commissioners establish a hearing to consider such deviations.
 5. Should the Developer divest itself of all interest in McKendree Ranch prior to the expiration of this Development Order, the Developer shall designate the successor entity to be responsible for preparation of the annual report subject to approval by Pasco County.

G. Amendment/Substantial Deviations

1. Proposed changes to this Development Order, including those specifically referenced in Conditions D.13.b.(3), D.13.d., D.13.i., D.13.j., and F.3., shall be submitted to the Board of County Commissioners for a substantial deviation determination pursuant to the provisions of Chapter 380.06(19), Florida Statutes, as amended, prior to implementation of such changes by the Developer. Application for a substantial deviation determination shall be made on Florida Department of Community Affairs Form BRM-08-86. Changes to the approved underlying zoning of the land covered by the Application are likewise subject to these procedures and to the substantial modification determination procedures outlined in Section 16.5.F of the Pasco County Zoning Ordinance.
2. Prior to amending any provision in this development or conducting any substantial deviation determination, the County shall provide the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs with 30 days notice of its intent to consider such an amendment. Such notice shall be reasonably calculated to permit the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs to appear at the public hearing, should a public hearing be required, or to present

written comments on the proposed change prior to the effective date of the amendment or change.

- 3. All development of the property subject to this Development Order shall substantially conform to the Application, unless otherwise modified by the provisions of this Development Order.

H. Notice of Adoption

- 1. A Notice of Adoption of this Resolution shall be filed and recorded in the Public Records of Pasco County, Florida, in accordance with Section 380.06(14)(a), Florida Statutes, as amended; and the Development Order contained herein shall govern the development of the McKendree Ranch DRI.
- 2. The Clerk of the Board of County Commissioners shall return sufficient certified copies of the Notice of Adoption and Development Order to the Planning Department to supply a single copy each to the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and attorneys of record in these proceedings for McKendree Ranch. The Planning Department shall be responsible for sending the Notice and the Development Order to the above-mentioned recipients.

I. Severability

- 1. If any section, subsection, sentence, clause, or provision of this Resolution is held invalid, the remainder of the Resolution shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be effected by such holding.

DONE AND RESOLVED this 10th day of January, 1989.

(SEAL)

ATTEST

BY: Jed Pittman

JED PITTMAN, CLERK

By: Elaine H. Mitchell, DC

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Allan G. Satranek, Jr.

ALLAN G. SATRANEK, JR., CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: _____

Attorney

EXHIBIT A
LEGAL DESCRIPTION

Legal Description

In Section 8, Township 25 South, Range 20 East; The South 3/4 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4, lying East of Pasco Road; The South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4; The East 1/2 of the Southwest 1/4 lying South of State Road No. 52; AND all the East 1/2 lying West of Interstate No. 75 and South of State Road No. 52; LESS AND EXCEPT a parcel described as follows: Beginning at a point where the South right-of-way line of State Road No. 52 intersects the West right-of-way line of Interstate No. 75, thence along said right-of-way line of State Road No. 52, run S.84°26'14"W., 777.84 feet, thence S.05°33'46"E., 462.42 feet, thence N.84°26'14"E., 905.03 feet to said right-of-way line of Interstate No. 75, thence along said line run N.05°41'39"W., 154.08 feet, thence N.3°57'14"E. 250.00 feet, thence N.75°23'28"W., 179.17 feet to the Point of Beginning.

In Section 17, Township 25 South, Range 20 East; all that part lying West of Interstate No. 75 and East of Pasco Road.

In Section 18, Township 25 South, Range 20 East; all that part of the East 1/4 lying East of Pasco Road.

In Section 19, Township 25 South, Range 20 East; all that part of the North 1/4 of Northeast 1/4 lying East of Pasco Road.

In Section 20, Township 25 South, Range 20 East; The North 1/4 of the Northwest 1/4; The West 1/2 of the Northeast 1/4 lying West of Interstate No. 75; AND the North 1/2 of the Northwest 1/4 of the Southeast 1/4 lying West of Interstate No. 75.

All lying and being in Pasco County, Florida.

SUBJECT TO any easements or reservations of record.

Above legal description developed by:

SIMMONS LAND SURVEYING, INC.
Bobby W. Simmons 12/9/85
Seal #2763
Dade City, Florida



EXHIBIT A

COMPOSITE EXHIBIT B

Application for Master Development Approval
Application for Incremental Development Approval
First Sufficiency Responses
Second Sufficiency Responses
Third Sufficiency Responses
(To be transmitted under separate cover.)

EXHIBIT C

Specific Findings of Fact
Pages 2-9 and 31-55 of the TBRPC Final DRI Report

EXHIBIT C

Specific Findings of Fact
Pages 2-9 and 31-55 of the TBRPC Final DRI Report



Tampa Bay
Regional
Planning
Council

DRI Final Report

DRI #169

MCKENDREE RANCH

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 based upon data presented in the Development of Regional Impact (DRI) application 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 Comprehensive Regional Policy Plan for the Tampa Bay Region (F.R.), adopted June 23, 1987.

APPLICATION INFORMATION

APPLICANT:

Mr. J. Warren Hughes
620 Lakeview Road
Clearwater, FL 33516

AUTHORIZED AGENT:

J. Clint Brown
Fowler White
501 East Kennedy Boulevard
Tampa, FL 33602

DATES OF INFORMATION/RECEIPT:

Preapplication Conference	-	2/23/87
ADA Submittal	-	6/11/87
Requests for Additional Information	-	8/14/87; 12/4/87; 4/18/88
Receipts of Additional Information	-	11/17/87; 2/18/88; 5/25/88
Notice to Local Government of Sufficiency	-	June 22, 1988
Notice from Local Government of Public Hearing Date	-	July 25, 1988
TBRPC Final Report	-	September 12, 1988
Local Government Public Hearing Date	-	September 20, 1988

PROJECT SUMMARY

TYPE OF DEVELOPMENT: Mixed-use community, residential, commercial, recreational

LOCATION: Central Pasco County at the southwest corner of I-75 and State Road 52

TOTAL DEVELOPMENT AREA: 747.35 Acres

PHASING SCHEDULE:

<u>Years</u>	<u>Commercial (Sq.Ft.)</u>	<u>Recreational</u>		
		<u>Vehicle Pads (Sq.Ft.)</u>	<u>Residential (Dwelling Units)</u>	
			<u>Mobile Homes</u>	<u>Single Family</u>
Increment 1 (1987 - 90)	122,500	306	431	—
Increment 2 (1990 - 94)	132,500	430	547	—
Increment 3 (1994 - 99)	—	—	398	152
TOTALS	255,000	736	1,376	152

ESTIMATED BUILD-OUT YEAR: 1999

AVERAGE PRICE RANGE PER DWELLING UNIT: \$50,000 - \$60,000

TOTAL PROJECTED POPULATION: Approximately 3,740 residents

PRIMARY TRANSPORTATION NETWORK: State Road 52, I-75, Pasco Road

BENEFITS

CONSTRUCTION EXPENDITURES:

Estimated Total Construction Expenditures: \$57,559,670
Within Region: \$57,559,670 (100 percent)

EMPLOYMENT:

Construction: 163
Non-construction (Permanent): 678

AD VALOREM TAX YIELD:

Estimated Annual Ad Valorem Tax Yield After Build-out: \$1,387,460

NEGATIVE IMPACTS

AIR EMISSIONS:

Estimated Average Daily Generation at Build-out:
Hydrocarbons: 847 pounds per day (ppd)
Carbon Monoxide: 6,865.3 ppd
Nitrogen Oxides: 1,179.3 ppd

SEWAGE TREATMENT:

Estimated Average Daily Flow at Build-out: 565,000 gallons per day (gpd)

WATER SUPPLY:

Estimated Total Average Daily Water Requirement at Build-out: 899,000 gpd
Potable: 673,000 gpd
Non-Potable: 226,000 gpd

SOLID WASTE:

Estimated Average Daily Generation at Build-out: 16,513 ppd

ENERGY:

Projected Average Daily Electrical Requirement at Build-out: 110,570 kilowatt hours
Peak Hour Demand: 18,640 kilowatts

TRANSPORTATION:

Average Daily Trips (ADT): 23,990
Peak Hour Trips: 2,427

PROJECT DESCRIPTION

U.S. Resico, Inc. is seeking Development of Regional Impact (DRI) approval for McKendree Ranch, a mixed-use development of residential, commercial and recreational uses proposed for construction on 747 acres in central Pasco County at the intersection of SR 52 and I-75.

As proposed, the project will be developed in four phases in three increments, with build-out in 1999.

Single Family	152 units
Mobile Home	1,376 units
Commercial	255,000 square feet
Recreational Vehicle Park	736 sites
Church Sites (3)	14.3 acres
Golf Course	

It is planned as a residential community, oriented toward senior adults, with two housing types. One type will be developed with lots to accommodate double-wide mobile homes. A private clubhouse, pool and shuffleboard court will be provided for the mobile home residents. The golf course will be open to the public. A clubhouse which offers vended snacks, rentals and restroom facilities will be provided. A driving range will also be open to the public. The single-family area will provide smaller to medium-sized homes. A private clubhouse, tennis courts and swimming pool will be available. Open green areas in the form of useable buffer areas and cypress ponds are to be provided throughout the neighborhood. A recreational vehicle area will provide sites for seasonal tourists with travel/recreational vehicles. Temporary sewer, water and electrical hookups will be available, and a clubhouse and shuffleboard court will be provided. An extensive landscaped berm will shield the area from I-75.

The site is bounded on the north by State Road 52, on the east by Interstate 75, and on the west by Pasco Road. It is currently largely undeveloped, and most of the land has been subjected to agricultural practices, primarily cattle grazing. A 23-acre area was scraped of topsoil during the construction of I-75, creating a wet prairie. Additional existing site alterations include various drainage ditches and farm ponds.

A Preliminary Development Agreement between the Developers/Owners, the Department of Community Affairs and Tampa Bay Regional Planning Council authorized the early construction of 125 mobile home sites and 20,000 square feet of retail space within approximately 60 acres. This development is currently under construction.

Several access points to the project are proposed: one major access from SR 52 and two major accesses from Pasco Road, as well as five minor access points to Pasco Road and SR 52, to serve the church sites, parkland and commercial areas.

The site contains 138.77 acres of wetlands, approximately 90 percent of which are said to be man-made. It is proposed that a total of 156 acres will be preserved, and that 28.74 acres will be destroyed. This acreage will be mitigated, on a 1:1 basis for the herbaceous wetlands and on a 2:1 basis for a 2.36 - acre forested wetlands.

SUMMARY OF MAJOR ISSUES

The proposed development of McKendree Ranch will encompass 747 acres in central Pasco County, adjacent to I-75. The impacts of such a project, to include 1,376 mobile homes, 152 single-family homes, 255,000 square feet of commercial space and 736 recreational vehicle spaces and three church sites, must be addressed by local, state and regional governmental agencies. The major issues have been identified below. For a more detailed discussion of each of these issues, see the Impacts section of this report.

Transportation

The project is expected to have a substantial impact on adjacent roadways. An estimated 23,990 average daily vehicle trips, 2,427 in the p.m. peak hour, will be generated at build-out. By Increment II, the project will significantly impact and trigger improvements to SR 52 and SR 54, as well as SR 41 and CR 52A. By Increment III, additional lanes on I-75 and further improvements to SR 52 and SR 54 will be needed.

