

203



PASCO COUNTY, FLORIDA

"Bringing Opportunities Home"

WEST PASCO GOVERNMENT CENTER
PLANNING AND DEVELOPMENT DEPARTMENT
8731 CITIZENS DRIVE, SUITE 230
NEW PORT RICHEY, FL 34654
TELEPHONE: (727) 847-2411
FAX: (727) 815-7000

September 24, 2014

Shelly May Johnson PA.
7241 Little Road
New Port Richey, Florida 34654

RE: Beacon Woods DRI : Build-Out and Development Order Expiration Date Extension

Dear Ms. Johnson,

The Planning and Development Department is in receipt of your application dated December 19, 2012 formally requesting to exercise the tolling and extensions granted under Executive Order Numbers 12-192 and 12-140 by virtue of the Declarations of States of Emergency by the Governor:

Staff has reviewed and approved the requested extensions. The new expiration dates are as follows:

- The Beacon Woods DRI Build-Out and Development Order Expiration Dates are hereby extended from December 15, 2017 until **April 14, 2019**.

If you have any questions or comments, please contact me via e-mail at wpoon@pascocountyfl.net or at (727) 847-2411 x7584.

Sincerely,
Pasco County Planning and Development Department

A handwritten signature in blue ink, appearing to read "William Poon", is written over a circular stamp or seal.

William Poon, P.E.
Engineer II

cc: File

203



PASCO COUNTY, FLORIDA

NEW PORT RICHEY (727) 847-8193
DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
FAX (727) 847-8084

GROWTH MANAGEMENT DEPARTMENT
WEST PASCO GOVT. CENTER
7530 LITTLE ROAD, SUITE 320
NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL NO. 7008 0150 003 6535 0562
RETURN RECEIPT REQUESTED

December 19, 2011

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., S-100
Pinellas Park, FL 33782

RE: Beacon Woods East Development of Regional Impact (#203)
Development Order

Dear Mr. Meyer:

Enclosed please find an original Beacon Woods East Development of Regional Impact (#203) Development Order Amendment (Resolution No. 12-57), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes and Chapter 9J-2.025 Florida Administrative Code. This development order amendment was approved by the Pasco County Board of County Commissioners on December 6, 2011.

Please contact me with any questions at (727) 847-8193 or cspidell@pascocountyfl.net.

Sincerely,

Cynthia D. Spidell
Sr. Planner & DRI Coordinator

Enclosure

**NOTICE OF ADOPTION OF THE DEVELOPMENT ORDER AMENDMENT
FOR THE BEACON WOODS EAST
DEVELOPMENT OF REGIONAL IMPACT NO. 203**

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 12-5.7 dated December 6, 2011, has adopted a development order amendment (DO Amendment) for a Development of Regional Impact. The above-referenced DO Amendment constitutes a land development regulation applicable to the property described in Exhibit "B" of the DO Amendment.

A legal description of the property covered and the DO Amendment may be examined upon request at the Office of the Clerk to the Board of County Commissioners of the 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 the above-mentioned Exhibit B or actual constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

DONE AND RESOLVED this 6th day of December, 2011.



Paula S. O'Neil
PAULA S. O'NEIL, CLERK AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA

Ann Hildebrand
ANN HILDEBRAND, CHAIRMAN

APPROVED
IN SESSION

DEC 06 2011

PASCO COUNTY
BCC

BY COMMISSIONER _____

RESOLUTION NO. 12-57

**A RESOLUTION AMENDING RESOLUTION NO. 82-147, AS
AMENDED, FOR BEACON WOODS EAST DEVELOPMENT OF
REGIONAL IMPACT NO. 203 TO REFLECT ADOPTION OF AN
AMENDMENT TO THE LAND USE EQUIVALENCY MATRIX APPLICABLE TOWARD
PARCELS V-23, V-24, V-34, V-35, V-36 AND C-1
AND TO EXTEND THE PROJECT BUILDOUT DATE**

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted Resolution No. 82-147 approving with conditions, the Beacon Woods East DRI (Project) and granting development approval for 4,483 dwelling units; 300,000 square feet of office; 390,000 square feet of commercial; and miscellaneous recreational, public, and open space status (Resolution No. 82-147, and all amendments thereto, are hereinafter individually and collectively referred to as "DRI/DO," "DO: or "Development Order"); and

WHEREAS, on October 19, 1982, the Board of County Commissioners of Pasco County adopted Resolution No. 82-167 and approved amendments to DRI/DO to amend transportation conditions; and **WHEREAS**, on August 30, 1983, the Board of County Commissioners of Pasco County adopted Resolution No. 83-153 approving with conditions an amendment increasing the total dwelling unit count, and granting the County Administrator authority to review and approve non-substantial amendments; and

WHEREAS, on March 3, 1987, the Board of County Commissioners of Pasco County adopted Resolution No. 87-108 and approved amendments to DRI/DO to incorporate land use changes and revised approval conditions; and

WHEREAS, on May 24, 1988, the Board of County Commissioners of Pasco County adopted Resolution No. 88-203 thereby revising Map H to provide increases in single-family acreage and units with corresponding decreases in multifamily acreage/units (no net increase in units) and increasing the acreage designated as golf course; and

WHEREAS, on April 25, 1989, the Board of County Commissioners of Pasco County adopted Resolution No. 89-160, and amended DRI/DO to establish a security fund to provide financing for the widening of Hudson Avenue and/or Little Road within the project until such time as the County determined that the developer's obligation for such widening has been satisfied; and

WHEREAS, on February 27, 1990, the Board of County Commissioners of Pasco County adopted Resolution No. 90-91, a DRI Substantial Deviation, which incorporated previous non-substantial DRI changes, increased commercial acreage to 53.7 acres (no floor-area increase), revised special protection areas, extended the build-out date to 1994, and changed the type and configuration of conservation areas; and

WHEREAS, on July 26, 1994, the Board of County Commissioners of Pasco County adopted Resolution No. 94-277, which extended the project build-out date from the original date of December 31, 1992 to December 15, 1997, and extended the duration of DRI/DO until December 15, 1997; and

WHEREAS, on April 27, 1999, the Board of County Commissioners of Pasco County adopted Resolution No. 99-161, which extended the project build-out date from the amended date of December 15, 1997, to December 15, 1999, and extended the duration of DRI/DO until December 15, 1999; and

WHEREAS, on September 4, 2002, the Board of County Commissioners of Pasco County adopted Resolution No. 02-241 which extended the build-out date from the amended build out date of December 15, 1999 to December 15, 2005 and to extend the duration of DRI/DO until December 15, 2005 for the 3.25 acre Huntley Parcel only; and

WHEREAS, on November 8, 2005, the Board of County Commissioners of Pasco County adopted Resolution 06-22 which 1) extended the build-out date from December 15, 1999 to December 15, 2008, 2) reduced the total number of residential units, commercial and office square footage, 3) identified alternative transportation mitigation measures, and 4) updated Map H to reflect the above referenced entitlement revisions; and

WHEREAS, on January 4, 2006, pursuant to Resolution 06-22, the Developer paid to the Pasco County Board of County Commissioners the sum of Nine Hundred Thirty-Four Thousand Four Hundred and Thirty-Nine and 00/100 Dollars (\$934,439.00) as their "Proportionate Share" in 2005 dollars for the mitigation of the Beacon Woods East DRI Phase III transportation impacts to be applied to intersection improvements at Little Road/Hudson Avenue and U.S. Highway 19/Hudson Avenue; and

WHEREAS, for State/regional review purposes, a three (3) year extension was granted pursuant to House Bill 7203 (2007) (which provided a 3-year extension to the build-out date and DO expiration date from December 15, 2008 to December 15, 2011) (The Three Year State/Regional Extension); and a two (2) year extension was granted pursuant to Senate Bill 360 (2009) (which provided a 2-year extension to the build-out date and the DO expiration date from December 15, 2011 to December 15, 2013) (the Two-Year State/Regional Extension); and

WHEREAS, the Three-Year and the Two-Year State/Regional Extensions were claimed respectively in the September 24, 2007 and July 2, 2008 letters from the Developer to the Tampa Bay Regional Planning Council (TBRPC); and

WHEREAS, on November 25, 2008, the Board of County Commissioners adopted Ordinance No. 08-47, amending the County's Concurrency Management Regulations to extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County by one (1) year (the One-Year Extension); and

WHEREAS, on June 23, 2009, the Board of County Commissioners adopted Resolution No. 09-269 pursuant to the County's Concurrency Management Regulations to further extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County by two (2) additional years (the 2009 Two-Year Extension); and

WHEREAS, on July 27, 2010, the Board of County Commissioners adopted Resolution No. 10-327 pursuant to the County's Concurrency Management Regulations to further extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County with an

expiration date from September 1, 2008 through January 1, 2012, by two (2) additional years (the 2010 Two-Year Extension); and

WHEREAS, the Project was eligible for the One-Year Extension, the 2009 Two-Year Extension, and the 2010 Two-Year Extension for transportation concurrency review purposes; and

WHEREAS, on December 21, 2010, the Board of County Commissioners of Pasco County adopted Resolution 11-113 amending the Beacon Woods East DRI DO and revised Map H to reflect the following:

1. The addition of a Land Use Equivalency Matrix (LUEM) as Exhibit E to the DRI Development Order as applied to Parcels V-23, V-24, V-34, V-35, V-36 and C-1 in Phase III.

2. Adoption of a revised Map H to reflect the addition of the LUEM and depict those parcels that may utilize the LUEM.

3. Revision of the Phasing Schedule, build-out date, and duration to recognize the new build-out and DO expiration date of December 15, 2013 pursuant to the State/Regional Extensions and the local concurrency extensions; and

WHEREAS, on May 17, 2011, BOH Emerald Field, FL, L.P. and BOH Beacon Woods FL, L.P. filed a request for an amendment to the Development Order pursuant to Section 380.06(19)(e)(2)(k), Florida Statutes, requesting a correction to the LUEM Exhibit "E" of Resolution No. 11-113, to correct the Single Family maximum to 311 units (reflecting the permitted conversion from MF to SF within parcels V-34 and V-35 in accordance with the trip generation rates set forth in such LUEM); and

WHEREAS, on July 12, 2011, the Board of County Commissioners adopted Ordinance No. 11-08 eliminating transportation concurrency in the Urban Service Area, subject to the payment of mobility fees; and

WHEREAS, pursuant to Ordinance 11-08, this Project is located in the Urban Service Area set forth in Section 402.6.F, LDC and is exempt from transportation concurrency subject to compliance with the Ordinance 11-08; and

WHEREAS, a four (4) year extension was granted pursuant to Chapter 2011-139, Laws of Florida (House Bill 7207), (which provided a 4-year extension to the build-out date and DO expiration date from December 15, 2013 to December 15, 2017) (2011 Four Year Extension); and

WHEREAS, the Applicant wishes to recognize the new build-out date and DO expiration date of December 15, 2017 pursuant to Chapter 2011-139, Laws of Florida (House Bill 7207), as part of this DO Amendment; and

WHEREAS, the DO Amendment includes correspondence from the Florida Department of Economic Opportunity (FDEO) and the Tampa Bay Regional Planning Council (TBRPC) confirming that the proposed change is similar in nature, impact, or character to the changes enumerated in Subparagraphs 380.06(19)(e)2a-j, Florida Statutes, and does not create the likelihood of any additional regional impact; and

WHEREAS, the Pasco County Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider amendments to DRI DOs; and

WHEREAS, pursuant to Subparagraph 380.06(19)(e)(1), Florida Statutes, a public hearing is not required in order for the Board of County Commissioners to consider this DO Amendment; and

WHEREAS, the Board of County Commissioners considered the DO Amendment at its meeting on December 6, 2011; and

WHEREAS, the Board of County Commissioners has reviewed the DO Amendment as well as all related testimony and evidence submitted.

WHEREAS, the Pasco County Board of County Commissioners wishes at this time to amend the DO in accordance with the Proposed Changes; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled this 6th of December, 2011 that:

The DO Amendment for the Beacon Woods DRI as set forth below is hereby adopted by the Board of County Commissioners:

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT

1. Introduction.

This Resolution shall constitute an amendment to the Beacon Woods East DRI Development Order.

2. General Findings of Fact.

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

- a. The foregoing "Whereas" clauses are hereby incorporated as Findings of Fact.
- b. The Board of County of Commissioners has received and considered various other reports and information including, but not limited to, the memoranda and attachments from the Planning and Growth Management Department relating to the DO Amendment.
- c. The Development Order Amendment application is incorporated into this DO by reference as Exhibit A.

3. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

- a. This DO Amendment is consistent with the applicable provisions of the Pasco County Land Development Code (local land development regulations).
- b. The DO Amendment is consistent with the applicable provisions of the adopted Pasco County Comprehensive plan (Comprehensive Plan).
- c. This DO Amendment is consistent with the applicable provisions of the adopted State Comprehensive Plan.

d. This DO Amendment is not subject to a Notice of Proposed Change or additional regional review pursuant to Chapter 380, Florida Statutes.

4. Order.

Having made the above findings of Fact and drawn the above conclusions of law, it is ordered that the Development Order is hereby amended as follows:

a. The Land Use Equivalency Matrix (LUEM) attached hereto as Exhibit "G" is hereby revised to correct single family maximum of 311 (to reflect the permitted conversion from MF to SF within parcels V-34 and V-35 in accordance with the trip generation rates set forth on the LUEM and is adopted and incorporated herein).

b. Section C of Resolution 90-91 entitled "Specific Conditions Restricting Development" is hereby replaced with the following:

(1) Phasing Schedule and Approvals

(a) Any change to the project which departs significantly from the below referenced parameters set forth in the phasing schedule below shall require a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes.

(b) The build-out date of the Project shall be December 15, 2017. The December 15, 2017 date includes the One Year, the 2009 Two-Year, the 2010 Two-Year and the 2011 Four-Year Extensions.

(c) In the event the project elects to opt-out of the mobility fees pursuant to Ordinance 11-08, the build-out date of December 15, 2017 shall be the build-out date for transportation concurrency purposes and any delay beyond this date may require a new transportation analysis in accordance with applicable law, as the basis for a DO amendment which may include a re-evaluation of required mitigation. The Administrator or Board of County Commissioners may waive any applicable transportation analysis requirement for any entitlements within the Project that satisfy the Limited Exemption criteria of Section 402.7 of the County's Concurrency Management Ordinance; however the build-out date extensions for such entitlements are still subject to applicable statutory requirements in Section 380.06(19), Florida Statutes, as may be amended from time to time.

DRI #203 – PHASING SCHEDULE (BUILD-OUT 200817)						
Area/Use	Existing	Phase 1 (1981-82)	Phase II (1983-87)	Phase III (1988- 200817)	Total	Unit
Residential						
Single-Family	2,498			90	2,588	DU**
Multi-Family Condominium and Townhouse Units				544	544	
Nursing Home Beds	120			30	150	DU
Residential Subtotal	2,618			634	3,132	DU

Commercial	101,800			91,450	193,250	SF***
Professional Office	56,500			73,500	130,000	SF
Community Service			6		6	A****
Library	32,000		32,000		32,000	SF
Recreation/Open Space						
Golf Course / Rec. Center	122.7				122.7	A
Club House	14,000				14,000	SF
Parks	21.6				21.6	A
Open Space Corridor	40.4		40.4		40.4	A
Buffers	10.0		10.0		10.0	A
Conservation	40.0				40.0	A
Lakes	27.9		27.9		27.9	A

** Dwelling Units
*** Square Feet
**** Acres

c. Amended Section F.2 of Resolution 90-91, "Duration" Is hereby amended as follows:

(1) The duration of this DO shall remain in effect until December 15, 2017, provided that the effective date may be extended by the Board of County Commissioners upon a showing of good cause.

5. Effective Date

This DO Amendment shall take effect upon transmittal to the Florida Department of Economic Opportunity (f/k/a Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and the Developer. The effectiveness of this DO Amendment shall be stayed by the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes.

6. Procedures

a. A Notice of Adoption of this Resolution shall be filed and recorded in the Public Record of Pasco County, Florida, in accordance with Section 380.06(14)(a), Florida Statutes, as amended.

b. The Clerk of the Board of County Commissioners shall return four (4) signed originals of this DO Amendment and one (1) signed original Notice of Adoption to the Pasco County Planning & Growth Management Department. The Pasco County Planning and Growth Management Department shall then send copies of each document to the Florida Department of Community Affairs, TBRPC, and to attorneys of record in these proceedings.

c. This DO Amendment shall be deemed rendered upon transmittal of copies to all recipients identified in Chapter 380, Florida Statutes.

7. Severability

Each provision of this DO is material to the Board of County Commissioners approval of this DO. Accordingly, the provisions are not severable. In the event any section, subsection, sentence, clause, or provision of this resolution is declared illegal or invalid by a body with jurisdiction to make such

determination, the remainder of the resolution shall be suspended until such time that the Board of County Commissioners modifies the DO to address the illegal or invalid provision; provided, however, that such suspension shall not exceed nine (9) months in duration and such determination shall not affect the validity of 1) Limited exemption entitlements or DRI entitlements for which a complete application has been submitted, or approval has been received, for a preliminary plan, preliminary site plan, plat, construction plan, Building Permit, or CO; or 2) any DRI mitigation committed to or performed as of the date the determination is made. Notwithstanding the foregoing, the resolution shall not be suspended if the Applicant/Developer and all affected successors or assigns agree to abide by all of the provisions of the resolution until an NOPC is adopted to modify the DO in order to address the illegal or invalid provision. NOPCs to the DO shall not be considered challenges to the DO, and decisions by the Board of County Commissioners regarding any NOPC or the like shall not have the effect of suspending the DO under any circumstances. Notwithstanding the foregoing, if a third party challenges any section, subsection, sentence, clause, or provision of this resolution and the challenged portion of the resolution is subsequently declared illegal or invalid, the resolution shall not be suspended and shall remain in full force and effect except for that portion declared illegal or invalid. If any section, subsection, sentence, clause, or provision of this resolution is declared illegal or invalid as the result of a third party challenge, the Applicant/Developer shall cooperate with the County to amend this resolution to address the portion which has been declared invalid or illegal.

~~DONE AND~~ RESOLVED THIS 6th DAY OF DECEMBER, 2011.



By: Paula S. O'Neil
PAULA O'NEIL, CLERK AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: [Signature]
CHAIRMAN

APPROVED
IN SESSION

DEC 06 2011

PASCO COUNTY
BCC

EXHIBITS

A. Development Order Amendment Application*

B. Legal Description

Exhibits C through F intentionally left blank.

G. Land Use Equivalency Matrix

* incorporated by reference only and on file with the Planning and Growth Management Department

Exhibit A

Development Order Amendment Application*

*incorporated by reference and on file with the Planning and Growth Management Department

Exhibit B

Legal Description

LEGAL DESCRIPTION:

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 35, Township 24 South, Range 16 East, of the Port Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Port Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00° 39' 09" E, along the easterly line of said Section 35 for 370.58 feet to the POINT OF BEGINNING; thence N 89° 20' 17" W for 255.95 feet; thence S 67° 42' 07" W, for 563.98 feet to a point on the arc of a non-tangent curve from which a radial line bears S 67° 42' 07" W to the center of said curve; thence along the arc of said curve concave to the West, having for its elements a radius of 723.00 feet, a central angle of 01° 16' 35", an arc distance of 16.15 feet, a chord bearing of N 22° 36' 10" W, and a chord distance of 16.15 feet to a point of reverse curve; thence along the arc of a curve concave to the East having for its elements a radius of 1,025.00 feet, a central angle of 41° 53' 58", an arc distance of 749.53 feet, a chord bearing of N 02° 37' 33" W, and a chord distance of 732.94 feet; thence N 18° 19' 22" E, for 78.39 feet to a point of curve; thence along the arc of a curve concave to the West, having for its elements a radius of 600.00 feet, a central angle of 27° 32' 04", an arc distance of 288.34 feet, a chord bearing of N 04° 33' 20" E, and a chord distance of 285.57 feet; thence departing said curve on a non-tangent line N 89° 20' 51" W, for 25.39 feet to a point on the arc of a non-tangent curve from which a radial line bears S 80° 21' 19" W; thence along the arc of said curve having for its elements a radius of 575.00 feet, a central angle of 02° 59' 23", an arc distance of 30.00 feet, a chord bearing of S 08° 09' 00" E, and a chord distance of 30.00 feet; thence departing said curve on a non-tangent line S 83° 42' 29" W, for 545.67 feet; thence S 51° 21' 38" W, for 500.00 feet; thence N 38° 38' 22" W, for 739.02 feet; thence S 33° 34' 19" W, for 98.86 feet to a point of curve; thence along the arc of a curve concave to the North having for its elements a radius of 1,492.39 feet, a central angle of 82° 46' 29", an arc distance of 2,156.05 feet, a chord bearing of N 85° 02' 27" W, and a chord distance of 1,973.38 feet; thence N 43° 39' 12" W, for 187.47 feet; thence S 46° 30' 48" W, for 687.50 feet to a point of curve; thence along the arc of said curve having for its elements a radius of 651.29 feet, a central angle of 35° 56' 33", an arc distance of 294.89 feet, a chord bearing of S 33° 22' 32" W, and a chord distance of 292.38 feet; thence departing said curve on a radial line N 69° 35' 45" W, for 70.00 feet to the arc of a non-tangent curve from which a radial line bears S 69° 35' 45" E to the center of said curve; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 02° 46' 47", an arc distance of 35.00 feet, a chord bearing of S 19° 00' 52" W, and a chord distance of 34.99 feet; thence departing said curve on a radial line N 72° 22' 32" W, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 72° 22' 32" E; thence S 16° 05' 58" W, for 40.00 feet; thence S 75° 25' 35" E, for 30.00 feet to a point on the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 10° 13' 34", an arc distance of 128.73 feet, a chord bearing of S 09° 27' 38" W, and a chord distance of 128.36 feet; thence S 04° 20' 51" W, for 11.82 feet to a point of curve; thence along the arc of a curve concave to the Northwest, having for its elements a radius of 330.00 feet, a central angle of 40° 58' 31", an arc distance of 236.00 feet, a chord bearing of S 24° 50' 07" W, and a chord distance of 231.00 feet; thence S 45° 19' 22" W, for 795.03 feet to the northeasterly right-of-way line of Flivay Road (an 80.00' right-of-way); thence N 44° 40' 59" W, along said northeasterly right-of-way line for 2,059.34 feet to a point of curve; thence continue along said right-of-way line on the arc of a curve concave to the Northeast having for its elements a radius of 980.00 feet, a central angle of 07° 52' 58", an arc distance of 132.08 feet, a chord bearing of N 40° 44' 30" W, and a chord distance of 131.97 feet; thence departing said northeasterly right-of-way line on a non-tangent line N 46° 53' 04" E, for 427.35 feet; thence N 00° 38' 04" E, for 1,096.31 feet; thence N 89° 21' 56" W, for 346.44 feet; thence N 00° 38' 04" E, for 688.00 feet to the northerly line of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence S 89° 31' 25" E, along said line for 1,672.24 feet to the westerly line of said Section 26; thence along said line N 00° 35' 25" E, for 1,326.03 feet to the West quarter corner of said Section 26; thence S 89° 35' 16" E, along the East-West

centerline of said Section 26, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 3, Page 34, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 3, Page 47, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 26, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 3,339.38 feet to the West quarter corner of said Section 25; thence S 00° 36' 15" W, along the westerly boundary of said Section for 361.72 feet; thence S 29° 35' 52" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,620.67 feet to the easterly line of the Southwest quarter of said Section 25; thence S 00° 47' 07" W, along said easterly line for 2,286.84 feet to the North quarter corner of said Section 26; thence S 00° 41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89° 33' 38" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00° 41' 51" W, along the easterly boundary of said Lots 8 and 13, for 680.71 feet to the Southeast corner of said Lot 13; thence N 89° 32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00° 41' 51" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89° 30' 18" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses: (1) N 00° 41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89° 28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,825.39 feet to the easterly line of the Northeast quarter of said Section 25; thence S 00° 39' 09" W, along said line for 621.18 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

PARCEL "E":

Commence at the section corner common to said Sections 25, 26, 35, and 36, as a point of reference; thence N 89° 42' 55" W, for 1,758.76 feet to the POINT OF BEGINNING; thence S 10° 54' 48" W, for 291.76 feet; thence S 88° 54' 41" W, for 2,100.00 feet; thence N 00° 54' 48" E, for 1,114.34 feet; thence N 78° 48' 19" E, for 956.95 feet; thence S 79° 05' 19" E, for 1,344.60 feet; thence S 10° 54' 48" W, for 558.24 feet to the POINT OF BEGINNING.

Containing 56.695 acres, more or less.

ALSO LESS:

Commence at the North 1/4 corner of said Section 26; thence N 00° 47' 07" W along the easterly line of the Southwest 1/4 of said Section 25 for 120.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 00° 36' 44" E to the center of said curve, also being the POINT OF BEGINNING; thence along the arc of said curve, concave to the South having for its elements a radius of 1,263.92 feet, a central angle of 05° 14' 34", an arc distance of 110.34 feet, a chord bearing of S 87° 59' 27" W, and a chord distance of 110.31 feet; thence departing said curve on a non-tangent line N 00° 41' 52" E, for 79.18 feet; thence N 42° 49' 45" W, for 122.94 feet; thence N 00° 47' 07" E, for 39.97 feet; thence S 89° 12' 53" E, for 202.00 feet to the easterly line of the Southwest 1/4 of said Section 25; thence S 00° 47' 07" W, along said easterly line for 270.00 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

Total net acreage = 830.62 acres, more or less.

This is NOT a survey.

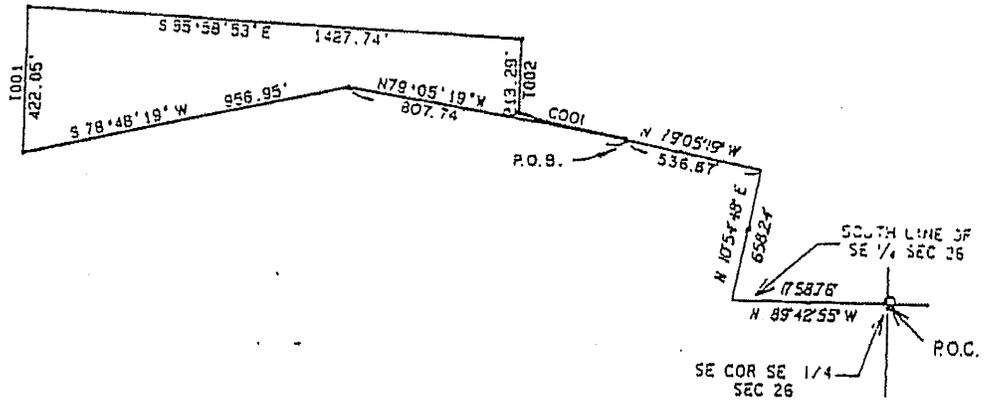
CURVE DATA

ID	RADIUS	DELTA	ARC LGT	CHORD	CHORD BRNG	TANGENT
C001	2924.99	5°08'49"	313.76	313.51	576°00'55"E	157.03

TANGENT DATA

ID	BEARING	DIST
T001	N 0°54'48"E	422.06'
T002	S 0°54'48"W	213.29'

SCALE: 1" = 200'



NOTES:

- 1) The sketch shown here is for graphic representation only and does not represent a boundary survey.
- 2) No title report has been presented to or pursued by the undersigned in conjunction with the above sketch or legal description.
- 3) Bearings shown hereon are based on the South line of the Southeast 1/4 of Section 26, Township 24 South, Range 16 East, as being N 89° 42' 55" W.
- 4) Corner monuments were not set in conjunction with the preparation of this drawing.
- 5) Reproductions of this sketch are not valid unless sealed with the embossed surveyor's seal.

BEACON WOODS EAST ADDITIONAL LANDS
SKETCH AND LEGAL DESCRIPTION

Job No. 05-501.32	Calculated by: 	We hereby certify that the attached "Sketch and Legal Description" is true and correct to the best of our knowledge and belief as recently prepared under our supervision and that this sketch meets the intent of the minimum technical standards for surveying pursuant to Section 423.007, Florida Statutes and Chapter 11H11-4, Florida Administrative Code. 1057, BUCKLEY, SCHUH & JERNIGAN, INC.
Date 3-1-83	Drawn by: N.B.	Date of Survey # 4-83 Site of Plot #
Sheet 1 of 2	Checked by:	BUCKLEY, SCHUH & JERNIGAN, INC. CONSULTING ENGINEERS and PLANNERS 1057 ENTERPRISE ROAD, CLEARWATER, FLORIDA 34615

O.R. 1714 PG 1332

LEGAL DESCRIPTION: BEACON WOODS EAST
ADDITIONAL LANDS

A parcel of land being a portion of the South 1/2 of Section 26, Township 24 South, Range 16 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 26; thence N 39° 42' 35" W, along the southerly line of said Section 26, for 1,758.76 feet; thence N 10° 54' 48" E, for 558.24 feet; thence N 79° 05' 19" W, for 336.37 feet to the POINT OF BEGINNING; thence continue N 79° 05' 19" W, for 507.74 feet; thence S 78° 48' 19" W, for 956.95 feet; thence N 00° 54' 48" E, for 422.05 feet; thence S 85° 38' 53" E, for 1,427.74 feet; thence S 00° 54' 48" W, for 213.29 feet to a point on the arc of a non-tangent curve, a radial line from which point bears N 17° 03' 30" E, to the center of said curve; thence along the arc of said curve, concave to the North, having for its elements a radius of 2,924.59 feet, a central angle of 06° 08' 49", an arc length of 313.76 feet, a chord bearing of S 76° 00' 55" E, and a chord length of 313.61 feet to the POINT OF BEGINNING.

Containing 8.66 acres, more or less.

pass 27:12
 3635.10
 4:56.00
 sent to
 mail
 1-23-87

This Instrument Prepared by West Pasco Title & Abstract Co., 1150 W. Highway 90, New Port Richey, Florida

This Indenture, Made this 22nd day of December A.D. 1987
 100002 10 7774 12:31:25
 13:53
 between C.A. CLAYTON and MAXINE J. CLAYTON, his wife
 RECORDING
 01 00 40
 900 STAMPS
 01 00 41
 10 CASH TOTAL 1 463

parties of the first part and BEACON HOMES LIMITED, a Florida Limited Partnership
 whose address is P.O. Box 610
 Dunedin, FL 33528

parties of the second part,
 Witnesseth, That the said parties of the first part for and in consideration of the sum of
 TEN (\$10.00) and Other Good and Valuable Consideration
 to them in hand paid by the said parties of the second part the receipt whereof is hereby acknowledged
 has granted, bargained and sold to the said parties of the second part their heirs and assigns forever
 the following described land, situate in Pasco County, Florida, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE PART OF.

PLACE
 STAMP
 HERE

Documentary Tax Pd. \$ 4639.00
 Intangible Tax Pd.
 J. J. Milnes, Clerk, Pasco County
 by [Signature] Deputy Clerk
 RECORD VERIFIED
 JED MITCHELL
 Clerk Circuit Court, Pasco County
 by [Signature]

FILED FOR RECORD
 3 0 9 0 5 9
 DEC 31 2 00 PM '86
 CLERK OF PASCO COUNTY, FL

To Have and to Hold the Same, together with all the hereditaments and appurtenances thereunto in anywise appertaining, to the said parties of the second part, their heirs and assigns forever, and the said parties of the first part do hereby fully warrant the title to said parties of the second part assume the payment of taxes for the year 1987 and subsequent years.