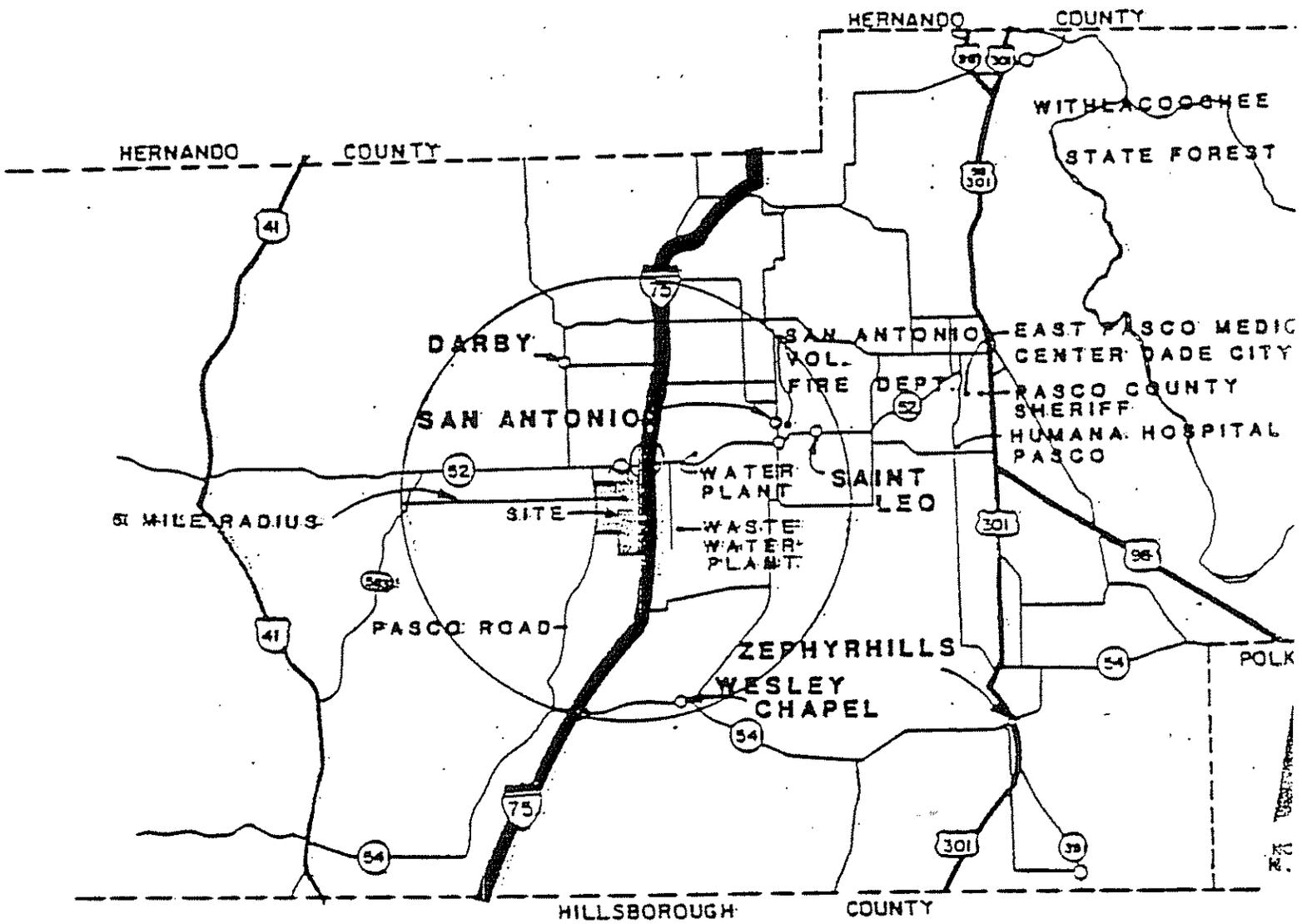
Water Quality

The project is located within the Anclote River drainage basin, and in an area of high recharge to the Floridan Aquifer. It is planned to include a golf course, driving range, residential lots, and discharge of treated effluent on the site. The potential for degradation to be caused by various golf course maintenance procedures, i.e. fertilizers, herbicides, insecticides, lawn maintenance and effluent disposal is a regional concern. Ground and surface-water quality monitoring are included as recommended regional conditions to ensure the protection of the regional resources.

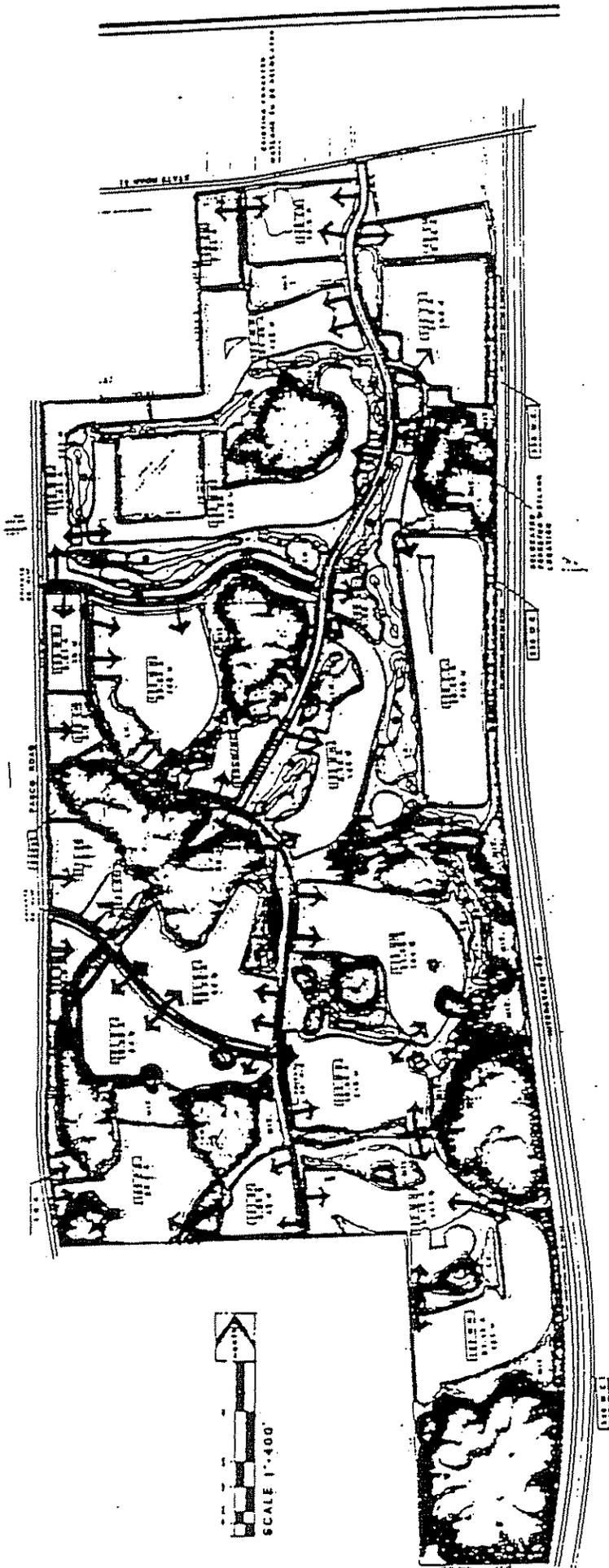
Wetlands

It is proposed that a 2.36-acre cypress swamp, located along the northern boundary of the site, adjacent to State Road 52, be removed and "relocated" to another area on-site. A 2:1 mitigation plan has been provided, which entails transplanting many of the 15 - to 30-foot tall cypress trees to the mitigation area, with supplemental plantings of cypress and various understory species. The ADA includes a lengthy discussion of this wetland and its loss of natural function, impacted by the removal of topsoil from an adjacent 23-acre area and by various roadway improvements in the vicinity. It is proposed that the site will be developed as a commercial tract. Recommended regional conditions address this impact.

DRI 169
McKendree Ranch
General Location Map



DRI 169
 McKendree Ranch
 Master Development Plan



LEGEND

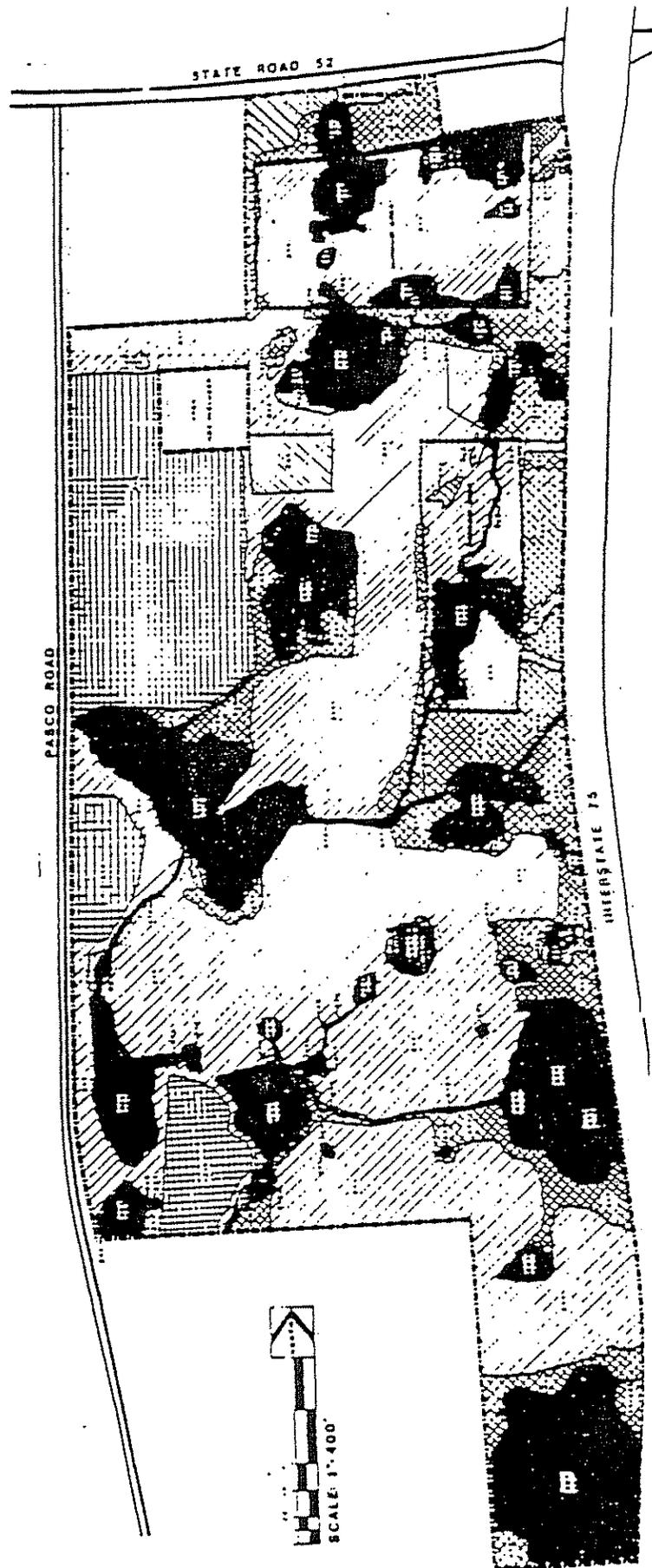
UPLANDS

- [Symbol] IMPROVED PASTURE / 33.44 ACRES
- [Symbol] FIELD CROPS / 11.17 ACRES
- [Symbol] OTHER GRASS AND BRUSH / 3.41 AC.
- [Symbol] PINE PLANTWOODS / 107.11 ACRES
- [Symbol] RURAL LAND IN TRANSITION OR INDICATION OF MITIGATED ACTIVITY / 11.88 ACRES

WETLANDS

- [Symbol] OPEN WATER (FARM POND) / .22 ACRES
- [Symbol] STREAMS AND WATERWAYS (DITCH) / 3.11 ACRES
- [Symbol] BAY SWAMPS / 4.42 ACRES
- [Symbol] GUM SWAMPS / 3.98 ACRES
- [Symbol] MIXED WETLAND HARDWOODS / 39.90 ACRES
- [Symbol] CYPRESS / 43.70 ACRES
- [Symbol] FRESHWATER MARSH / 4.68 ACRES
- [Symbol] WET PRAIRIE / 26.76 ACRES

DRI 169
McKendree Ranch
Preservation/Conservation Area



IMPACT ON TRANSPORTATION

TRANSPORTATION

Contiguous development and the orderly extension and expansion of public facilities are necessary. (16.2.1, F.R.)

Strip commercial development that compounds traffic and land use conflicts is strongly discouraged. Local governments are encouraged to strictly and effectively limit the number of curb cuts onto major roads. (16.6.3, F.R.)

New developments shall provide land or fees to address the developments impact on public and semi-public facilities through appropriate local policies and ordinances. (17.3.1, F.R.)

Adequate transportation services should be provided for the public, including elderly, handicapped, and low income citizens of the region. (19.1.1, F.R.)

Development phasing shall be utilized to assure consistency with the capacity of existing or planned transportation. (19.1.6, F.R.)

Approval for curb and median cuts on regionally significant roadways shall be coordinated between permitting agencies and local governments to protect the traffic-carrying capacity and safety on roadways. (19.2.3, F.R.)

Growth shall be managed through selective transportation improvements to desired facilities and it shall be programmed in conjunction with planned infrastructure improvements. (19.8.4, F.R.)

Mitigation mechanisms such as impact fees, funding of joint-ventures, and user fees shall be used by jurisdictions to mitigate impacts of development to local and to regionally significant resources/facilities. (19.8.6, F.R.)

An operational Level of Service (LOS) D peak hour shall be maintained on all regionally significant roadways in urbanized areas. An operational LOS C peak hour shall be maintained on all regionally significant roadways in rural areas. (19.8.8, F.R.)

This project is located in the west central section of Pasco County. property is at the southwest corner of Interstate 75 and State Road (SR)

Primary transportation impacts will occur on Interstate 75, SR 52, U.S. 3 County Road (CR) 577 and SR 54.

At the end of Phase III in 1999 the project will generate a total of 23,990 average daily vehicle trips with 2,427 of those occurring during the P.M. peak hour.

The analysis provided in the ADA indicates that improvements are needed on State roads, including Interstate 75, to restore LOS D peak hour, where the project contributes more than 5 percent of the LOS D peak hour capacity.

In cases where a roadway facility will require an improvement to bring it to a satisfactory LOS, it is TBRPC policy to identify, during regional review, the regional roadway facilities to which the project will contribute five percent or more of the existing LOS D capacity at peak hour for links and intersections. If the project contributes five percent or more of the existing LOS D capacity at peak hour (C peak rural). All traffic impact conclusions stated in this report are based on information provided by the applicant in the ADA and related documents and the link or intersection is projected to operate at an unacceptable LOS, then specific improvements are identified and such identification becomes a specific recommendation for project approval. The identified improvements are included in the Recommended Regional Conditions section of this report along with other appropriate transportation conditions and options.

The major roadway improvement now under study by FDOT is the multi-laning of SR. 52 from west of the I-75 interchange into New Port Richey.

The improvements identified in the ADA are not solely required due to development of McKendree Ranch but are a result of an accumulation of traffic from existing activities, normal expansion of existing activities and new development in the area, including One Pasco Center, Saddlebrook, Cannon Ranch and McKendree Ranch. These improvements may be eligible for federal, state and local transportation funding through traditional government programs.

Pasco County has adopted a Transportation Impact Fee which applies to all new development within the County. These fees must be spent on transportation improvements servicing the district within which the development is located. As stated in the Sufficiency Response of May 25, 1988, McKendree Ranch will pay a transportation impact fee of \$1,887,800 to Pasco County.

IMPACT ON NATURAL RESOURCES

AIR QUALITY

Initiate control measures for construction, mining and other activities where heavy vehicular traffic and/or meteorological conditions results in significant air pollution. (11.1.4, F.R.)

Open burning should be regulated and coordinated to avoid burning during periods of elevated pollutant levels and meteorological conditions. (11.3.1, F.R.)

Transportation control measures shall be implemented that improve traffic flow, reduce motor vehicle use, and encourage high occupancy vehicle use as a means of encouraging energy conservation, thereby reducing air pollution caused by fuel consumption. (11.6.5, F.R.)

Air pollutants associated with the proposed McKendree Ranch development are the result of site preparation and development and vehicular emissions.

The estimated daily pollutant loading rate at build-out of each phase is seen in the following table, expressed in pounds per day (ppd).

	CO	HC	NOX
Increment 1	3,526 ppd	572.3 ppd	867.4 ppd
Increment 2	5,232 ppd	741 ppd	1,095.5 ppd
Increment 3	6,865.3 ppd	847 ppd	1,179.3 ppd

The applicant performed an air quality impact analysis using the Caline 3 model, as recommended by DER. Emissions were estimated using the US EPA Mobile 3 computer model.

The analysis depends upon the improvements, identified in the responses to Question 31 (Transportation) to be implemented to minimize air quality impacts due to vehicular emissions.

Air quality impacts due to construction activity will result from increased particulate matter levels. This impact will be minimized by adhering to dust control and open burning regulations, by controlling clearing operations, watering of cleared areas when necessary, and seeding and mulching immediately after final grading is completed.

The applicant has used an improved network for the air quality impact analysis, and states that the improvements listed under Question 31-Transportation must be in place in order to ensure good air quality.

The applicant is seeking approval for all phases of the development in terms of the air quality impact analysis provided.

It is appropriate, as a Development Order condition, that the air emissions control measures referenced on page 13-7 of the AMDA be required.

LAND

Unique land forms and geological features shall be preserved.
(10.8.3, F.R.)

New development shall avoid extensive alteration of existing topographic features. (10.8.4, F.R.)

Control measures to abate erosion shall be incorporated into mining, construction, agricultural and development activities.
(22.3.1, F.R.)

The McKendree Ranch site consists of predominately Pomona fine sand, Felde fine sand, Wauchula fine sand and Zephyr Mulch. Other soils on-site include Kendrick, Lochloosa, Flemington Variant, Newnan, Nobleton and Micanopy fine sands and "pits". The "pits" are the result of top-soil (3-4 feet) removal by the Florida Department of Transportation in the mid-1960's. It is stated in the AMDA development will not occur in areas where Felde Fine Sand Zephyr Muck and Zephyr Complex exist. The predominant soil types all exhibit severe limitations for low buildings and paved roadways due to wetness and ponding. The applicant proposes to overcome these limitations by a combination of stormwater management systems and coordinated filling procedures. All fill will be obtained on-site and will be consolidated and compacted mechanically.

There are no areas of known mineral deposits underlying the property, and extraction of any mineral resources is anticipated as part of the development. The extensive substratum of clayey soils underlying most of the site will be excavated in the deep lake areas and used for lining the freshwater marsh and hardwood swamp mitigation areas to ensure an adequate water budget for maintaining diverse, viable wetland mitigation systems. It is intended however, that all stormwater management systems will be designed to a depth of no greater than 10 feet to avoid eutrophication of the water body. All systems will be designed to avoid penetration of the clay stratum and prevent stormwater from entering the water table.

In order to control wind and water-caused soil erosion a number of techniques, as set forth in the AMDA, will be used.

1. The rate of development will limit the incidence of unprotected erodible earth.
2. Broadcast watering.
3. Landscape design will reduce flat, open spaces.
4. Major forested areas will be preserved to maintain wind breaks.
5. All areas disturbed during construction will be immediately revegetated.

upon completion either by sodding or seeding.

6. Turbidity barriers, silt fences, and hay bale carriers.
7. Sediment basins will limit transmission of sediments.

No unique geological features exist on McKendree Ranch. There is historical evidence of sinkholes on this site. No particular sinkhole protection steps are anticipated.

It is recommended that implementation of the methods identified on page 14 of AMDA to control wind and water-caused soil erosion be a Development Ordinance condition.

WATER QUALITY AND DRAINAGE

Land use planning and development decisions shall consider the impact on surface and groundwater quality. (8.1.4, F.R.)

Adequate long-term water quality monitoring of surface and groundwater resources, particularly potable water resources, shall be continued for areas which are presently being monitored and developed for areas which are not presently monitored to provide a sound data base and to identify trends upon which future regulatory and land use decisions can be based. (8.6.4, F.R.)

Conservation areas, such as coastal marshes, freshwater swamps, and mangrove forests shall be protected from development that would significantly alter their function and character. (10.1.2, F.R.)

A minimum identified buffer or other appropriate protection shall be maintained around acknowledged isolated wetlands where development activities or other activities may disturb the wetlands or associated wildlife. (10.2.1, F.R.)

The hydrologic continuity and water quality of identified isolated wetlands shall be protected. Development activities or other land disturbances in the drainage area of the wetlands shall minimize alterations to the surface or subsurface flow of water into and from the wetland and shall not cause impairment of the water quality or the plant and wildlife habitat value of the wetland. (10.2.2, F.R.)

Mitigation measures shall be developed to provide water quality benefits and plant and animal habitat equivalent to the wetland destroyed or altered. Newly created wetlands should include a least 1:1 mitigation using the same type or more productive vegetation with at least an 80-85 percent natural cover rate, over a two-to five-year period. (10.2.4, F.R.)

New development shall avoid extensive alteration of existing topographic features. (10.3.4, F.R.)

McKendree Ranch lies within an area of Pasco County that has a general geologic lithology comprised of clayey sand with a sand veneer over clayey sand. The surface drainage in this area is generally overland flow to isolated and connected depressions in which wetlands occur and with channelized water courses discharging into larger swamp areas.

The clayey sand lithology increases the potential for runoff and decreases the amount of groundwater available for infiltration into the soil. The applicant has stated that, due to the impervious nature of the soil, the only significant aquifer recharge points are the isolated depressions (wetlands) which could store the runoff and allow for gradual infiltration of the stormwater into the aquifer. A draft map supplied by the West Coast Regional Water Supply shows this area as having a high recharge potential to the Floridan Aquifer, however.

Due to the confining clayey sands at a depth of approximately three feet throughout McKendree Ranch, a surficial aquifer occur during the rainy season. During the wet season, the cypress wetlands contain standing water. The seasonal water table in the wetlands fluctuates between levels above grade and depths of approximately 8 to 12 inches. These wetland systems will be preserved and restored to allow for continual recharge capability.

Prior to construction, surface and groundwater samples will be taken and tested in accordance with the Florida Safe Drinking Water Act, Chapter 17-22, FAC and the maximum contaminant level requirements of the primary drinking water regulations by prescribed methods. The water quality criteria as set forth in said regulations shall be applied to these samples to verify composition of the background water quality as either meeting or failing the maximum allowable criteria. In the case of any particular limit being exceeded in the background sample, this level will not be allowed to increase due to the development. Upon completion of each phase of development, additional samples will be taken to test for compliance with previously set maximum allowable levels.

Map G in the ADA shows the major flow paths and stormwater attenuation facilities designed to manage a 25-year, 24-hour rainfall event without causing flooding, property damage or undue hardships. The stormwater design analysis will be in accordance with SWFWMD criteria. Interior roadway and lot drainage design will be based on the 10-year peak flow in accordance with Pasco County Subdivision and Zoning Ordinances. Each phase of development will incorporate stormwater facilities that will provide attenuation and filtration capabilities to allow no more runoff to exit the site than occurred in the pre-developed state.

There are three major points of discharge from the McKendree Ranch site. The largest discharge point is twin 34" x 53" culverts located at the outlet of Basin 900 crossing Pasco Road. In the event that Pasco Road is raised and improved, the culverts would have to be modified to allow the total flow under Pasco Road. The second point of discharge exists at the

south end of Basin 700. The third point of discharge is located at the southern tip of Basin 1000. The majority of Basin 1000 contains cypress trees and wetlands. The point of discharge is actually the point in which the cypress head discharges into a lake south of McKendree Ranch.

The design of the master drainage system will include maintaining existing water table levels, hydroperiod and water budgets of the wetlands, pre-development flows off-site and pre-development pollutant loadings to create a development that will harmonize with the adjacent land.

The developer will maintain and operate these systems until the time of sale to another party and proper legal documents are recorded indicating a new operation and maintenance authority.

It is recommended that the following be a Development Order condition:

The developer shall submit a final drainage plan for review by Pasco County and TBRPC and for approval by SWFWMD. The Recommended Regional Conditions section of this report contains specific parameters to be included in the plan.

WETLANDS

Protect the habitats and plant communities that tend to be least in abundance and most productive or unique. (10.1.1, F.R.)

A minimum identified buffer or other appropriate protection shall be maintained around acknowledged isolated wetlands where development activities or other activities may disturb the wetlands or associated wildlife. (10.2.1, F.R.)

The hydrologic continuity and water quality of identified isolated wetlands shall be protected. Development activities or other land disturbances in the drainage area of the wetlands shall minimize alterations to the surface or subsurface flow of water into and from the wetland and shall not cause impairment of the water quality or the plant and wildlife habitat value of the wetland. (10.2.2, F.R.)

Mitigation measures shall be developed to provide water quality benefits and plant and animal habitat equivalent to the wetland destroyed or altered. Newly created wetlands should include at least 1:1 mitigation using the same type or more productive vegetation with at least an 80-85 percent natural cover rate, over a two - to five-year period. (10.2.4, F.R.)

Preservation areas, such as marine grass beds, significant sand dune systems, and other vital or critical natural systems, shall be protected from any further development except in cases of overriding public interest. (10.3.1, F.R.)