In Witness Whereof, The said parties of the first part have hereunto set their hand and seal the day and year above written.
 Signed, sealed and delivered in the presence of

[Signature] (SE)
[Signature] (SE)
[Signature] (SE)
[Signature] (SE)
 State of Florida County of Pasco

I Hereby Certify, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments C.A. Clayton and Maxine J. Clayton, his wife to me well known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.
 WITNESS my hand and official seal this _____ day of _____ December A.D. 1987

O.R. 1714 PG 1334
 NOTARY PUBLIC, STATE OF FLORIDA
 MY COMMISSION EXPIRES SEPT 17, 1989
 Notary Public

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Fort Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Fort Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00°39'09" E, along the easterly line of said Section 35 for 571.65 feet to the POINT OF BEGINNING; thence departing said easterly line N 89°20'31" W, for 345.94 feet to a point of curve of a non-tangent curve concave to the East; thence along the arc of said non-tangent curve having a radius of 1,000.00 feet, a central angle of 18°29'31", an arc of 322.75 feet, a chord bearing of N 09°04'37" E, and a chord of 321.35 feet; thence N 18°19'22" E, for 378.39 feet to a point of curve; thence along the arc of said curve concave to the West having a radius of 550.00 feet, a central angle of 26°31'40", an arc of 393.55 feet, a chord bearing of N 05°03'32" E, and a chord of 390.04 feet; thence N 89°20'17" W, along a non-radial line for 50.64 feet to a point of curve; thence along the arc of a non-tangent curve concave to the West having a radius of 300.00 feet, a central angle of 27°05'13", an arc of 378.20 feet, a chord bearing of S 04°46'46" W, and a chord of 374.69 feet; thence S 18°19'22" W, for 28.50 feet to a point of cusp; thence along the arc of a non-tangent curve concave to the West having a radius of 600.00 feet, a central angle of 10°56'11", an arc of 114.53 feet, and a chord bearing N 03°44'36" W, for 114.35 feet; thence N 89°20'51" W, for 25.39 feet, thence S 05°09'00" E for 30.30 feet; thence S 83°42'29" W for 545.67 feet; thence S 51°21'38" W, for 500.00 feet; thence N 38°38'22" W for 777.38 feet to a point of curve; thence along the arc of a non-tangent curve concave to the Southeast having a radius of 360.00 feet, a central angle of 07°31'35", an arc of 112.97 feet, a chord bearing of N 71°33'35" E, and a chord of 112.39 feet; thence N 14°40'38" W, along a radial line for 80.00 feet to a point of curve; thence along the arc of a non-tangent curve concave to the Southeast having a radius of 540.00 feet, a central angle of 83°00'00", an arc of 1,361.71 feet, a chord bearing of S 33°49'22" W, and a chord of 1,245.73 feet; thence S 07°40'38" E, for 280.00 feet to the northeasterly corner of Lot 506, Ravenswood Village Unit 2B according to the plat thereof as recorded in Plat Book 21, Pages 139 through 144, Public Records of Pasco County, Florida; thence along the northerly line of said Ravenswood Village Unit 2B by the following five (5) courses; (1) S 82°19'22" W, for 490.00 feet; (2) N 07°40'38" W, for 185.99 feet; (3) N 19°40'38" W, for 395.68 feet; (4) N 52°34'57" W, for 86.99 feet; (5) along the arc of a curve concave to the North having a radius of 2,000.00 feet, a central angle of 21°08'42", an arc of 736.94 feet, a chord bearing of S 71°43'34" W, and a chord of 732.77 feet to the northeastern most corner of Lot 548, Ravenswood Village Unit 1, according to the plat thereof as recorded in Plat Book 19, Pages 62 through 67, Public Records of Pasco County, Florida; thence continue along the northerly and westerly lines of said Ravenswood Village Unit 1 by the following three (3) courses; (1) along the arc of a curve concave to the North having a radius of 2,000.00 feet, a central angle of 03°46'31", an arc of 131.78 feet, a chord bearing of S 84°10'07" W, and a chord of 131.76 feet; (2) S 14°45'49" W, for 110.33 feet; (3) S 45°19'22" W, for 335.00 feet to the northeasterly right-of-way of Flvay Road (an 80.00 foot right-of-way); thence along said right-of-way N 44°40'59" W, for 419.32 feet; thence departing said right-of-way N 45°19'22" E, for 101.00 feet; thence N 07°32'10" W, for 710.86 feet; thence N 46°12'39" E, for 101.38 feet; thence N 86°12'39" E, for 250.00 feet; thence N 14°03'01" E, for 112.58 feet; thence N 51°40'06" E, for 500.00 feet to a point on the arc of a non-tangent curve concave to the East; thence along the arc of said curve having a radius of 500.00 feet, a central angle of 17°11'19", an arc of 150.00 feet, and a chord bearing N 11°24'03" W, for 149.44 feet; thence N 02°48'23" W, for 278.38 feet to a point of curve; thence along the arc of a curve concave to the West having a radius of 300.00 feet, a central angle of 13°00'39", an arc of 181.07 feet, and a chord bearing N 09°18'43" W, for 181.28 feet; thence N 86°53'57" E, for 563.25 feet; thence N 86°34'41" E, for 2,100.00 feet; thence N 10°54'48" E, for 250.00 feet; thence N 79°05'19" W, for 1,344.60 feet; thence S 78°48'19" W, for 956.95 feet; thence N 00°34'48" E, for 422.04 feet; thence N 85°58'53" W, for 1,196.97 feet; thence N 04°01'07" E, for 10.00 feet to a point on the arc of a curve concave to the South from which a radial line bears S 04°01'07" W; thence along the arc of said curve having a radius of 5,679.38 feet, a central angle of 03°32'32", an arc of 351.12 feet, and a chord bearing N 87°45'09" W, for 351.06 feet; thence N 89°31'25" W, for 702.42 feet; thence N 00°28'35" E, for 100.00 feet to the northerly line of the southwest quarter of the

O.R. 1714 PG 1335

~~O.R. 1568 PG 0478~~

Southeast quarter of said Section 27; thence along said line S 89°31' 25" E, for 322.25 feet to the westerly line of said Section 26; thence along said line N 00°35' 25" E, for 1,225.03 feet to the West quarter corner of said Section 25; thence S 89°35' 16" E, along the East-West centerline of said Section 26, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 34, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 3, Page 37, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 26, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 2,339.58 feet to the West quarter corner of said Section 25; thence S 80°56' 13" W, along the westerly boundary of said Section for 361.72 feet; thence S 89°35' 58" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,520.57 feet to the easterly line of the Southwest quarter of said Section 25; thence S 00°47' 07" W, along said easterly line for 2,286.34 feet to the North quarter corner of said Section 25; thence S 00°41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89°33' 38" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00°41' 31" W, along the easterly boundary of said Lots 8 and 13, for 650.71 feet to the Southeast corner of said Lot 13; thence N 89°32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00°41' 31" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89°30' 15" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses; (1) N 00°41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89°28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,525.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00°39' 09" W, along said line for 420.11 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

A tract of land lying in the Southwest 1/4 of Section 25, Township 24 South, Range 16 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the South 1/4 corner of Section 25, Township 24 South, Range 16 East; thence N 00°47' 07" E, for 268.41 feet along the East line of the Southwest 1/4 of said Section 25 to the POINT OF BEGINNING; thence continue along said East line N 00°47' 07" E, for 272.35 feet; thence leaving said East line, N 89°12' 53" W, for 200.00 feet; thence S 00°47' 07" W, for 156.98 feet to a point on a curve concave to the North; thence southeasterly along the arc of said curve having a radius of 1,349.86 feet, a central angle of 07°09' 22", an arc length of 231.04 feet and a chord bearing of S 59°14' 11" E, for 330.89 feet to the POINT OF BEGINNING, and containing 1.00 acres, more or less.

ALSO LESS:

The East 359.27 feet of Lot 57, PORT RICHEY LAND COMPANY SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 60, Public Records of Pasco County, Florida

Containing 2.52 acres, more or less.

O.R. 1568 PG 0179
O.R. 1714 PG 1336

ALSO LESS:

A parcel of land lying in Section 35, Township 24 South, Range 16 East, being more particular described as follows:

Begin at the western-most Point of RAVENSWOOD VILLAGE UNIT 1 as recorded in Plat Bc 19, Pages 62 - 67, Public Records of Pasco County, Florida; thence N 44°40'55" W, along the northeasterly right-of-way of Fivey Road (an 30' right-of-way) for 475.00 feet; thence N 45°19'22" E, for 200.00 feet to a Point of Curve; thence along the arc of a curve concave to the Northwest having a radius of 300.00 feet, a central angle of 32°36'04", an arc of 170.70 and chord bearing N 29°01'20" E, for 168.41 feet; thence departing said curve on a non-radial line S 44°40'59" E, for 522.27 feet to the northwesterly boundary of said Ravenswood Village; thence S 45°19'22" W, along said northwesterly boundary 361.64 feet to the POINT OF BEGINNING

Containing 4.00 acres, more or less.

Net Area = 686.96 acres, more or less.

All being subject to a 3.00 foot maintenance easement lying contiguous and exterior to the following described parcel:

A tract of land located in Section 26 and 35, Township 24 south, Range 16 East, Pasco County Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 35 as a point of reference; thence N 89°42'55" W, along the northerly line of said Section 35 for 1,758.76 feet to the POINT OF BEGINNING; thence S 10°54'48" W, for 291.76 feet; thence S 86°54'41" W, for 2,100.00 feet; thence N 00°54'48" E, for 1,114.84 feet; thence N 78°48'19" E, for 956.95 feet; thence S 05°19" E, for 1,344.60 feet; thence S 10°54'48" W, 658.24 feet to the POINT OF BEGINNING

Legal Description per survey prepared by POST, BUCKLEY, SCHUH & JERICAN, INC., dated November 18, 1986, Job No. 05-501-1.26.

Exhibits C – F
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Exhibit G

Land Use Equivalency Matrix

**Exhibit G
Land Use Equivalency Matrix**

		TO											
		Single-Family Detached (D.U.)	Nursing Home or Assisted Living Facility (Bed)	Attached Sr. Housing/ILF (D.U.)	Retail (1000 s.f.)	Office (1000 s.f.)	Medical Office (1000 s.f.)	Daycare Center (1000 s.f.)	Clinic (1000 s.f.)	Recreational Center (1000 s.f.)	Government Office (1000 s.f.)	Church (1000 s.f.)	Hospital (Bed)
F R O M	Single-Family House (D.U.)	X	4.59	6.31	0.27	0.67	0.29	0.08	0.19	0.69	0.82	1.81	0.76
	Townhouse (D.U.)	0.52	2.36	3.25	0.14	0.35	0.15	0.04	0.10	0.36	0.43	0.94	0.40
	Retail (1000 s.f.)	X	16.95	X	X	2.5	1.08	0.3	0.72	2.57	3.08	6.78	2.85

Approved Land Use	Minimum	Approved	Maximum
Multifamily Townhouses	0	544	544
Single-Family Detached	0	28	136-311
Retail	0	30,000	84,340
Day Care	0	0	37,000
Office	0	0	211,360
Government Office	0	0	260,000
Medical Office	0	0	90,920
Clinic	0	0	60,520
ALF/Nursing Home	0	0	630
Attached Sr. Housing/ILF	0	0	630
Hospital Beds	0	0	352
Recreational Center/Church	0	0	570,000

Notes:

All land use exchanges are subject to maximums in Comprehensive Plan Subarea Policy 7.1.28

Beacon Woods

Land use Exchanges are restricted to the following Parcels on Map H:

V23, V24, C-1, V-34, V-35, and V-36

Additional Maximums

Day Care and Retail are cumulatively capped at 84,340 square feet

All office uses are cumulatively capped at 260,000 square feet

Total Residential Units for V-34, V-35, and V-36 are capped at 390 dwelling units

#203



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

RICK SCOTT
Governor

BILLY BUZZETT
Secretary

September 22, 2011

Ms. Cynthia Spidell
Pasco County Growth Management
8731 Citizens Drive
New Port Richey, Florida 34654

RE: Modification to the Beacon Woods East DRI, Development Order Land Use
Equivalency Matrix; ADA-08-1982-022.

Dear Ms. Spidell:

On September 8, 2011 the Department received an email from Pasco County requesting a modification to the Beacon Woods East, Development of Regional Impact (DRI) Land Use Equivalency Matrix (LUEM) and Map H contained in the Beacon Woods East Development Order (D.O.) amendment (Resolution 11-113). Map H establishes the specific amount of residential development allowed on parcels V23, V24, C1, V34, V35 and V36 and the LUEM establishes the conversions allowed from multi-family to single family uses.

The County is requesting a modification to the LUEM and Map H pursuant to Section 380.06(19)(e)2.k, F.S., to correct an oversight made during the Notice of Proposed Change process to the recently amended Development Order. The modification involves Map H parcels V34 and V35 and would modify these parcels in the LUEM to allow conversion from multi-family units to single family units. This would change the maximum detached single-family units from 136 units to 311 units in the LUEM. This change does not increase the total amount of residential units (capped at 390 units for parcels V34, V35 and V36) allowed under the Development Order, rather, it recognized the conversion of residential units from multi-family to single-family units on parcels V35 and V36 as allowed under the amended Development Order.

The Department agrees that the proposed change to modify the LUEM and Map H is similar in impact to the changes enumerated in sub-paragraphs 380.06(19)(e)2.a-j, F.S., and does not create the likelihood of any additional regional impacts. Thus, pursuant to sub-paragraph 380.06(19)(e)2.k, F.S., the proposed change does not require the filing of a notice of proposed change. However, the County must render the amended Development Order to the Department.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7966 (p) 850-922-5623 (f) ♦

Ms. Cynthia Spidell
September 22, 2011
Page 2

If you have any questions regarding this matter, please contact Chris A. Wiglesworth,
Senior Planner, at 850-922-1826.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, looping initial "M".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/caw

SHELLY MAY JOHNSON, PA

ATTORNEY AT LAW

7241 Little Road, New Port Richey, Florida 34654
Telephone: (727) 376-7300 Fax: (727) 376-7337

#203

SENT VIA REGULAR U.S. MAIL

September 12, 2011

Mr. John Meyer, DRI/LEPC Principal Planner
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, FL 33782

RE: BEACON WOODS EAST DRI

Dear Mr. Meyer:

On behalf of my client, please accept this correspondence as the formal request for a 4 year extension of the Beacon Woods East Development of Regional Impact's development order and build out dates. The extended build out and development order expiration dates will be December 15, 2017.

As always, should you have any questions please do not hesitate to contact me.

Sincerely,


SHELLY MAY JOHNSON

Copies to: BOH Beacon Park and Emerald Fields, FL L.P.

#203



PASCO COUNTY, FLORIDA

NEW PORT RICHEY
DADE CITY
LAND O' LAKES
FAX

(727) 847-8193
(352) 521-4274
(813) 996-7341
(727) 847-8084

GROWTH MANAGEMENT DEPARTMENT
WEST PASCO GOVT. CENTER
7530 LITTLE ROAD, SUITE 320
NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL NO. 7005 3110 0000 9349 3797
RETURN RECEIPT REQUESTED

January 5, 2011

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., S-100
Pinellas Park, FL 33782

RE: Beacon Woods East Development of Regional Impact (#203)
Development Order Amendment

Dear Mr. Meyer:

Enclosed please find an original Beacon Woods East Development of Regional Impact (#203) Development Order Amendment (Resolution No. 11-113]), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes and Chapter 9J-2.025 Florida Administrative Code. This development order was approved by the Pasco County Board of County Commissioners on December 21, 2010.

Please contact me with any questions at (727) 847-8193 or cspidell@pascocountyfl.net.

Sincerely,

Cynthia D. Spidell

Cynthia D. Spidell, MBA
Sr. Planner & DRI Coordinator

Enclosure

[Faint, illegible text, possibly a stamp or signature]

BY COMMISSIONER _____

RESOLUTION NO. 11-113

A RESOLUTION AMENDING RESOLUTION NO. 82-147, AS AMENDED, FOR BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT NO. 203 TO REFLECT ADOPTION OF A LAND USE EQUIVALENCY MATRIX APPLICABLE TOWARD PARCELS V-23, V-24, V-34, V-35, V-36 AND C-1; REVISE MAP H; AND TO EXTEND THE PROJECT BUILDOUT DATE

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted Resolution No. 82-147 approving with conditions, the Beacon Woods East DRI (Project) and granting development approval for 4,483 dwelling units; 300,000 square feet of office; 390,000 square feet of commercial; and miscellaneous recreational, public, and open space status (Resolution No. 82-147, and all amendments thereto, are hereinafter individually and collectively referred to as "DRI/DO," "DO," or "Development Order"); and

WHEREAS, on October 19, 1982, the Board of County Commissioners of Pasco County adopted Resolution No. 82-167 and approved amendments to DRI/DO to amend transportation conditions; and

WHEREAS, on August 30, 1983, the Board of County Commissioners of Pasco County adopted Resolution No. 83-153 approving with conditions an amendment increasing the total dwelling unit count, and granting the County Administrator authority to review and approve non-substantial amendments; and

WHEREAS, on March 3, 1987, the Board of County Commissioners of Pasco County adopted Resolution No. 87-108 and approved amendments to DRI/DO to incorporate land use changes and revised approval conditions; and

WHEREAS, on May 24, 1988, the Board of County Commissioners of Pasco County adopted Resolution No. 88-203 thereby revising Map H to provide increases in single-family acreage and units with corresponding decreases in multifamily acreage/units (no net increase in units) and increasing the acreage designated as golf course; and

WHEREAS, on April 25, 1989, the Board of County Commissioners of Pasco County adopted Resolution No. 89-160, and amended DRI/DO to establish a security fund to provide financing for the widening of Hudson Avenue and/or Little Road within the project until such time as the County determined that the developer's obligation for such widening has been satisfied; and

WHEREAS, on February 27, 1990, the Board of County Commissioners of Pasco County adopted Resolution No. 90-91, a DRI Substantial Deviation, which incorporated previous non-substantial DRI changes, increased commercial acreage to 53.7 acres (no floor-area increase), revised special protection areas, extended the build-out date to 1994, and changed the type and configuration of conservation areas; and

WHEREAS, on July 26, 1994, the Board of County Commissioners of Pasco County adopted Resolution No. 94-277, which extended the project build-out date from the original date of December 31, 1992 to December 15, 1997, and extended the duration of DRI/DO until December 15, 1997; and

WHEREAS, on April 27, 1999, the Board of County Commissioners of Pasco County adopted Resolution No. 99-161, which extended the project build-out date from the amended date of December 15, 1997, to December 15, 1999, and extended the duration of DRI/DO until December 15, 1999; and

WHEREAS, on September 4, 2002, the Board of County Commissioners of Pasco County adopted Resolution No. 02-241 which extended the build-out date from the amended build out date of December 15, 1999 to December 15, 2005 and to extend the duration of DRI/DO until December 15, 2005 for the 3.25 acre Huntley Parcel only; and

WHEREAS, on November 8, 2005, the Board of County Commissioners of Pasco County adopted Resolution 06-22 which 1) extended the build-out date from December 15, 1999 to December 15, 2008 , 2)reduced the total number of residential units, commercial and office square footage, 3) identified alternative transportation mitigation measures, and 4) updated Map H to reflect the above referenced entitlement revisions; and

WHEREAS, for State/regional review purposes, a three (3) year extension was granted pursuant to House Bill 7203 (2007) (which provided a 3-year extension to the build-out date and DO expiration date from December 15, 2008 to December 15, 2011) (The Three Year State/Regional Extension); and a two (2) year extension was granted pursuant to Senate Bill 360 (2009) (which provided a 2-year extension to the build-out date and the DO expiration date from December 15, 2011 to December 15, 2013) (the Two-Year State/Regional Extension); and

WHEREAS, the Three-Year and the Two-Year State/Regional Extensions were claimed respectively in the September 24, 2007 and July 2, 2008 letters from the Developer to the Tampa Bay Regional Planning Council (TBRPC); and

WHEREAS, on November 25, 2008, the Board of County Commissioners adopted Ordinance No. 08-47, amending the County's Concurrency Management Regulations to extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County by one (1) year (the One-Yea Extension); and

WHEREAS, on June 23, 2009, the Board of County Commissioners adopted Resolution No. 09-269 pursuant to the County's Concurrency Management Regulations to further extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County by two (2) additional years (the 2009 Two-Year Extension); and

WHEREAS, on July 27, 2010, the Board of County Commissioners adopted Resolution No. 10-327 pursuant to the County's Concurrency Management Regulations to further extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County with an expiration date from September 1, 2008 through January 1, 2012, by two (2) additional years (the 2010 Two-Year Extension); and

WHEREAS, the Project is eligible for the One-Year Extension, the 2009 Two-Year Extension, and the 2010 Two-Year Extension for transportation concurrency review purposes; and

WHEREAS, on January 4, 2006, pursuant to Resolution 06-22, the Developer paid to the Pasco County Board of County Commissioners the sum of Nine Hundred Thirty-Four Thousand Four Hundred and

Thirty-Nine and 00/100 Dollars (\$934,439.00) as their "Proportionate Share" in 2005 dollars for the mitigation of the Beacon Woods East DRI Phase III transportation impacts to be applied to intersection improvements at Little Road/Hudson Avenue and U.S. Highway 19/Hudson Avenue; and

WHEREAS, on July 9, 2010, BOH Emerald Field, FL, L.P. and BOH Beacon Woods FL, L.P. (Developer) filed a Notice of Proposed Change (NOPC) to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes requesting the following:

1. The addition of a Land Use Equivalency Matrix (LUEM) as Exhibit E to the DRI Development Order as applied to Parcels V-23, V-24, V-34, V-35, V-36 and C-1 in Phase III.

2. Adoption of a revised Map H to reflect the addition of the LUEM and depict those parcels that may utilize the LUEM.

3. Revision of the Phasing Schedule, build-out date, and duration to recognize the new build-out and DO expiration date of December 15, 2013 pursuant to the State/Regional Extensions and the local concurrency extensions (Proposed Changes).

WHEREAS, the Pasco County Board of County Commissioners, is the governing body having jurisdiction over the review and approval of the DRI in accordance with Section 380.06, Florida Statutes, as amended DRIs; and

WHEREAS, the culmination of review pursuant to Section 380.06, Florida Statutes, requires the approval, approval with conditions, or denial of an NOPC; and,

WHEREAS, the Pasco County Board of County Commissioners held duly noticed hearings on the NOPC, and reviewed the NOPC as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, the Pasco County Board of County Commissioners wishes at this time to amend the DO in accordance with the Proposed Changes; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that this NOPC for the Beacon Woods DRI is approved with conditions, as set forth in the following DRI development order amendment:

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT

1. Introduction.

This Resolution shall constitute an amendment to the Development Order.

2. General Findings of Fact.

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

a. The foregoing "Whereas" clauses are hereby incorporated as Findings of Fact.

b. The NOPC application is incorporated into this DO by reference as Exhibit A.

c. The nature, type, scope, intensity, costs, and general impact of the Project, as revised, are summarized in the NOPC application and the Tampa Bay Regional Planning Council (TBRPC) NOPC Report, which collectively are incorporated into this DO by reference as Exhibit B.

d. Concurrently with this DO Amendment, the Applicant has filed an amendment to the Comprehensive Plan to amend the Future Land Use Classification of Parcels V-34, V-35, V-36, and C-1 from RES-6 (Residential – 6 du/ga) to PD (Planned Development). The Pasco County Comprehensive Plan Future Land Use Map classification for the remainder of the Property subject to the NOPC is RES-6 (Residential-6 du/ga). The proposed development is consistent with the applicable provisions of the PD (Planned Development) and RES-6 (Residential-6 du/ga) classifications and other applicable Goals, Objectives and Policies of the Comprehensive Plan.

e. On September, 24, 2010, the TBRPC notified the County that the TBRPC had prepared its NOPC Report, and the NOPC Report was adopted at the October 11, 2010 TBRPC meeting.

f. The Board of County Commissioners scheduled and held a public hearing on the NOPC application on December 21, 2010.

g. Notice of the hearing has been published in a newspaper of general circulation at least fifteen (15) days prior to the date set for the Board of County Commissioners hearing.

h. At such public hearing, all parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.

i. Additionally, at such public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.

j. The Board of County Commissioners has received and considered the TBRPC NOPC Report on the NOPC application.

k. The Board of County Commissioners has received and considered various other reports and information including, but not limited to, the recommendation of the Planning and Growth Management Department and the Development Review Committee (DRC).

l. The Developer, BOH Emerald Field, FL, L.P. and BOH Beacon Woods, FL, L.P, is the Applicant and the Developer of Record referred to as the "Applicant" or "Developer".

m. The Development Order is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described on Exhibit "C" attached hereto and incorporated herein.

3. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

a. The Project will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan applicable to the area encompassed by the amended Development Order.

b. As conditioned, this amended DO addresses issues raised consistent with the report and recommendations of the TBRPC.

c. As conditioned, this amended DO is consistent with the applicable provisions of the Pasco County Land Development Code (local land development regulations).

d. As conditioned, this amended DO is consistent with the applicable provisions of the adopted Pasco County Comprehensive Plan (the Comprehensive Plan).

e. The land that is the subject of this amended DO is not in an Area of Critical State Concern.
f. As conditioned, this amended DO is consistent with the applicable provisions of the adopted State Comprehensive Plan.

g. Pursuant to Subsection 380.06(19)(e), Florida Statutes, the Proposed Changes are presumed to be a substantial deviation; however, it is the opinion of the County, TBRPC, and other participating agencies that the Applicant has provided clear and convincing evidence to rebut the presumption of a substantial deviation and that no unmitigated regional impacts shall result. The Proposed Changes, therefore, do not constitute a substantial deviation, pursuant to Chapter 380.06(19)(c), Florida Statutes.

5. Specific Conditions

Having made the above findings of Fact and drawn the above conclusions of law, it is ordered that the Development Order and Map H are hereby amended as follows;

a. The Land Use Equivalency Matrix (LUEM) attached hereto as Exhibit E is hereby adopted and incorporated herein.

b. Master Development Plan, Map H attached hereto as Exhibit D, is hereby amended to reflect the adoption of the LUEM and depict those parcels that may utilize the LUEM.

c. Section B of Resolution 82-147 entitled "Specific Conditions Restricting Development" is hereby amended as follows:

(1) Phasing Schedule and Approvals

(a) Any change to the project which departs significantly from the below referenced parameters set forth in the phasing schedule below shall require a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes.

(b) Unless extended by the Board of County Commissioners pursuant to the Concurrency Management Ordinance, the build-out date of the Project shall be December 15, 2013. The December 15, 2013 date for transportation concurrency includes the One Year, the 2009 Two-Year and the 2010 Two-Year Extensions.

(c) Any delay to the build-out date beyond December 15, 2013, may require a new transportation analysis, in accordance with applicable law, as the basis for a DO amendment which may include re-evaluation of required transportation mitigation. The Administrator or Board of County Commissioners may waive any applicable transportation analysis requirement for any entitlements within the Project that satisfy the Limited Exemption criteria of Section 402.7 of the County's Concurrency Management Ordinance; however, the build-out date extensions for such entitlements are still subject to applicable statutory requirements in Section 380.06(19), Florida Statute, as may be amended from time to time.

DRI #203 – PHASING SCHEDULE (BUILD-OUT 200813)						
Area/Use	Existing	Phase 1 (1981-82)	Phase II (1983-87)	Phase III (1988- 200813)	Total	Unit
Residential						
Single-Family	2498			90	2,588	DU**
Multi-Family Condominium and Townhouse Units				544	544	
Nursing Home Beds	120			30	150	DU
Residential Subtotal	2,618			634	3,132	DU
Commercial	101,800			91,450	193,250	SF***
Professional Office	56,500			73,500	130,000	SF
Community Service			6		6	A****
Library	32,000		32,000		32,000	SF
Recreation/Open Space						
Golf Course / Rec. Center	122.7				122.7	A
Club House	14,000				14,000	SF
Parks	21.6				21.6	A
Open Space Corridor	40.4		40.4		40.4	A
Buffers	10.0		10.0		10.0	A
Conservation	40.0				40.0	A
Lakes	27.9		27.9		27.9	A

** Dwelling Units
*** Square Feet
**** Acres

(2) Land Use Exchange

(a) Development entitlements within the parcels designated on Map H may be exchanged pursuant to the LUEM attached hereto as Exhibit E. All land use exchange requests shall be submitted to the Pasco County Planning and Growth Management Department with copies to the FDCA and the TBRPC for verification as to implementation in accordance with the LUEM, this DO, and the Comprehensive Plan, as amended. Upon verification which shall not be unreasonably withheld or delayed, the Pasco County Growth Management Department shall submit such exchange for approval on the consent agenda at the next available DRC meeting which is at least fourteen (14) days from submittal to the Growth Management Department, FDCA, and TBRPC. The use of the LUEM shall be reported in the next biennial report. Notwithstanding the foregoing, land use exchanges from nonresidential to residential shall be prohibited.

- (b) The use of the LUEM shall be restricted to the parcels designated on Map H.
- (c) The traffic impacts of the revised land use mix shall not exceed the approved traffic impacts of the land use mix being replaced.
- (d) Prior to approval of any land use exchange, the proposed exchange must include assurance that such exchange is within the maximums set forth in the Beacon Woods Subarea Policy 7.1.28.
- (e) For conversions to Independent Living Facility (ILF) or Attached Senior Housing, prior to approval of each plat, or where platting is not required, prior to the approval of each construction plan, the Applicant/Developer shall provide the County Attorney's office (CAO), executed and recorded covenants or deed restrictions that restrict such plat or construction plan to housing of persons fifty-five (55) and older or sixty-two (62) and older.
- i. If the Applicant/Developer fails to timely provide the required covenants or deed restrictions, the Applicant/Developer shall be required to, amend the applicable site development plan or plat to reduce the number of residential units consistent with the non-age restricted maximum set forth in Beacon Woods Subarea Policy 7.1.28 (presently 390 residential dwelling units).
 - ii. If the Applicant/Developer, its successors, assigns, or other end-user (End-user) fails to comply with such covenants or deed restrictions or converts such use to a non age-restricted use, the End-User shall be deemed in noncompliance of Beacon Woods Subarea Policy 7.1.28 and this DO entitling the County to any remedies authorized by law, in addition to any County remedies set forth in the County-approved covenants/deed restrictions.
- (f) Any amendments to the land use mix or proposed phasing schedule, other than those described herein, shall be approved pursuant to the NOPC process as required by Section 380.06(19), Florida Statutes.

Amended Section F.2 of Resolution 82-147, "Duration" Is hereby amended as follows:

(2) The duration of this DO shall remain in effect until December 15, 2008~~13~~, provided that the effective date may be extended by the Board of County Commissioners upon a showing of good cause.

6. Effective Date

This DO Amendment shall not be effective until the Florida Department of Community Affairs (FDCA) has issued its Notice of Intent and the appeal period has passed for the Comprehensive Plan Amendment associated with this NOPC application.

7. Procedures

a. A Notice of Adoption of this Resolution shall be filed and recorded in the Public Record of Pasco County, Florida, in accordance with Section 380.06(14)(a), Florida Statutes, as amended.

b. The Clerk of the Board of County Commissioners shall return four (4) signed originals of this DO Amendment and one (1) signed original Notice of Adoption to the Pasco County Planning & Growth

Management Department. The Pasco County Planning and Growth Management Department shall then send copies of each document to the Florida Department of Community Affairs, TBRPC, and to attorneys of record in these proceedings.

c. This DO Amendment shall be deemed rendered upon transmittal of copies to all recipients identified in Chapter 380, Florida Statutes.

8. Severability

Each provision of this DO is material to the Board of County Commissioners approval of this DO. Accordingly, the provisions are not severable. In the event any section, subsection, sentence, clause, or provision of this resolution is declared illegal or invalid by a body with jurisdiction to make such determination, the remainder of the resolution shall be suspended until such time that the Board of County Commissioners modifies the DO to address the illegal or invalid provision; provided, however, that such suspension shall not exceed nine (9) months in duration and such determination shall not affect the validity of 1) Limited exemption entitlements or DRI entitlements for which a complete application has been submitted, or approval has been received, for a preliminary plan, preliminary site plan, plat, construction plan, Building Permit, or CO; or 2) any DRI mitigation committed to or performed as of the date the determination is made. Notwithstanding the foregoing, the resolution shall not be suspended if the Applicant/Developer and all affected successors or assigns agree to abide by all of the provisions of the resolution until an NOPC is adopted to modify the DO in order to address the illegal or invalid provision. NOPCs to the DO shall not be considered challenges to the DO, and decisions by the Board of County Commissioners regarding any NOPC or the like shall not have the effect of suspending the DO under any circumstances. Notwithstanding the foregoing, if a third party challenges any section, subsection, sentence, clause, or provision of this resolution and the challenged portion of the resolution is subsequently declared illegal or invalid, the resolution shall not be suspended and shall remain in full force and effect except for that portion declared illegal or invalid. If any section, subsection, sentence, clause, or provision of this resolution is declared illegal or invalid as the result of a third party challenge, the Applicant/Developer shall cooperate with the County to amend this resolution to address the portion which has been declared invalid or illegal.