Identified areas that contain viable populations of, or suitable habitats for, species listed as endangered, threatened, or of special concern by the State and Federal government, shall be classified as environmentally sensitive, preservation, or conservation areas with future development limited to land uses compatible with the listed species. (10.6.2, F.R.)

Unique and irreplaceable natural resources shall be protected from adverse effects. (16.3.2, F.R.)

The McKendree Ranch site contains approximately 188.77 acres (25.2 percent) of wetlands. These wetlands include open water, ditches, emergent marshes, bay swamp, wet prairies, gum swamp, mixed wetland hardwoods, and cypress heads. The majority of the natural wetlands on-site will be preserved in their existing state and/or by incorporation into the surface water management system. The hydroperiod in the wetlands incorporated into the water management system will be maintained by establishing water level control structures based on the historic normal pool and seasonal high water levels of the existing wetlands.

Several of the wetlands on the site are of man-made origin. These include the ditches, farm ponds and most of the wet prairie areas. The location of these man-made wetlands, particularly the FDOT borrow areas and ditches, are such that without removal and relocation to other parts of the site, they would preclude use and restrict access to most of the site.

The proposed project will adversely affect 3.11 acres of ditch, 22.95 acres of wet prairie, 0.13 acres of gum swamp, 0.19 acres of emergent marsh, and 2.36 acres of cypress swamp. A total of 28.74 acres of wetlands (less than 16 percent of the total wetlands) will be impacted by the project. Of these wetlands to be impacted, more than 90 percent are man-made. A total of 156 acres are to be preserved.

To prevent a net loss of wetlands, 1:1 mitigation is proposed for all wetland impacts except those to the cypress swamp; 2:1 mitigation is proposed for impacts to the cypress swamp. Mitigation for impacts to all wetlands except the cypress swamp will be provided by the use of mulching techniques in areas excavated from uplands. If for any reason the use of native wetland soils (from impacted wetlands) does not provide for the establishment of a viable wetlands community, detailed planting plans have been submitted to both FDER and SWEFMD.

The cypress swamp which will be impacted by the proposed project has been adversely impacted by the adjacent FDOT borrow area. To mitigate for impacts to this cypress swamp, an upland area will be excavated and planted with 15-foot to 30-foot tall cypress trees to be relocated from the wetland to be impacted. This mitigation activity has been permitted by SWEFMD and an application is pending at FDER. Additional nursery-grown seedling cypress and understory species will be planted, providing a 2:1 ratio of mitigation to impact.

As part of the proposed project, many of the site's wetlands will be incorporated into the surface water management system. This will allow for maintenance of the natural hydroperiod. In some cases this will allow for restoration of hydroperiod in wetlands adversely affected by ditching in the past.

It is recommended that a minimum identified buffer or other appropriate protection be maintained around wetland systems and mitigation areas.

FLOOD PLAINS/DISASTER PREPAREDNESS

Comprehensive Emergency Management plans that have provisions for preparedness, response, recovery and mitigation are required at the regional and county level. (7.4.1, F.R.)

All local governments should require that recreation centers serving mobile home parks located outside hurricane surge vulnerable areas be constructed to meet hurricane shelter criteria and to serve as private shelters for the residents of the mobile home park. (7.6.3, F.R.)

All coastal local governments in the region shall adopt and strictly enforce all appropriate federal, state and regional coastal construction codes, coastal setback requirements and the State Minimum Building Code recognizing the vulnerability of this region to hurricane hazards. (7.7.1, F.R.)

Programs shall be developed at the regional and local levels to identify, protect and conserve the natural character and function of area lakes, streams, estuaries, wetlands, floodplain areas, and upland areas. (8.9.1, F.R.)

New development permitted in the flood fringe (the area of the floodplain outside the floodway) shall be required to meet flood hazard construction requirements. (10.4.3, F.R.)

Identified areas that contain viable populations of, or suitable habitats for, species listed as endangered threatened, or of special concern by the State and Federal government, shall be classified as environmentally sensitive, preservation, or conservation areas with future development limited to land uses compatible with the listed species. (10.6.2, F.R.)

Unique land forms and geological features shall be preserved. (10.8.3, F.R.)

A transportation system shall be provided that permits safe evacuation in the event of man-made or natural disasters. (19.1.11, F.R.)

The proposed development is located within evacuation zones 25 and 26 of Pasco County (Tampa Bay Region Hurricane Evacuation Plan Technical Data Report Update, June 1984). These particular zones are not expected to receive overland storm surge from any future hurricane.

However, the residents occupying mobile homes and recreation vehicles/travel trailers will be required to evacuate for each and every hurricane, regardless of intensity, due to wind vulnerability and the structural characteristics of mobile homes and RV's themselves.

The Red Cross Shelter located closest to McKendree Ranch is Land O' Lakes High School. The proposed 6,948 square foot recreation center to be located on the property will be able to shelter 347 mobile home residents during an evacuation period, according to the applicant. An estimated 2,752 residents are expected to occupy the mobile home portion of the project, however, and it will be necessary to provide adequate shelter for 25 percent of these residents (688), at minimum.

The local jurisdiction, Pasco County Government, qualifies for federal flood insurance, and the proposed development is located outside the 100-year Flood prone area.

RECOMMENDED CONDITIONS OF APPROVAL

The developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The developer shall prepare a plan to ensure the safe and orderly evacuation of mobile home residents and the recreational vehicle area. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.

The developer shall coordinate with appropriate public authorities to ensure the availability of shelter for the 2,752 mobile home residents and the safety of 1,619 recreational vehicle occupants who must evacuate in the event of a hurricane evacuation order in Pasco County.

All contracts or deeds for sale of land and/or mobile home sites in the McKendree Ranch development must be accompanied by a hazard disclosure statement generally describing the property(ies) relative probability of damage from hurricane winds.

VEGETATION AND WILDLIFE

In regionally significant development proposals, developers shall assess the cumulative impacts of such activities as dredge and fill, waste disposal, and construction on the health of the natural systems. (8.9.3, F.R.)

Protect the habitats and plant communities that tend to be least in abundance and most productive or unique. (10.1.1, F.R.)

Conservation areas, such as coastal marshes, freshwater swamps, and mangrove forests shall be protected from development that would significantly alter their function and character. (10.1.2, F.R.)

A system of incentives or other measures should be developed to encourage landowners to preserve native habitats. (10.6.1, F.R.)

Identified areas that contain viable populations of, or suitable habitats for, species listed as endangered threatened, or of special concern by the State and Federal government, shall be classified as environmentally sensitive, preservation, or conservation in areas with future development limited to land uses compatible with the listed species. (10.6.2, F.R.)

Wildlife corridors should be maintained where development activities require clearing of trees in forested, and other wooded areas.

Any project including unavoidable destruction of habitat shall mitigate all lost wetland habitat on a 1:1 in-kind basis, at minimum. Mitigation shall include monitoring with assurance of an 80-85% natural cover area after 2-5 years. (16.8.1, F.R.)

Mitigation should enhance the overall ecological quality of the area. (16.8.3, F.R.)

The McKendree Ranch site consists of 365.44 acres of improved pasture, 71.37 acres of agricultural land, 107.71 acres of pine flatwoods, 2.41 acres of shrubs and brush, 0.33 acres of open water, 3.11 acres of ditches, 4.43 acres of bay swamp, 3.96 acres of gum swamp, 28.6 acres of mixed wetlands, 63.70 acres of cypress swamp, 54.85 acres of emergent swamp, 29.79 acres of wet prairie, and 11.65 acres of rural open land. Most of the proposed development is for cattle grazing and other agricultural uses. Much of the land has been disturbed by human activities, such as ditches and cattle traffic.

Pine flatwoods are one of the most natural communities in the vicinity of the proposed development. The proposed impacts should not have an adverse effect on regional population of floral and faunal species.

The mixed wetland hardwood community will also be preserved and wet prairie, freshwater emergent swamp and cypress swamp encroachments will be mitigated

although the ferns are common in the cypress swamps of the site as well. The long-lipped ladies tresses will be relocated to the mitigation areas.

Endangered and threatened wildlife observed on the site include: Wood storks and the Sandhill crane. The Eastern indigo snake and the Southeastern kestrel are expected to occur on the site.

Wood storks were observed feeding in the emergent marsh areas contiguous with the cypress swamp located near the center of the site. The development plans call for vegetative buffers in some areas adjacent to potential wood stork feeding areas and the restoration of the historic hydroperiod.

The resident pair of Sandhill cranes were observed feeding in a mitigation area as well as in the improved pasture adjacent to the cypress head. The proposed development includes a golf course which will provide open space suitable as sandhill crane habitat. The ability of Sandhill cranes to utilize golf courses as habitat is demonstrated by their presence on other golf courses in the area. The golf courses are interwoven through residential communities, and contain large open grassed areas and wetlands. A total of 299 acres of the developed site will provide habitat appropriate as nesting or feeding habitat.

Should any species listed in Sections 38-27.003-.005, F.A.C. be observed frequenting the site for nesting, feeding or breeding, proper mitigative measures shall be implemented in coordination with the Florida Game and Fresh Water Fish Commission.

HISTORICAL AND ARCHAEOLOGICAL SITES

Unique and irreplaceable natural resources shall be protected from adverse effects. (16.8.2, F.R.)

Historical and archaeological sites are considered to be preservation areas if they are of regional, historical or archaeological significance and shall be protected from any further development except in extreme cases of overriding public interest.

- a. Programs shall be designed to identify and preserve all significant sites.
- b. Programs shall be implemented to increase public awareness of the value and significance of historical and archaeological sites.
- c. Nothing in the above-stated policies shall prohibit the excavation of archaeological sites by appropriately trained archaeologists, using methods in conformance with generally accepted standards. (18.4.3, F.R.)

Historical and archaeological sites are considered conservation areas are those resources of lesser significance. These areas should be protected from further development, whenever possible, and will be excavated and documented in accordance with generally accepted standards and practices. (18.4.4, F.R.)

A letter from the Florida Division of Historical Resources indicates that no significant archaeological and/or historical sites are recorded or considered likely to be present within the project area.

It is an appropriate Development Order condition that any historical or archaeological resources discovered on the development site 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.

ECONOMY

The location of facilities shall be used to guide urban development and assist in the implementation of approved local and regional plans. The rate of private development should be commensurate with a reasonable rate of expansion of public and semi-public facilities. (17.2.1, F.R.)

Public facilities rights-of-way should be identified as part of adopted local comprehensive plans and should be protected from further development. (17.2.3, F.R.)

New developments shall provide land or fees to address the developments impact on public and semi-public facilities through appropriate local policies and ordinances. (17.3.1, F.R.)

Development phasing shall be utilized to assure consistency with the capacity of existing or planned transportation. (19.1.6, F.R.)

Mitigation mechanisms such as impact fees, funding of joint-ventures, and user fees shall be used by jurisdictions to mitigate impacts of development to local and to regionally significant resources/facilities. (19.3.6, F.R.)

The Tampa Bay Region supports the promotional efforts of those areas of the region that desire to attract visitors, and encourages the utilization of year-round recreational and tourist sites and activities. (23.2.3, F.R.)

The proposed McKendree Ranch development is a mixed-use residential commercial DRI to be located on approximately 747 acres of land in western central Pasco County. It is anticipated that McKendree Ranch will be developed in three increments over a period of 12 years. The proposed development will include the following: 1,376 residential mobile homes; 255,000 square feet of retail/service space; 736 recreational vehicle spaces.

and 152 single family homes.

Total building construction and development expenditures are projected to be \$43,169,750 over the build-out period. Total expenditures, including administrative/overhead costs and professional fees, are projected to be \$57,559,000. It is anticipated that 100 percent of the projected construction expenditures will be made within the region.

Construction employment will average 163 workers annually. It is projected that a total of 678 permanent, non-construction jobs will be created by build-out. No seasonal variations in permanent employment are expected. The estimated annual payroll is projected to be \$5,685,048 at build-out, and the estimated annual ad valorem tax yield \$1,387,000. The applicant states that one worker will be displaced as a result of the proposed development.

A letter from the Pasco Citizens Council on Aging advises that social services will be available to the residents of McKendree Ranch.

IMPACT ON PUBLIC FACILITIES

WASTEWATER

Programs to ensure water reclamation and reuse alternatives for wastewater and stormwater disposal to surface water bodies shall be developed. (8.7.1, F.R.)

Whenever environmental or health concerns warrant, treatment facilities shall be required to utilize Best Management Practices and technologies. (8.7.2, F.R.)

Domestic sewage and industrial discharges shall be required to achieve best practical technological standards and to implement reuse systems to minimize pollution discharge. (13.9.2, F.R.)

The location of facilities shall be used to guide urban development and assist in the implementation of approved local and regional plans. The rate of private development should be commensurate with a reasonable rate of expansion of public and semi-public facilities. (17.2.1, F.R.)

Controversial public facilities, such as landfills, prisons, wastewater treatment facilities and power lines, should be located in areas where they may best serve their purpose and have the fewest negative impacts. (17.2.4, F.R.)

Develop new methods of financing the construction of public facilities, in order to keep pace with the rapid growth and development. (21.4.2, F.R.)

The estimated average daily wastewater flow by phase for McKendree Ranch is expected to be 164,000 gallons per day (gpd) for Increment 1, 248,000 gpd for Increment 2, and 153,000 gpd for Increment 3, for a total of 565,000 gpd at build-out.

The Pasco County Government has entered into an agreement with the McKendree Ranch, One Pasco Center and the Cannon Ranch developments. The One Pasco Center development, east of Interstate 75 and north of State Road 52, will provide the location for a regional wastewater treatment plant. The Pasco County Government will purchase a parcel of land, also east of Interstate 75 and south of State Road 52, to provide sewage treatment and disposal service. The binding sewer and water facility agreement between McKendree Ranch, the Pasco County Government, One Pasco Center and Cannon Ranch has been finalized to ensure appropriate and timely construction of off-site regional facilities. McKendree Ranch has committed to provide a fair share of infrastructure costs. A copy of the agreement, outlining ownership and maintenance responsibilities is included in the ADA Appendix 21-A. The major points of the agreement include the following:

- Pasco County is responsible for plant design and construction, and purchase from One Pasco Center, construction of the master lift station

at SR 52 and McKendree Road, construction of the force main from the lift station to the plant and payment for any oversizing of project site mains. The developers are responsible for design and construction of all on-site mains, design and construction of the force main to connect the projects to the lift station, and reclaimed water use if the plant is required.

An 82-acre site on the One Pasco Center site will be purchased by Pasco County. An interim 100,000 gpd package plant will be relocated to the site within six months of the finalization of the agreement. Eventually, a one million gpd plant will be constructed on the site with the first phase being capable of processing 250,000 gpd. The North-Central Sub-Regional plant will dispose of effluent by way of site percolation ponds and through the reclamation system required by the three participating developments. All on-site mains and easements will eventually be dedicated to Pasco County.

No on-site treatment is proposed for the project, and no septic tanks will be used on site. Waste sludge will be pumped to a septic tank truck for disposal off-site in compliance with DER regulations. The proposed treatment site will be at the Pasco County Williamsburg Treatment Plant.

Wastewater from McKendree Ranch will receive secondary treatment until a spray irrigation method of effluent disposal is enacted. Higher level treatment will be provided at that time.

This reclaimed water will be obtained from Pasco County's North Central Regional Sewage Treatment Facility.

Recommended Conditions of Approval

- A. The Water and Wastewater Treatment Service Agreement for One Pasco Center, Colonial Village and Route 347 shall be incorporated as a Development Order condition.
- B. The selection of McKendree Ranch spray irrigation sites shall be based on a complete analysis of the treated effluent and a detailed hydrogeological analysis of the site(s) to determine the potential for groundwater contamination from any hazardous waste or other pollutants.
- C. No disposal of non-domestic waste into the sewer system shall be permitted.
- D. The Development Order shall establish a plan and schedule with which McKendree Ranch sewer lines shall be monitored for leaks and repairs. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines dates or frequencies for the monitoring program. Faulty lines shall be replaced as quickly as possible.

WATER SUPPLY

Unhealthy lifestyles, such as alcohol and drug abuse, can lead to chronic and disabling diseases. Programs designed to stop pre-teens and teens before they begin using drugs are encouraged. (6.2.1, F.R.)

The policy of the region shall be to encourage the use of the lowest quality water reasonably available and suitable to a given purpose in order to reduce the unnecessary use of potable water. (8.1.1, F.R.)

Incentives shall be developed to foster the adequate treatment, utilization or reuse of water resources in those areas where drinking water quality is not required. (8.1.2, F.R.)

The permitting of new developments proposing the use of the community water supply shall be compatible with any proposed regional potable water supply and distribution facility. (8.1.3, F.R.)

A comprehensive regional, long-term water conservation program shall be developed. Strategies consistent with this regional program shall be developed and implemented on the local level. (8.2.1, F.R.)

Ensure that no overdrafting of potable groundwater supplies occurs. (8.3.2, F.R.)

Ensure that public water supplies meet State Drinking Water Standards. (8.3.3, F.R.)

New dredging, reroutings, channelizations or other alterations within environmentally sensitive surface water bodies shall be prohibited, except in cases of overriding public interest. (8.6.2, F.R.)

The average total potable water supply consumption is expected to be gallons per day (gpd). The average non-potable water supply is expected to be 226,000 gpd. All potable water will be provided from two separate wells on one-acre parcels of land which will be connected to Pasco County's Central Regional Water Treatment Plant. These wells will conform to sanitary setbacks and construction standards and produce water of a quality specified by Chapter 17-22, F.A.C. Non-potable water will be obtained from two proposed wells on-site and from treated wastewater effluent.

A water-quality monitoring plan has been proposed which will provide efficient ecological monitoring of the consumptive use wells and ground and surface water quality after the project is complete. It has been committed that:

- o The developer will comply with the Water Conservation Act, Section

553.14, F.S.

- The developer will have adequate potable water for each phase of development.
- The developer will continue to monitor the CJP wells as well as ground and surface water quality.

It is appropriate to require, as Development Order conditions, that a plan be developed for using non-potable water for irrigation, that the entity to be responsible for on-site wells be identified in the Development Order, that water-saving devices be required, and that native vegetation be utilized in landscaping wherever feasible.

SOLID WASTE

Appropriate governmental agencies shall be required to develop plans to prevent, abate, and control surface and groundwater pollution. (8.6.1, F.R.)

In regionally significant development proposals, developers shall assess the cumulative impacts of such activities as dredge and fill, waste disposal, and construction on the health of the natural systems. (8.9.3, F.R.)

The use of energy-efficient packaging and/or recycled materials is encouraged. Participation in recycling programs is encouraged. (12.5.5, F.R.)

All hazardous waste generators should utilize waste exchanges. (13.1.3, F.R.)

Information shall be made available to hazardous waste generators and the public concerning the availability of existing companies that will accept wastes for recycle, reuse, exchange and treatment. (13.4.1, F.R.)

Disposal of commercial and industrial hazardous waste into sewer systems shall be eliminated. (13.8.1, F.R.)

Methods for promoting source reduction of solid wastes and energy conservation are encouraged through resource recovery, recycling and solid waste plans. (13.11.3, F.R.)

The McKendree Ranch project will have an estimated average daily solid waste volume of 4.69 cubic yards per day at the end of Phase I (the initial portion of Increment 1). The total average daily solid waste generation rate, at build-out, is projected to be 16,513 pounds, or 110 cubic yards.

Refuse for the development will be transported to Pasco County's landfill in Dade City. The landfill is presently operating an 80-acre cell that is estimated to last until 1989. After 1989, a new cell will be opened until

Pasco's Resource Recovery Plant comes on line in 1991. At that time, all refuse will be delivered to the plant.

No on-site solid waste disposal is anticipated.

Waste Aid Systems has confirmed by letter, dated February 13, 1987, the company's ability to serve McKendree Ranch.

ENERGY

Energy audits provided by the energy companies or other qualified agencies serving the region are encouraged. (12.2.1, F.R.)

The use of water heaters set at a maximum of 130 degrees F, or lower, and timers for off-peak use are encouraged. The installation of water saving fixture to reduce consumption of hot water is encouraged. (12.2.2, F.R.)

The use of landscaping and building orientation to reduce heat gain should be used where feasible. (12.2.4, F.R.)

Commercial and industrial facilities are encouraged to work with or designate someone capable of energy analysis from inside or outside the business/facility, to establish energy policies, monitor energy use and encourage conservation. (12.5.1, F.R.)

Reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours are encouraged. (12.5.3, F.R.)

Elimination of advertising requiring lighting after business hours is encouraged. (12.5.4, F.R.)

The use of energy-efficient packaging and/or recycled materials is encouraged. Participation in recycling programs is encouraged. (12.5.5, F.R.)

The estimated daily and peak-hour energy demands for each phase of McKendree Ranch are as follows:

	<u>Average Daily</u>	<u>Peak</u>
Increment 1	54,019 kwh	8,480 kw
Increment 2	42,990 kwh	7,190 kw
Increment 3	<u>13,562 kwh</u>	<u>2,970 kw</u>
Total at build-out:	110,570 kwh	18,640 kw

All electrical power required by the development will be supplied by the Withlacoochee Electric Cooperative, which has indicated by letter its ability to service the projected energy demand. An on-site substation is required and negotiations are ongoing.

Measures to maximize energy conservation include the minimization of pavement to reduce heat radiation, and the correct placement of shrubs and trees to reflect solar heat.

Recommended Conditions of Approval

- A. The applicant shall encourage all McKendree Ranch residents and commercial tenants to obtain energy audits provided by energy companies or other qualified agencies.
- B. The applicant shall encourage McKendree Ranch residential builders and owners to install water heater timers and set water heaters at 130° Fahrenheit or lower.
- C. Where economically feasible, all McKendree Ranch tenants, businesses, residents, etc. should use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration.
- D. The use of landscaping and building orientation to reduce heat gain should be used where feasible for all McKendree Ranch construction.
- E. McKendree Ranch should work with or designate an energy officer to encourage conservation.
- F. McKendree Ranch shall encourage the:
 - elimination of advertising requiring lighting after business hours,
 - use of energy-efficient packaging and/or recyclable materials,
 - participation by project tenants in recycling programs, and
 - installation of total energy systems where cost effective.

A report on the implementation of and participation in any other energy programs shall be included in each annual report.

EDUCATION

The location of facilities shall be used to guide urban development and assist in the implementation of approved local and regional plans. The rate of private development should be commensurate with a reasonable rate of expansion of public and semi-public facilities. (17.2.1, F.R.)

The developer of McKendree Ranch will utilize restrictive covenants to allow only adults past the age of 16 years to reside in the development. Therefore, no school facilities or sites will be dedicated on the subject property.

A letter from the District School Board of Pasco County states the McKendree Ranch development will not adversely impact the schools serving that area of the county.

An appropriate Development Order condition would be for the developer to utilize restrictive covenants throughout the entire development to allow only adults over 16 years of age to reside in the development.

RECREATION AND OPEN SPACE

Park and recreation lands shall be planned for multiple usages and located in areas most suitable to adequately satisfy the needs of the resident and seasonal population. Planning of park and recreational facilities shall include consideration of protection of environmental and natural resources, energy efficiency and the orderly extension and expansion of other public facilities and services. (10.10.3, F.R.)

Land set aside for recreational purposes shall be determined suitable for that purpose during the site planning process and should not be land which is remaining after development. (10.10.5, F.R.)

Recreation and park sites shall be held inviolate against diversion to other uses except in instances of overriding public needs. (10.11.1, F.R.)

Land set aside for recreational purposes shall be determined suitable for that purpose during the site planning process and should not be land which is remaining after development. (10.10.5, F.R.)

Recreation and park sites shall be held inviolate against diversion to other uses except in instances of overriding public needs. (10.11.1, F.R.)

Access to park/recreation facilities and services for the elderly, handicapped and economically disadvantaged, shall be required. (10.12.1, F.R.)

New development shall be compatible with the recreational use of adjacent areas and, where appropriate and feasible, provide for non-vehicular access. (10.12.3, F.R.)

A variety of recreational opportunities, including utilization of unique natural features and scenic areas, is encouraged. (23.2.1, F.R.)

A private clubhouse and shuffle board courts will be available to mobile home residents and the users of the travel trailer park. Mobile home residents will have a pool, and single family home residents will have a

private clubhouse, pool and tennis courts. An eighteen-hole executive golf course will be developed in Increment One.

The McKendree Ranch development will not remove from public access lands or waters previously used by the residents of the region for recreational uses.