DONE AND RESOLVED, THIS 21st DAY OF DECEMBER, 2010.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: Paula O'Neil
PAULA O'NEIL, CLERK AND COMPTROLLER

By: [Signature]
CHAIRMAN

APPROVED
DEC 21 2010
BOCC

EXHIBITS

- A. NOPC Application*
- B. TBRPC NOPC Report
- C. Legal Description
- D. Map H
- E. Land Use Equivalency Matrix

* incorporated by reference only and on file with the Planning and Growth Management Department

Beacon Woods East DRI No. 230

Exhibit A

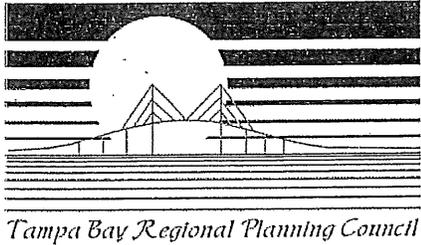
NOPC Application*

* incorporated by reference only and on file with the Planning and Growth Management Department

Beacon Woods East DRI No. 230

Exhibit B

TBRPC NOPC Report



NOPC

Notice of Proposed Change Report

4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782
Phone (727) 570-5151 / FAX (727) 570-5118
www.tbrpc.org

DRI #203 - BEACON WOODS PASCO COUNTY

On July 12, 2010 (dated July 7, 2010), the Applicant submitted a Notice of Proposed Change application requesting modifications to the Development Order. Supplemental information was received on August 31, 2010 (dated August 25, 2010). The following provides a summary of project entitlements and history, a description of the proposal, and the Council recommendation.

PROJECT DESCRIPTION

On February 27, 1990, the Pasco County Board of County Commissioners approved Resolution No. 90-91, which granted a Substantial Deviation Development Order (SDDO) for the Beacon Woods East DRI (#203). This SDDO (for DRI #203) authorized Beacon Homes, Ltd. to construct significant revisions to the Beacon Woods East development plan.

The SDDO has been subsequently amended four times, most recently on November 8, 2005 (Resolution No. 06-22). The amendments have cumulatively: reactivated and extended the buildout and expiration dates by a cumulative period of 15 years, 11 months and 15 days; reduced each component of development; and identified alternative transportation mitigation measure(s). The Annual Report anniversary date is August 31st. The Developer has subsequently requested a further three-year extension of the buildout and Development Order expiration dates resulting from 2007 revisions to Subsection 380.06(19)(c), F.S. and a further two-year extension in accordance with the passage of SB 360 in 2009.

The revised plan of development is as follows:

LAND USE	EXISTING ¹	PHASE 3 ¹ (1988-2013) ²	TOTAL
RESIDENTIAL	2,498	634	3,132
(Single-Family)	(2,498)	(90)	(2,588)
(Multi-Family)	(0)	(544)	(544)
NURSING HOME (Beds)	120	30	150
COMMERCIAL (Sq. Ft.)	101,800	91,450	193,250
OFFICE (Sq. Ft.)	56,500	73,500	130,000
LIBRARY (Sq. Ft.)	32,000	0	32,000

1. The reference to Phase 3 is accurate in terms of Development Order representation. Phases 1 & 2 have subsequently been completed and are now combined and referred to as "Existing."

2. The project buildout date (12/15/2013) is reflective of a three-year extension granted pursuant to 2007 revisions to Subsection 380.06(19)(ca), F.S. **plus** a two year extension in accordance with 2009 legislation (SB 360).

PROPOSED CHANGES UNDER THIS NOPC

The Applicant has requested a modification to the Development Order to allow recognition of a Land Use Equivalency Matrix that would only be applicable to Parcels V-23, V-24, V-34, V-35, V-36 and C-1. The Parcels are located in the northwest portion of the project between Hudson Avenue and Fivay Road.

CONSISTENCY WITH SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19)(e)3. identifies the provision applicable to this proposal. This citation reads as follows:

“Except for the change authorized by subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.”
[underline has been added to express intended provisions of current application]

DISCUSSION

The following statements serve as representations made by, or on behalf of, the applicant or are statements or recommendations made by Tampa Bay Regional Planning Council staff. These references/recommendations were relied upon by the Tampa Bay Regional Planning Council to determine that no further information would be required in conjunction with the current proposal:

- 1. The Land Use Equivalency Matrix (LUEM), included as *Exhibit 3* to this Report, “will only apply to Parcels V-23, V-24, V-34, V-35, V-36 and C-1.” (August 25, 2010 Correspondence/Page 1/Response to TBRPC #1). The currently-approved entitlements associated with each of these parcels are as follows:

<u>Parcels V-23 & V-24</u> 208 Townhome Units	<u>Parcel C-1</u> 30,000 Sq. Ft. Commercial	<u>Parcels V-34 & V-35</u> 336 Townhome Units	<u>Parcel V-36</u> 28 Single-Family Units
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The location of these Parcels are highlighted in **red** in the proposed/revised Master Development Plan, attached as *Exhibit 2* to this Report.

- 2. *There are no change(s) proposed to the approved external access points.* (August 25, 2010 Correspondence/Page 1/Response to TBRPC #2)
- 3. *There are no conversions from non-residential to residential proposed in the LUEM. C-1 is the only non-residential parcel and there are no proposed conversions to residential for the C-1 parcel.* (September 20, 2010 Correspondence/Page 1/Revised responses to former Pasco County #1.a. & #1.b.).
- 4. Land Use Equivalency Matrices are not typically intended to introduce many new uses to a project that were not formerly considered and/or analyzed. However, in this instance, the extent of conversion(s) would apply to only those limited, previously approved, entitlements of the six identified parcels (i.e. totaling 544 Townhome units, 28 Single-Family units and 30,000 sq. ft. of Commercial).

5. The LUEM (*Exhibit 3* of this Report) shall be referenced and included as a separate Exhibit within the amendatory language and include caveats requiring the following:

- restrict the use of the LUEM to Parcels V-23, V-24, V-34, V-35, V-36 and C-1;
- include reasonable “minimums” and “maximums” associated with each current or potential use as may be determined by Pasco County;
- notification of the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs regarding any/all future conversion(s) a minimum of 14 days prior to consideration for approval by Pasco County;
- Parcel C-1 shall not be converted to Residential uses; and
- require assessment of impacts to schools, parks and public utilities in the event an increase in residential development is proposed or as may otherwise apply.

RECOMMENDED ACTION

Indicate to Pasco County and the Florida Department of Community Affairs that the proposal is presumed to create a Substantial Deviation, as defined above. However, it is the opinion of this agency that no unmitigated regional impacts would be expected upon inclusion of the recommendations/representations stated in the Discussion above within the amendatory language, as may be appropriate.

**EXHIBIT 1
GENERAL LOCATION MAP**

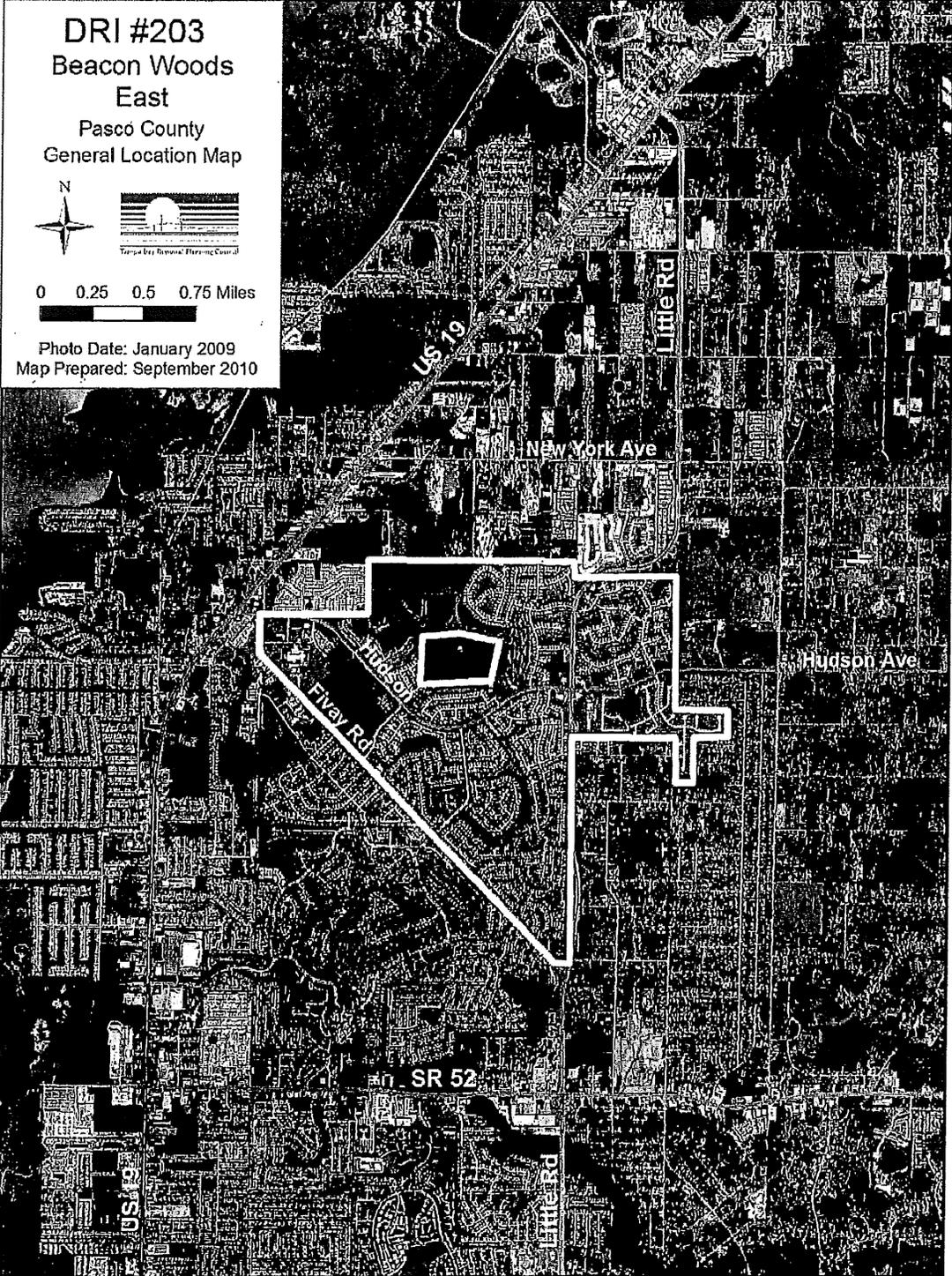
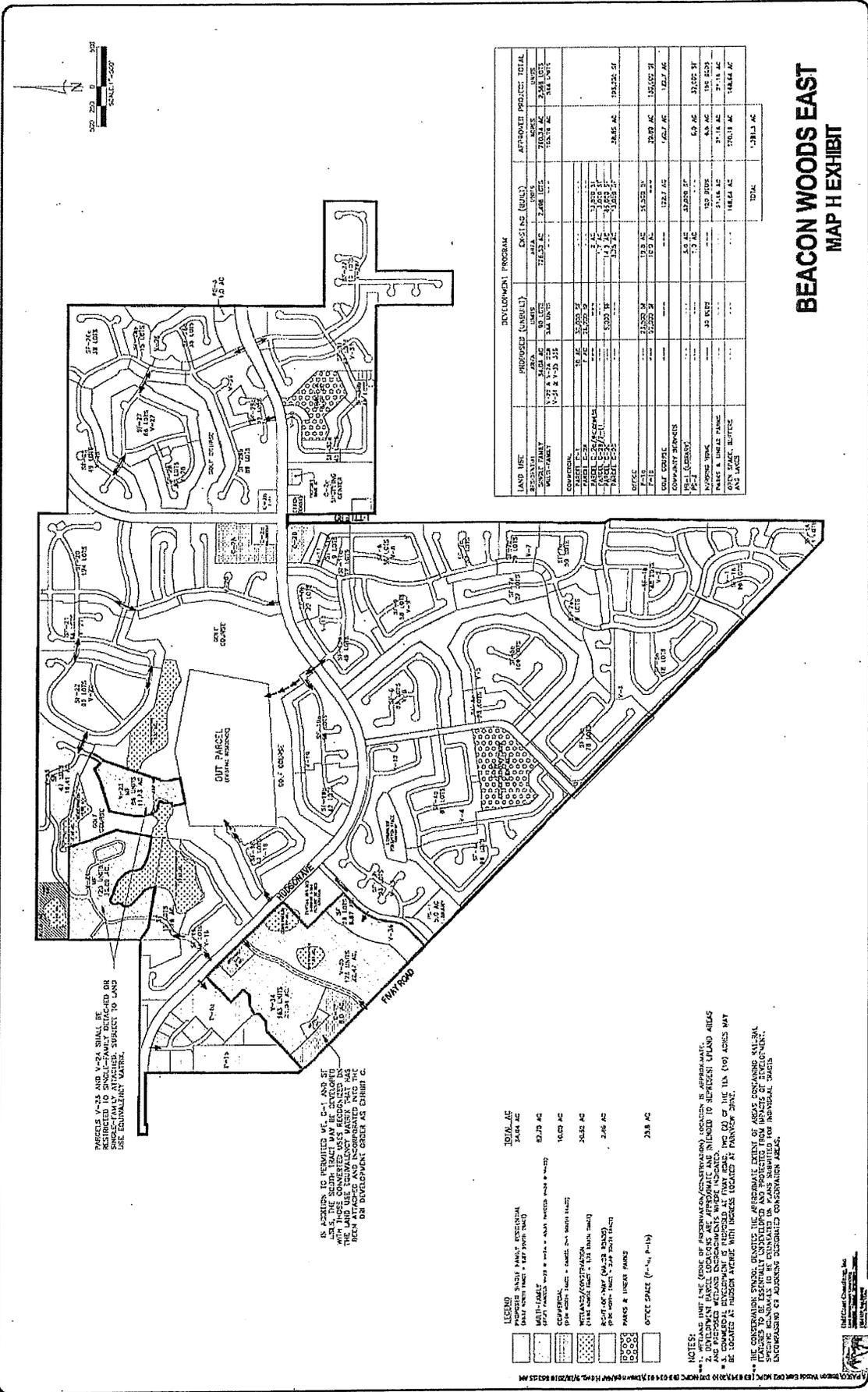


EXHIBIT 2 PROPOSED/REVISED MASTER DEVELOPMENT PLAN (MAP H)



PARCELS 1, 2, 3, AND 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

IS PERMITTED BY THE LOCAL GOVERNMENT, THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.

LEGEND

[Symbol]	TOTAL ACRES	23.8 AC
[Symbol]	RESIDENTIAL	16.0 AC
[Symbol]	COMMERCIAL	2.4 AC
[Symbol]	OFFICE SPACE	2.4 AC
[Symbol]	RECREATION	2.4 AC
[Symbol]	UTILITIES	2.4 AC
[Symbol]	ROADS	2.4 AC
[Symbol]	LANDSCAPE	2.4 AC
[Symbol]	WATERWAYS	2.4 AC
[Symbol]	EXISTING	2.4 AC
[Symbol]	PROPOSED	2.4 AC

NOTES:
 1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.
 4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.
 5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF CALIFORNIA.

BEACON WOODS EAST MAP H EXHIBIT

LAND USE	PROPOSED (ACRES)	EXISTING (ACRES)	APPROXIMATE TOTAL (ACRES)
RESIDENTIAL	16.0	16.0	32.0
COMMERCIAL	2.4	2.4	4.8
OFFICE SPACE	2.4	2.4	4.8
RECREATION	2.4	2.4	4.8
UTILITIES	2.4	2.4	4.8
ROADS	2.4	2.4	4.8
LANDSCAPE	2.4	2.4	4.8
WATERWAYS	2.4	2.4	4.8
EXISTING	2.4	2.4	4.8
PROPOSED	2.4	2.4	4.8
TOTAL	23.8	23.8	47.6

**EXHIBIT 3
PROPOSED LAND USE EQUIVALENCY MATRIX**

↓ CONVERSION FROM ↓					
		Single-Family (Unit)	Multi-Family (Unit)	Commercial (1K Sq. Ft.)	Office (1K Sq. Ft.)
→ C O N V E R S I O N →	Single-Family (Unit)		0.52		
	Townhome (Unit)	1.94			
	Apartment (Unit)	1.63	0.84		
	Assisted Sr. Housing/ILF (Unit)	6.31	3.25		
	Nursing Home and/or Assisted Living Facility/ALF (Bed)	4.59	2.36	16.95	6.77
	Commercial (1K Sq. Ft.)	0.27	0.14		0.40
	Daycare Center (1K Sq. Ft.)	0.08	0.04	0.30	0.12
	Office (1K Sq. Ft.)	0.67	0.35	2.50	
	Gov't Office (1K Sq. Ft.)	0.82	0.43	3.08	1.23
	Medical Office (1K Sq. Ft.)	0.29	0.15	1.08	0.43
	Clinic (1K Sq. Ft.)	0.19	0.10	0.72	0.29
	Hospital (Bed)	0.76	0.40	2.85	1.13
	Recreation Center (1K Sq. Ft.)	0.69	0.36	2.57	1.02
	Church (Sq. Ft.)	1.81	0.94	6.78	2.71

Beacon Woods East DRI No. 230

Exhibit C

Legal Description

LEGAL DESCRIPTION:

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Port Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Port Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00° 39' 09" E, along the easterly line of said Section 35 for 370.58 feet to the POINT OF BEGINNING; thence N 89° 20' 17" W for 255.93 feet; thence S 67° 42' 07" W, for 563.98 feet to a point on the arc of a non-tangent curve from which a radial line bears S 67° 42' 07" W to the center of said curve; thence along the arc of said curve concave to the West, having for its elements a radius of 723.00 feet, a central angle of 01° 16' 35", an arc distance of 16.15 feet, a chord bearing of N 22° 38' 10" W, and a chord distance of 16.15 feet to a point of reverse curve; thence along the arc of a curve concave to the East having for its elements a radius of 1,025.00 feet, a central angle of 41° 53' 58", an arc distance of 749.53 feet, a chord bearing of N 02° 37' 33" W, and a chord distance of 732.94 feet; thence N 18° 19' 22" E, for 78.39 feet to a point of curve; thence along the arc of a curve concave to the West, having for its elements a radius of 600.00 feet, a central angle of 27° 32' 04", an arc distance of 288.34 feet, a chord bearing of N 04° 33' 20" E, and a chord distance of 285.57 feet; thence departing said curve on a non-tangent line N 89° 20' 31" W, for 25.39 feet to a point on the arc of a non-tangent curve from which a radial line bears S 80° 21' 19" W; thence along the arc of said curve having for its elements a radius of 575.00 feet, a central angle of 02° 59' 23", an arc distance of 30.00 feet, a chord bearing of S 08° 09' 00" E, and a chord distance of 30.00 feet; thence departing said curve on a non-tangent line S 83° 42' 29" W, for 545.87 feet; thence S 51° 21' 32" W, for 500.00 feet; thence N 38° 38' 22" W, for 739.02 feet; thence S 53° 34' 19" W, for 98.88 feet to a point of curve; thence along the arc of a curve concave to the North having for its elements a radius of 1,492.39 feet, a central angle of 82° 48' 29", an arc distance of 2,156.05 feet, a chord bearing of N 85° 02' 27" W, and a chord distance of 1,973.38 feet; thence N 43° 39' 12" W, for 187.47 feet; thence S 46° 20' 48" W, for 667.50 feet to a point of curve; thence along the arc of said curve having for its elements a radius of 651.29 feet, a central angle of 25° 56' 33", an arc distance of 294.89 feet, a chord bearing of S 33° 22' 32" W, and a chord distance of 292.38 feet; thence departing said curve on a radial line N 69° 35' 43" W, for 70.00 feet to the arc of a non-tangent curve from which a radial line bears S 69° 35' 43" E to the center of said curve; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 711.29 feet, a central angle of 02° 48' 47", an arc distance of 35.00 feet, a chord bearing of S 19° 00' 52" W, and a chord distance of 34.99 feet; thence departing said curve on a radial line N 72° 22' 32" W, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 72° 22' 32" E; thence S 16° 03' 58" W, for 40.00 feet; thence S 75° 25' 35" E, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 75° 25' 35" E; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 10° 13' 34", an arc distance of 128.73 feet, a chord bearing of S 09° 27' 38" W, and a chord distance of 128.56 feet; thence S 04° 10' 51" W, for 11.62 feet to a point of curve; thence along the arc of a curve concave to the Northwest, having for its elements a radius of 330.00 feet, a central angle of 40° 58' 31", an arc distance of 236.00 feet, a chord bearing of S 24° 50' 07" W, and a chord distance of 231.00 feet; thence S 45° 19' 22" W, for 295.03 feet to the northeasterly right-of-way line of Flvay Road (an 80.00' right-of-way); thence N 44° 40' 59" W, along said northeasterly right-of-way line for 1,059.34 feet to a point of curve; thence continue along said right-of-way line on the arc of a curve concave to the Northwest having for its elements a radius of 860.00 feet, a central angle of 07° 52' 58", an arc distance of 132.08 feet, a chord bearing of N 40° 44' 30" W, and a chord distance of 131.97 feet; thence departing said northeasterly right-of-way line on a non-tangent line N 46° 33' 04" E, for 427.33 feet; thence N 00° 38' 04" E, for 1,098.33 feet; thence N 89° 21' 56" W, for 346.44 feet; thence N 00° 28' 04" E, for 666.00 feet to the northerly line of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence S 89° 31' 23" E, along said line for 1,572.24 feet to the westerly line of said Section 26; thence along said line N 00° 35' 25" E, for 1,326.03 feet to the West quarter corner of said Section 26; thence S 89° 33' 16" E, along the East-West

erline of said Section 26, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 34, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 5, Page 47, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 26, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 3,339.38 feet to the West quarter corner of said Section 25; thence S 00° 56' 15" W, along the westerly boundary of said Section for 161.72 feet; thence S 49° 35' 58" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 7,620.67 feet to the easterly line of the Southwest quarter of said Section for 2,286.84 feet to the North quarter corner of said Section 25; thence S 00° 47' 07" W, along said easterly line for 2,286.84 feet to the North quarter corner of said Section 25; thence S 00° 41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89° 33' 28" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00° 41' 51" W, along the easterly boundary of said Lots 8 and 13, for 660.71 feet to the Southeast corner of said Lot 13; thence N 89° 12' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00° 41' 51" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89° 30' 18" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses: (1) N 00° 41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89° 28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,825.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00° 39' 09" W, along said line for 621.18 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

PARCEL "E";

Commence at the section corner common to said Sections 25, 26, 335, and 36, as a point of reference; thence N 89° 42' 35" W, for 1,758.76 feet to the POINT OF BEGINNING; thence S 10° 54' 48" W, for 291.76 feet; thence S 88° 54' 41" W, for 2,100.00 feet; thence N 00° 34' 48" E, for 1,114.84 feet; thence N 78° 48' 19" E, for 956.95 feet; thence S 79° 05' 19" E, for 1,344.60 feet; thence S 10° 54' 48" W, for 858.24 feet to the POINT OF BEGINNING.

Containing 56.695 acres, more or less.

ALSO LESS:

Commence at the North 1/4 corner of said Section 36; thence N 00° 47' 07" W along the easterly line of the Southwest 1/4 of said Section 25 for 120.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 00° 36' 44" E to the center of said curve, also being the POINT OF BEGINNING; thence along the arc of said curve, concave to the South having for its elements a radius of 1,205.92 feet, a central angle of 85° 14' 34", an arc distance of 110.34 feet, a chord bearing of S 87° 59' 27" W, and a chord distance of 110.31 feet; thence departing said curve on a non-tangent line N 00° 41' 52" E, for 79.18 feet; thence N 42° 49' 45" W, for 132.94 feet; thence N 00° 47' 07" E, for 99.97 feet; thence S 89° 12' 53" E, for 202.00 feet to the easterly line of the Southwest 1/4 of said Section 25; thence S 00° 47' 07" W, along said easterly line for 270.00 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

Total net acreage = 810.62 acres, more or less.

This is NOT a survey.

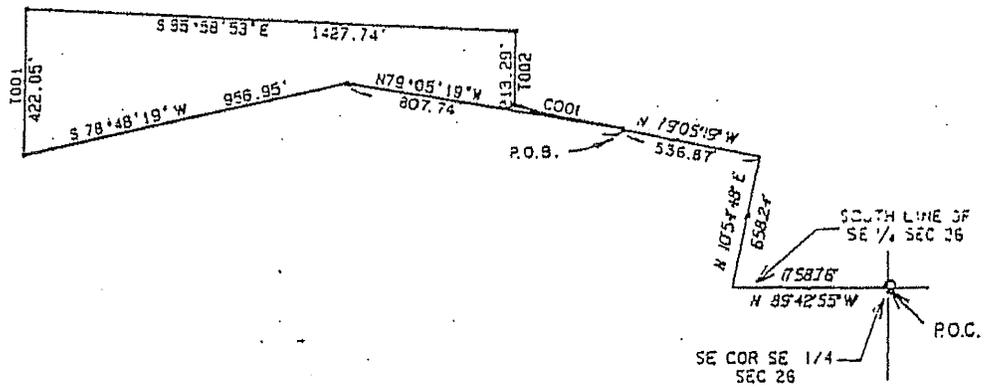
CURVE DATA

ID	RADIUS	DELTA	ARC LGT	CHORD	CHORD BEING	TANGENT
C001	2924.59	5°08'49"	313.78	313.51	576°00'55"E	157.03

TANGENT DATA

ID	BEARING	DIST
T001	N 0°54'48"E	422.06'
T002	S 0°54'48"W	213.29'

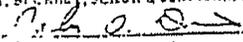
SCALE: 1" = 200'



NOTES:

- 1) The sketch shown here is for graphic representation only and does not represent a boundary survey.
- 2) No title report has been presented to or pursued by the undersigned in conjunction with the above sketch or legal description.
- 3) Bearings shown hereon are based on the South line of the Southeast 1/4 of Section 26, Township 24 South, Range 16 East, as being N 89°42'55" W.
- 4) Corner monuments were not set in conjunction with the preparation of this drawing.
- 5) Reproductions of this sketch are not valid unless sealed with the embossed surveyor's seal.

BEACON WOODS EAST ADDITIONAL LANDS SKETCH AND LEGAL DESCRIPTION

No. 05-50132	Created by:	We hereby certify that the attached Sketch and Legal Description is true and correct to the best of our knowledge and belief as recently prepared under our direction and that this sketch meets the intent of the minimum technical standards for surveying pursuant to Section 222.027, Florida Statutes and Chapter 11H11-4, Florida Administrative Code. 1997, BUCKLEY, SCHUH & JERNIGAN, INC.  Date: 4-1-83 State of Fla.:
Date: 4-1-83	Drawn by: J.B.	
Decided by:	BUCKLEY, SCHUH & JERNIGAN, INC. CONSULTING ENGINEERS and PLANNERS 1201 ENTERPRISE ROAD, CLEARWATER, FLORIDA 34615	

O.R. 1714 PG 1332

LEGAL DESCRIPTION: BEACON WOODS EAST
ADDITIONAL LANDS

A parcel of land being a portion of the South 1/2 of Section 26, Township 24 South, Range 16 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 26; thence N 39° 42' 35" W, along the southerly line of said Section 26, for 1,758.76 feet; thence N 10° 54' 48" E, for 538.24 feet; thence N 79° 05' 19" W, for 536.37 feet to the POINT OF BEGINNING; thence continue N 79° 05' 19" W, for 807.74 feet; thence S 73° 48' 19" W, for 956.95 feet; thence N 30° 54' 48" E, for 422.05 feet; thence S 85° 58' 53" E, for 1,427.74 feet; thence S 00° 54' 48" W, for 213.29 feet to a point on the arc of a non-tangent curve, a radial line from which point bears N 17° 03' 30" E, to the center of said curve; thence along the arc of said curve, concave to the North, having for its elements a radius of 2,924.59 feet, a central angle of 06° 08' 49", an arc length of 313.76 feet, a chord bearing of S 76° 00' 55" E, and a chord length of 313.61 feet to the POINT OF BEGINNING.

Containing 8.66 acres, more or less.

8-53 276
 3639.40
 7:56.00
 sent to
 mail
 1-23-87

This Instrument Prepared by West Pasco Title & Abstract Co., 11111 N.W. 11th Ave., New Port Richey, Florida

This Indenture, Made this 22nd day of December A.D. 1986
 100002 10 7774 12-31-86
 13:53
 between C.A. CLAYTON and MAXINE J. CLAYTON, his wife
 RECORDING
 01 00 40 1 1
 DOC STAMPS
 01 00 41 1 463
 10 CASH TOTAL 1 463

part ies of the first part and BEACON HOMES LIMITED, a Florida Limited Partnership
 whose address is P.O. Box 610
 Dunedin, FL 33528

part ies of the second part,

Witnesseth, That the said part ies of the first part for and in consideration of the sum of TEN (\$10.00) and Other Good and Valuable Consideration to them in hand paid by the said part ies of the second part the receipt whereof is hereby acknowledged has granted, bargained and sold to the said part ies of the second part their heirs and assigns forever the following described land, situate in Pasco County, Florida, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE PART OF.

PLACE
 STAMP
 HERE

Documentary Tax Pd \$ 4,639.00
 Intangible Tax Pd.
 Jay Hillman, Clerk, Pasco County
 By [Signature] Deputy Clerk
 RECORD VERIFIED
 JED MITCHELL
 Clerk Circuit Court, Pasco County
 By [Signature]

FILED FOR RECORD
 CLERK OF PASCO COUNTY, FL
 DEC 31 2 00 PM '86
 309059

To Have and to Hold the Same, together with all the hereditaments and appurtenances thereunto in anywise appertaining, to the said part ies of the second part, their heirs and assigns forever, and the said part ies of the first part do hereby fully warrant the title to said part ies and will defend the same against the lawful claim of all persons whatsoever.

Part ies of the second part assume the payment of taxes for the year 1987 and subsequent years.

In Witness Whereof, The said part ies of the first part have hereunto set their hand and seal this day and year above written.