As per Pasco County code requirements, the owner/developer is required to dedicate land to the county for public use. The amount of land to be dedicated is based upon the number of residential units to be constructed, and equates to one acre per 100 units.

The developer has committed to dedicate 24.41 acres of parkland (6.3 acres are wetlands) to Pasco County. This dedication would satisfy the parkland requirements for all phases of the McKendree Ranch project. The parkland will be owned and maintained by the Pasco County Government.

The developer intends to utilize "xeric" landscape designed techniques to maximize plant growth and minimize water requirements.

It is important to recommend, as a D.O. condition, that the entity(ies) responsible for maintenance of all open space areas within the project site shall be identified in the Development Order.

HEALTH CARE

Future development activities should, at minimum, maintain the level of fire, police and EMS services currently available in the region. (7.2.1, F.R.)

Police, fire fighting and EMS facilities, equipment, personnel, and training shall be provided in all areas of the region. (7.2.6, F.R.)

Comprehensive Emergency Management plans that have provisions for preparedness, response, recovery and mitigation are required at the regional and county level. (7.4.1, F.R.)

All institutions and public facilities shall be considered by local Red Cross Chapters for their suitability as emergency shelters. (7.6.4, F.R.)

No medical or health care facilities will be provided on-site. McKendree Ranch is within close proximity to two hospitals. The closest hospital is the Humana Hospital, an acute care facility with 120 beds, approximately 12 minutes for the site. Another acute care facility, the East Pasco Medical Center, includes 80 beds and a helipad and is located in Zephyrhills approximately 15 minutes to the southeast. Each hospital facility has indicated its ability to serve the McKendree Ranch development, and provides complete emergency and operation services. Emergency medical service to the site will be provided by San Antonio EMS Rescue 24.

A letter from Dade City Fire Rescue states that they would respond upon the

request of the San Antonio Volunteer Fire Department. Both departments share a common communications network to facilitate effective servicing. Dade City Fire Rescue response time is approximately six minutes.

It is appropriate that, as a Development Order condition, the developer provide assurance of adequate emergency medical service for the project and that the degree of developer participation in any expansion of services shall be set forth in the Development Order.

POLICE

All residential developments are encouraged to organize a neighborhood watch program as part of the homeowners association. (7.1.3, F.R.)

New developments shall provide land or fees to address the developments impact on public and semi-public facilities through appropriate local policies and ordinances. (17.3.1, F.R.)

No police protection service facilities or sites are currently planned as part of the McKendree Ranch development. Police service will be provided by the Pasco County Sheriff's Department through its Dade City station. According to a letter from the Sheriff's Department, no problems are envisioned in serving the project. The City of San Antonio will provide back-up service as necessary. The Pasco County Sheriff's Department has also agreed to assist the developer with its private security planning for the development, including a neighborhood watch for its residents.

It is appropriate that, as a Development Order condition, the developer provide assurance of adequate police protection for each phase of development and that the degree of developer participation in any needed expansion of services be set forth in the Development Order.

FIRE

The provision of adequate water supplies and pressure for fire fighting activities as defined by federal, state and local requirements shall be required of all new developments. (7.2.7, F.R.)

The use of fire protection measures as defined by federal, state or local requirements shall be required for all new development. (7.2.8, F.R.)

Comprehensive Emergency Management plans that have provisions for preparedness, response, recovery and mitigation are required at the regional and county level. (7.4.1, F.R.)

The location of facilities shall be used to guide urban development and assist in the implementation of approved local and regional plans. The rate of private development should be

regional plans. The rate of private development should be commensurate with a reasonable rate of expansion of public and semi-public facilities. (17.2.1, F.R.)

The advance acquisition of potential public and semi-public facility sites should be incorporated into capital improvement programs as a guide to orderly growth and development. (17.2.2, F.R.)

New developments shall provide land or fees to address the developments impact on public and semi-public facilities through appropriate local policies and ordinances. (17.3.1, F.R.)

A one-acre parcel suitable for a fire station/ambulance service has been included in the master plan. The site has frontage on Pasco Road and will be provided with the required water pressure and line size as phasing and future agreements with the Pasco County or the San Antonio Volunteer Fire Department permit.

Until the proposed fire station site is developed, the San Antonio Volunteer Fire Department will provide the necessary fire service to the McKendree Ranch development. A letter from the San Antonio Fire Department in the AMDA states that no service problems are anticipated.

The San Antonio Volunteer Fire Department requires that the per lot fee of \$12.40 for Phase I of the project be paid at the time of groundbreaking. The Fire Department will be responsible for fire protection during construction also.

The developer is to collect the first year's subscription fee of \$25 per family.

It is an appropriate Development Order condition that the developer provide assurance of adequate fire protection for the development and that the degree of developer participation be set forth in the Development Order.

HOUSING

A variety of housing options should be available and affordable to elderly residents in order to alleviate a major economic and social dilemma for elderly citizens. (4.4.3, F.R.)

Major residential developments should provide some living units (with different numbers of bedrooms) as accessible units for the handicapped and their families. (5.4.9, F.R.)

All local governments should require that recreation centers serving mobile home parks located outside hurricane surge vulnerable areas be constructed to meet hurricane shelter criteria and to serve as private shelters for the residents of the mobile home park. (7.6.3., F.R.)

Residential areas shall be located and designed to protect life and property from natural and manmade hazards such as flooding, excessive traffic, subsidence, noxious odors and noise. (16.5.1, F.R.)

Residential land uses shall be encouraged in a manner which is compatible with the type and scale of surrounding land uses. (16.5.2, F.R.)

Existing residential areas shall be protected from the encroachment of incompatible activities; likewise, other land uses areas should be protected from the encroachment of incompatible residential activities. (16.5.3, F.R.)

The proposed McKendree Ranch will primarily be a resort community with a target market of retirees over age 55. Anticipated overall gross density will be 2.81 units per acre, and net density will be 6.6 units per acre. As many as half of the project households are expected to reside on a seasonal basis.

Rental sites for 1,376 owner-occupied manufactured homes will be provided with roads, central water and sewer and drainage facilities. Most of the homes will be double-width, approximately 24 by 60 feet in size.

Single-family lots, 152 in all, will be marketed as home/lot packages.

The development will also include 736 recreational vehicle (RV) pads with electrical and water hookups to be rented on a temporary weekly and monthly basis. The average monthly rate for an RV pad will be \$100-\$125.

The manufactured homes, as well as the single-family homes will sell for approximately \$55,000 to \$60,000. At this price, it is expected that the single-family homes will be two-bedroom designs. None of these housing units will be subsidized by any governmental agency.

EXHIBIT D

McKendree Ranch Preliminary Development Agreement

PRELIMINARY DEVELOPMENT AGREEMENT
FOR MCKENDREE RANCH DRI

Re: Colonial Village
M.H.F.
& Colonial
Square

This Agreement is entered into between Robert B. McKendree ("Owner"), Colonial Village Development, Inc., Cypress Woods Travel Trailer Park, Inc., H&L Properties and Cypress Woods Golf & Country Club, Inc. ("Developers"), the Tampa Bay Regional Planning Council (TBRPC), and the State of Florida, Department of Community Affairs ("Department"), subject to all other governmental approvals and solely at the risk of the Owner and Developers.

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact (DRI); and

WHEREAS, the Department is authorized to enter into preliminary development agreements pursuant to Subsections 380.032(3) and 380.06(8), Florida Statutes, (1985) and Rule 9J2-2.0135, Florida Administrative Code; and

WHEREAS, the Owner and Developers represent and state that:

A. The Owner is an individual, who owns in fee simple absolute 747.35 acres located in Pasco County, Florida, more particularly described in Exhibit "A" to this Agreement. No other person or legal entity has any interest in said land, including, but not limited to, rights arising out of a contract for sale for any portion of said land.

H. The Developers are all Florida corporations, except H&L Properties, which is a partnership, which propose to develop a project known as McKendree Ranch, hereinafter referred to as "the Project," a multi-use development which is planned to include 25.86 acres of retail and service use, 1376 residential modular home units, 212 single-family residential units, 821 recreational vehicle sites, an 18-hole golf course and additional land for recreational use, three churches, parks and a public fire station, upon the land owned by the Owner, depicted on the Conceptual Land Use Plan attached as Exhibit B, and

C. The Developers propose to develop a portion of the Project prior to issuance of a final development order; and

D. The Owner and Developers do not have any interest in any other land or development located within five miles of the Project; and

E. The preliminary development authorized by this Agreement is limited to lands which are suitable for development; and

F. The existing public infrastructure will accommodate the uses planned for the preliminary development authorized by this Agreement, when such development will utilize public infrastructure; and

G. The preliminary development authorized by this Agreement will not result in material adverse impacts to existing or planned facilities.

Supporting information for paragraphs E, F and G

1. Environment

Prior to 1963, the Project site, located within the Big Cypress Swamp Basin, consisted of healthy interconnected cypress ponds flanked by improved pasture and pine flatwoods. A natural variety of related flora and fauna maintained a balance in and around the subject property. Due to a natural and uninterrupted drainage flow (northeast to southwest), the cypress ponds flourished and provided for natural treatment of surface water pollution and sediments. The stable ponds provided storage of flood waters and natural release during dry periods. This natural "treatment/release process" continued from pond to pond. The healthier and more stable the system of ponds, the more effective the process.

In 1963, when the Florida Department of Transportation was actively constructing Interstate 75, a large portion of "usable" soil was removed from the above-mentioned system to construct a nearby interchange. The removal of the soil caused a severe shock to the existing system and forced the ponds to drain slowly into the borrow pit that was created on the north part of the Project site. This clay-lined pit to date contains stagnant/trapped water and has prevented the preexisting natural flow from effectively feeding the cypress pond habitat and treating the surface water as earlier described. To correct the decline that man's activities have caused to the system, a man-

made restoration program must be initiated.

Today, most of the property is used for cattle and horse grazing with the lower man-made pit serving as a watering hole during the wet season and an alternating food source during the dry season.

Upon extensive review of the property by the owner/developer, consultant, Department of Environmental Regulation (DER) and Southwest Florida Water Management District (SWFWMD) it was determined that a restoration program combined with a conscientious development program would restore and improve the existing declining natural system while also reaching development objectives. This restoration program involves the relocation of those areas in decline (as noted by SWFWMD and DER) to an area where the species will flourish in themselves and contribute their supportive habitat characteristics. The appropriate permits from SWFWMD or DER will be obtained before initiation of the restoration program.

(a) Preliminary development for retail and service use

Exhibit D depicts the proposed preliminary development that will be allocated to retail and service use. Area A₁, on Exhibit D, 2.52 acres (6.3% of the DRI threshold for retail/service use), will be the only area on which retail and service uses will actually be developed under this Agreement. The other 1.26 acres proposed for preliminary development and allocated to retail /service use is the portion of the retention area between the

retail/service area and the residential area that will be used for drainage retention from the retail and service use (estimated by George F. Young, Inc. consultant, Jonathan Gotwald, P.E., to be 41% of areas B₁, C₁ and C₂ which total 3.06 acres, or 1.26 acres; 59% of areas B₁, C₁ and C₂, or 1.8 acres, will serve the drainage retention needs of the residential area).

Retention area

Included in the plan to upgrade the system is a retention area located between the retail and service area and the residential area (Exhibit D, areas B₁, C₁, C₂, and H), that will not only improve the existing system but also serve the drainage needs of both the retail/service area and the residential area. Area B₁ is located inside of the borrow pit. As stated earlier, the borrow pit is clay-lined and trapped water is present. Upon review by SFEWMD it was determined that this area is jurisdictional due to the light grasses it contains. SFEWMD agreed that the presence of these grasses was due to the man-created clay liner and runoff from the declining cypress pond to the north. It was also agreed that the development of a mitigation system that was compatible with the existing jurisdictional grasses would improve the existing trapped water conditions of the borrow pit. Following the SFEWMD's recommendations, a retention area was proposed along the south line of the retail/service use area. The retention area will enable the light grasses to thrive and give other species a chance to rebuild towards a natural

habitat, while also serving the drainage needs of the retail/service area and the residential area.

(b) Preliminary development for residential use

The proposed preliminary residential development of 125 modular units (12.5% of the DRI threshold) will be located in Area F₁, shown on Exhibit D. The preliminary development will also include development of a 100-foot wide, 1900-foot long right-of-way which will be deeded to the modular home owners.

The SWFWMD and DER Project reviews and determinations identified similar "borrow pit concerns" for the residential area as SWFWMD had for the retail and service area. In order to upgrade some of the jurisdictional areas along the north line, a mitigation/compatible retention area plan (discussed above in connection with the retail and service area) was developed for SWFWMD approval and review. The retention area between the retail/service use and the residential use will upgrade the areas P and H to a thriving natural system and allow for the necessary retention requirements of the retail/service use and residential use.

Jurisdictional areas (also within the borrow pit) B₂, G, K and P will be upgraded by being relocated to areas E, I, J, R, and T, which abut existing natural systems L, Q and b. Relocated beside an existing cypress pond (either L, Q, or b), these marginal jurisdictional areas will thrive and play an improved role in the natural system. Area M will be a man-made mitigation

area. Area S will be a man-made mitigation/retention area. These areas will carry the nutrients and water level necessary to feed a healthy system. Again, a monitoring system and bond will be required to ensure the assimilation.

2. Transportation

The following calculations and conclusions were derived from the Institute of Transportation Engineers Trip Generation, 3rd Edition (1982) text.

Proposed Retail/Service Use

Based upon a maximum development of 20,000 square feet of building space to be located within area A₁ (2.52 acres) as shown on Exhibit D, the following vehicle trip generations are projected:

- Proposed Building Square Feet: 20,000
- The independent variable is per 1,000 gross square feet of building space
- The generation rate is 125 vehicle trips at 20,000 square feet.
- Calculation: $20,000/1,000 = 20$
 $20 \times 125 = 2,500$ vehicle trips per day.

Proposed Residential Modular Use

Based upon a maximum development of 125 modular units within area R₁, as shown on Exhibit D, the following vehicle trip generations are projected:

- The generation rate is 4.8 average daily vehicle

trips per occupied unit.

- Calculation: $125 \times 4.8 = 600$ vehicle trips per day.

Total Preliminary Development

$2,500 + 600 = 3,100$ average vehicle trips per day

Because the proposed development is a mixed-use development, the actual number of vehicle trips per day generated by the development that will leave the Project site and use public roadways will be less than 3,100, due to the occurrence of internal trips.

Assessment of Impact

According to Jim Edwards, of the Pasco County MPO, State Road 52 is carrying 5,225 vehicles per day (service Level C). Additionally, according to the traffic analysis approved by TBRPC for One Pasco Center, State Road 52 through the interchange area of I-75 currently operates at service level C and I-75 operates at service level B, going both north and south of the State Road 52 interchange. According to the Pasco County MPO, working in conjunction with the Florida Department of Transportation, an additional 6,575 vehicles per day can be absorbed on State Road 52 without reducing the service level on the roadway to the next Service Level, D. Therefore, although the preliminary development will increase traffic on State Road 52 and on I-75 the existing roadways have ample capacity to accommodate the increased traffic.

3. Archaeological or historical significance - Determination of no significance has been obtained from the Florida Department of State, Division of Archives (copy attached as Exhibit E).

4. Plant and animal species - The preliminary development will have no adverse impact on threatened or endangered species, as set forth in the biological report and map prepared by Jeff Churchill of Mangrove Systems, Inc. (813-989-3431) (copies attached as Exhibits F and G).

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed:

I. The Developers and Owner assert and warrant that all the representations and statements concerning the Project made to the Department and contained in this Agreement are true, accurate, and complete. Based upon said representations and statements, the Department concludes that this Agreement is in the best interest of the State, is beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes.

2. The Project is a development of regional impact (DRI) as defined by Section 380.06, Florida Statutes. Within 45 days from the date of execution of this Agreement, the Developers shall meet with the Tampa Bay Regional Planning Council for the pre-application conference required by Subsection 380.06(7),

Florida Statutes, (1985). Within three months from the date of execution of this Agreement, the Developers shall file an application for development approval (ADA) for the Project, which shall include the land described in Exhibit A. The ADA shall assess all the impacts associated with the entire development of the Project, including the preliminary development authorized by this Agreement.

3. Time is of the essence. Failure to timely attend the pre-application conference, or to timely file the ADA, or to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of this Agreement. In the event of such a breach, the Developers and Owner shall immediately cease all development of the Project, including the preliminary development authorized by this Agreement.

4. The Developers may undertake the following preliminary development after the date of execution of this Agreement and prior to issuance of a final development order:

- A. Preliminary development will be confined within approximately 60 acres on the northern part of the Project as set forth by legal description in Exhibit C.
- B. Of the 60 acres designated for preliminary development, Developers will develop a maximum of 125 residential modular homes on approximately 56.22 acres and retail/service use on approximately 3.78 acres with a

* The 3.78 acres of development designated as retail and service use will only include 2.52 acres of land on which retail and service facilities will actually be developed (Exhibit D, Area A1); 1.26 acres is for the retention area between the retail/service area and the residential modular home area (Exhibit D, that portion of areas B1, continued;

maximum of 20,000 square feet of retail/service building space and a maximum of 500 parking spaces for the retail/service use.

- C. The development areas authorized by this agreement are shown on the map attached as Exhibit D.

All other lands are to remain undeveloped and no other development, as defined by Subsection 380.031(4) Florida Statutes, shall occur until such time as a final development order is approved that addresses the Project in its entirety. In the event of a breach of this paragraph, the Developers and Owner shall immediately cease all development of the Project, including the preliminary development authorized by this Agreement. The preliminary development authorized by this paragraph shall be subject to the terms and conditions of the final development order.

5. The preliminary development authorized by this Agreement is less than 25% of any applicable numerical guideline and standard.

6. The Developers and the Owner shall not claim vested rights, or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement to continue with the total proposed development beyond the preliminary development. This Agreement shall not entitle the Developers or the Owner to a final DRI development order approving the total proposed development nor to particular

C₁ and C₂ that will be serving the drainage needs of the retail and service uses).

conditions in a final development order.

7. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development.

8. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, Florida Statutes.

9. The restrictions and conditions of the final development order issued pursuant to Chapter 380, Florida Statutes, shall supersede the restrictions and conditions upon development of this Agreement.

10. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional planning agency determines should be included in the regional planning agency's report on the ADA.

11. The terms and conditions of this Agreement shall

inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. The Developers and Owner shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Developers shall record a Notice of this Agreement which complies with Section 380.06(8)(a)10., Florida Statutes, in the Official Records of Pasco County, Florida, and shall provide the Department with a copy of the recorded Notice including Book and Page Number within two (2) weeks of the date of execution of this Agreement.

12. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

DEVELOPERS

COLONIAL VILLAGE DEVELOPMENT, INC.

By: *[Signature]*

STATE OF FLORIDA
COUNTY OF PINELAS

The foregoing instrument was acknowledged before me this 16th day of MARCH, 1989, by *J. Warren Nichols* as President of Colonial Village Development, Inc. a Florida corporation, on behalf of the corporation.

Rocanne S. Skoars
Notary Public, State of Florida
My commission expires:
Notary Public, State of Florida
My Commission Expires Aug. 27, 1991
Quoted this form from Interstate Title

CYPRESS WOODS TRAVEL TRAILER PARK, INC.

By: Warren Hughes

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 16th day of MARCH, 1987, by J. WARREN HUGHES as PRESIDENT of Cypress Woods Travel Trailer Park, Inc., a Florida corporation, on behalf of the corporation.

Royanne S. Skoada
Notary Public, State of Florida
My commission expires:
Notary Public, State of Florida
My Commission Expires Aug. 27, 1987
Notary Public, State of Florida

CYPRESS WOODS GOLF & COUNTRY CLUB, INC.

By: Warren Hughes

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 16th day of MARCH, 1987 by J. Warren Hughes as PRESIDENT of Cypress Woods Golf & Country Club, Inc., a Florida corporation, on behalf of the corporation.

Royanne S. Skoada
Notary Public, State of Florida
My commission expires:
Notary Public, State of Florida
My Commission Expires Aug. 27, 1987
Notary Public, State of Florida

H&L PROPERTIES

By: Warren Hughes

4. The PDA is further amended to cure the inaccuracies as reflected in the attached letter from the Developers' Attorney, dated February 23, 1987; and the interdepartmental memorandum dated February 25, 1987, attached hereto as Composite Exhibit "D."

5. All other terms and conditions of the PDA not in conflict herewith shall remain in full force and effect.

6. The Owner and Developers shall record a Notice of this Amendment pursuant to Section 380.06(8)(a)10, Florida Statutes, in the records of Pasco County, Florida, and shall provide the Department with a copy of the Notice including Book and Page Number within four (4) weeks of the date of execution of this Agreement.

7. The date of execution of this Agreement shall be the date that the last party signs and acknowledges the Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 23rd day of December, 1987.

Signed, Sealed and Delivered
in the Presence Of:

[Signature]

Robert B. McKendree (SEAL)
Robert B. McKendree "Owner"

[Signature]

DEVELOPERS:
COLONIAL VILLAGE DEVELOPMENT, INC.

[Signature]
[Signature]

BY: [Signature]
J. Warren Hughes, President
(Corporate Seal)

CYPRESS WOODS TRAVEL TRAILER
PARK, INC.

[Signature]
[Signature]

BY: [Signature]
J. Warren Hughes, President
(Corporate Seal)

TAMPA BAY REGIONAL PLANNING COUNCIL

BY: Julia E. Greene

STATE OF FLORIDA
COUNTY OF HILLS

The foregoing instrument was acknowledged before me this 17 day of August, 1987, by Julia E. Greene of the TAMPA BAY REGIONAL PLANNING COUNCIL, an agency of the State of Florida on behalf of the Council.

Robert E. Moss
Notary Public, State of Florida
My commission expires: October 14, 1991

By: _____

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 7 day of April, 1987, by Robert B. McKendree.

Robert E. Moss
Notary Public, State of Florida
My commission expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES MAR. 23, 1991
BONDED 2000 NOTARY PUBLIC UNDERWRITERS

AMENDMENT TO PRELIMINARY DEVELOPMENT AGREEMENT
FOR
MCKENDREE RANCH DRI

WHEREAS, there was a Preliminary Development Agreement (PDA) entered into on March 16, 1987 between ROBERT B. MCKENDREE (Owner); COLONIAL VILLAGE DEVELOPMENT, INC., CYRESS WOODS TRAVEL TRAILER PARK, INC., H & L PROPERTIES and CYPRESS WOODS GOLF & COUNTRY CLUB (Developers); and the TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC); and the STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS (Department), and

WHEREAS, the Developers under said PDA are presently in the process of developing portions of the property governed by said Agreement in accordance with the terms of the PDA, and

WHEREAS, the Owner and Developers have requested an amendment to said PDA, which amendment is in accord with the original Preliminary Development Agreement, and

WHEREAS, after inspection, review and analysis, the parties wish to amend said Preliminary Development Agreement;

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 4 (Pages 10-II) of the PDA shall include the following development:

"D. Authorization is granted the Owner and Developers to construct a berm along the east property line of the proposed northernmost travel trailer park of Increment One as depicted in Exhibit B of the original PDA.

(I) The construction material shall consist of approximately 15 to 20 thousand cubic yards of scrub/palmetto materials and sandy soils, all of which are excess fill created by approved grubbing and retention basin development as authorized by the PDA.

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 16th day of MARCH, 1987, by J. WOODROW HUGHES, partner, on behalf of E&L Properties, a partnership.

Roderic J. Osoada
Notary Public, State of Florida
My commission expires:

Notary Public, State of Florida
My Commission Expires Aug. 27, 198
Notary Public, State of Florida

OWNER

Roderic Osoada
Witness

Robert B. McKendree
Robert B. McKendree

Witness

Approved as to form and legal sufficiency:

Lawrence Kasper
General Counsel, Department of Community Affairs

DEPARTMENT OF COMMUNITY AFFAIRS

By: James F. Mundy
2571 Executive Center Circle, E.
Tallahassee, FL 32399

Frank G. [Signature]
Witness

W. Edward Robinson
Witness

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 2nd day of February, 1987, by James F. Mundy of the Department of Community Affairs, an agency of the State of Florida, on behalf of the Department.