Signed, sealed and delivered in the presence of

[Signature] (SE)
[Signature] (SE)
[Signature] (SE)
[Signature] (SE)
 State of Florida County of Pasco

I Hereby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments C.A. Clayton and Maxine J. Clayton, his wife

to me well known to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily for the purposes therein expressed.
 WITNESS my hand and official seal this 22nd day of December A.D. 1986

O.R. 1714 PG 1334
 NOTARY PUBLIC, STATE OF FLORIDA
 MY COMMISSION EXPIRES SEP 17, 1990
 [Signature]
 Notary Public

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Port Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Port Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00°39' 09" E, along the easterly line of said Section 35 for 571.65 feet to the POINT OF BEGINNING; thence departing said easterly line N 89°20' 31" W, for 346.34 feet to a point of curve of a non-tangent curve concave to the East; thence along the arc of said non-tangent curve having a radius of 1,000.00 feet, a central angle of 18° 29' 31", an arc of 322.75 feet, a chord bearing of N 03°04' 37" E, and a chord of 321.35 feet; thence N 16° 19' 22" E, for 278.39 feet to a point of curve; thence along the arc of said curve concave to the West having a radius of 850.00 feet, a central angle of 26° 11' 40", an arc of 353.53 feet, a chord bearing of N 05°03' 32" E, and a chord of 390.04 feet; thence N 89°20' 17" W, along a non-radial line for 50.64 feet to a point of curve; thence along the arc of a non-tangent curve concave to the West having a radius of 300.00 feet, a central angle of 27° 05' 13", an arc of 378.20 feet, a chord bearing of S 04° 46' 46" W, and a chord of 374.59 feet; thence S 18° 19' 22" W, for 23.50 feet to a point of cusp; thence along the arc of a non-tangent curve concave to the West having a radius of 500.00 feet, a central angle of 10° 56' 11", an arc of 114.53 feet, and a chord bearing N 03° 44' 36" W, for 114.33 feet; thence N 89° 20' 51" W, for 25.39 feet, thence S 05° 09' 00" E for 10.90 feet; thence S 83° 42' 29" W for 545.67 feet; thence S 51° 21' 38" W, for 500.00 feet; thence N 38° 38' 22" W for 777.38 feet to a point of curve; thence along the arc of a non-tangent curve concave to the Southeast having a radius of 960.00 feet, a central angle of 07° 31' 35", an arc of 112.97 feet, a chord bearing of N 71° 33' 35" E, and a chord of 112.39 feet; thence N 14° 40' 38" W, along a radial line for 80.00 feet to a point of curve; thence along the arc of a non-tangent curve concave to the Southeast having a radius of 940.00 feet, a central angle of 83° 00' 00", an arc of 1,361.71 feet, a chord bearing of S 33° 49' 22" W, and a chord of 1,245.73 feet; thence S 07° 40' 38" E, for 250.00 feet to the northeasterly corner of Lot 506, Ravenswood Village Unit 2B according to the plat thereof as recorded in Plat Book 21, Pages 139 through 144, Public Records of Pasco County, Florida; thence along the northerly line of said Ravenswood Village Unit 2B by the following five (5) courses; (1) S 82° 19' 22" W, for 490.00 feet; (2) N 07° 40' 38" W, for 185.99 feet; (3) N 19° 40' 38" W, for 395.68 feet; (4) N 52° 34' 57" W, for 86.99 feet; (5) along the arc of a curve concave to the North having a radius of 2,000.00 feet, a central angle of 21° 06' 42", an arc of 736.94 feet, a chord bearing of S 71° 43' 34" W, and a chord of 732.77 feet to the northeastern most corner of Lot 548, Ravenswood Village Unit 1, according to the plat thereof as recorded in Plat Book 19, Pages 62 through 67, Public Records of Pasco County, Florida; thence continue along the northerly and westerly lines of said Ravenswood Village Unit 1 by the following three (3) courses; (1) along the arc of a curve concave to the North having a radius of 2,000.00 feet, a central angle of 03° 46' 31", an arc of 131.78 feet, a chord bearing of S 84° 10' 07" W, and a chord of 131.78 feet; (2) S 14° 45' 49" W, for 110.33 feet; (3) S 45° 19' 22" W, for 335.00 feet to the northeasterly right-of-way of Flivay Road (an 80.00 foot right-of-way); thence along said right-of-way N 44° 40' 59" W, for 419.32 feet; thence departing said right-of-way N 45° 19' 22" E, for 301.00 feet; thence N 07° 32' 10" W, for 250.00 feet; thence N 46° 12' 39" E, for 101.38 feet; thence N 86° 12' 39" E, for 250.00 feet; thence N 14° 03' 01" E, for 112.58 feet; thence N 51° 40' 06" E, for 500.00 feet to a point on the arc of a non-tangent curve concave to the East; thence along the arc of said curve having a radius of 500.00 feet, a central angle of 17° 11' 19", an arc of 150.00 feet, and a chord bearing N 11° 24' 03" W, for 149.44 feet; thence N 02° 48' 23" W, for 278.38 feet to a point of curve; thence along the arc of a curve concave to the West having a radius of 300.00 feet, a central angle of 13° 00' 39", an arc of 181.87 feet, and a chord bearing N 09° 18' 43" W, for 181.23 feet; thence N 86° 53' 57" E, for 563.25 feet; thence S 86° 54' 41" E, for 2,100.00 feet; thence N 10° 54' 48" E, for 250.00 feet; thence N 79° 05' 19" W, for 1,344.60 feet; thence S 78° 48' 19" W, for 956.95 feet; thence N 00° 54' 48" E, for 422.04 feet; thence N 85° 58' 53" W, for 1,196.97 feet; thence N 04° 01' 07" E, for 10.00 feet to a point on the arc of a curve concave to the South from which a radial line bears S 04° 01' 07" W; thence along the arc of said curve having a radius of 3,679.58 feet, a central angle of 03° 32' 32", an arc of 351.12 feet, and a chord bearing N 87° 45' 09" W, for 351.06 feet; thence N 89° 31' 25" W, for 702.42 feet; thence N 00° 28' 35" E, for 100.00 feet to the northerly line of the Southwest quarter of the

O.R. 1714 PG 1335

~~O.R. 1568 PG 0470~~

Southeast quarter of said Section 27; thence along said line S 89° 31' 35" E, for 322.25 feet to the westerly line of said Section 26; thence along said line N 00° 35' 25" E, for 1,125.03 feet to the West quarter corner of said Section 25; thence S 35° 35' 16" E, along the East-West centerline of said Section 26, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 34, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 3, Page 37, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 25, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 50 and 51, Public Records of said County, for 3,339.52 feet to the West quarter corner of said Section 25; thence S 00° 56' 13" W, along the westerly boundary of said Section for 361.72 feet; thence S 89° 35' 38" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,520.57 feet to the easterly line of the Southwest quarter of said Section 25; thence S 00° 47' 07" W, along said easterly line for 2,296.34 feet to the North quarter corner of said Section 25; thence S 00° 41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89° 33' 38" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00° 41' 31" W, along the easterly boundary of said Lots 8 and 13, for 650.71 feet to the Southeast corner of said Lot 13; thence N 89° 32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00° 41' 31" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89° 30' 15" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses; (1) N 00° 41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89° 28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,525.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00° 39' 09" W, along said line for 420.11 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

A tract of land lying in the Southwest 1/4 of Section 25, Township 24 South, Range 16 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the South 1/4 corner of Section 25, Township 24 South, Range 16 East; thence N 00° 47' 07" E, for 268.41 feet along the East line of the Southwest 1/4 of said Section 25 to the POINT OF BEGINNING; thence continue along said East line N 00° 47' 07" E, for 272.35 feet; thence leaving said East line, N 89° 12' 53" W, for 200.00 feet; thence S 00° 47' 07" W, for 156.93 feet to a point on a curve concave to the North; thence southeasterly along the arc of said curve having a radius of 1,349.86 feet, a central angle of 07° 09' 22", an arc length of 231.04 feet and a chord bearing of S 59° 14' 11" E, for 330.89 feet to the POINT OF BEGINNING, and containing 1.00 acres, more or less.

ALSO LESS:

The East 359.27 feet of Lot 37, PORT RICHEY LAND COMPANY SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 60, Public Records of Pasco County, Florida

Containing 2.62 acres, more or less.

~~O.R. 1568 PG 0179~~
O.R. 1714 PG 1336

ALSO LESS:

A parcel of land lying in Section 35, Township 24 South, Range 16 East, being more particular described as follows:

Begin at the western-most Point of RAVENSWOOD VILLAGE UNIT 1 as recorded in Plat Bc 19, Pages 62 - 67, Public Records of Pasco County, Florida; thence N 44°40'59" W, along the northeasterly right-of-way of Fivay Road (an 30' right-of-way) for 475.00 feet; thence N 45°19'22" E, for 300.00 feet to a Point of Curve; thence along the arc of a curve concave to the Northwest having a radius of 300.00 feet, a central angle of 32°36'04", an arc of 179.70 and chord bearing N 29°01'20" E, for 168.41 feet; thence departing said curve on a non-radial line S 44°40'59" E, for 522.27 feet to the northwesterly boundary of said Ravenswood Village; thence S 45°19'22" W, along said northwesterly boundary 361.64 feet to the POINT OF BEGINNING

Containing 4.00 acres, more or less.

Net Area = 686.96 acres, more or less.

All being subject to a 3.00 foot maintenance easement lying contiguous and exterior to the following described parcel:

A tract of land located in Section 25 and 35, Township 24 south, Range 16 East, Pasco County Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 35 as a point of reference; thence N 89°42'55" W, along the northerly line of said Section 35 for 1,758.76 feet to the POINT OF BEGINNING; thence S 10°54'48" W, for 291.76 feet; thence S 26°54'41" W, for 2,120.30 feet; thence N 00°54'48" E, for 1,114.84 feet; thence N 78°48'19" E, for 956.95 feet; thence S 05°19' E, for 1,344.60 feet; thence S 10°54'48" W, 658.24 feet to the POINT OF BEGINNING

Legal Description per survey prepared by POST, BUCKLEY, SCHUH & JERRIGAN, INC., dated November 18, 1986, Job No. 05-501-1.26.

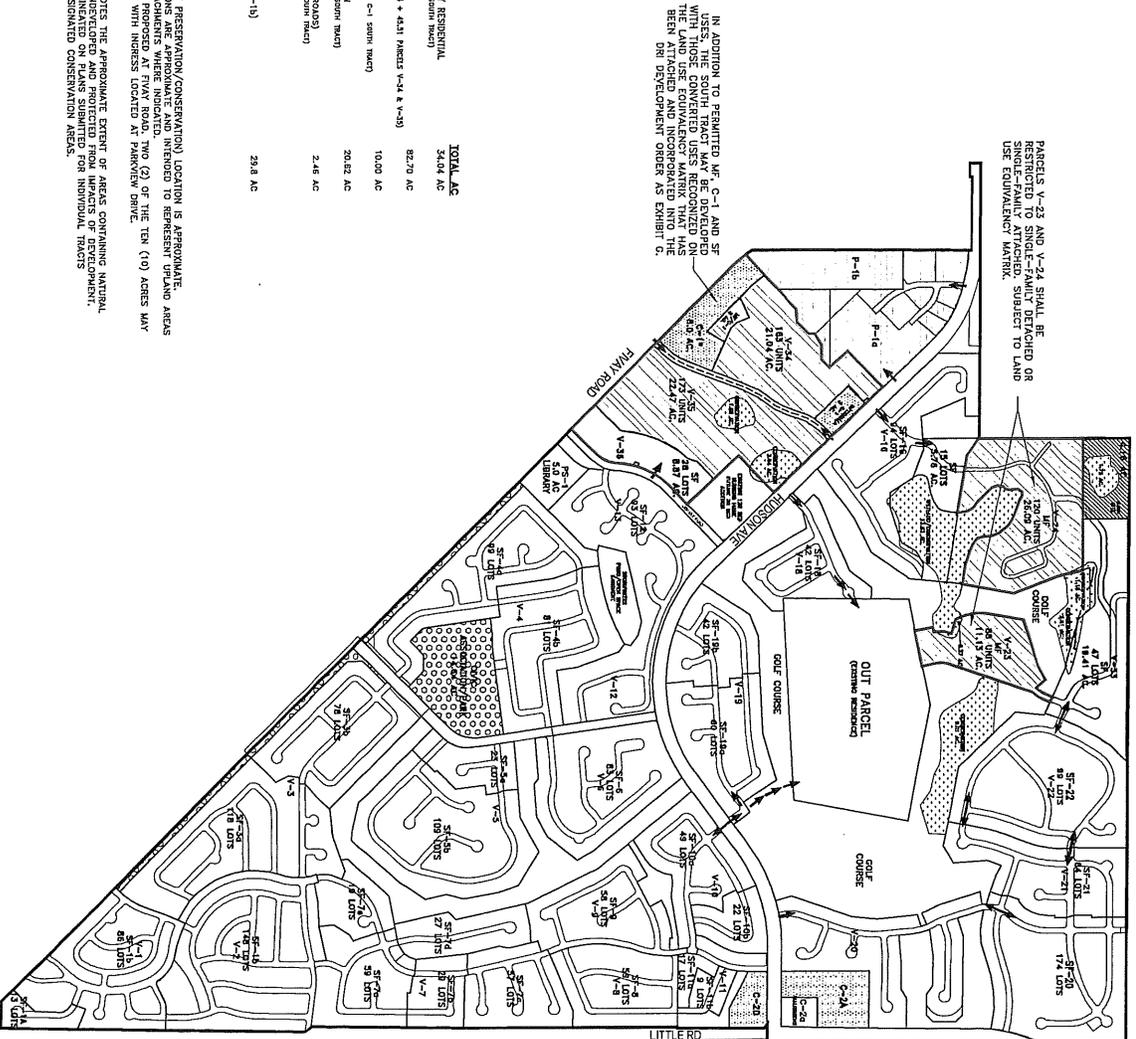
Beacon Woods East DRI No. 230

Exhibit D

Map H



Gulf Coast Consulting, Inc.
 10000 Highway 90, Suite 100
 Houston, Texas 77036
 Phone: 281-465-1111
 Fax: 281-465-1112



PARCELS V-23 AND V-24 SHALL BE SINGLE-FAMILY ATTACHED SUBJECT TO LAND USE EQUIVALENCY MATRIX.

IN ADDITION TO PERMITTED MF, C-1, AND SF USES, THE SOUTH TRACT MAY BE DEVELOPED FOR THE PURPOSES OF PERMITTED USES RECORDED ON THE PLANS SET FORTH HEREON PROVIDED THAT THE PLANS BE ATTACHED AND INCORPORATED INTO THE DR DEVELOPMENT ORDER AS EXHIBIT G.

LEGEND	TOTAL AC
PROPOSED SINGLE FAMILY RESIDENTIAL (C-1, V-23, V-24, V-25)	82.70 AC
MULTI-FAMILY (C-2, V-24, V-25)	34.04 AC
COMMERCIAL (C-1, V-23, V-24, V-25)	10.00 AC
WETLANDS/CONSERVATION (W-1, W-2, W-3)	20.82 AC
RIGHT-OF-WAY (MAJOR ROADS) (R-1, R-2)	2.46 AC
PARKS & LINEAR PARKS (P-1, P-2)	28.8 AC
OFFICE SPACE (F-1, F-2, F-3)	

- NOTES:
1. WETLAND LIMIT LINE (EDGE OF PRESERVATION/CONSERVATION) LOCATION IS APPROXIMATE.
 2. COMMERCIAL DEVELOPMENT IS PROPOSED AT HWY ROAD TWO (2) OF THE TEN (10) ACRES MAY BE LOCATED AT HUDSON AVENUE WITH INGRESS LOCATED AT PARKVIEW DRIVE.
 3. THE CONSERVATION SERIAL DRENCHES THE APPROXIMATE EXTENT OF AREAS CONTAINING NATURAL FEATURES THAT ARE ESSENTIAL TO THE FUNCTIONING OF THE ECOSYSTEMS OF THE AREAS OF CONSERVATION OR ADDING DESIGNATED CONSERVATION AREAS.

LAND USE	DEVELOPMENT PROGRAM		APPROVED PROJECT TOTAL
	PROPOSED (UNBUILT)	EXISTING (BUILT)	
RESIDENTIAL	AREA: 82.70 AC UNITS: 80 LOTS	AREA: 78.50 AC UNITS: 2,488 LOTS	AREA: 161.20 AC UNITS: 2,568 LOTS
SINGLE FAMILY	AREA: 34.04 AC UNITS: 544 UNITS	AREA: 2.48 AC UNITS: 544 UNITS	AREA: 36.52 AC UNITS: 1,088 UNITS
MULTI-FAMILY	AREA: 7 AC UNITS: 26,200 SF	AREA: 7.52 AC UNITS: 13,600 SF	AREA: 14.52 AC UNITS: 39,800 SF
COMMERCIAL	AREA: 10 AC UNITS: 26,200 SF	AREA: 2.48 AC UNITS: 13,600 SF	AREA: 12.52 AC UNITS: 39,800 SF
WETLANDS/CONSERVATION	AREA: 20.82 AC UNITS: 5,000 SF	AREA: 1.3 AC UNITS: 13,600 SF	AREA: 22.12 AC UNITS: 18,600 SF
RIGHT-OF-WAY (MAJOR ROADS)	AREA: 2.46 AC UNITS: 13,600 SF	AREA: 1.3 AC UNITS: 13,600 SF	AREA: 3.76 AC UNITS: 13,600 SF
PARKS & LINEAR PARKS	AREA: 28.8 AC UNITS: 5,000 SF	AREA: 1.3 AC UNITS: 13,600 SF	AREA: 30.1 AC UNITS: 18,600 SF
OFFICE SPACE	AREA: 23,500 SF UNITS: 10.0 AC	AREA: 19.8 AC UNITS: 10.0 AC	AREA: 43,300 SF UNITS: 20.0 AC
GOLF COURSE	AREA: 50,000 SF UNITS: 12.7 AC	AREA: 12.7 AC UNITS: 12.7 AC	AREA: 62,700 SF UNITS: 25.4 AC
COMMUNITY SERVICES	AREA: 5.0 AC UNITS: 32,000 SF	AREA: 1.3 AC UNITS: 32,000 SF	AREA: 6.3 AC UNITS: 64,000 SF
RE-1 (LIBRARY)	AREA: 30 BEYS UNITS: 21.18 AC	AREA: 120 BEYS UNITS: 21.18 AC	AREA: 150 BEYS UNITS: 42.36 AC
NURSING HOME	AREA: 18.84 AC UNITS: 18.84 AC	AREA: 170.18 AC UNITS: 170.18 AC	AREA: 189.02 AC UNITS: 189.02 AC
OFFICE SPACE, BUFFERS AND SERVICES	AREA: 18.84 AC UNITS: 18.84 AC	AREA: 170.18 AC UNITS: 170.18 AC	AREA: 189.02 AC UNITS: 189.02 AC
TOTAL	AREA: 1,281.3 AC UNITS: 1,281.3 AC	AREA: 1,281.3 AC UNITS: 1,281.3 AC	AREA: 2,562.6 AC UNITS: 2,562.6 AC

BEACON WOODS EAST

MAP H EXHIBIT

Beacon Woods East DRI No. 230

Exhibit E

Land Use Equivalency Matrix

**Exhibit E
Land Use Equivalency Matrix**

		TO												
FROM		Single-Family Detached (D.U.)	Single-Family Home or Assisted Living Facility (Bed)	Nursing Home	Attached Sr. Housing/ILF (D.U.)	Retail (1000 s.f.)	Office (1000 s.f.)	Medical Office (1000 s.f.)	Daycare Center (1000 s.f.)	Clinic (1000 s.f.)	Recreational Center (1000 s.f.)	Government Office (1000 s.f.)	Church (1000 s.f.)	Hospital (Bed)
Single-Family House (D.U.)	X		4.59		6.31	0.27	0.67	0.29	0.08	0.19	0.69	0.82	1.81	0.76
Multifamily/Townhouse (D.U.)	0.52	2.36			3.25	0.14	0.35	0.15	0.04	0.10	0.36	0.43	0.94	0.40
Retail (1000 s.f.)	X	16.95			X	X	2.5	1.08	0.3	0.72	2.57	3.08	6.78	2.85
Approved Land Use		Minimum				Approved	Maximum							
Multifamily/Townhouses		0				544	544							
Single-Family Detached Retail		0				28	136							
Day Care Office		0				30,000	84,340							
Government Office		0				0	37,000							
Medical Office		0				0	211,360							
Clinic		0				0	260,000							
ALF/Nursing Home		0				0	90,920							
Attached Sr. Housing/ILF		0				0	60,520							
Hospital Beds		0				0	630							
Recreational Center/Church		0				0	352							
		0				0	570,000							

Notes:
 All land use exchanges are subject to maximums in Comprehensive Plan Subarea Policy 7.1.28 Beacon Woods
 Land use Exchanges are restricted to the following Parcels on Map H:
 V23, V24, C-1, V-34, V-35, and V-36
 Additional Maximums
 Day Care and Retail are cumulatively capped at 84,340 square feet
 All office uses are cumulatively capped at 260,000 square feet
 Total Residential Units for V-34, V-35, and V-36 are capped at 390 dwelling units

SHELLY MAY JOHNSON, PA

ATTORNEY AT LAW

8726 Old C.R. 54, Suite D, New Port Richey, Florida 34653

Telephone: (727) 376-7300 Fax: (727) 376-7337

#203

SENT VIA CERTIFIED U.S. MAIL

October 2, 2009

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

RE: Beacon Woods East DRI (#79/203)
Additional 2 Years Extension Notice

Dear Mr. Meyer:

Please accept this correspondence as formal notification of the Beacon Woods East DRI's intention to utilize the additional two (2) years extension set forth in SB 360 Section 14(1) which provides in part as follows:

Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to Part IV of Chapter 373, Florida Statutes, that has an expiration date of September 1, 2008 through January 1, 2012, is extended and renewed for a period of two years following its date of expiration. This extension includes any local government-issued development order or building permit. The two-year extension also applies to build-out dates including any build-out date extension previously granted under s. 380.19(c), Florida Statutes.

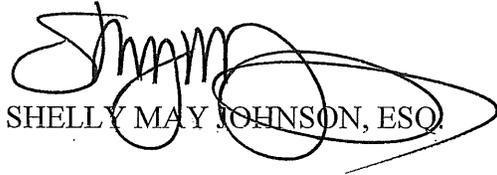
The Department of Community Affairs has interpreted the above-quoted statutory provision as granting a two (2) years extension of the expiration date and build-out date for any local-government issued DRI development order and related building permits which have an expiration date of September 1, 2008 through January 1, 2012. Specifically this letter is delivered pursuant to above-identified provision requiring the holder of a development permit to notify the authorizing agency in writing no later than December 31, 2009 of the specific authorization for which it intends to use the new 2 years extension to development orders, building permits and build-out dates. The holder anticipates acting on the authorization in accordance with the land use phasing schedule as approved and extended.

--Page 2--

Pursuant to this notification we are requesting that the Council acknowledge this request and extensions and update its records to reflect the newly-established build-out and Development Order expiration dates as December 15, 2013.

Should you have any questions or concerns with the information set forth above please do not hesitate to contact me.

Sincerely,



SHELLY MAY JOHNSON, ESQ.

Cc: BOH Beacon Woods, FL LP (*via regular mail only*)
BOH Emerald Fields, FL LP (*via regular mail only*)
Cynthia D. Spidell, Pasco County Growth Management (*via regular mail only*)
Bernard Piawah, FDCA (*via regular mail only*)
Kent Fast, FDOT (*via regular mail only*)

SHELLY MAY JOHNSON, PA
ATTORNEY AT LAW

8726 Old C.R. 54, Suite D
New Port Richey, Florida 34653
www.smjlaw.net

TELEPHONE: (727) 376-7300
FAX: (727) 376-7337

SENT VIA CERTIFIED U.S. MAIL

July 2, 2008

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

RE: Beacon Woods East DRI (#79/203)

Dear Mr. Meyer:

As you are aware, Section 380.06 (19)(c) Florida Statutes was amended in 2007 to authorize a three year extension for all phase, build-out and expiration dates of any development of regional impact under active construction as of July 1, 2007. More specifically, Section 380.06(19)(c) includes the following language:

In recognition of the 2007 real estate market conditions, all phase, build-out, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

This letter is written to inform Pasco County and the Tampa Bay Regional Planning Council that the Beacon Woods DRI was under active construction as of July 1, 2007. On March 29, 2007 Pasco County approved within the Beacon Woods East DRI the Emerald Fields Subdivision preliminary/construction site plans, Stormwater Management Plan and Report and variance requests, #DR07-1181. The hard copy site development permit was issued on May 2, 2007. On April 5, 2007 Pasco County approved the Emerald Fields Recreation Center Preliminary/Construction Site Plan, #DR07-1271. FDEP water and sewer permits were issued on January 1, 2007. All of the above-identified permits remain active. As a result, it is our understanding that the build-out

date for the Beacon Woods East DRI is extended from December 15, 2008 to December 15, 2011. We also understand a similar three year extension is equally applicable to the expiration date for the Beacon Woods East Development Order, which would be extended from December 15, 2008 to December 15, 2011.

It is our further understanding that these extensions have taken effect by operation of law and no further action, such as the filing of an NOPC, is required on the part of the Beacon Woods DRI to implement the extensions. It should also be noted that Development Order/Resolution 06-22 Section 5.b(8) amending Section B.12.c(5) of Resolution 82-147 provides, in pertinent part, "Pasco County, FDCA, and TBRPC agree that current transportation mitigation for Phase III adequately addresses all Phase III impacts, however any delay in the build-out date beyond December 15, 2008, shall require a new transportation analysis, in accordance with Section 380.06 F.S. as the basis for a DO Amendment which may include re-evaluation of required transportation mitigation." Since the language of the statute clearly states the statutory extensions are not subject to further development-of-regional impact review it is our understanding that the law requires no new concurrency analysis under Section 380.06 F.S. Furthermore, the Beacon Woods DRI Development Order and build out dates have not expired and are exempt from the County's Concurrency Ordinance pursuant to Section 402.6(C) until expiration of the mandated three year extension to the build out date of December 15, 2011.

Should you have any questions or concerns with the information set forth above please do not hesitate to contact me.

Sincerely,



SHELLY MAY JOHNSON, ESQ.

Cc: Mr. Kent Fast, FDOT (*via regular mail only*)
Mr. Bernard Piawah, FDCA (*via regular mail only*)
Mr. Mike LaSala, Pasco County (*via certified mail*)
Clients (*via regular mail only*)

SHELLY MAY JOHNSON, PA

ATTORNEY AT LAW

8726 Old C.R. 54 Suite D New Port Richey, FL 34653

Phone: (727) 376-7300 Fax: (727) 376-7337

#203

SENT VIA CERTIFIED U.S. MAIL

September 24, 2007

John Myer, DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd. Suite 100
Pinellas Park, Florida 33782

Brenda Winingham
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Michael LaSala, DRI Coordinator
Growth Management
West Pasco Government
7530 Little Road, Suite 320
New Port Richey, Florida 34654

RE: BEACON WOODS EAST (DRI 79/203)

Dear Sirs:

As I am sure you already know, the 2007 Growth Management Bill (HB 7203) recently approved by the Florida Legislature and signed by Governor Crist amended Section 380.06 (19)(c), Florida Statutes to authorize a three year extension for all phase, build-out and expiration dates of any development of regional impact under active construction as of July 1, 2007.

More specifically, Section 380.06(19)(c), Florida Statutes, was amended to include the following language:

In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

This letter is written to inform Pasco County and the Tampa Bay Regional Planning Council that the Beacon Woods East DRI was under active construction as of July 1, 2007 and that such construction has been ongoing and continuous since well before that date to the date of this correspondence. As a result, it is our understanding the build-out

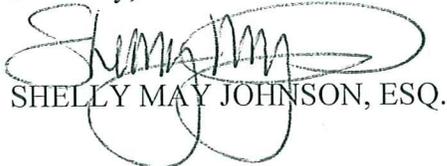
date is extended from December 15, 2008 to December 15, 2011. We also understand a similar three year extension is equally applicable to the expiration date for Beacon Woods East, which would be extended from December 15, 2008 to December 15, 2011.

It is our further understanding that all these extensions have taken effect by operation of law and no further action, such as the filing of an NOPC, is required on the part of Beacon Woods East to implement the changes. It should also be noted that Section 8 of the current Development Order provides, in pertinent part, that "any delay in the build-out date beyond December 15, 2008 shall require a new transportation analysis, in accordance with Section 380.06, F.D., as the basis for a development order amendment which may include a re-evaluation of required transportation mitigation." However, since the language of HB 7203 clearly states the statutory extensions are not subject to further development-of-regional impact review it is our understanding the law requires no new analysis under Section 380.06, F.S.

We also understand there are ongoing discussions taking place throughout the state as to whether the legislature intended the statutory extensions be subject to any further mitigation requirements; however, the ultimate resolution of the issue should not affect Beacon Woods since existing DRI's whose phase dates have not expired continue to be exempt from the County's Concurrency Management Ordinance pursuant to Section 402.6 C. of the Pasco County Land Development Code. Thus, no additional local concurrency requirements should be applicable through the new build-out date for Phase III, December 15, 2011.

Should you have any questions or concerns with the information set forth above please do not hesitate to contact me.

Sincerely,



SHELLY MAY JOHNSON, ESQ.

Cc: D.R. Horton Homes, Inc.



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (727) 847-8193
FAX (727) 847-8084

GROWTH MANAGEMENT DEPARTMENT
WEST PASCO GOVERNMENT CENTER
7530 LITTLE ROAD, SUITE 320
NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 30, 2005

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

RE: Beacon Woods East - DRI No. 203

Dear Mr. Meyer:

Enclosed, please find a certified copy of the Beacon Woods East Development of Regional Impact (DRI No. 203) Development Order (DO) Amendment (Resolution No. 06-22), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. The Pasco County Board of County Commissioners approved this DO amendment on November 8, 2005. Please contact me if you have any questions.

Sincerely,

Kathleen H. Teague
Planner II

KHT/kht

cc: Shelly May Johnson, Esq., Figurski & Harrill, The Oaks at Perrine Ranch, 2550 Permit Place
New Port Richey, Florida 34655
Michael McDaniels, Administrator, State Planning Initiative, 2555 Shumard Oak Boulevard
Tallahassee, Fl. 32399-2100
Samuel P. Steffey II, Growth Management Administrator
Michael LaSala, AICP, Senior Planner, DRI Coordinator
File

BY COMMISSIONER _____

RESOLUTION NO. 06-22

**BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION**

RESOLUTION AMENDING RESOLUTION NO. 82-147, AS AMENDED, TO APPROVE REVISIONS TO THE DEVELOPMENT ORDER FOR THE BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT NO. 203, AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted Resolution No. 82-147 approving with conditions, the Beacon Woods East DRI and granting development approval for 4,483 dwelling units; 300,000 square feet of office; 390,000 square feet of commercial; and miscellaneous recreational, public, and open space status (Resolution No. 82-147, and all amendments thereto, are hereinafter individually and collectively referred to as "DRI/DO," "DO," or "Development Order"); and

WHEREAS, on October 19, 1982, the Board of County Commissioners of Pasco County adopted Resolution No. 82-167 and approved amendments to DRI/DO to amend transportation conditions; and

WHEREAS, on August 30, 1983, the Board of County Commissioners of Pasco County adopted Resolution No. 83-153 approving with conditions an amendment increasing the total dwelling unit count, and granting the County Administrator authority to review and approve non-substantial amendments; and

WHEREAS, on March 3, 1987, the Board of County Commissioners of Pasco County adopted Resolution No. 87-108 and approved amendments to DRI/DO to incorporate land use changes and revised approval conditions; and

WHEREAS, on May 24, 1988, the Board of County Commissioners of Pasco County adopted Resolution No. 88-203 thereby revising Map H to provide increases in single-family acreage and units with corresponding decreases in multifamily acreage/units (no net increase in units) and increasing the acreage designated as golf course; and

WHEREAS, on April 25, 1989, the Board of County Commissioners of Pasco County adopted Resolution No. 89-160, and amended DRI/DO to establish a security fund to provide financing for the widening of Hudson Avenue and/or Little Road within the project until such time as the County determined that the developer's obligation for such widening has been satisfied; and

WHEREAS, on February 27, 1990, the Board of County Commissioners of Pasco County adopted Resolution No. 90-91, a DRI Substantial Deviation, which incorporated previous non-substantial DRI changes, increased commercial acreage to 53.7 acres (no floor-area increase), revised special protection areas, extended the build-out date to 1994, and changed the type and configuration of conservation areas; and

WHEREAS, on July 26, 1994, the Board of County Commissioners of Pasco County adopted Resolution No. 94-277, which extended the project build-out date from the original date of December 31, 1992 to December 15, 1997, and extended the duration of DRI/DO until December 15, 1997; and

WHEREAS, on April 27, 1999, the Board of County Commissioners of Pasco County adopted Resolution No. 99-161, which extended the project build-out date from the amended date of December 15, 1997, to December 15, 1999, and extended the duration of DRI/DO until December 15, 1999; and

WHEREAS, on September 4, 2002, the Board of County Commissioners of Pasco County adopted Resolution No. 02-241 which extended the build-out date from the amended build out date of December 15, 1999 to December 15, 2005 and to extend the duration of DRI/DO until December 15, 2005 for the 3.25 acre Huntley Parcel only; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, on June 4, 2004, the Milton and Pat Gottlieb Trust, ("Developer") filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact ("NOPC") requesting the following:

1. A nine (9) year extension of the Build-out Date and Duration Date for the entire development from December 15, 1999 to December 15, 2008, resulting in a cumulative extension of the Build-out Date by 16 years, 4 months, and 15 days and a cumulative extension of the Duration Date by 14 years, 4 months, and 15 days for the Beacon Woods East DRI No. 203; and

2. A reduction in the following development entitlements:

a. Reduce the Total Number of Residential Units (Single-Family and Multi-Family Units) from 4,100 units to 3,132 units (a reduction of 968 units) as follows: A 155 unit reduction in Single Family units and a 813 unit reduction in Multi-Family units.

b. Reduce the Total Number of Phase 3 Residential Units (Single-Family and Multi-Family Units) from 2,866 units to 634 units (a reduction of 2,232 units) as follows: A 1,419 unit reduction in Single Family Units and an 813 unit reduction in Multi-Family units.

c. Reduce Total Commercial square footage from 380,000 sq. ft. to 193,250 sq. ft. (a reduction of 186,750 sq. ft.);

d. Reduce Commercial Square Footage for Phase III from 380,000 sq. ft. to 91,450 sq. ft. (a reduction of 288,550 sq. ft.);

e. Reduce the Total Office Square Footage from 390,000 sq. ft. to 130,000 sq. ft. (a reduction of 260,000 sq. ft.);

f. Reduce Office Square Footage for Phase III from 390,000 sq. ft. to 73,500 sq. ft. (a reduction of 316,500 sq. ft.); and

3. Identification of alternative transportation mitigation measures as specified herein (collectively, the "Proposed Change"); and

WHEREAS, the Commission, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider amendments to DRIs; and

WHEREAS, the Commission has reviewed the NOPC, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, the culmination of that review, pursuant to Section 380.06(19), F.S. requires the approval, approval with conditions, or denial of the above referenced NOPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session, duly assembled, this 8th day of November 2005, that:

The NOPC for the Beacon Woods East DRI is approved with conditions, as set forth in the following DRI/DO amendment, which is hereby adopted by the Board of County Commissioners.