James F. Mundy
Notary Public, State of Florida
My commission expires:

Notary Public, State of Florida
My Commission Expires May 15, 1990
Notary Public, State of Florida

DESCRIPTION

In Section 8, Township 25 South, Range 20 East; The S-3/4 of the W-1/2 of the SW 1/4 of the SW 1/4, lying East of Pasco Road; The S-1/2 of the NE 1/4 of the SW 1/4 of the SW 1/4; The E-1/2 of the SW 1/4 lying South of State Road No. 52; AND all the E-1/2 lying West of Interstate No. 75 and South of State Road No. 52; LESS AND EXCEPT a parcel described as follows: Beginning at a point where the South right-of-way line of State Road No. 52 intersects the West right-of-way line of Interstate No. 75, thence along said right-of-way line of State Road No. 52, run S-04°26'14"-W, 777.04 feet, thence S-05°33'46"-E, 462.42 feet, thence N-04°26'14"-E, 905.03 feet to said right-of-way line of Interstate No. 75, thence along said line run N-05°41'39"-W, 154.08 feet, thence N-3°57'14"-E, 250.00 feet, thence N-75°23'20"-W, 179.17 feet to the Point of Beginning.

In Section 17, Township 25 South, Range 20 East; All that part lying West of Interstate No. 75 and East of Pasco Road.

In Section 18, Township 25 South, Range 20 East; All that part of the E-1/4 lying East of Pasco Road.

In Section 19, Township 25 South, Range 20 East; All that part of the N-1/4 of NE 1/4 lying East of Pasco Road.

In Section 20, Township 25 South, Range 20 East; The N-1/4 of the NW 1/4; The W-1/2 of the NE 1/4 lying West of Interstate No. 75; AND the N-1/2 of the NW 1/4 of the SE 1/4 lying West of Interstate No. 75.

All lying and being in Pasco County, Florida.

SUBJECT TO any easements or reservations of record.

NOTES:

1. Description compiled from property assessment records
2. Bearing reference from Fla. D.O.M. survey of Interstate 75
3. No improvements shown
4. All property markers not set in place this date
5. Total area = 747.35 acres

I hereby certify that the survey represented hereon meets the requirements of Chapter 21 III-6 Florida Administrative Code.

SHEET - 1

<p>Prepared By: <i>[Signature]</i></p> <p>BOBBY W. SIMMONS Professional Land Surveyor Florida P.L.S. Cert. No. 3784</p>		<p>SIMMONS LAND SURVEYING, INC. P.O. Box 1121 Ridge City, Florida 32224</p>
		<p>Date of Survey: 12-2-85 Drawn by: <i>[Signature]</i></p> <p>Date of Plot: 12-9-85 Appointed by: <i>[Signature]</i></p> <p>Revision: 53/0</p>
<p>NOT VALID UNLESS IMPRINTED WITH RAISED SEAL</p>		<p>SURVEY FOR: W.S. RESICO, INC.</p>

DSS Exhibit A McKendree Ranch PDA *PROPERTY*

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me
this 04th day of November, 1987, by J. WARREN
HUGHES, as president of Cypress Woods Travel Trailer Park, Inc., a
Florida Corporation, on behalf of the corporation.

Rochanne J. Rhoads
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: AUG. 27, 1991.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me
this 9th day of November, 1987, by J. WARREN
HUGHES, Partner on behalf of H & L Properties, a Florida
Partnership.

Rochanne J. Rhoads
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: AUG. 27, 1991.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me
this 9th day of November, 1987, by J. WARREN
HUGHES, President of Cypress Woods Golf & Country Club, Inc., a
Florida corporation, on behalf of the corporation.

Rochanne J. Rhoads
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: AUG. 27, 1991.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me
this 20 day of November, 1987,
by Julia E. Gross of the TAMPA BAY REGIONAL PLANNING
COUNCIL, an agency of the State of Florida, on behalf of the
Council.

Julia E. Gross
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires Oct. 15, 1991
BONDED THRU TROY FAIR; INSURANCE CO.

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me
this 23rd day of December, 1987,
by Carolee - Tracy of the Department of Community
Affairs, an agency of the State of Florida, on behalf of the
Department.

Wickie J. Harrison
Notary Public
My Commission Expires:

STATE OF FLORIDA
DEPARTMENT OF
COMMUNITY AFFAIRS
DIVISION OF LOCAL RESOURCE MANAGEMENT

THOMAS G. PELHAM

~~XXXXXXXXXX~~
Secretary

BOB MARTINEZ
~~XXXXXXXXXX~~
Governor



February 25, 1987

MEMORANDUM

TO: Tom Pelham
THROUGH: Diana Sawaya-Crane
Tom Beck *Call for 3/11/87*
Blaine Oliver *BO 3-6-87*
David Jordan *DL*
FROM: Ed Lehman *EL*
SUBJECT: Proposed Language Amendment
McKendree Ranch; AGM-887-008

RECEIVED

MAR 12 1987

Division of Resource
Planning and Management

The attorney for the developer of the McKendree Ranch DRI, Elizabeth McArthur, has submitted the attached letter explaining some minor inaccuracies which were contained within the PDA, which was entered into in January, 1987. Rather than amend the entire PDA, Ms. McArthur has requested that the Division Director sign this letter to acknowledge that the correct information has been disclosed. The inaccuracies contained in the letter concern the legal description, the ownership of the pre-development property, and the ownership of land within 5 miles from the PDA properties. None of the inaccuracies are substantial, and do not affect the substance of the PDA. Therefore, I recommend the Division Director sign the attached letter acknowledging the corrections to the PDA.

EL/di

Attachment

COMPOSITE EXHIBIT "D"
PAGE 1 of 3

BUREAU OF LAND AND WATER MANAGEMENT
1571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301 (904) 488-4925

Mr. Ed Lehman
February 23, 1987
Page 2

property, abutting State Road 52. The legal descriptions for these parcels are as follows:

That part of lots N and O lying South of State Road 52, Gasques Addition, as per plat thereof recorded in Plat Book 2, Page 19, Public records of Pasco County, Florida.

-and-

That part of lot P, Gasque's Subdivision, as per map or plat thereof recorded in Plat Book 2, Page 19, Public Records of Pasco County, Florida, lying South of State Road 52.

These two slivers, totalling less than one-half of an acre, were purchased for the purpose of dedicating them for road right-of-way, but at this point the developers own them and they are technically part of the overall DRI property.

I apologize for the inconvenience of not discovering these inaccuracies earlier, but think you will agree that they do not affect the substance of the PDA in any respect. I would appreciate it if you would have someone acknowledge on behalf of the Department of Community Affairs that this information has been disclosed and that the parties to the PDA can still rely on the effectiveness of the PDA in light of this information.

Please let me know if you have any questions. I appreciate your help.

Sincerely,

Elizabeth McArthur
Elizabeth McArthur

EMA/aa

Enclosure

Acknowledged by the Department of
Community Affairs this 11th
day of March, 1987.

By: Thomas A. Pellam
Secretary

cc: Tampa Bay Regional Planning Council (in care of J.
Clinton Brown, Esquire)
J. Warren Hughes
J. Clinton Brown, Esquire
Michael Tripp
Jonathan Soule

EXHIBIT E

Developer Commitments
(As listed on Pages 27-30 of the TBRPC Final DRI Report.)

DRI #169
MCKENDREE RANCH
DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

The permitted retail/service uses will not be obvious or offensive by reasons of emissions or odor, fumes, dust, noise or vibration. (AMDA, 12-2)*

McKendree Ranch has committed to provide the projects's fair share of infrastructure costs. (AMDA, 12-2)

All conservation areas will be defined by hay bales, silt fencing or turbidity barriers during construction to minimize impacts. (SRI, P-6)

The developer shall restore or mitigate the existing jurisdictional systems. (AMDA, 12-3)

Environmental and Natural Resources

Land

All areas disturbed during construction will be immediately revegetated upon completion either by sodding or seeding to prevent erosion. Turbidity barriers, silt fences, and hay bale barriers or other approved methods will be employed to prevent erosion or siltation. (AMDA, 14-2)

Water

No septic tanks will be used on site. (AMDA, 21-3)

The developer will obtain all necessary easements and permits for, and construct and install all lines necessary to provide the development with potable water, reclaimed water and sanitary sewer service. (AMDA, 21A-23A)

The developer shall construct and install all lines necessary to tie into Pasco County's water and wastewater facilities. (ADMA, 21A-23A)

Ecological concerns of surface water and groundwater will be monitored by sampling quarterly for the first two years after the wells are put to consumptive use and semi-annually thereafter. (SR2, p.35) (see SRI-Appendix 23)

Drainage

The existing drainage structures crossing Interstate 75 from the east will be maintained in their existing state. (AMDA, 22 p.11)

Each phase of development will incorporate stormwater attenuation facilities and stormwater treatment facilities to meet the requirements of Chapter 17-25 F.A.C. prior to the outfall onto an undeveloped portion of the site or off-site. (AMDA, 22 p.4)

The developer will maintain and operate the drainage system until the time of sale to another party and proper legal documents are recorded indicating a new operation and maintenance authority. (AMDA, 22 p.5)

the design of stormwater management control structures in isolated wetlands will respect existing low pond elevations and will not increase the depth of the hydroperiod by more than eight inches in order to limit any adverse effects of periodic stormwater events during the rainy season. the control structures will be designed to meet the criteria set forth in Chapter 17-25, FAC and will provide a five-day bleeddown for the stormwater treatment volume. (SRI, T-11)

All stormwater management systems will be designed to avoid penetration of the clay stratum or water table. (SRI, T-4)

Vegetation/Wildlife

The Bay Swamp and Gum Swamp areas will be preserved. (AMDA, 18 p.5,6)

The Mixed Wetland Hardwood communities will be preserved. (AMDA, 18 p.7)

The proposed project will preserve approximately 96 percent of the cypress swamp on the site. (AMDA, 18 p.8)

The Freshwater emergent marsh acreage that will be impacted by the proposed development will be mitigated at a 1:1 ratio. (AMDA, 18p.9)

All impacts to the wet prairies by the proposed development will be mitigated on-site by the creation of similar wetland areas from existing uplands. (AMDA, 18 p.9)

The design of the littoral zones will consider work currently under contract to the Florida Game and Fresh Water Fish Commission to optimize littoral zones for Wood stork feeding areas. (SRI, Exhibit 18-F)

The proposed development will provide a substantial amount of habitat appropriate for the Sandhill Crane. (SR1, Exhibit 18-F)

Wetlands

There will be 1:1 mitigation for wetland impacts and 2:1 mitigation for the cypress swamp. (AMDA, 16 p.2, 18p.8)

The impacted forested wetland hydroperiods will be restored to documented levels prior to excavation of borrow pits adjacent to I-75, by use of stormwater management structures and earthen embankments and will be maintained at these levels. (SR1, D-p.3)

The best construction management practices will be utilized on site to minimize impacts on wetland areas. Included would be silt fencing, turbidity barriers, and hay bales to prevent siltation and erosion occurring during construction. (SR1, T-7)

Forested mitigation will include 4.72 acres, while 31.28 acres will be used to mitigate impacts on the herbaceous wetland system. (SR3, p.11)

Wastewater

Standard and approved methods will be utilized for spray irrigation on the golf course in the amount equal to the amount of raw sewage treated at the regional sewage treatment plant which has been developed according to the regional water and wastewater treatment service agreement between the Pasco County government, First Pasco, 347 Group (Cannon Ranch), and the McKendree Ranch. (SR1, T-p.1)

Water Supply

The developer agrees to the use of water saving fixtures as set forth in F.S. 553.14, the Water Conservation Act. (SR2, P.38, 40)

All drinking water sampling will be tested in accordance with the Florida Safe Drinking Water Act, Chapter 17-22, F.A.C. (SR1, T-p.1)

Transportation

The developer will work with Pasco County to ensure appropriate improvements to Pasco Road for access to McKendree Ranch. (SR1-Transportation)

The developer will work with Pasco County and FDOT to provide needed improvements, as warranted through the normal programming process. (SR2, 50)

Transportation system management will be encouraged. (SR1,-Transportation)

Recreation and Open Space

The developer will dedicate 24.41 acres for public parkland. (SRI, T-16)

The golf course will be open to the public. (SRI, P-1)

Housing

All public areas will be accessible to the handicapped. (SRI, T-16)

Energy

All units will be designed in compliance with the energy ratings required by the appropriate energy and building codes. (SRI, P-6)

* AMDA = Application for Master Development Approval

SRI = Sufficiency Response of November 17, 1987

SR2 = Sufficiency Response of February 18, 1988

SR3 = Sufficiency Response of May 25, 1988