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT

1. Introduction. This Resolution shall constitute an amendment to the Development Order.

2. General Findings of Fact. The Board County Commissioners makes the following general Findings of Fact:

a. The Development Order is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described on Exhibit "B" attached hereto and incorporated herein.

b. Milton and Pat Gottlieb Trust, hereinafter referred to as the "Applicant" or "Developer," has filed in accordance with Subsection 380.06(19), F.S., an application for a NOPC and associated Responses to Requests for Additional Information, the sum total of which shall be referred to as the "Application".

c. The Revised change to the development order will amend the following: 1) Section B.12.c of Resolution 82-147 by revising Alternative II, the applicant's chosen Transportation Mitigation Alternative, to identify alternative transportation mitigation measures as specified below; 2) Section C of Resolution 82-147 by reducing development entitlements as indicated below; and 3) Section F of Resolution 82-147 to extend by nine (9) years the entire development's Build-out Date and Development Order expiration date from December 15, 1999 to December 15, 2008, resulting in a cumulative 18 year build-out extension for Beacon Woods East DRI No. 203.

d. The nature, type, scope, intensity, density, costs, and general impact of the NOPC for the Beacon Woods East DRI, in part, are those that are summarized in Composite Exhibit A, the Application. Exhibit A is incorporated into this amended DO by reference and is on file with the Pasco County Growth Management Department.

e. The real property encompassed by the Beacon Woods East DRI is owned by Milton and Pat Gottlieb Trust, and a description of the real property is attached hereto as Exhibit B ("the Property") which is made a part of this amended DO.

f. The Pasco County Comprehensive Plan Future Land Use Map classification for the Property subject to the NOPC is RES-6 (Residential-6 du/ga). The proposed development is consistent with the applicable provisions of the RES-6 (Residential-6 du/ga) classification and other applicable Goals, Objectives and Policies of the Comprehensive Plan.

g. On February 14, 2005, the TBRPC notified Pasco County that the NOPC was considered and an NOPC Report was approved with conditions during its February 14, 2005 meeting.

h. The Board of County Commissioners scheduled and held a public hearing on the NOPC on November 8, 2005.

i. Notice of the hearing has been published in accordance with Section 380.06, Florida Statutes.

j. At the public hearing, all parties were afforded the opportunity to present evidence and argument on all issues, and submit rebuttal evidence.

k. Additionally, at the public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.

l. The Board of County Commissioners has received and considered the TBRPC NOPC Report regarding the above referenced Application.

m. The Board of County Commissioners has received and considered various other reports and information including, but not limited to, the recommendation of the Pasco County Growth Management Department and the Pasco County Development Review Committee (DRC).

3. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

a. This NOPC will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan applicable to the area encompassed by the amended Development Order.

b. As conditioned, this amended DO addresses issues raised consistent with the report and recommendations of the TBRPC.

c. As conditioned, this amended DO is consistent with the applicable provisions of the Pasco County Land Development Code (local land development regulations).

d. As conditioned, this amended DO is consistent with the applicable provisions of the adopted Pasco County Comprehensive Plan (the Comprehensive Plan).

e. The land that is the subject of this amended DO is not in an Area of Critical State Concern.

f. As conditioned, this amended DO is consistent with the applicable provisions of the adopted State Comprehensive Plan.

g. The above-referenced proposed change to the Beacon Woods East DRI No. 203 is presumed to be a substantial deviation as defined by Section 380.06(19)(c), F.S. However, the applicant has

submitted sufficient information to rebut the presumption of a substantial deviation and, therefore, does not require further DRI review pursuant to Chapter 380.06(19) F.S., as amended.

4. Approval Stipulations

a. The requirements of and conditions contained in the amended DO shall regulate the development of the Property described in Exhibit B. Following the adoption of the amended DO, all plans for development on this Property shall be consistent with the conditions and restrictions recited therein. Such conditions shall be binding upon all Applicant's/Developer's successors in interest to the Property.

In the event the Pasco County Administrator or his designee determines that a violation of the provisions hereof has occurred, the Pasco County Administrator or his designee may issue a Notice of Noncompliance to the Applicant/Developer. If non-compliance is not cured by the date stated in the notice of noncompliance, the County Administrator or his designee may require that all development related to the violation shall cease until the violation has been corrected. The "Applicant" or "Developer" may appeal the determination to the Board of County Commissioners pursuant to Article 317 of the Pasco County Land Development Code. Notwithstanding the foregoing, violations of the Development Agreement shall be addressed in accordance with the provisions of the Development Agreement.

b. All development specifically authorized by this amended DO shall be carried out in accordance with the provisions hereof. Adverse impacts shall be mitigated as specified in this DO.

c. Development of the Beacon Woods East DRI shall also be governed by the standards and procedural provisions of the Comprehensive Plan. Land development regulations shall be applied in a manner that is consistent with Section 163.3194(1)(b), F.S and the Land Development Regulations. Conflicts between the land development regulations and this DO shall be resolved in accordance with applicable law.

5. Order

Having made the above findings of Fact and drawn the above conclusions of law, it is ordered that the Development Order and Map H are hereby amended as follows:

a. Master Development Plan, Map H (Exhibit "C"), which was last amended by Section C.1.c of Resolution 90-91, is hereby amended to revise the Development Program Table to reflect the reduction in development entitlements and depict those parcels being affected by the reduction.

b. Section B.12.c (5) of Resolution 82-147 is hereby amended as follows:

ALTERNATIVE II

(5) If implemented, this alternative shall serve to fully discharge the developer's responsibility to offset the transportation system impacts for any construction completed as of the adoption date of this Development Order. Approval of Preliminary Plans, Preliminary Site Plans, Construction Plans, and/or Plats occurring after the adoption date of this Development Order shall be subject to the provisions of the County's Access Management Regulations and the Transportation Mitigation provisions stipulated below.

(6) Access Management: The Developer shall be responsible for construction of the access improvements as identified below in subparagraphs (a) through (i), and as depicted in Exhibit D entitled "Beacon Woods East Site Access Intersection Improvements".

(a) At Hudson Avenue/Aquaclara Drive intersection construct an eastbound left turn lane.

(b) At Hudson Avenue/Parcel C2A construct an eastbound left turn lane.

(c) At Hudson Avenue/Parcel C2C construct a westbound left turn lane.

(d) At Hudson Avenue/ Huntley Parcel C2 construct a westbound left turn lane.

(e) At Hudson Avenue/Parcel P1A and P1B construct a westbound left turn lane.

(f) At Hudson Avenue/Parkview construct a westbound left turn lane.

(g) At Little Road/Parcel C2A construct a northbound left turn lane.

(h) At Little Road/Parcel C2C South Drive construct a southbound left turn lane and signalize when warranted by MUTCD.

(i) Other access-related improvements as required by the County's Access Management Ordinance as determined at the time of preliminary site plan approval.

Construction of the above referenced improvements shall occur prior to or concurrent with vertical construction of the portions of the project necessitating such improvements, as determined by the County and FDOT at the time of preliminary site plan approval and/or at the time of issuance of access permits for the project. All access improvements, number of access points and spacing of access points shown on Attachment D shall be subject to compliance with the provisions of the Florida Department of Transportation (FDOT) and Pasco County's access management regulations. All preliminary site plans shall be subject to review and approval by the Pasco County Metropolitan Planning Organization (MPO) for compliance with access management regulations.

(7) Mitigation: Within 60 days of adoption of the Development Order, the Developer shall pay to the Pasco County Board of County Commissioners the sum of Nine Hundred Thirty-Four Thousand, Four Hundred and Thirty-Nine and 00/100 Dollars (\$934,439.00) as their "Proportionate Share" in 2005 dollars for the mitigation of the Beacon Woods East DRI Phase III transportation impacts. The County will use the funds to expeditiously design, permit, construct, and acquire right-of-way (where necessary) for an East-bound Right Turn Lane and a North-bound Right Turn Lane at the Little Road/Hudson Avenue intersection and the construction of a West-bound Left Turn Lane and an East-bound Right Turn Lane at the intersection of U.S. 19 and Hudson Avenue as identified in Attachment E, entitled "Beacon Woods East DRI Proportionate Share Cost Calculations." The Developer shall not be eligible for Impact Fee Credits for these improvements or the required Proportionate Share payment.

(8) Pasco County, FDCA, and TBRPC agree that the current transportation mitigation for Phase III adequately addresses all Phase III impacts, however any delay in the build-out date beyond

December 15, 2008, shall require a new transportation analysis, in accordance with Section 380.06, F.S., as the basis for a DO Amendment which may include re-evaluation of required transportation mitigation.

c. Section C of Resolution 82-147 entitled "Specific Conditions Restricting Development" is hereby amended as follows:

(1) Phasing Schedule and Approvals

(a) Any change to the project which departs significantly from the below referenced parameters set forth in the phasing schedule below shall require a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes.

DRI #203 – PHASING SCHEDULE (BUILD-OUT 1999 2008)						
Area/Use	Existing	Phase I (1981-82)	Phase II (1983-87)	Phase III (1988-08)		
					Total	Unit
Residential						
Single-Family	2498			90	2,588	DU**
Multifamily Condominium and Townhouse Units				544	544	
Nursing Home Beds	120			30	150	DU
Residential Subtotal	2,618			634	3,132	DU
Commercial	101,800			91,450	193,250	SF***
Professional Office	56,500			73,500	130,000	SF
Community Service			6		6	A****
Library	32,000		32,000		32,000	SF
Recreation/Open Space						
Golf Course/ Rec. Center	122.7				122.7	A
Club House	14,000				14,000	SF
Parks	21.6.				21.6	A
Open Space Corridor	40.4		40.4		40.4	A
Buffers	10.0		10.0		10.0	A
Conservation	40.0				40.0	A
Lakes	27.9		27.9		27.9	A

** Dwelling Units
 *** Square Feet
 **** Acres

d. Amended Section F.2 of Resolution 82-147, "Duration" is hereby amended as follows:

(2) The duration of this DO shall remain in effect until December 15, 2008, provided

that the effective date may be extended by the Board upon a showing of good cause.

6. Notice of Adoption

a. A Notice of Adoption of this Resolution, attached here to as Exhibit "F," shall be filed and recorded in the Public Record of Pasco County, Florida, within thirty (30) days of the adoption of this resolution and in accordance with Section 380.06(14)(a), F.S., as amended.

b. The Clerk of the Board of County Commissioners shall return five (5) signed and certified copies of this DO and the Notice of Adoption, and one executed Notice of Adoption to the Pasco County Growth Management Department. The Pasco County Growth Management Department shall then send copies of each document to the FDCA, TBRPC, and to attorneys of record in these proceedings.

c. The DO shall be deemed rendered upon transmittal of copies to all recipients identified in Chapter 380, F.S.

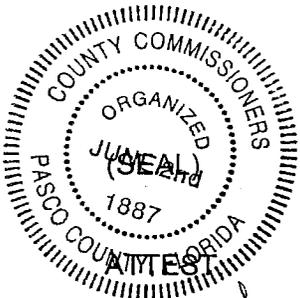
7. Severability

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 the section, subsection, sentence, clause, or provision, and shall not be affected by such holding, unless the removal of such section, subsection, sentence, clause, or provision would frustrate the intent of the Board of County Commissioners in adopting this amended Development Order.

8. Effective Date

This Resolution shall take effect when rendered in accordance with Section 380.06, F.S.

DONE AND RESOLVED THIS 8th DAY OF November 2005.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: [Signature]
JED PITTMAN, CLERK

By: [Signature]
CHAIRMAN

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

APPROVED
NOV 08 2005

By: [Signature]
Attorney

STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGE(S) 1-19 OF 19 PAGES
OF THE ORIGINAL OF RECORD IN MY
OFFICE. WITNESS MY HAND AND THE
COUNTY'S OFFICIAL SEAL THIS
14th of November, 2005
JED PITTMAN, CLERK TO THE BOARD
BY: [Signature] D.C.

EXHIBIT A

NOPC Application

*This exhibit is not attached, but is incorporated by reference into the Development Order.
Copies are on file at the Pasco County Growth Management Office

EXHIBIT B

Legal Description

EXHIBIT B

Legal Description for Beacon Woods East DRI No. 203

PARCEL 1:

BEGIN AT NORTHWEST CORNER OF SECTION 35, THENCE SOUTH 43°39'12" EAST, 682.26 FEET, THENCE SOUTH 46°20'48" WEST 453.00 FEET, THENCE SOUTH 43°39'12" WEST 625.00 FEET, THENCE SOUTH 46°20'48" WEST 214.50 FEET, THENCE ALONG SAID ARC OF CURVE TO THE LEFT HAVING A RADIUS 721.29 FEET CHORD BEARING AND DISTANCE SOUTH 31°59'09" WEST 357.81 FEET, THENCE NORTH 72°22'32" WEST, 30.00 FEET, THENCE SOUTH 16°05'57" WEST, 40.00 FEET, THENCE SOUTH 72°25'35" EAST 30.00 FEET, THENCE ALONG SAID ARC OF CURVE TO THE LEFT HAVING A RADIUS 721.29 FEET CHORD BEARING SOUTH 09°27'38" WEST 128.56 FEET, THENCE SOUTH 04°20'51" WEST 11.62 FEET, THENCE ALONG SAID ARC OF CURVE TO THE RIGHT HAVING A RADIUS 330.00 FEET CHORD BEARING SOUTH 24°50'06" WEST 231.00 FEET, THENCE SOUTH 45°19'22" WEST 127.14 FEET, THENCE NORTH 00°15'27" WEST 2184.45 FEET, TO THE POINT OF BEGINNING, PASCO COUNTY, FLORIDA.

PARCEL 2:

COMMENCE AT NORTHWEST CORNER OF SECTION 34 THENCE SOUTH 00°15'26" EAST, 2184.46 FEET, THENCE SOUTH 45°19'22" WEST 167.89 FEET TO THE NORTHERLY RIGHT OF WAY BODY OF FIVAY ROAD, THENCE NORTH 44°40'59" WEST 2059.34 FEET, THENCE 132.08 FEET ALONG SAID ARC OF CURVE TO THE RIGHT HAVING A RADIUS 960.00 FEET CHORD 131.97 BEARING NORTH 40°53'04" WEST, THENCE NORTH 46°53'04" EAST 427.35 FEET, THENCE NORTH 00°38'04" EAST 450.87 FEET TO THE NORTH BOUNDARY OF SECTION THENCE ALONG THE NORTH BOUNDARY, SOUTH 89°47'58" EAST 1326.87 FEET TO THE POINT OF BEGINNING EXCEPT THAT PART OF PARK-VIEW PLACE PHASE 1, PLAT BOOK 29, PAGE 78 LYING THEREIN AND EXACT, COMMENCE AT THE NORTHEAST CORNER OF SECTION THENCE NORTH 89°47'58" WEST 633.57 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 46°20'48" EAST 101.17 FEET, THENCE SOUTH 89°44'24" WEST 130.00 FEET, THENCE SOUTH 57°18'35" WEST 114.58 FEET, THENCE SOUTH 89°47'58" EAST ALONG THE NORTH BOUNDARY OF SECTION 427.29 FEET TO THE POINT OF BEGINNING, PASCO COUNTY, FLORIDA.

PARCEL 3:

BEGIN AT SOUTHWEST CORNER OF SECTION 27, THENCE NORTH 89°47'58" WEST, 633.57 FEET, THENCE NORTH 46°20'48" EAST 6.87 FEET, THENCE NORTH 43°39'12" EAST 220.24 FEET, THENCE NORTH 46°20'48" EAST 425.00 FEET, THENCE 39.27 FEET ALONG SAID ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET CHORD 35.36 FEET BEARING SOUTH 88°39'12" THENCE SOUTH 43°39'12" EAST 144.23 FEET, THENCE SOUTH 46°20'48" WEST 30.00 FEET, THENCE SOUTH 43°39'12" EAST 50.00 FEET, THENCE NORTH 46°20'48" EAST 30.00 FEET, THENCE SOUTH 43°39'12" WEST 439.96 FEET TO THE POINT OF BEGINNING, PASCO COUNTY, FLORIDA.

70.56 ACRES MORE OR LESS

BEACON WOODS NORTH OF HUDSON AVE

PARCEL 1:

ASSESSED IN SECTION 26, TOWNSHIP 24 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA.

COMMENCE AT SOUTHWEST CORNER OF SECTION THENCE NORTH 00°35'25" EAST, 2651.12 FEET, THENCE SOUTH 89°35'16" EAST, 2870.48 FEET, THENCE SOUTH 43°33'53" WEST 219.32 FEET, THENCE SOUTH 34° 06'08" WEST 180.28 FEET, THENCE SOUTH 26°58'38" WEST, 301.87 FEET THENCE SOUTH 17°25'59" WEST, 156.75 FEET, THENCE NORTH 64°29'57" WEST 115 FEET FOR THE POINT OF

BEGINNING, THENCE SOUTH 25°30'03" WEST 80.84 FEET, THENCE 97.94 FEET ALONG SAID ARC OF CURVE TO THE RIGHT HAVING A RADIUS 325 FEET, CHORD SOUTH 34°08'04" WEST 97.57 FEET, THENCE SOUTH 19°10'33" WEST, 782.10 FEET, THENCE 119.26 FEET ALONG SAID ARC CURVE TO THE LEFT HAVING A RADIUS OF 225 FEET CHORD, SOUTH 03°59'26" WEST 117.87 FEET, THENCE SOUTH 11°11'41" EAST 130.78 FEET THENCE SOUTH 78°48'19" WEST 320.53 FEET THENCE NORTH 11°11'41" WEST 160 FEET, THENCE NORTH 78°48'19" EAST, 42.53 FEET, THENCE NORTH 01°52'13" WEST 97.55 FEET, THENCE NORTH 19°10'33" EAST 61.77 FEET, THENCE NORTH 72°26'53" WEST 129.31 FEET, THENCE NORTH 27°00'00" WEST 17.71 FEET, THENCE 289.38 FEET ALONG SAID ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 445 FEET CHORD NORTH 08°22'13" WEST 284.31 FEET, THENCE NORTH 10°15'35" EAST 314.30 FEET, THENCE NORTH 72°43'04" EAST 422.13 FEET, THENCE NORTH 62°09'16" EAST 148.36 FEET, THENCE SOUTH 40°16'48" EAST 108.29 FEET, THENCE 86.01 FEET ALONG ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 2756 FEET CHORD NORTH 34°27'41" EAST 85.66 FEET, THENCE NORTH 25°30'03" EAST 80.84 FEET, SOUTH 64°29'57" EAST 50 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCE AT SOUTH CORNER OF SOUTHWEST 1/4 OF SECTION THENCE SOUTH 89°42'55" EAST, 1419.20 FEET, THENCE NORTH 00°54'48" EAST 704.49 FEET, THENCE NORTH 78°48'19" EAST 288.70 FEET, THENCE NORTH 11°11'41" WEST 160 FEET, THENCE NORTH 78°48'19" EAST 42.53 FEET, THENCE NORTH 01°52'13" WEST 97.55 FEET, THENCE NORTH 19°10'33" EAST 61.77 FEET THENCE NORTH 72°26'53" WEST 129.31 FEET, THENCE NORTH 27°00'00" WEST 17.71 FEET, THENCE 289 FEET ALONG SAID ARC OF CURVE TO THE RIGHT HAVING A RADIUS 445 FEET, CHORD BEARING AND DISTANCE OF NORTH 08°22'13" WEST 284.31 FEET, THENCE NORTH 10°15'35" EAST, 314.30 FEET, THENCE NORTH 72°43'04" EAST 442.13 FEET, THENCE NORTH 62°09'16" EAST 148.36 FEET, THENCE SOUTH 40°16'48" EAST 108.29 FEET, THENCE 86.01 FEET ALONG SAID ARC OF CURVE LEFT HAVING A RADIUS 275 FEET, CHORD NORTH 34°27'41" EAST 85.66 FEET, THENCE NORTH 25°30'03" EAST 80.84 FEET, 40°16'48" FOR A POINT OF BEGINNING, THENCE NORTH 64°29'57" WEST, 265.15 FEET, THENCE NORTH 77°20'30" WEST 275 FEET, THENCE NORTH 12°39'30" EAST 263.58 FEET, THENCE NORTH 24°26'42" EAST 253.65 FEET, THENCE SOUTH 89°35'16" EAST 929.58 FEET, THENCE SOUTH 43°33'53" WEST 219.32 FEET, THENCE SOUTH 34°06'08" WEST 180.28 FEET, THENCE SOUTH 26°58'38" WEST 301.87 FEET, THENCE SOUTH 17°25'59" WEST 156.65 FEET, THENCE NORTH 64°29'57" WEST 165 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 3:

COMMENCE AT SOUTHWEST CORNER OF SECTION THENCE NORTH 00°35'25" EAST, 821.92 FEET FOR A POINT OF BEGINNING, THENCE NORTH 00°35'25" EAST 1829.20 FEET, THENCE SOUTH 89°35'16" EAST 1940.90 FEET, THENCE SOUTH 24°26'42" WEST 253.65 FEET, THENCE SOUTH 12°39'30" WEST 263.58 FEET, THENCE NORTH 77°20'30" WEST 185 FEET, THENCE NORTH 37°48'04" WEST 140 FEET THENCE NORTH 89°35'16" WEST 365.07 FEET, THENCE SOUTH 14°57'33" EAST 300.76 FEET, THENCE SOUTH 20°07'22" EAST 402.95 FEET, SOUTH 10°41'21" WEST 462.67 FEET, THENCE SOUTH 06°19'27" SOUTH 06°19'27" WEST 372.83 FEET, THENCE NORTH 83°40'33" WEST, 141.63 FEET, THENCE SOUTH 62°18'06" WEST 128.49 FEET, THENCE SOUTH 30°50'16" WEST 151.29 FEET, THENCE SOUTH 72°10'14" WEST 329.84 FEET, THENCE SOUTH 89°10'54" WEST 128.09 FEET, THENCE NORTH 33°07'09" WEST 244.12 FEET, THENCE NORTH 69°17'53" WEST 260.33 FEET, THENCE SOUTH 85°50'39" WEST 102.92 FEET MORE OR LESS TO THE POINT OF BEGINNING.

85.55 ACRES MORE OR LESS

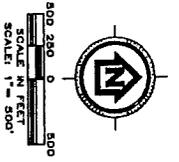
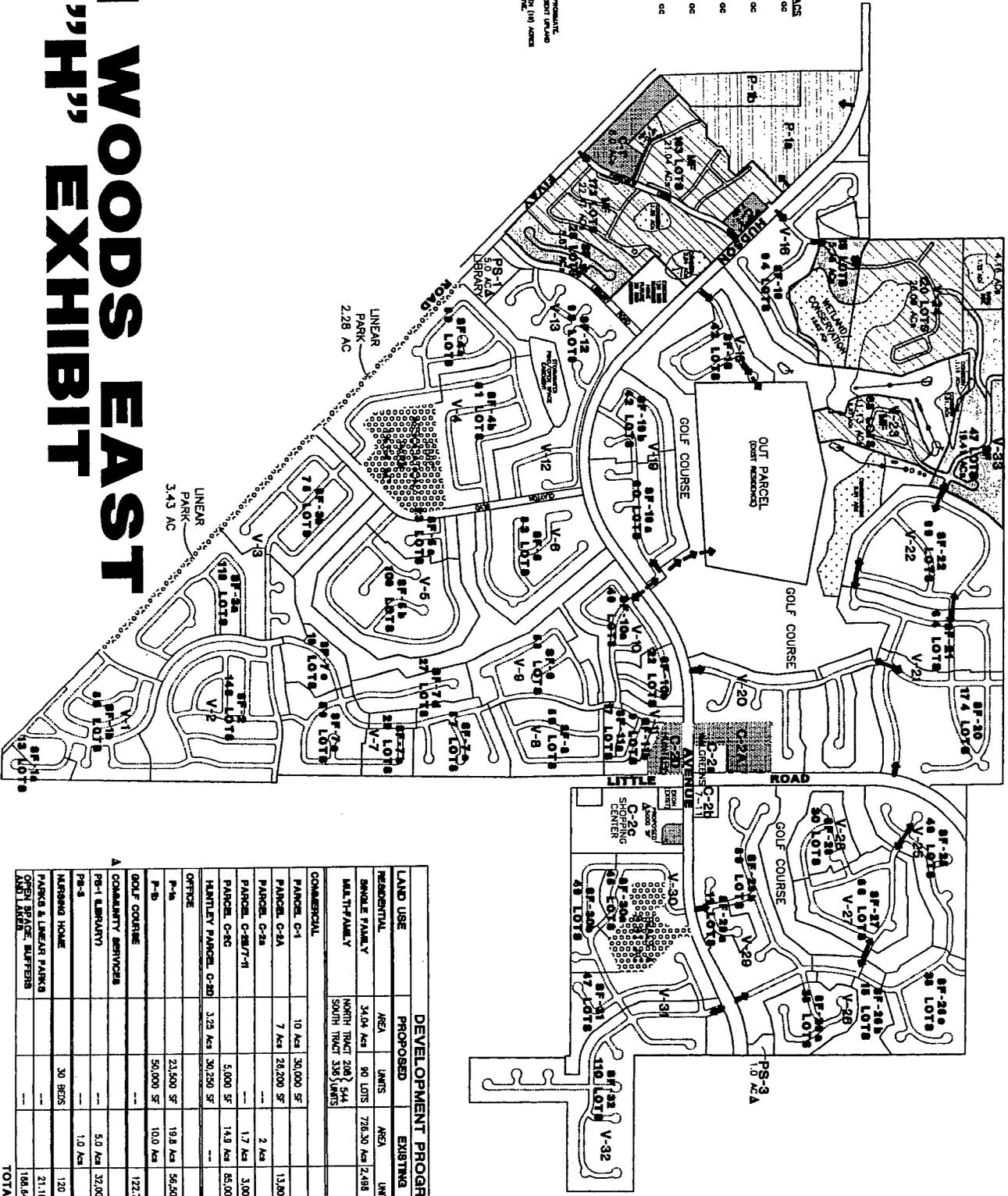
EXHIBIT C

Map H

LEGEND

[Symbol]	PROPOSED SINGLE FAMILY RESIDENTIAL (DAILY NORTH-SOUTH + EAST-SOUTH-WEST)	34.04 ac
[Symbol]	PROPOSED MULTI-FAMILY (DAILY NORTH-SOUTH + EAST-SOUTH-WEST)	62.70 ac
[Symbol]	PROPOSED COMMERCIAL (DAILY NORTH-SOUTH + EAST-SOUTH-WEST)	10.00 ac
[Symbol]	WETLANDS/CONSERVATION (DAILY NORTH-SOUTH + EAST-SOUTH-WEST)	20.62 ac
[Symbol]	RIGHT OF WAY (DAILY NORTH-SOUTH + EAST-SOUTH-WEST)	2.46 ac
[Symbol]	OFFICE SPACE (P-1, P-1A)	

NOTES:
 1. ALL LOT LINES, CORNERS OF PROPOSED/EXISTING/CONSERVED ARE APPROXIMATE.
 2. EXISTING WETLANDS, LOCATED AND APPROXIMATELY SHOWN TO BE CONTAINED WITHIN THE PROPOSED DEVELOPMENT, ARE SHOWN TO BE CONTAINED WITHIN THE PROPOSED DEVELOPMENT.
 3. ALL LOT LINES, CORNERS OF PROPOSED/EXISTING/CONSERVED ARE APPROXIMATE.
 4. ALL LOT LINES, CORNERS OF PROPOSED/EXISTING/CONSERVED ARE APPROXIMATE.
 5. ALL LOT LINES, CORNERS OF PROPOSED/EXISTING/CONSERVED ARE APPROXIMATE.



BEACON WOODS EAST MAP "H" EXHIBIT

REVISIONS

BY	DATE	DESCRIPTION
...

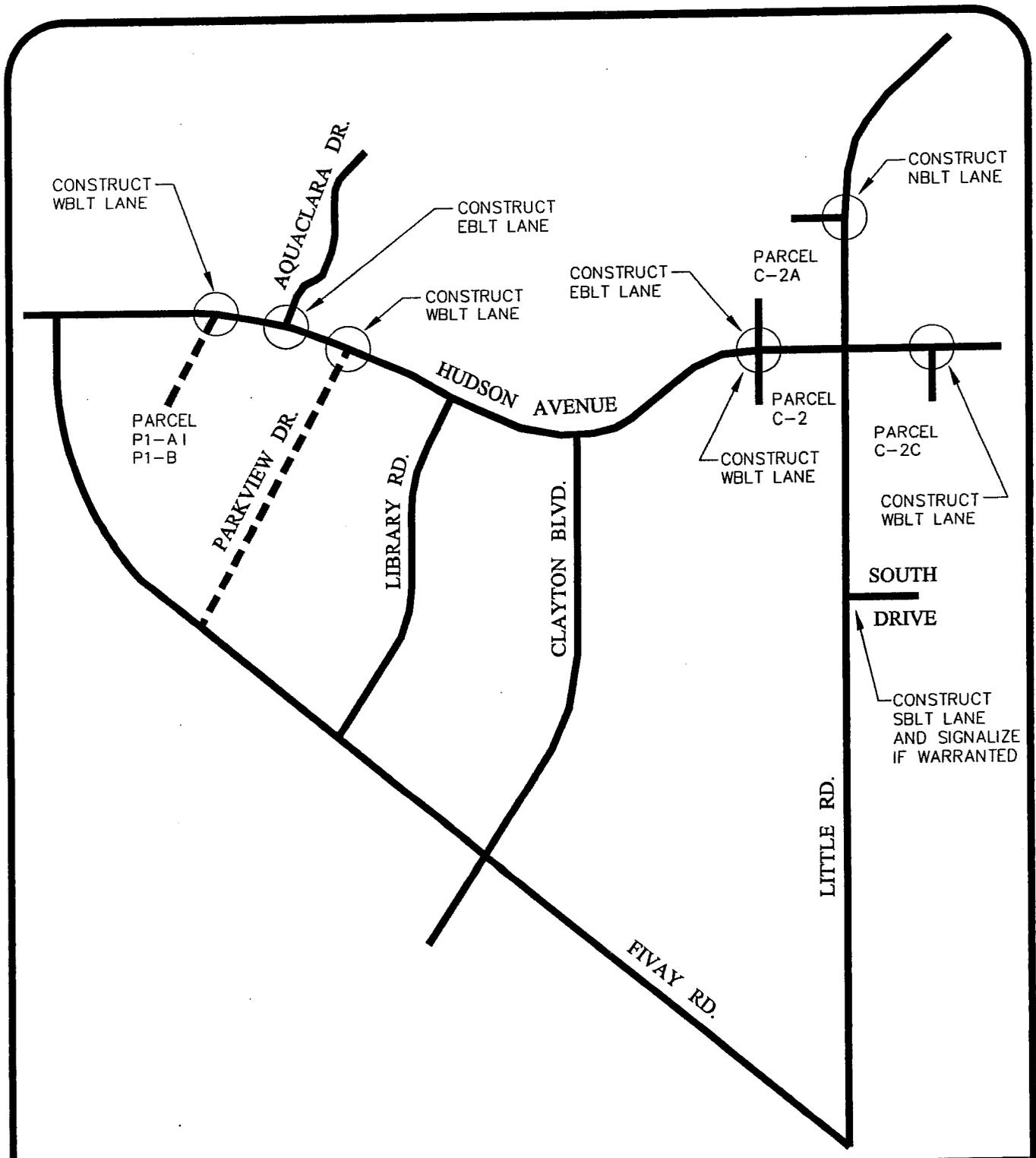
DEVELOPMENT PROGRAM

LAND USE	PROPOSED		EXISTING		PROJECT TOTAL	
	AREA	UNITS	AREA	UNITS	ACRES	UNITS
RESIDENTIAL	34.04 AC	90 LOTS	78.30 AC	2,488 LOTS	78.34 AC	2,588 LOTS
MULTI-FAMILY	NORTH TRACT 208 544 SOUTH TRACT 338 544				106.76 AC	544 UNITS
COMMERCIAL						
PANCREL C-1	10 AC	30,000 SF				
PANCREL C-2A	7 AC	28,200 SF			13,800 SF	
PANCREL C-2B		2 AC			38.85 AC	
PANCREL C-2B/7-11		1.7 AC	3,000 SF			
PANCREL C-2C	5,000 SF		14.9 AC	85,000 SF		
HUNTLEY PANCREL C-2D	3.25 AC	30,250 SF			19,120 SF	
OFFICE						
P-1A	23,500 SF	19.8 AC	56,500 SF		29.80 AC	
P-1B	50,000 SF	100 AC			130,000 SF	
GOLF COURSE					122.7 AC	
COMMUNITY SERVICES						
PS-1 (LIBRARY)	5.0 AC	32,000 SF			6.0 AC	32,000 SF
PS-3	1.0 AC					
MARRIAGE HOME	30 BEDS		120 BEDS		6.5 AC	150 BEDS
PARKS & LINEAR PARKS					21.16 AC	
OPEN SPACE BUFFERS					21.16 AC	
TOTAL					1281.8 AC	

EXHIBIT D

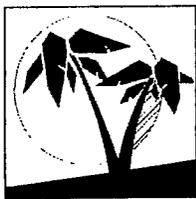
Beacon Woods East Site Access Intersection Improvements

Y:\PASCO\Beacon Woods East DRI NOPC (03-034)\TRAFFICCOUNTS\Intersection Improvements.dwg, 8.5 x 11, 9/23/2005 8:32:14 AM, Adobe PDF



**BEACON WOODS EAST
SITE ACCESS INTERSECTION IMPROVEMENTS**

PROJECT NO:
03-034



Gulf Coast Consulting, Inc.
Land Development Consulting

DATE:
9/2005

DRAWN BY:
G.J.S.

FIGURE:

1

EXHIBIT E

Beacon Woods East DRI Proportionate Share Cost Calculations

BEACON WOODS EAST DRI
PROPORTIONATE SHARE COST CALCULATIONS

6/19/2005

ROADWAY SEGMENT	IMPROVEMENT	LENGTH	TOTAL CONSTRUCT. COST	ENGINEER COST	SCORE CREEP 20%	R/W COST	TOTAL COST	BEACON WOODS EAST PERCENT	BEACON WOODS EAST COST
US 19 / HUDSON AVENUE	ADD WB/LT	300 FT	\$47,631	\$14,289	\$15,490	\$47,631	\$125,031	10.24%	\$12,803
US 19 / HUDSON AVENUE	ADD EB/RT	300 FT	\$117,208	\$35,192	\$38,093	\$117,208	\$307,671	10.24%	\$31,508
RIDGE RD. (GALEN WILSON - BROAD ST.)	WIDEN TO 6LD	0.75 MILES	\$3,047,278	\$914,193	\$980,365	\$3,047,278	\$7,999,109	7.71%	\$819,731
LITTLE ROAD / SR 62	ADD EB/RT	300 FT	\$150,324	\$45,097	\$48,855	\$150,324	\$394,601	23.20%	\$91,547
LITTLE ROAD / SR 62	ADD WB/RT	300 FT	\$150,324	\$45,097	\$48,855	\$150,324	\$394,601	23.20%	\$91,547
LITTLE ROAD / HUDSON AVENUE	ADD EB/RT	300 FT	\$117,208	\$35,192	\$38,093	\$117,208	\$307,671	10.59%	\$32,592
LITTLE ROAD / HUDSON AVENUE	ADD NB/RT	300 FT	\$117,208	\$35,192	\$38,093	\$117,208	\$307,671	10.59%	\$32,592
US 19 / RANCH ROAD	ADD WB/LT	300 FT	\$47,631	\$14,289	\$15,490	\$47,631	\$125,031	5.81%	\$7,264
US 19 / RANCH ROAD	ADD EB/RT	300 FT	\$117,208	\$35,192	\$38,093	\$117,208	\$307,671	5.81%	\$17,876
TOTAL									\$934,439

NOTES: BEACON WOODS EAST COST = BEACON WOODS EAST PERCENT x TOTAL COST
CONSTRUCTION COSTS BASED ON 2006 FDOT TRANSPORTATION COSTS (MARCH 2005)
PRELIMINARY ENGINEERING AND CONSTRUCTION INSPECTION IS 30% OF CONSTRUCTION COST
R/W IS 100% OF CONSTRUCTION COST
RIDGE ROAD IMPROVEMENTS BASED ON ADDING 2 LANES AT A COST OF \$4,093,086 PER MILE FOR 0.75 MILES

INFLATION FACTORS

YEAR	PROP. SHARE WITH INFLATION
2006	1.03 \$862,472.23
2007	1.07 \$899,849.79
2008	1.11 \$1,087,227.35

EXHIBIT F

Notice of Adoption

NOTICE OF ADOPTION OF AN AMENDMENT TO THE
DEVELOPMENT ORDER FOR THE BEACON WOODS EAST
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. 06-22 dated Nov. 8, 2005 has adopted an amendment to the development order for a Development of Regional Impact known as Beacon Woods East (Resolution No. 82-147). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit "B" of the development order.

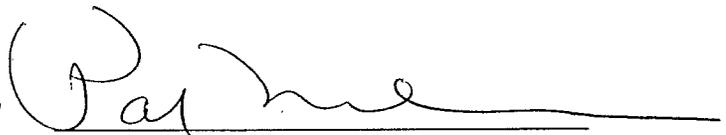
A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

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



BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA


JED PITTMAN, CLERK

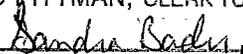

PAT MULIERI, Ed.D., CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

APPROVED

NOV 08 2005

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

BY: 
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGE(S) 1 OF 1 PAGES
OF THE ORIGINAL OF RECORD IN MY
OFFICE. WITNESS MY HAND AND THE
COUNTY'S OFFICIAL SEAL THIS
14th of November, 2005
JED PITTMAN, CLERK TO THE BOARD
BY  D.C.

#203 a



PASCO COUNTY, FLORIDA

FAX (727) 847-8084
DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (727) 847-8193

GROWTH MANAGEMENT DEPARTMENT
WEST PASCO GOVERNMENT CENTER
7530 LITTLE ROAD, SUITE 320
NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 2, 2003

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

RE: Beacon Woods East - DRI Nos. 79 and 203, DO Amendment

Dear Mr. Meyer:

Enclosed please find a certified copy of the Beacon Woods East Development of Regional Impact (DRI) Nos. 79 and 203, Development Order (DO) Amendment (Resolution No. 02-241), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. This DO amendment was approved by the Pasco County Board of County Commissioners on September 4, 2002.

Sincerely,

Kathleen H. Teague
Senior Planner

KHT/ltr/1010203/67a(1)

Enclosure

cc: Samuel P. Steffey II, Growth Management Administrator
File

A RESOLUTION AMENDING RESOLUTION NO. 82-147, AS AMENDED, REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL FOR THE BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted, by Resolution No. 82-147, a Development of Regional Impact/Development Order (DRI/DO) approving, with conditions, the Beacon Woods East DRI for the real property described in Exhibit "A" attached hereto; and,

WHEREAS, on January 3, 2002, Pasco County received a Notice of Proposed Change (NOPC) pursuant to Section 380.06(19), Florida Statutes, filed by Hardy H. Huntley, owner of a parcel of property within the Beacon Woods DRI, a legal description of which is attached hereto as Exhibit "B" ("The Huntley Parcel"); and,

WHEREAS, the NOPC application requested a six (6) year extension of the build-out date for the Huntley Parcel only to December 15, 2005, as well as a corresponding extension of the duration of DO to December 15, 2005, to allow development to proceed on the Huntley Parcel; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of fact:

1. The applicant has submitted NOPC simultaneously to the Pasco County Growth Management Department, the Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs (FDCA).

2. The proposed change was reviewed by all applicable agencies and would grant an extension of the build-out date to December 15, 2005, only for the Huntley Parcel.

3. DRI/DO was approved by Resolution No. 82-147 on August 31, 1982. This approval originally granted development approval for 4,483 dwelling units; 300,000 square feet of office; 390,000 square feet of commercial; and miscellaneous recreational, public, and open space uses.

4. The following is a chronological summary of DO changes that were approved since the original DRI/DO approval:

a. Resolution No. 87-108, March 1987: Approved amendments to DRI/DO to incorporate land use changes and revised approval conditions, including the following:

(1) Realigned Harper-Hamilton Road to the south to accommodate a planned golf course in the northern part of the property.

(2) Replanned areas north of the new alignment to include an 18-hole golf course and revised unit mix-densities for residential villages (total units unchanged).

(3) Eliminated a fifteen (15) acre school site and provided for an Eighty Thousand and 00/100 Dollars (\$80,000.00) donation as substitute mitigation.

(4) Eliminated a small, community-service site (public safety) and required a Twenty-Five and 00/100 Dollars (\$25.00)-per-unit payment for public safety facilities as an alternate mitigation.

RECEIVED

(5) Established a Fifty and 00/100 Dollars (\$50.00)-per-unit fee and a .01-acre/unit park dedication for parks/recreation impacts.

(6) Provided for residential-care facilities in multifamily areas.

(7) Set procedures/requirements for submittal of the Master Drainage Plan and Incremental Drainage Plans.

b. Resolution No. 88-203, May 1988: Revised the plan to provide increases in single-family acreage and units with corresponding decreases in multifamily acreage/units (no net increase in units) and increased the acreage designated as golf course.

c. Resolution No. 89-160, April 1989: Amended DRI/DO to establish a security fund to provide financing for the widening of Hudson Avenue and/or Little Road within the project until such time as the County determines that the developer's obligation for such widening has been satisfied.

d. Resolution No. 90-91, February 1990: Approved a DRI Substantial Deviation which incorporated previous nonsubstantial DRI changes, increased commercial acreage to 53.7 acres (no floor-area increase), revised special protection areas, extended the build-out date to 1994, and changed the type and configuration of conservation areas.

e. Resolution No. 94-277, July 1994: Amended DRI/DO to extend the project build-out date from the original date of December 31, 1992, to December 15, 1997, and to extend the duration of DRI/DO until December 15, 1997.

f. Resolution No. 99-161, April 27, 1999: Amended DRI/DO to extend the project build-out date from the amended date of December 15, 1997, to December 15, 1999, and to extend the duration of DRI/DO until December 15, 1999.

5. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of DRI/DO in accordance with Section 380.06, Florida Statutes.

6. The Board of County Commissioners of Pasco County has given fifteen (15) days' notice of NOPC and held a public hearing on September 4, 2002.

7. Both TBRPC and FDCA were notified of the public hearing so both could participate if so desired.

8. At the public hearing, all parties and members of the general public were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.

9. The Board of County Commissioners has received and considered the recommendations of the Pasco County Growth Management Department, the Development Review Committee, and all reviewing agencies.

10. The proposed extension requested by the applicant is being granted only for the Huntley Parcel due to conditions that are unique to the applicant's property which do not exist for other properties in DRI, including the unique circumstances listed on Exhibit "C" attached hereto and incorporated herein.

11. A traffic analysis for the proposed 30,250 square feet of retail development for the Huntley Parcel was performed and then reviewed by TBRPC, the Florida Department of Transportation, and the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that:

1. The above-referenced proposed change to the Beacon Woods East DRI is not a substantial deviation and, therefore, does not require further DRI review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the Beacon Woods East DRI is approved only for the Huntley Parcel. Any future modifications to the Beacon Woods East DRI, including any request to extend the build-out date for other properties in DRI, will require a traffic analysis performed in accordance with Section 380.06, Florida Statutes. No additional DOs shall be issued for other properties in DRI until such analysis is performed and approved by the County as part of NOPC to DRI.

3. Resolution No. 82-147, as amended, is hereby amended as follows:

a. The extension of the currently approved build-out date for the Huntley Parcel by an additional six (6) years from December 15, 1999, to December 15, 2005, is hereby approved and the said extension shall only apply to the Huntley Parcel.

b. The extension of the expiration date of DO from December 15, 1999, to December 15, 2005, is hereby approved for the Huntley Parcel only.

c. Sections C.1.a and F of Resolution No. 82-147, as amended, are hereby amended to read as follows:

Section C. Specific Conditions Restricting Development

(1) Phasing Schedule and Approvals

(a) Any change to the project which departs significantly from the parameters set forth in the phasing schedule below shall require a substantial deviation determination, pursuant to Section 380.06(19), Florida Statutes.

DRI #203 - PHASING SCHEDULE (BUILD-OUT: 1999)

Area/Use	Existing	Phase I (1981-82)	Phase II (1983-87)	Phase III (1988-05)*	Total	Unit
Residential						
Single-Family	540	417	277	1,509	2,743	DU**
Multifamily				1,357	1,357	DU
Residential Subtotal	540	417	277	2,866	4,100	DU
Commercial				380,000	380,000	SF***
Professional Office				390,000	390,000	SF
Community Service			6		6	A****
Library			32,000		32,000	SF
Recreation/Open Space						
Golf Course/Rec. Center				122.7	122.7	A
Club House				14,000	14,000	SF
Parks			19.1		19.1	A
Open Space Corridor			40.4		40.4	A
Buffers			10.0		10.0	A
Conservation				40.0	40.0	A
Lakes			27.9		27.9	A

- * - (Note: Phase III build-out is extended to 2005 only for the Huntley Parcel; the build-out date for the remainder of Phase III shall remain December 15, 1999.)
- ** - Dwelling Units
- *** - Square Feet
- **** - Acres

d. Section F. Duration

- (1) This DO shall take effect on the date of final adoption.
- (2) The duration of this DO shall remain in effect until December 15, 2005.

4. The applicant shall record the Notice of Adoption attached hereto as Exhibit "D" within thirty (30) days of the adoption of this resolution. No Building Permits or development approvals shall be issued for the Huntley Parcel until a copy of the recorded Notice of Adoption has been provided to the County.

5. This resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED this 4 day of September, 2002.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Jed Pittman
JED PITTMAN, CLERK

Ann Hildebrand
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the Pasco County Attorney

APPROVED
SEP 04 2002

David Solish
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL OF REC-
ORD IN MY OFFICE. WITNESS MY HAND AND THE COUN-
TY'S OFFICIAL SEAL THIS September 5, 2002
JED PITTMAN, CLERK TO THE BOARD
Deeann Hester D.C.

Kathy

EXHIBIT "A"

LEGAL DESCRIPTION

The Southwest 1/4 of Section 25, Township 24 South, Range 16 East,
Pasco County, Florida

and

The South 1/2 of Section 26, Township 24 South, Range 16 East, Pasco
County, Florida

and

That portion of the South 1/2 of the Southeast 1/4 of Section 27,
Township 24 South, Range 16 East, Pasco County, Florida, lying North
and East of the Easterly right-of-way line of Flivay Road

and

That portion of Section 34, Township 24 South, Range 16 East, Pasco
County, Florida, lying Northeast of the Easterly right-of-way
line of Flivay Road.

and

That portion of Section 35, Township 24 South, Range 16 East, Pasco
County, Florida, lying Northeast of the Easterly right-of-way
line of Flivay Road.

and

Tracts 8, 13, 14, 17, thru 25 and 29 of Port Richey Land Company
Subdivision of Section 36, Township 24 South, Range 16 East, as
shown on plat recorded in Plat Book 1, pages 50 and 61 of the Public
Records of Pasco County, Florida

and

That portion of Section 2, Township 25 South, Range 16 East, Pasco
County, Florida, lying North and East of the Easterly right-of-way
line of Flivay Road.

Less and Except

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of the South-
east 1/4 of said Section 27, Township 24 South, Range 16 East.

and

A portion of the Southwest 1/4 of the Southeast 1/4 of said Section
27, Township 24 South, Range 16 East, and a portion of the North 1/2
of the Northeast 1/4 of said Section 34, Township 24 South, Range 16
East, all in Pasco County, Florida, being further described as
follows:

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Commence at the Southwest corner of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence run along the West boundary line of the Southwest 1/4 of the Southeast 1/4 of said Section 27, N 0°30'20" E, a distance of 669.42 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence along the South boundary line of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 27, S 89°44'10" E, a distance of 40.00 feet to the Easterly right-of-way line of Flvay Road as it is now established for a POINT OF BEGINNING; thence continue along the South boundary line of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 27, S 89°44'10" E, a distance of 291.91 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence along the East boundary line of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 27, N 0°38'53" E, a distance of 588.62 feet to a point lying 80.00 feet south of the North boundary line of the Southwest 1/4 of the Southeast 1/4 of said Section 27, said 80.00 feet being measured at right angles to the North boundary line of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence parallel with the North boundary line of the Southwest 1/4 of the Southeast 1/4 of said Section 27, S 89°30'51" E, a distance of 650.00 feet; thence parallel with the East boundary line of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 27, S 0°38'53" W, a distance of 1,944.94 feet to the Easterly right-of-way line of said Flvay Road; thence along the Easterly right-of-way line of said Flvay Road, the following courses and distances: a distance of 52.33 feet along the arc of a curve to the right, said curve having a radius of 960.00 feet and a chord of 52.32 feet which bears N 31°21'12" W; N 29°47'31" W, a distance of 365.24 feet; a distance of 303.96 feet along the arc of a curve to the left, said curve having a radius of 740.00 feet and a chord of 301.83 feet which bears N 41°33'34" W; N 53°19'37" W, a distance of 263.78 feet; a distance of 715.84 feet along the arc of a curve to the right to the POINT OF BEGINNING, said curve having a radius of 760.00 feet and a chord of 689.67 feet which bears N 26°20'38" W.

Also, less and except from the above described property any lands lying Southerly of the following described line:

Commence at the Northeast corner of Section 2, Township 25 South, Range 16 East; thence S 1°11'37" W along the East line of said Section 2; for 2066.27 feet, to the POINT OF BEGINNING; thence N 88°48'23" W, for 288.27 feet along said line, to the Easterly right-of-way of Flvay Road for a point of termination, said line also being the South line of BEACON RIDGE WOODBINE VILLAGE TRACT "A" as recorded in Plat Book 17, pages 77 and 78, of the Public Records of Pasco County, Florida.

Also, less any rights-of-way of record.

Exhibit "B"
Legal Description for 3.25 Acre Tract
Within the Beacon Woods East DRI
"Huntley Parcel"

A portion of land lying in Section 35, Township 24 South; Range 16 East, Pasco County Florida being more particularly described as follows:

Commence at the NE corner of said Section 35; thence South 00°39'09" East along the East line of said Section 35 for 535.01 feet to Southerly right-of-way of Hudson Avenue Phase 2, as recorded in Plat Book 26, Pages 128 through 131 of the Public Records of Pasco County, Florida; thence North 89°42'55" West along said Southerly right-of-way for 138.98 feet to the POINT OF BEGINNING, hereinafter referred to as Point "A"; thence South 53°49'33" East for 44.35 feet to the Westerly right-of-way of Proposed Little Road; thence South 00°26'09" West along said Westerly right-of-way for 174.00 feet; thence departing said proposed right-of-way go North 89°42'55" West for 151.00 feet; thence North 00°26'09" East for 200.00 feet to said Southerly right-of-way of Hudson Avenue Phase 2; thence South 89°42'55" East along said Southerly right-of-way for 115.00 feet to the POINT OF BEGINNING.

Exhibit "C"
Statement of Unique Circumstances
Warranting the Requested
Non-Substantial Deviation Determination
for the Approved Development Order
Beacon Wood East DRI

In accordance with F.S. 380.06.19(f), the requested 6 year extension of the previously approved build-out date and Development Order Expiration Date for the subject 3.25 acre commercial tract until December 15, 2005 is presumed to be a non-substantial deviation based upon the following Unique Circumstances:

1. All transportation improvements associated with Little Road and Hudson Avenue have been completed;
2. Approximately 63 percent of the specifically approved 3,846 dwelling units have been completed, and less than five percent of specifically approved 380,000 sq. ft. of office space have been completed. In addition, a 120-bed nursing home was constructed in lieu of a 150-bed facility;
3. The proposed floor area ratio (FAR) is relatively small. The proposed 3.25-acre commercial development FAR is 43 percent of what would be allowed under the current Comprehensive Plan Land Use Designation as established by the Pasco County Future Land Use Map;
4. It is estimated that the entire project is presently only generating 2,348 p.m. peak hour trips in comparison with the 4,501 approved;
5. Approval of the proposed 3.25 acre commercial development will not degrade the level of service in the immediate vicinity of the proposed commercial property below acceptable levels;
6. The roadway network in the immediate vicinity of the proposed 3.25 acre development is currently operating equal to or better than the adopted level of service standard;
7. When the applicant purchased the subject property from Mr. Gottlieb, the applicant was not informed that the build-out date had expired in 1999. Prior to the applicant's purchase of the subject 3.25 acre tract, the property was owned by the Resolution Trust Corporation, who failed to take any action to develop the property or extend the build-out date;
8. The proposal is consistent with the current Comprehensive Plan Land Use Classification as established on the Pasco County Future Land Use Map and the Beacon Woods East Master Development Plan;
9. The proposal is limited to the construction of 30,250 square feet of commercial space on 3.25 acres located at the southwest quadrant of the Little Road/Hudson Avenue intersection;
10. The proposed 3.25-acre commercial development is planned to have only one driveway on Hudson Avenue, and only one driveway on Little Road. The access on Hudson Avenue will be full access (Hudson Avenue is a two-lane roadway without a raised median, and with turn lanes at the intersection with Little Road). The access on Little Road will be a right-in and a right-out only (Little Road is a four-lane divided roadway with a raised median in the vicinity of the proposed 3.25 acre commercial parcel). The proposed driveways will be located as far as possible away from the Little Road & Hudson Avenue intersection, as required by access management policies. Additionally, the applicant has stated that there will not be more than one access driveway on Hudson Avenue, and one on Little Road. This limited number of driveways enhances access management, principles, as compared to an undesirable development scenario that divides the 3.25-acre site into several small parcels, each requiring their individual access driveways onto Hudson Avenue or Little Road;
11. Proposed Commercial Development will Satisfy And Attract Predominantly Existing Home-Based Trips Generated From the Surrounding Residential Development.

EXHIBIT "D"

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE BEACON WOODS EAST 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. 02-241 dated September 4, 2002 has adopted an amendment to the development order (DO) for a Development of Regional Impact known as Beacon Woods East (Resolution No. 82-147). The above-referenced DO constitutes a land development regulation applicable to the property described in Exhibit "A" of DO. A copy of the amendment to DO is attached hereto as Exhibit "1."

A legal description of the property covered and DO may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, East Pasco Govt. Center, 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

ANN HILDEBRAND, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

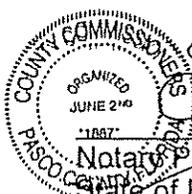
APPROVED

SEP 04 2002

State of Florida)

County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 4th day of September, 2002.



Theresa Hazen

Notary Public
State of Florida at Large
My Commission Expires: *Deputy Clerk*

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the Pasco County Attorney

[Signature]

ATTORNEY

NOPC Application

Located in Project File for DRI #203

Pasco County Resolution No. 02-241



PASCO COUNTY, FLORIDA

Growth Management/Zoning Department
West Pasco Government Center
7530 Little Road, Suite 320
New Port Richey, FL 34654
Tel. (727) 847-8132
Fax (727) 847-8084

CERTIFIED MAIL NO. P864084055
RETURN RECEIPT REQUESTED

June 25, 1999

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

RE: Beacon Woods East - Development of Regional Impact (#203)
Development Order Amendment

Dear Mr. Meyer:

Enclosed please find a certified copy of the Beacon Woods East Development of Regional Impact #203, Development Order Amendment (Resolution No. 99-161), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. This development order amendment was approved by the Pasco County Board of County Commissioners on April 27, 1999.

Sincerely,


Michael LaSala
Planner II

ML/ml

Enclosure

cc: Samuel P. Steffey II, Growth Management Administrator
File

BY COMMISSIONER _____

RESOLUTION NO. 99-161

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION

RESOLUTION AMENDING RESOLUTION NO. 82-147, AS AMENDED, REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL FOR THE BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER.

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted by Resolution No. 82-147, a Development of Regional Impact Development Order approving, with conditions, the Beacon Woods East Development of Regional Impact.

WHEREAS, on December 14, 1998, the Milton & Pat Gottlieb Trust filed a Notification Requesting a Change to an Approved development order, pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of fact:

1. Resolution No. 82-147 allowed development of 4,483 residential units and commercial/professional development totaling 690,000 square feet of a floor area, plus miscellaneous recreational, public and open space uses.
2. The Milton & Pat Gottlieb Trust has filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order on Florida Department of Community Affairs Form RPM-BSP-PROPCHANGE-1.
3. The developer has submitted the Request for Approval of Proposed Change simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.
4. The DRI development order was approved by Resolution No. 82-147, on October 31, 1982. This approval originally granted development of 4,483 dwelling units; 300,000 square feet of office; 390,000 square feet of commercial; and miscellaneous recreational, public, and open space uses.
5. The proposed change would extend the project build-out date by two (2) years from December 15, 1997, to December 15, 1999, or a period of six (6) years, eleven (11) months, fifteen

(15) days from the original build-out date of December 31, 1992. The proposed change would also extend the duration of the Development Order until December 15, 1999.

6. The following is a chronological summary of changes that were approved since the original DRI/MPUD approval.

a. August 1983 - Revised the MPUD Master Plan to provide a realignment of Harper-Hamilton Road, including acreage adjustments and a 31-unit increase (nonsubstantial DRI change).

b. Resolution No. 87-108, March 1987 - Approved amendments to the DRI development order and the MPUD Master Plan to incorporate land use changes and revised approval conditions, including the following:

(1) Realigned Harper-Hamilton Road to the south to accommodate a planned golf course in the northern part of the property.

(2) Replanned areas north of the new alignment to include an 18 hole golf course and revised unit mix-densities for residential villages (total units unchanged)

(3) Eliminated a 15-acre school site and provided for an \$80,000.00 donation as substitute mitigation.

(4) Eliminated a small community service site (public safety) and required a \$25.00 per unit payment for public safety facilities as an alternate mitigation.

(5) Established a \$50.00 per unit fee and a .01-acre/unit park dedication for parks-recreation impacts.

(6) Provided for residential care facilities in multi-family areas.

(7) Set procedures/requirements for submittal of Master Drainage Plan and Incremental Drainage Plans.

c. November 1987 - Approved a one-acre increase of the library site, acreage adjustments for Villages 14 and 31, and addition of a 1.4 acre RV storage site to the MPUD Master Plan (nonsubstantial DRI change).

d. Resolution No. 88-203, May 1988 - Revised the plan to provide increases in single-family acreage and units with corresponding decreases in multifamily acreage/units (no net increase of units) and to increase the acreage designated as golf course. Part of the golf acreage increase resulted from counting conservation areas within the golf course property as golf acreage

in the land use table.

e. March 1989 - Revised the MPUD Master Plan's setbacks for single-family cluster units (nonsubstantial DRI change).

f. Resolution No. 89-160, April 1989 - Amended the DRI development order and MPUD zoning conditions to establish a security fund to provide financing for widening of Hudson Avenue and/or Little Road within the project until such time as the County determines that the developer's obligation for such widening has been satisfied.

g. November 1989 - Amended the MPUD plan to reduce the total dwelling units to 3,916 units, increase office use by 3.6 acres, modify local roadway alignments and connections, and change open space acreage shown on the MPUD plan contingent on completion of the DRI substantial deviation review, which was under way at the time.

h. Resolution No. 90-91, February 1990 - Approved MPUD Master Plan revisions and a DRI substantial deviation which incorporated previous nonsubstantial DRI changes, increased commercial acreage to 53.7 acres (no floor area increase), revised special protection areas, extended the build-out date to 1994, and changed the type and configuration of conservation areas (a net 11.5 acre reduction of conservation area was requested, but a DRI Development Order condition required 1:1 replacement with similar habitat on a Master Development Plan to be submitted within 45 days of the DRI approval).

i. May 1990 - Approved revisions to the MPUD Master Plan which satisfied changes required by the February 1990 conditional approvals including designation of 51.5 total acres as CON (Conservation), recalculation of gross density, adding village access points and connections, and village renumbering (nonsubstantial change).

j. July 1990 - Approved changes in Village 16, 17, and 24 on the MPUD Master Plan, including access, numbers of units and density assigned to villages and conversion of Village 16 to single-family cluster units (nonsubstantial change).

k. April 1992 - Revised MPUD Master Plan to divide Village 15 into two parts; Village 15A and Village 15B, with no change in total units (nonsubstantial change).

l. Resolution No. 94-277, July 1994 - Amended the Development Order to extend the project build-out date from the original date of December 31, 1992, to December 15, 1997. The Development Order was also amended to extend the duration of the Development Order

until December 15, 1997.

m. 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.

n. The Board of County Commissioners of Pasco County has given fifteen (15) days' notice and held a public hearing on April 27, 1999.

o. Both the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs were notified of the public hearing so that they could participate if they so desired.

p. At the public hearing, all parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.

q. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communication.

r. The Board of County Commissioners has received and considered the recommendations of Pasco County Growth Management and the Development Review Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled that;

1. The above-referenced proposed change to the Beacon Woods East Development of Regional Impact is not a substantial deviation and, therefore, does not require further Development of Regional Impact review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the Beacon Woods East Development of Regional Impact is approved and Resolution No. 82-147 hereby amended incorporating the following changes:

a. The extension of the currently approved build-out date by an additional two (2) years from December 15, 1997, to December 15, 1999, (six (6) years, eleven (11) months, fifteen (15) days from the original build-out date of December 31, 1992).

b. The extension of the expiration date of the development order from December 15, 1997 to December 15, 1999.

c. Resolution 82-147, as amended, is hereby further amended as follows:

(i) Section C. Specific Conditions Restricting Development

1. Phasing Schedule and Approvals

a. Any change to the project which departs significantly from the parameters set forth in the phasing schedule below shall require a substantial deviation determination, pursuant to Section 380.06(19), Florida Statutes.

DRI #203 - PHASING SCHEDULE (BUILD-OUT: 1999)

<u>Area/Use</u>	<u>Existing</u>	PHASE I	PHASE II	PHASE III	<u>Total</u>	<u>Unit</u>
		<u>(1981-82)</u>	<u>(1983-87)</u>	<u>(1988-99)</u>		

(ii) Section F. Duration

1. This Development Order shall take effect on February 28, 1990, the date of final adoption.

2. The duration of this Development Order shall remain in effect until December 15, 1999, provided that the effective date may be extended by the Pasco County Board of County Commissioners pursuant to the provisions of Section 380.06(19), Florida Statutes. Application for such extension shall be made at least thirty (30) days prior to the expiration date.

DONE AND RESOLVED THIS 27th DAY OF April, 1999.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Jed Pittman
Jed Pittman, Clerk

BY: Ann Hildebrand
Ann Hildebrand, Chairman

APPROVED

APR 27 1999

APPROVED AS TO LEGAL FORM AND CONTENT

Office of the County Attorney

By: Paul S. Olsen

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND THE COUNTY'S OFFICIAL SEAL THIS 15th DAY OF June 1999
JED PITTMAN, CLERK TO THE BOARD

BY: Donald Schmidt

EXHIBIT C

Legal Description

LEGAL DESCRIPTION:

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Port Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Port Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 23, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00° 39' 09" E, along the easterly line of said Section 35 for 370.58 feet to the POINT OF BEGINNING; thence N 89° 20' 17" W for 255.95 feet; thence S 87° 42' 07" W, for 563.98 feet to a point on the arc of a non-tangent curve from which a radial line bears S 67° 42' 07" W to the center of said curve; thence along the arc of said curve concave to the West, having for its elements a radius of 725.00 feet, a central angle of 01° 16' 35", an arc distance of 16.15 feet, a chord bearing of N 22° 56' 10" W, and a chord distance of 16.15 feet to a point of reverse curve; thence along the arc of a curve concave to the East having for its elements a radius of 1,025.00 feet, a central angle of 41° 53' 58", an arc distance of 749.53 feet, a chord bearing of N 02° 37' 33" W, and a chord distance of 732.94 feet; thence N 18° 19' 22" E, for 78.39 feet to a point of curve; thence along the arc of a curve concave to the West, having for its elements a radius of 600.00 feet, a central angle of 27° 32' 04", an arc distance of 238.34 feet, a chord bearing of N 04° 33' 20" E, and a chord distance of 285.57 feet; thence departing said curve on a non-tangent line N 89° 20' 51" W, for 25.39 feet to a point on the arc of a non-tangent curve from which a radial line bears S 80° 21' 19" W; thence along the arc of said curve having for its elements a radius of 575.00 feet, a central angle of 02° 59' 23", an arc distance of 30.00 feet, a chord bearing of S 08° 09' 00" E, and a chord distance of 30.00 feet; thence departing said curve on a non-tangent line S 83° 42' 29" W, for 545.67 feet; thence S 51° 21' 38" W, for 500.00 feet; thence N 38° 38' 22" W, for 739.02 feet; thence S 53° 34' 19" W, for 98.86 feet to a point of curve; thence along the arc of a curve concave to the North having for its elements a radius of 1,492.39 feet, a central angle of 82° 48' 29", an arc distance of 2,156.05 feet, a chord bearing of N 85° 02' 27" W, and a chord distance of 1,973.38 feet; thence N 43° 39' 12" W, for 187.47 feet; thence S 46° 20' 48" W, for 667.50 feet to a point of curve; thence along the arc of said curve having for its elements a radius of 651.29 feet, a central angle of 25° 56' 33", an arc distance of 294.89 feet, a chord bearing of S 33° 22' 32" W, and a chord distance of 292.38 feet; thence departing said curve on a radial line N 69° 35' 45" W, for 70.00 feet to the arc of a non-tangent curve from which a radial line bears S 69° 35' 45" E to the center of said curve; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 02° 46' 47", an arc distance of 35.00 feet, a chord bearing of S 19° 00' 52" W, and a chord distance of 34.99 feet; thence departing said curve on a radial line N 72° 22' 32" W, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 72° 22' 32" E; thence S 16° 05' 58" W, for 40.00 feet; thence S 75° 25' 35" E, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 75° 25' 35" E; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 10° 13' 34", an arc distance of 128.73 feet, a chord bearing of S 09° 27' 38" W, and a chord distance of 128.56 feet; thence S 04° 20' 51" W, for 11.52 feet to a point of curve; thence along the arc of a curve concave to the Northwest, having for its elements a radius of 330.00 feet, a central angle of 40° 58' 31", an arc distance of 236.00 feet, a chord bearing of S 24° 50' 07" W, and a chord distance of 231.00 feet; thence S 45° 19' 22" W, for 295.03 feet to the northeasterly right-of-way line of Flivay Road (an 80.00' right-of-way); thence N 44° 40' 59" W, along said northeasterly right-of-way line for 2,059.34 feet to a point of curve; thence continue along said right-of-way line on the arc of a curve concave to the Northeast having for its elements a radius of 960.00 feet, a central angle of 07° 52' 58", an arc distance of 132.08 feet, a chord bearing of N 40° 44' 30" W, and a chord distance of 131.37 feet; thence departing said northeasterly right-of-way line on a non-tangent line N 46° 53' 04" E, for 427.35 feet; thence N 00° 38' 04" E, for 1,096.13 feet; thence N 89° 21' 56" W, for 348.44 feet; thence N 00° 38' 04" E, for 686.00 feet to the northerly line of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence S 89° 31' 25" E, along said line for 1,672.24 feet to the westerly line of said Section 26; thence along said line N 00° 35' 25" E, for 1,326.03 feet to the West quarter corner of said Section 26; thence S 89° 33' 16" E, along the East-West

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05-058.10

erline of said Section 26, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 34, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 5, Page 87, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 26, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 5,339.38 feet to the West quarter corner of said Section 25; thence S 00° 56' 15" W, along the westerly boundary of said Section for 361.72 feet; thence S 89° 35' 58" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,620.67 feet to the easterly line of the Southwest quarter of said Section for 990.29 feet to a point on said easterly line for 2,286.84 feet to the North quarter corner of said Section 18; thence S 00° 41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89° 33' 38" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00° 41' 51" W, along the easterly boundary of said Lots 8 and 13, for 660.71 feet to the Southeast corner of said Lot 13; thence N 89° 32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00° 41' 51" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89° 30' 18" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses; (1) N 00° 41' 52" E, for 390.29 feet to the Northeast corner of said Unit 7; (2) N 89° 28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 10 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,825.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00° 39' 09" W, along said line for 621.18 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

PARCEL "E":

Commence at the section corner common to said Sections 25, 26, 33, and 36, as a point of reference; thence N 89° 42' 55" W, for 1,758.76 feet to the POINT OF BEGINNING; thence S 10° 54' 48" W, for 291.76 feet; thence S 88° 54' 41" W, for 2,100.00 feet; thence N 00° 54' 48" E, for 1,114.84 feet; thence N 78° 48' 19" E, for 956.95 feet; thence S 79° 05' 19" E, for 1,344.60 feet; thence S 10° 54' 48" W, for 558.24 feet to the POINT OF BEGINNING.

Containing 56.695 acres, more or less.

ALSO LESS:

Commence at the North 1/4 corner of said Section 36; thence N 00° 47' 07" W along the easterly line of the Southwest 1/4 of said Section 25 for 120.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 00° 36' 44" E to the center of said curve, also being the POINT OF BEGINNING; thence along the arc of said curve, concave to the South having for its elements a radius of 1,205.92 feet, a central angle of 85° 14' 34", an arc distance of 110.34 feet, a chord bearing of S 87° 59' 27" W, and a chord distance of 110.31 feet; thence departing said curve on a non-tangent line N 00° 41' 52" E, for 79.18 feet; thence N 42° 49' 45" W, for 132.94 feet; thence N 00° 47' 07" E, for 99.97 feet; thence S 89° 12' 53" E, for 202.00 feet to the easterly line of the Southwest 1/4 of said Section 25; thence S 00° 47' 07" W, along said easterly line for 270.00 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

Total net acreage = 830.62 acres, more or less.

This is NOT a survey.

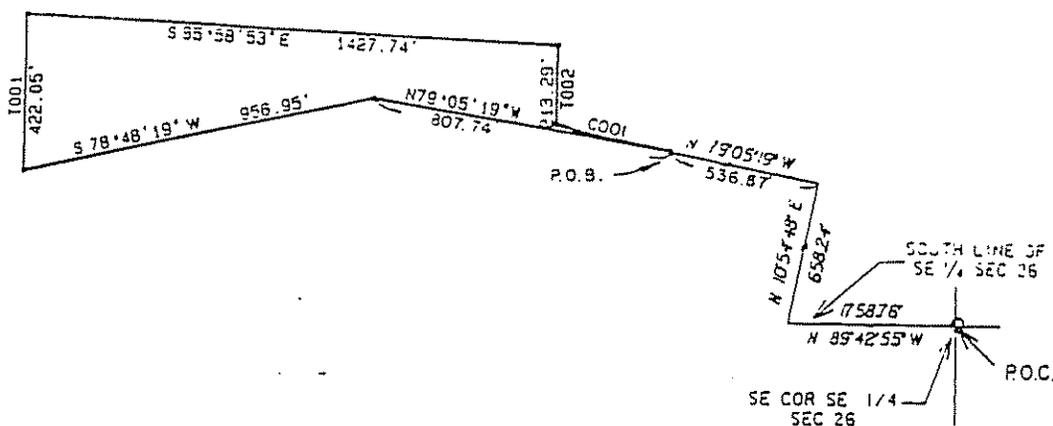
CURVE DATA

ID	RADIUS	DELTA	ARC LGT	CHORD	CHORD BEANG	TANGENT
COO1	2924.59	3°08'49"	313.76	313.51	576°00'55"E	157.03

TANGENT DATA

ID	BEARING	DIST
T001	N 0°54'48"E	422.06'
T002	S 0°54'48"W	213.29'

SCALE: 1" = 200'



NOTES:

- 1) The sketch shown here is for graphic representation only and does not represent a boundary survey.
- 2) No title report has been presented to or pursued by the undersigned in conjunction with the above sketch or legal description.
- 3) Bearings shown hereon are based on the South line of the Southeast 1/4 of Section 26, Township 24 South, Range 16 East, as being N 89° 42' 55" W.
- 4) Corner monuments were not set in conjunction with the preparation of this drawing.
- 5) Reproductions of this sketch are not valid unless sealed with the embossed surveyor's seal.

BEACON WOODS EAST ADDITIONAL LANDS SKETCH AND LEGAL DESCRIPTION

Job No. 03-201.32	Calculated by:
Date 4-1-83	Drawn by: MB
Sheet 1 of 2	Checked by:

We hereby certify that the attached "Sketch and Legal Description" is true and correct to the best of our knowledge and belief as recently prepared under our direction and that this sketch meets the intent of the minimum technical standards for surveying pursuant to Section 402.007, Florida Statutes and Chapter 21H11-6, Florida Administrative Code.
1987, BUCKLEY, SCHUB & JERNIGAN, INC.

[Signature]
Surveyor # 2353 State of Florida
BUCKLEY, SCHUB & JERNIGAN, INC.
CONSULTING ENGINEERS and PLANNERS
100 ENTERPRISE ROAD CLEARWATER, FLORIDA 34616

O.R. 1714 PG 1332

LEGAL DESCRIPTION: BEACON WOODS EAST
ADDITIONAL LANDS

A parcel of land being a portion of the South 1/2 of Section 26, Township 24 South, Range 16 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 26; thence N 39° 42' 55" W, along the southerly line of said Section 26, for 1,758.76 feet; thence N 10° 54' 48" E, for 558.24 feet; thence N 79° 05' 19" W, for 536.37 feet to the POINT OF BEGINNING; thence continue N 79° 05' 19" W, for 507.74 feet; thence S 78° 48' 19" W, for 956.95 feet; thence N 00° 54' 48" E, for 422.05 feet; thence S 85° 58' 53" E, for 1,427.74 feet; thence S 00° 54' 48" W, for 213.29 feet to a point on the arc of a non-tangent curve, a radial line from which point bears N 17° 03' 30" E, to the center of said curve; thence along the arc of said curve, concave to the North, having for its elements a radius of 2,924.59 feet, a central angle of 06° 08' 49", an arc length of 313.76 feet, a chord bearing of S 76° 00' 55" E, and a chord length of 313.61 feet to the POINT OF BEGINNING.

Containing 8.66 acres, more or less.

955721 R
 7/6/87
 7:56.00
 receipt to
 email
 1-23-87

This Indenture, Made this 22nd day of December A.D. 1986
 100002 10 7774 12-31-86
 13:53
 RECORDING
 01 00 40
 000 STAMPS
 01 00 41
 10 CASH TOTAL 1 465

between C.A. CLAYTON and MAXINE J. CLAYTON, his wife

part ies of the first part and BEACON HOMES LIMITED, a Florida Limited Partnership
 whose address is P.O. Box 610
 Dunedin, FL 33528

part ies of the second part,
 Witnesseth, That the said part ies of the first part for and in consideration of the sum of
 TEN (\$10.00) and Other Good and Valuable Consideration
 to them in hand paid by the said part ies of the second part the receipt whereof is hereby acknowledged
 has granted, bargained and sold to the said part ies of the second part their heirs and assigns forever
 the following described land, situate in Pasco County, Florida, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE PART OF.

PLACE
STAMP
HERE

Documentary Tax Pd. \$ 46.39
 Intangible Tax Pd.
 JED PITTMAN, Clerk, Pasco County
 BY [Signature] Deputy Clerk
 RECORD VERIFIED
 JED PITTMAN
 Clerk Court, Pasco County
 DEC 31 2 00 PM '86
 FILED FOR RECORD
 CLERK OF PASCO COUNTY, FL
 309059

To Have and to Hold the Same, together with all the hereditaments and appurtenances thereunto
 in or in anywise appertaining, to the said part ies of the second part, their heirs and assigns
 forever, and the said part ies of the first part do hereby fully warrant the title to said land
 will defend the same against the lawful claim of all persons whomsoever.

Part ies of the second part assume the payment of taxes for the year 1987 and subsequent years
 In Witness Whereof, The said part ies of the first part have hereunto set their
 hand S and seal S the day and year above written.

Signed, sealed and delivered in the presence of
[Signature]
[Signature]
[Signature]

[Signature] (SE)
 C.A. CLAYTON
[Signature] (SE)
 MAXINE J. CLAYTON
[Signature] (SE)

State of Florida County of Pasco

I Hereby Certify, That on this day personally appeared before me, an officer duly authorized to a
 nister oaths and take acknowledgments C.A. Clayton and Maxine J. Clayton, his wife
 to me well known to be the person S described in and who executed the foregoing instrument and acknowledged
 for me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal this _____ day of _____ December A.D. 1986

NOTARY PUBLIC, STATE OF FLORIDA
 MY COMMISSION EXPIRES SEPT. 17, 1990
 [Signature]
 Notary Public

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Fort Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Fort Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00° 39' 09" E, along the easterly line of said Section 35 for 571.65 feet to the POINT OF BEGINNING; thence departing said easterly line N 89° 20' 31" W, for 346.94 feet to a point of curve of a non-tangent curve concave to the East; thence along the arc of said non-tangent curve having a radius of 1,000.00 feet, a central angle of 16° 29' 31", an arc of 322.75 feet, a chord bearing of N 03° 04' 37" E, and a chord of 321.35 feet; thence N 16° 19' 22" E, for 278.39 feet to a point of curve; thence along the arc of said curve concave to the West having a radius of 550.00 feet, a central angle of 26° 31' 40", an arc of 393.55 feet, a chord bearing of N 05° 03' 32" E, and a chord of 390.04 feet; thence N 89° 20' 17" W, along a non-radial line for 50.64 feet to a point of curve; thence along the arc of a non-tangent curve concave to the West having a radius of 300.00 feet, a central angle of 27° 05' 13", an arc of 378.20 feet, a chord bearing of S 04° 46' 46" W, and a chord of 374.59 feet; thence S 16° 19' 22" W, for 23.50 feet to a point of cusp; thence along the arc of a non-tangent curve concave to the West having a radius of 600.00 feet, a central angle of 10° 56' 11", an arc of 114.53 feet, and a chord bearing N 03° 44' 36" W, for 114.25 feet; thence N 89° 20' 51" W, for 25.39 feet, thence S 06° 09' 00" E for 30.30 feet; thence S 83° 42' 29" W for 545.57 feet; thence S 51° 21' 32" W, for 500.00 feet; thence N 38° 38' 22" W for 777.38 feet to a point of curve; thence along the arc of a non-tangent curve concave to the Southeast having a radius of 360.00 feet, a central angle of 07° 31' 35", an arc of 112.97 feet, a chord bearing of N 71° 33' 35" E, and a chord of 112.39 feet; thence N 14° 40' 38" W, along a radial line for 80.00 feet to a point of curve; thence along the arc of a non-tangent curve concave to the Southeast having a radius of 340.00 feet, a central angle of 83° 00' 00", an arc of 1,361.71 feet, a chord bearing of S 33° 49' 22" W, and a chord of 1,245.73 feet; thence S 07° 40' 38" E, for 250.00 feet to the northeasterly corner of Lot 506, Ravenswood Village Unit 2B according to the plat thereof as recorded in Plat Book 21, Pages 139 through 144, Public Records of Pasco County, Florida; thence along the northerly line of said Ravenswood Village Unit 2B by the following five (5) courses; (1) S 82° 19' 22" W, for 490.00 feet; (2) N 07° 40' 38" W, for 185.99 feet; (3) N 19° 40' 38" W, for 395.58 feet; (4) N 52° 34' 57" W, for 86.99 feet; (5) along the arc of a curve concave to the North having a radius of 2,000.00 feet, a central angle of 21° 06' 42", an arc of 736.94 feet, a chord bearing of S 71° 43' 34" W, and a chord of 732.77 feet to the northeastern most corner of Lot 348, Ravenswood Village Unit 1, according to the plat thereof as recorded in Plat Book 19, Pages 62 through 67, Public Records of Pasco County, Florida; thence continue along the northerly and westerly lines of said Ravenswood Village Unit 1 by the following three (3) courses; (1) along the arc of a curve concave to the North having a radius of 2,000.00 feet, a central angle of 03° 46' 31", an arc of 131.78 feet, a chord bearing of S 84° 10' 07" W, and a chord of 131.75 feet; (2) S 14° 45' 49" W, for 110.33 feet; (3) S 45° 19' 22" W, for 335.00 feet to the northeasterly right-of-way of Flvay Road (an 80.00 foot right-of-way); thence along said right-of-way N 44° 40' 59" W, for 419.32 feet; thence departing said right-of-way N 43° 19' 22" E, for 301.00 feet; thence N 07° 32' 10" W, for 710.86 feet; thence N 46° 12' 39" E, for 101.38 feet; thence N 86° 12' 39" E, for 250.00 feet; thence N 14° 05' 01" E, for 112.58 feet; thence N 51° 40' 06" E, for 500.00 feet to a point on the arc of a non-tangent curve concave to the East; thence along the arc of said curve having a radius of 500.00 feet, a central angle of 17° 11' 19", an arc of 150.00 feet, and a chord bearing N 11° 24' 03" W, for 149.44 feet; thence N 02° 48' 23" W, for 278.38 feet to a point of curve; thence along the arc of a curve concave to the West having a radius of 300.00 feet, a central angle of 13° 00' 39", an arc of 181.07 feet, and a chord bearing N 09° 18' 43" W, for 181.28 feet; thence N 86° 53' 57" E, for 563.25 feet; thence N 86° 54' 41" E, for 2,100.00 feet; thence N 10° 54' 48" E, for 250.00 feet; thence N 79° 05' 19" W, for 1,344.60 feet; thence S 78° 48' 19" W, for 956.95 feet; thence N 00° 54' 48" E, for 422.04 feet; thence N 85° 58' 53" W, for 1,196.97 feet; thence N 04° 01' 07" E, for 10.00 feet to a point on the arc of a curve concave to the South from which a radial line bears S 04° 01' 07" W; thence along the arc of said curve having a radius of 5,679.58 feet, a central angle of 03° 32' 32", an arc of 351.12 feet, and a chord bearing N 87° 45' 09" W, for 351.06 feet; thence N 89° 31' 25" W, for 702.42 feet; thence N 00° 28' 35" E, for 100.00 feet to the northerly line of the Southwest quarter of the

O.R. 1714 PG 1335

~~O.R. 1588 PG 0478~~

Southeast quarter of said Section 27; thence along said line S 89°31' 35" E, for 322.25 feet to the westerly line of said Section 25; thence along said line N 00°35' 25" E, for 1,726.03 feet to the West quarter corner of said Section 25; thence S 35°35' 16" E, along the East-West centerline of said Section 25, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 34, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 5, Page 37, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 25, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 3,339.58 feet to the West quarter corner of said Section 25; thence S 00°36' 13" W, along the westerly boundary of said Section for 361.72 feet; thence S 89°35' 58" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,520.57 feet to the easterly line of the Southwest quarter of said Section 25; thence S 00°47' 07" W, along said easterly line for 2,286.34 feet to the North quarter corner of said Section 25; thence S 00°41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89°33' 33" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00°41' 31" W, along the easterly boundary of said Lots 8 and 13, for 650.71 feet to the Southeast corner of said Lot 13; thence N 89°32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00°41' 31" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89°30' 15" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses; (1) N 00°41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89°28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,525.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00°39' 09" W, along said line for 420.11 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

A tract of land lying in the Southwest 1/4 of Section 25, Township 24 South, Range 16 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the South 1/4 corner of Section 25, Township 24 South, Range 16 East; thence N 00°47' 07" E, for 268.41 feet along the East line of the Southwest 1/4 of said Section 25 to the POINT OF BEGINNING; thence continue along said East line N 00°47' 07" E, for 272.35 feet; thence leaving said East line, N 89°12' 53" W, for 200.00 feet; thence S 00°47' 07" W, for 156.98 feet to a point on a curve concave to the North; thence southeasterly along the arc of said curve having a radius of 1,349.86 feet, a central angle of 07°09' 22", an arc length of 231.04 feet and a chord bearing of S 59°14' 11" E, for 330.89 feet to the POINT OF BEGINNING, and containing 1.00 acres, more or less.

ALSO LESS:

The East 359.27 feet of Lot 57, PORT RICHEY LAND COMPANY SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 60, Public Records of Pasco County, Florida

Containing 2.62 acres, more or less.

~~O.R. 1568 PG 0179~~
O.R. 1714 PG 1336

ALSO LESS:

A parcel of land lying in Section 35, Township 24 South, Range 16 East, being more particularly described as follows:

Begin at the western-most Point of RAVENSWOOD VILLAGE UNIT 1 as recorded in Plat Bc 19, Pages 62 - 67, Public Records of Pasco County, Florida; thence N 44°40'55" W, along the northeasterly right-of-way of Fivay Road (an 30' right-of-way) for 475.00 feet; thence N 45°19'22" E, for 200.00 feet to a Point of Curve; thence along the arc of a curve concave to the Northwest having a radius of 300.00 feet, a central angle of 32°36'04", an arc of 170.70 and chord bearing N 29°01'20" E, for 168.41 feet; thence departing said curve on a non-radial line S 44°40'59" E, for 522.27 feet to the northwesterly boundary of said Ravenswood Village; thence S 45°19'22" W, along said northwesterly boundary 361.64 feet to the POINT OF BEGINNING

Containing 4.00 acres, more or less.

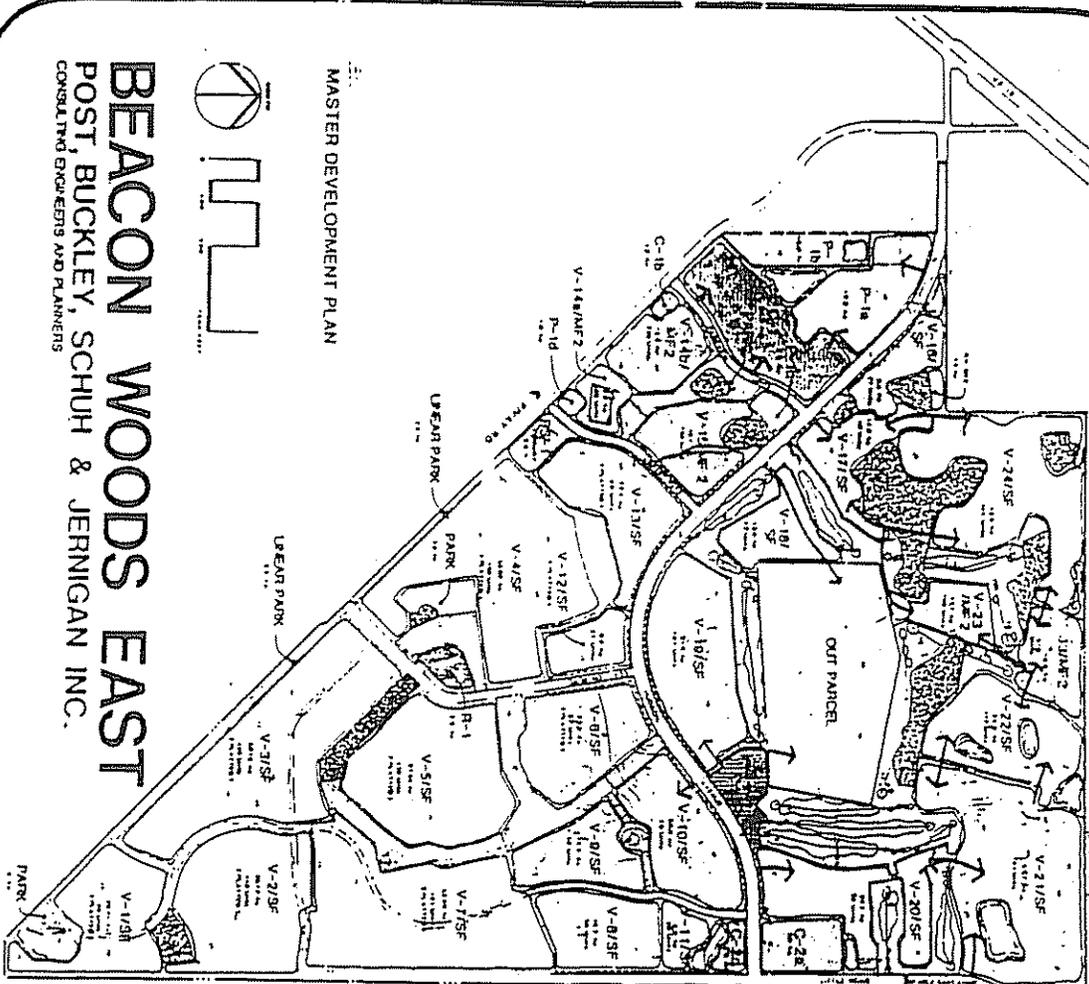
Net Area = 686.96 acres, more or less.

All being subject to a 3.00 foot maintenance easement lying contiguous and exterior to the following described parcel:

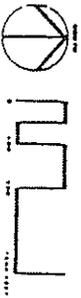
A tract of land located in Section 25 and 35, Township 24 south, Range 16 East, Pasco County Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 35 as a point of reference; thence N 89°42'55" W, along the northerly line of said Section 35 for 1,758.76 feet to the POINT OF BEGINNING; thence S 10°54'48" W, for 291.76 feet; thence S 86°54'41" W, for 2,100.00 feet; thence N 00°54'48" E, for 1,114.84 feet; thence N 78°48'19" E, for 956.95 feet; thence S 05°19" E, for 1,344.60 feet; thence S 10°54'48" W, 658.24 feet to the POINT OF BEGINNING

Legal Description per survey prepared by POST, BUCKLEY, SCHUH & JERRIGAN, INC., dated November 18, 1986, Job No. 05-501-1.26.



MASTER DEVELOPMENT PLAN



BEACON WOODS EAST
 POST, BUCKLEY, SCHUH & JERNIGAN INC.
 CONSULTING ENGINEERS AND PLANNERS

LAND USE DATA

SYMBOL	LAND USE	ACRES
[Symbol]	SINGLE FAMIL Y	7820
[Symbol]	MULTI-FAMIL Y 2	1290
[Symbol]	COMMERCIAL	517
[Symbol]	PROFESSIONAL OFFICE	303
[Symbol]	COMMUNITY SERVICES	60
[Symbol]	ROAD ROW	89
[Symbol]	OPEN SPACE	250.1
TOTAL		3918 (287.3)
GROSS DENSITY 3.1 DU/AC		
OPEN SPACE BREAKDOWN		
[Symbol]	GOLF COURSE & RECREATION CENTER	160
[Symbol]	PARKS & UPLEAD PARKS	47
[Symbol]	OPEN SPACE COMMON	82
[Symbol]	BUFFERS	56.4
[Symbol]	LAKE	80
[Symbol]	CONSERVATION (OTHER)	205
TOTAL		515 250.1

The information contained herein is the property of Post, Buckley, Schuh & Jernigan, Inc. and is confidential. It is intended for the use of the client and is not to be distributed to any other party without the written consent of Post, Buckley, Schuh & Jernigan, Inc. This information is not to be used for any other purpose without the written consent of Post, Buckley, Schuh & Jernigan, Inc. The information contained herein is not to be used for any other purpose without the written consent of Post, Buckley, Schuh & Jernigan, Inc.



PASCO COUNTY, FLORIDA

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

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

August 15, 1994

Mr. Tim Butts, AICP
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702-2491

RE: Beacon Woods East - DRI, Substantial Deviation Determination

Dear Mr. Butts:

The purpose of this letter is to inform your agency that the Pasco County Board of County Commissioners held a public hearing to determine if a proposed change to the Beacon Woods East Development of Regional Impact Development Order constitutes a substantial deviation. The Board met on July 26, 1994, and determined the proposed change not to be a substantial deviation to the development order.

A copy of the resolution amending the development order is attached along with the Notice of Adoption.

Please do not hesitate to call me if there are any questions or you need more information.

Sincerely,


Samuel P. Steffey II
Growth Management Administrator

SPS/KAB/g081501/53:ltr

Attachments

cc: Bipin Parikh P.E., Assistant County Administrator (Development Services)
Karla A. Stetter, Chief Assistant County Attorney
Katherine A. Burbridge, Senior Planner

BY COMMISSIONER _____

RESOLUTION NO. 94-277

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION

RESOLUTION AMENDING RESOLUTION NO. 82-147, AS AMENDED, REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL FOR THE BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER.

WHEREAS, on August 31, 1992, the Board of County Commissioners of Pasco County adopted by Resolution No. 82-147, a Development of Regional Impact Development Order approving, with conditions, the Beacon Woods East Development of Regional Impact.

WHEREAS, on March 15, 1994, the Milton and Pat Gottlieb Trust, c/o Ira Cohen, filed a Notification Requesting a Change to an Approved development order, pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of fact:

1. Resolution No. 82-147 allowed development of 4,483 residential units and commercial/professional development totaling 690,000 square feet of floor area, plus miscellaneous recreational, public, and open space uses.

2. The Milton and Pat Gottlieb Trust, c/o Ira Cohen, has filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order on Florida Department of Community Affairs Form BRM-08-86.

3. The developer has submitted the Request for Approval of a Proposed Change simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.

4. The proposed change would allow for the following:

a. The DRI development order was approved by Resolution No. 82-147, on October 19, 1992. These approvals originally granted development of 4,483 dwelling units; 300,000 square feet of office; 390,000 square feet of commercial; and miscellaneous recreational, public, and open space uses.

The following is a chronological summary of changes that were approved since the original DRI/MPUD approval.

1. August 1983 - Revised the MPUD Master Plan to provide a realignment of Harper-Hamilton Road, included acreage adjustments and a 31-unit increase (nonsubstantial DRI change).

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORDED IN MY OFFICE. WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 29th of July 1994
JED PITTMAN, CLERK TO THE BOARD

BY Rebecca S. Hank D.C.

2. Resolution No. 87-108, March 1987 - Approved amendments to the DRI development order and the MPUD Master Plan to incorporate land use changes and revised approval conditions, including the following:

- a. Realigned Harper-Hamilton Road to the south to accommodate a planned golf course in the northern part of the property.
- b. Replanned areas north of the new alignment to include an 18-hole golf course and revised unit mix-densities for residential villages (total units unchanged).
- c. Eliminated a 15-acre school site and provided for an \$80,000.00 donation as substitute mitigation.
- d. Eliminated a small community service site (public safety) and required a \$25.00 per unit payment for public safety facilities as an alternate mitigation.
- e. Established a \$50.00 per unit fee and a .01-acre/unit park dedication for parks-recreation impacts.
- f. Provided for residential care facilities in multifamily areas.
- g. Set procedures/requirements for submittal of Master Drainage Plan and Incremental Drainage Plans.

3. November 1987 - Approved a one-acre increase of the library site, acreage adjustments for Villages 14 and 31, and addition of a 1.4-acre RV storage site to the MPUD Master Plan (nonsubstantial DRI change).

4. Resolution No. 88-203, May 1988 - Revised the plan to provide increases in single-family acreage and units with corresponding decreases in multifamily acreage/units (no net increase of units) and to increase the acreage designated as golf course. Part of the golf acreage increase resulted from counting conservation areas within the golf course property as golf acreage in the land use table.

5. March 1989 - Revised the MPUD Master Plan's setbacks for single-family cluster units (nonsubstantial DRI change).

6. Resolution No. 89-160, April 1989 - Amended the DRI development order and MPUD zoning conditions to establish a security fund to provide financing for widening of Hudson Avenue and/or Little Road within the project until such time as the County determines that the developer's obligation for such widening has been satisfied.

7. November 1989 - Amended the MPUD plan to reduce the total dwelling units to 3,916 units, increase office use by 3.6 acres, modify local roadway alignments and connections, and change open space acreages shown on the MPUD plan contingent on completion of the DRI substantial deviation review, which was under way at the time.

8. Resolution No. 90-91, February 1990 - Approved MPUD Master Plan revisions and a DRI substantial deviation which incorporated previous nonsubstantial DRI changes,

Increased commercial acreage to 53.7 acres (no floor area increase), revised special protection areas, extended the build-out date to 1994, and changed the type and configuration of conservation areas (a net 11.5-acre reduction of conservation area was requested, but a DRI Development Order condition required 1:1 replacement with similar habitat on a Master Development Plan to be submitted within 45 days of the DRI approval).

9. May 1990 - Approved revisions to the MPUD Master Plan which satisfied changes required by the February 1990 conditional approvals including designation of 51.5 total acres as CON (Conservation), recalculation of gross density, adding village access points and connections, and village renumbering (nonsubstantial change).

10. July 1990 - Approved changes in Villages 16, 17, and 24 on the MPUD Master Plan, including access, numbers of units and density assigned to villages and conversion of Village 16 to single-family cluster units (nonsubstantial change).

11. April 1992 - Revised MPUD Master Plan to divide Village 15 into two parts: Village 15A and Village 15B, with no change in total units (nonsubstantial change).

12. 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.

13. The Board of County Commissioners of Pasco County has given 15 days' notice and held a public hearing on July 6, 1994. Said public hearing was continued by the Board of County Commissioners to July 19, 1994.

14. Both the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs were notified of the public hearing so that they could participate if they so desired.

15. At the public hearing, all parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.

16. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.

17. The Board of County Commissioners has received and considered the recommendations of Pasco County Growth Management and the Development Review Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled that:

1. The above-referenced proposed change to the Beacon Woods East Development of Regional Impact is not a substantial deviation and, therefore, does not require further Development of Regional Impact review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the Beacon Woods East Development of Regional Impact is approved and Resolution No. 82-147 hereby amended incorporating the following changes.

3. The extension of the currently approved build-out date by an additional two years, 11 months, 15 days from December 31, 1994, to December 15, 1997 (four years, 11 months, 15 days from the original build-out date of December 31, 1992).

4. The extension of the expiration date of the development order from December 31, 1994, to December 15, 1997.

DONE AND RESOLVED THIS 26th DAY OF July, 1994.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Rebecca S. Hawk / P.C.
JED PITTMAN, CLERK

BY: Ann Hildebrand
ANN HILDEBRAND, CHAIRMAN

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

BY: [Signature]
ATTORNEY

1165386

94 JUL 28 PM 1:51

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT

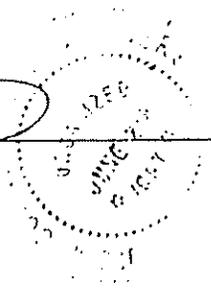
[Signature]
CLK. CR. CL. P. REC. 1165386

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 94-277 dated July 26, 1994, has adopted an amendment to the Development Order for a Development of Regional Impact known as Beacon Woods East (Resolution No. 82-147). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit C of the Development Order.

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 C nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

[Signature]
ANN HILDEBRAND, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

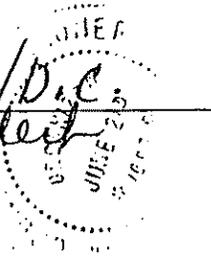


State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 26th day of July, 1994.

R Bd. Rec.

[Signature]
Notary Public *[Signature]*
State of Florida at Large
My Commission Expires:



APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney # 115902
RECORDING/LIEN FEE 5.00
RECORDS REGISTRATION FEE 1.00
BY: *[Signature]* ATTORNEY TOTAL: 6.00
CECINO 115002 CHARGED: 6.00
01-E AMT PAID: .00



PASCO COUNTY, FLORIDA

PLANNING AND ZONING DEPARTMENT
PASCO COUNTY GOVERNMENT CENTER
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8193

March 20, 1990

Ms. Julia Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, FL 33702

Re: Beacon Woods East Development Order Amendment
Development of Regional Impact No. 203

Dear Ms. Greene:

Please be advised that on February 27, 1990, the Pasco County Board of County Commissioners adopted Resolution No. 90-91. Said Development Order Amendment is enclosed and hereby rendered to the Tampa Bay Regional Planning Council.

If you should require anything further, please contact me at the above number.

Sincerely,

Carlene R. Carson
Planner II

CRC/sj

Enclosure

cc: Paul Scoggins, Beacon Homes Ltd., 2494 Bayshore Blvd., Dunedin, FL 34698
Samuel P. Steffey II, Planning Director

203b

Handwritten notes and scribbles at the bottom left of the page.

203b

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT NO. 203

RESOLUTION AMENDING RESOLUTION NO. 82-147,
AS AMENDED, REVISING THE CONDITIONS OF
DEVELOPMENT APPROVAL FOR BEACON WOODS EAST
DEVELOPMENT OF REGIONAL IMPACT TO APPROVE
REVISIONS TO THE MASTER DEVELOPMENT PLAN.

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted by Resolution No. 82-147 a DRI Development Order approving with conditions the Beacon Woods East Development of Regional Impact consisting of 4,483 residential units, commercial/office development totaling 63.2 acres with 770,000 square feet of floor area, and 240.3 acres of open space, 51.5 acres of which was designated as conservation area.

WHEREAS, the Development Order for Beacon Woods East Development of Regional Impact was subsequently amended on October 19, 1982 (Resolution No. 82-147), March 3, 1987 (Resolution No. 87-108), May 24, 1988 (Resolution No. 88-203), and April 25, 1989 (Resolution No. 89-160).

WHEREAS, on January 24, 1989, in accordance with Section 380.06(19), Florida Statutes, Beacon Homes, Ltd., has filed a Substantial Deviation Application for Development Approval of a Development of Regional Impact with the Pasco County Planning and Zoning Department; and,

WHEREAS, the proposed change would represent a change in the location and reduction in the extent of conservation areas, an increase in the area designated for commercial use, a consolidation into Phase III of the Phase II development currently remaining to be constructed, and an extension of build-out of the total development of two years, to 1994; and,

WHEREAS, The Tampa Bay Regional Planning Council has reviewed the Substantial Deviation Application, determined that the regional issues subject to review pursuant to Section 380.06 (19) (g), Florida Statutes, were limited to environment and natural resources, vegetation and wildlife, wastewater and education, and recommended approval of the Substantial Deviation Application subject to conditions addressing said regional issues; and,

WHEREAS, the culmination of review pursuant to Section 380.06, Florida Statutes, requires the approval, approval with conditions, or denial of the Substantial Deviation Application for Development Approval.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session, duly assembled, this 27th day of February, 1990, that:

The above-referenced Substantial Deviation Application for Development Approval of the Beacon Woods East Development of Regional Impact is approved with conditions, as set forth in the following amended Development Order which is hereby adopted by the Pasco County Board of County Commissioners:

BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

A. General Findings of Fact

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

1. Beacon Homes, Ltd., hereinafter referred to as the "applicant" or the "developer" has filed in accordance with Section 380.06, Florida Statutes, as amended, Substantial Deviation Application for Development Approval of the Beacon Woods East Development of Regional Impact (DRI No. 203) and associated Sufficiency Responses, the sum total of which shall be referred to hereinafter as the "Application".
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; and,
3. The developer has submitted the Application simultaneously to Pasco County, the Tampa Bay Regional Planning Council, and the State Department of Community Affairs.
4. The nature, type, scope, intensity, density, costs, and general impact of the proposed Development of Regional Impact are those which are summarized in Composite Exhibit "A", the Substantial Deviation Application for Development Approval, Sufficiency Responses, and associated correspondence; and in attached Exhibit "B", the specific findings of fact contained in Pages 19 through 35 of the Tampa Bay Regional Planning Council DRI Final Report. Both Exhibits are incorporated into this Development Order by reference.
5. The real property encompassed by this proposed Development of Regional Impact is owned by Beacon Homes, Ltd., and a description of said real property is attached hereto as Exhibit "C" which is made a part of this Development Order.
6. The Board of County Commissioners has received a Sufficiency Notification from the Tampa Bay Regional Planning Council dated August 25, 1989, that the Application is informationally sufficient and notified Pasco County to set the public hearing on the Application.
7. Notice of the hearing has been published in a newspaper of general circulation at least 60 days prior to the date set for the Board of County Commissioners' hearing pursuant to Section 380.06(11), Florida Statutes.

8. The Board of County Commissioners has scheduled and held a public hearing on the above-referenced Application on February 27, 1990.

9. At said public hearing, all parties were afforded the opportunity to present evidence and argument on all issues, and submit rebuttal evidence.

10. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.

11. The Board of County Commissioners has received and considered the Tampa Bay Regional Planning Council DRI Final Report on the above-referenced Application.

12. The Board of County Commissioners has received and considered the recommendation of the Pasco County Planning and Zoning staff and the Development Review Committee.

13. All development will occur in accordance with the Application and this Resolution.

14. The land uses proposed in the Application are consistent with the Pasco County Comprehensive Plan Future Land Use Map.

15. Zoning on the property subject to the Application is Master Planned Unit Development (MPUD).

B. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

1. The proposed changes to the Beacon Woods East Development of Regional Impact constitute a Substantial Deviation pursuant to Section 380.06(19), Florida Statutes.

2. The Beacon Woods East 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.

3. This Development of Regional Impact is consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, Florida Statutes.

4. The proposed Development of Regional Impact, as conditioned by this Resolution, is consistent with the report and lawful recommendations of the Tampa Bay Regional Planning Council.

5. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

6. The impacts of the proposed development are adequately addressed by the conditions of this Resolution, pursuant to Section 380.06, Florida Statutes.

C. Specific Conditions Restricting Development

1. Phasing Schedule and Approvals

a. Any change to the project which departs significantly from the parameters set forth in the phasing schedule below shall require a substantial deviation de termination, pursuant to Section 380.06(19), Florida Statutes.

DRI #203 - PHASING SCHEDULE (BUILD-OUT: 1994)

<u>Area/Use</u>	<u>Existing</u>	<u>Phase I (1981-82)</u>	<u>Phase II (1983-87)</u>	<u>Phase III (1988-94)</u>	<u>Total</u>	<u>Unit</u>
Residential						
Single-Family	540	417	277	1,509	2,743	DU**
Multifamily				1,357	1,357	DU
Residential Subtotal	540	417	277	2,866	4,100	DU
Commercial				380,000	380,000	SF***
Professional Office				390,000	390,000	SF
Community Service				6	6	A***
Library			32,000		32,000	SF
Recreation/Open Space						
Golf Course/Rec. Center				122.7	122.7	A
Club House				14,000	14,000	SF
Parks			19.1		19.1	A
Open Space Corridor			40.4		40.4	A
Buffers			10.0		10.0	A
Conservation				40.0	40.0	A
Lakes			27.9		27.9	A

* - Dwelling Units
 ** - Square Feet
 *** - Acres

b. The requirements of and conditions contained in this amended Development Order shall regulate the development of the property described in Exhibit C. Following the adoption of this Development Order, all plans for development on the referenced property shall be consistent with the conditions and restrictions recited herein. Such regulations and restrictions shall be binding upon all successors in interest to any of the parties hereto.

c. A revised Master Development Plan that incorporates any revisions required pursuant to this Development Order shall be submitted to the Planning and Zoning Department, the Tampa Bay Regional Planning Council, and the Department of Community Affairs for review, and to the Development Review Committee for a determination of compliance with this Development Order. This revised Master Development Plan shall be submitted within 45 days after the approval date of this Development Order.

2. Water Quality and Drainage

a. The applicant shall assure that no contamination of the underlying aquifer(s) shall occur as a result of surface water discharge to sinkholes. Plans incorporate existing or new sinkholes into the drainage system as retention facilities shall be approved by Pasco County and the Southwest Florida Water Management District (SWFWMD), and may include filling with clean fill, adequate buffering, and special maintenance activities. Observed sinkhole activity, along with the specific measures taken to assure consistency with this condition shall be included in each annual report.

b. A groundwater quality monitoring program shall be developed for Beacon Woods East, as required by SWFWMD. The details, including parameters, locations, and frequency of this program shall be submitted to Pasco County for review and approval within 15 days of submittal to SWFWMD and to TBRPC for review and comment. Any violation of applicable water quality standards shall require corrective measures as set forth by the Florida Department of Environmental Regulation (FDER). The results of the monitoring shall be included in each annual report.

c. The applicant shall formulate guidelines for the maintenance of the Beacon Woods East golf course that include and address the limited use of herbicides, pesticides, and fertilizers, and include Best Management Practices and xeriscape landscaping and maintenance techniques. The first annual report following adoption of the Development Order amendment shall include a description of golf course maintenance techniques. Any change in the management techniques shall be included in the annual report following the change.

3. Vegetation and Wildlife

a. The 11.5-acre reduction in the Beacon Woods East conservation area, as described in the Application, shall require 1:1 replacement with similar transitional or upland habitat designated as conservation mitigation areas. These and other existing conservation areas shall be designated on the revised Master Development Plan pursuant to Condition C.1.c above. Any subsequent proposal to reduce or modify conservation areas shall require further review and amendment of the Development Order.

4. Utilities: Water Supply and Wastewater Treatment

a. The issuance of building permits for Beacon Woods East shall be contingent upon assurance by Pasco County of provision of adequate wastewater treatment and disposal services for each increment of development.

b. To the extent possible and applicable under this Substantial Deviation amendment, further planning and development of this project shall conform to the rules and

guidelines adopted by the Southwest Florida Water Management District for the Northern Tampa Bay Water Use Caution Area.

5. Recreation and Open Space

a. Conservation areas and the entity, other than Pasco County, who will own and be responsible for such areas shall be indicated on each preliminary/preliminary site plan containing conservation areas or portions thereof.

b. All common areas will be the responsibility of either the Beacon Woods East Homeowner Association, Inc., the Beacon Woods East Master Association, Inc., the Beacon Woods East Recreation Association, Inc., or one of the various Beacon Woods East village associations. Other open space within the golf course property shall be maintained by the Links Golf Course owner.

D. General Conditions Restricting Development

1. Development of the area embraced by the Application shall be governed by the standards and procedural provisions of the adopted comprehensive plans, elements thereof, and the land development regulations of Pasco County.

a. All conditions of the original Development Order for Beacon Woods East (Resolution No. 82-147, as amended) shall remain in force for the Beacon Woods East Substantial Deviation, except as specifically superseded by conditions resulting from this substantial deviation review.

2. All conditions of the Master Planned Unit Development (MPUD) zoning approved August 31, 1982, as amended, shall remain in effect, and are appended to this Development Order by reference. If there is a conflict with provision(s) of the Development Order (or other parts thereto incorporated by reference), then the more stringent provision(s) shall prevail.

E. Developer Commitments

The developer commitments set forth on Pages 17 and 18 of the TBRPC DRI Final Report (attached as Exhibit "D") shall be honored by the developer, except for those commitments which have been superseded by specific terms of this Development Order.

F. Duration

1. This Development Order shall take effect on February 27, 1990, the date of final adoption.

2. The duration of this Development Order shall remain in effect until December 31, 1994, provided that the effective date may be extended by the Pasco County Board of County Commissioners pursuant to the provisions of Section 380.06(19), Florida Statutes. Application for such extension shall be made at least thirty (30) days prior to the expiration date.

3. The approved Development of Regional Impact shall not be subject to down zoning, unit density reduction, or intensity reduction prior to December 31, 1994, or a extended, unless Pasco 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.

G. Amendment/Substantial Deviation

Any change to the project which meets the criteria set forth in Subsec- tion 380.06(19), Florida Statutes, shall constitute further substantial deviation.

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(15)(f), Florida Statutes, as amended.

2. The Planning and Zoning Department is hereby authorized and directed to cause a certified copy of the Development Order and Notice of Adoption to be served on the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and to attorneys of record in these proceedings for Beacon Homes, Ltd.

I. Severability

1. If any section, subsection, sentence, clause, or provision of this Resolu- tion 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 ef- fected by such holding.

DONE AND RESOLVED this 27th day of February, 1990.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Curtis L. Law
CURTIS L. LAW, CHAIRMAN

By: Elaine H. Mitchell, DC

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

BY: _____
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF REC- ORD IN MY OFFICE. WITNESS MY HAND AND THE COUN- TY'S OFFICIAL SEAL THIS 1st Day of March, 1990
JED PITTMAN, CLERK TO THE BOARD
BY: Elaine H. Mitchell, D.C.

EXHIBIT A

Substantial Deviation Application for Development Approval
First Sufficiency Responses
Second Sufficiency Responses
Third Sufficiency Responses

(Transmitted under Separate Cover)

EXHIBIT B

Specific Findings of Fact
TBRPC Final DRI Report

Pages 19 through 35

IMPACT ON NATURAL RESOURCES

LAND

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

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

Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding. (16.6, SCP)

The original 1982 Development Order for Beacon Woods East states that this development is located in an area of active sinkhole activity. This area of northern Pasco County is characterized by an extensive remnant dune system contrasting with flat surrounding terrain and frequent hammocks and depressions. The limestone strata (karst) is in close proximity to the surficial sands, with well-defined caverns and sinkholes. The typical sinkhole profile in this area is a vertical shaft to a depth of approximately 60 feet below the surface, where it branches out and follows lineaments running from northwest to southeast.

A subsequent lineament study of the Beacon Woods East site, conducted pursuant to recommendations within the original Development Order, was performed in 1983. The study concluded that the potential for additional sinkhole formation was low, at that time, due to the elevation of the piezometric surface of the Floridan Aquifer above the elevation of the surficial aquifer. However, the study went on to say that "changes of the observed hydrologic conditions resulting from activities such as pumping from the Floridan Aquifer or increased ponding of surficial groundwater would increase the sinkhole potential". The major concentrations of inferred lineaments occur in the northwestern portion of Beacon Woods East, and where these lineaments intersect, the sinkhole potential is moderate to high. The study concluded that:

Although the likelihood of new sinkhole formation is judged to be low, the possibility of changes in hydrologic conditions and the potential for inferred lineament patterns to be misrepresentative of actual conditions suggest that additional investigations may be warranted where site layout cannot be reconfigured to avoid high risk areas.

The study recommended techniques to be implemented prior to construction activities in order to minimize the risk of sinkhole formation: avoidance of sinkhole-prone areas for structures, surface infiltration and percolation, and surface water impoundment; site-specific geologic or geophysical investigations; minimization of pumping from the confined aquifer; and runoff directed away from buildings. These techniques are listed in the ADA and are recommended for inclusion in the Development Order Amendment for DRI #203.

The applicant states that most areas of high sinkhole potential are located in or near the site's conservation areas, where no buildings will be located. Site developers routinely examine subsurface conditions prior to construction. The stormwater management plan is designed to maintain natural hydroperiods in wetlands associated with the conservation areas. Surface runoff to these areas is low due to the small drainage basins of the site and also to the high permeability of upland soils which allows percolation downward. Water in the wetland will then percolate until the water table elevation is reached. Using the natural storage capabilities of these areas should not affect the existing hydraulic gradient. Golf course irrigation needs will be supplied by treated water from Pasco County, supplemented by a deep well located on the golf course. The applicant's take-back agreement with the County is for 250,000 gallons per day.

The applicant has observed sinkhole activity as follows:

1986 - 87	Nominal sinkhole activity in linear park
1987	Ravenswood Village, after well drilling by resident
1987	Woodward Village, in retention area
1988	Hudson Avenue, Phase II, during construction
1989	Hudson Avenue, Phase I

The golf course is located in areas which were originally planned to include residential development as well as a recreation reserve and conservation areas. Golf course irrigation may increase the likelihood of sinkhole development over maintenance activities associated with the originally-planned land uses for the golf course area. Sinkholes would provide direct discharge of surface pollutants into the underlying aquifers. Assurance that groundwater will not be contaminated, in the event of sinkhole formation, shall be provided by the developer by means of a control plan. Outside of the golf course, however, the probability of sinkhole development does not appear to be increased due to the proposed master plan.

The original Development Order for Beacon Woods East includes a condition requiring that the soil erosion and dust control measures proposed in the original ADA be instituted during construction. It is recommended that this condition remain in effect for this development.

WATER QUALITY AND DRAINAGE

Environmental regulations to protect the human life and health shall be strictly enforced. (6.12.1, FRCRPP)

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

Activities which could conceivably breach the confining unit to the Floridan Aquifer shall be strictly regulated. (8.5.3, FRCRPP)

Adequate long-term water quality monitoring of surface and groundwater resources, shall be continued for areas which are presently being monitored and developed for areas which are not presently being 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, FRCRPP)

The selection of spray irrigation sites shall continue to be based on a complete analysis of the treated effluent and a detailed hydrogeological analysis of the site to determine the potential for groundwater contamination from any hazardous waste or other pollutants. (13.7.1., FRCRPP)

Expand and improve current efforts to protect public health through clean air and water requirements. (6.19, SCP)

Ensure the safety and quality of drinking water supplies and promote the development of reverse osmosis and desalinization technologies for developing water supplies. (8.1, SCP)

Identify and protect the functions of water recharge areas and provide incentives for their conservation. (8.2, SCP)

Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives. (8.9, SCP)

Protect surface and groundwater quality and quantity in the state. (8.10, SCP)

Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding. (16.6, SCP)

Development of the commercial sites and changes of the proposed conservation areas should exert minimal influence on either the surficial or deep aquifer groundwater resources. It is anticipated that the relatively low irrigation needs of commercial sites can be

obtained from shallow wells. Water quality data for these supplies has not been determined for these sites, but nearby users report that supplies suitable for irrigation are available. The changed conservation areas fall mostly in the golf course, where the developer has agreed with Pasco County to take back treated wastewater for irrigation use, reducing the need for irrigation from groundwater.

Although no monitoring programs are required by the current Development Order and no monitoring programs are proposed by the applicant, golf course maintenance has the potential to degrade water quality in nearby wetlands and in the underlying aquifers. Golf course irrigation may increase the likelihood of sinkhole formation, with direct discharge of surface pollutants to underlying aquifers. The proposed irrigation of the golf course with treated wastewater was not reviewed in the original ADA. SWFWMD recommends that a groundwater monitoring network be devised and implemented with which to detect any degradation in groundwater if treated wastewater is used for irrigation.

The proposed master drainage plan for Beacon Woods East will impact the original drainage plan for the North and East slopes. The proposed plan is consistent with the originally-approved plan, which also proposed retention in Conservation areas with 100 percent outfall by percolation. The principal differences are the small adjustments proposed for Conservation area boundaries and plans for the golf course, which included a significant amount of open space for upland percolation.

The western commercial area encompasses three small basins which are proposed to drain to three small retention areas. The East slope plan proposes on-site retention for commercial tracts C-2b and C-2c. The retention areas are designed for percolation so that water levels in these areas will be determined by water table elevation. The specific location and configuration of retention facilities are subject to revision in final tract designs, with Pasco County approval.

The "Lakes" category designated on the proposed master site plan signifies the approximate location and extent of drainage retention areas in residential villages that are not separately designated as conservation areas. The acreage does not include retention areas in commercial tracts. The applicant has indicated that the project will meet Chapter 17-25, Florida Administrative Code (FAC) standards, but is exempt from Chapter 40D-4, FAC.

Lakes in the proposed plan total 27.9 acres as compared to 62.9 acres in the original DRI-approved plan. Factors causing the net reduction include: 1) retention acreage in commercial tracts is not shown and is included in commercial acreage; inclusion of retention areas for the golf course are counted as golf course acreage; and a more accurate determination of the amount of retention area needed to meet stormwater management requirements.

Lakes shown on the proposed plan represent the approximate location and extent of retention facilities. Final locations will be determined as individual areas are designed. Water levels in retention lakes will fluctuate with water table elevations.

It is recommended that the following be Development Order Amendment conditions:

1. The applicant shall assure that no contamination of the underlying aquifer(s) shall occur as a result of surface water discharge to sinkholes. Plans to incorporate existing or new sinkholes into the drainage system as retention facilities shall be approved by Pasco County and the Southwest Florida Water Management District (SWFWMD), and may include filling with clean fill, adequate buffering, and special maintenance activities. Observed sinkhole activity, along with the specific measures taken to assure consistency with this condition, shall be included in each annual report.
2. A groundwater quality monitoring program shall be developed for Beacon Woods East, as recommended by SWFWMD. The details, including parameters, locations and frequency of this monitoring program shall be included in the Development Order Amendment and shall be subject to Pasco County and SWFWMD approval, with review and comment by TBRPC. Any violation of applicable water quality standards shall require corrective measures as set forth by the Florida Department of Environmental Regulation (DER). The results of the monitoring shall be included in each annual report.
3. It is strongly encouraged that golf course maintenance procedures include and address the limited use of herbicides, pesticides, and fertilizers, and include Best Management Practices, xeriscape landscaping and maintenance techniques. The first annual report following adoption of the Development Order amendment shall include a description of golf course maintenance techniques. Any change in the management techniques shall be included in the annual report following the change.

WETLANDS

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, FRCRPP)

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, FRCRPP)

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, FRCRPP)

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, FRCRPP)

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 2 to 5 year period. (10.2.4, FRCRPP)

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, FRCRPP)

Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value. (10.7, SCP)

The proposed master plan identifies 40.0 acres of Conservation areas. Approximately 32 acres of the Conservation areas have been claimed as jurisdictional by the U.S. Army Corps of Engineers (COE). The original plan for Beacon Woods East, DRI #79, included 51.5 acres of Conservation areas. Conservation areas in the original plan were outlined based on interpretation of aerial photography and general field surveys conducted to determine vegetation characteristics over the entire DRI property. Changes are proposed where the June, 1988 field investigation by the COE found the areas warranting wetland protection under applicable regulations to be of a lesser extent. The proposed master plan reduces conservation areas by 11.5 acres. This reduction in conservation area was not approved by Pasco County as an amendment to the original Development Order.

Areas of alteration include construction of a lake in the 0.75-acre freshwater marsh system and three locations where the golf course crosses or abuts jurisdictional areas. Two of these locations include wooden bridge crossings of COE jurisdictional wetlands, which have been permitted by COE and are completed. According to the applicant, the golf course alterations provide hydraulic connection between wetlands in the disturbed area and are approved by COE. Use of wetlands for stormwater retention will occur as permitted under the master drainage plans approved by Pasco County.

FLOOD PLAINS/DISASTER PREPAREDNESS

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 system. (8.9.3, FRCRPP)

Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters. (7.25, SCP)

Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding. (16.6, SCP)

Portions of the western commercial area in both the original DRI plan and the proposed plan are below the 100-year flood elevation. The approved Development Order requires, in Condition B.3.a, that all development comply with the National Flood Insurance Program requirements for habitable floor elevations to be above the 100-year flood elevation. The applicant proposes to meet this requirement in commercial areas by grading and filling, building placement and design. It is recommended that the original Development Order Condition B.3.a remain in effect for Beacon Woods East.

The 25-year flood levels are associated with site depressions, mostly in conservation area wetlands. Design elevations are determined and set in conjunction with design for individual sites. No buildings are planned in the conservation areas.

The cumulative changes to Beacon Woods East do not appear to affect floodplain function or disaster preparedness efforts beyond those impacts reviewed for the original DRI.

The following conditions addressing floodplains are included in the approved Development Order for Beacon Woods East:

- The lineament study described in the Land section of this Final Report.
- Design of the drainage system according to the concepts described in the original ADA, including the use of the existing topography, conservation areas, swales, culverts, and detention/retention areas. Identification of the entity(ies) responsible for maintenance of the drainage system.
- No lake excavation until specific lake design and construction are submitted to Pasco County for approval and to TERPC for review of possible effects on groundwater due to breaching of the limestone

aquifer or removal of clays and soils during excavation that may allow pollutant infiltration.

- Maintenance of pre-development water levels and flow conditions in bayheads as a result of the drainage system. Identification of the entity(ies) responsible for maintenance of the bayhead areas.

It is recommended that the approved Development Order conditions remain in effect.

VEGETATION AND WILDLIFE

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

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, FRCRPP)

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

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

Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values. (10.1, SCP)

Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state. (10.4, SCP)

Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, research development, and fish and wildlife habitats. (16.2, SCP)

The areas which are currently designated as Conservation areas and which are proposed to be removed from that designation include or adjoin jurisdictional areas claimed by COE. These include freshwater marsh, wet prairie and a cypress community with internal pockets of open marsh. Five small Conservation areas are oak hammocks in depressions, most with freshwater marsh and cypress in the center. The two easternmost conservation areas were partially removed during construction of Hudson Avenue, an earlier change to the Development Order.

The 21.4-acre commercial site consists primarily of slash-pine, sand-pine, and longleaf-pine lands, with scattered oak-palmetto sandhill. A 1.5-acre freshwater marsh occurs here also. The easternmost commercial tracts are old agricultural fields, open pasture and oak sandhill habitat. The area was originally approved for residential development.

It is stated in the ADA that no rare or endangered plant species have been noted in areas affected by the proposed changes. No information has been provided on the manner or extent to which surveys have been undertaken to document this statement.

The original ADA included a description of the listed animal species expected or known to reside on the DRI site. These were identified to be the Gopher tortoise, the Eastern indigo snake, and the Florida scrub jay in the upland habitats. The Gopher tortoise is subject to a capture-release program whereby tortoises are captured by the contractors and released on undeveloped sites. It is proposed that this program continue for the commercial tracts as well. Potential habitat for the Florida scrub jay consists of 266.9 acres of oak scrub, oak-palmetto and old agricultural fields. The developer planned to keep 34.5 acres of this habitat in open space in the 1982 plan. Now it is planned that 24.1 acres be retained as open space for the Florida scrub jay. But it is planned that much of this acreage will be included in the golf course, which was not in the original 1982 plan. "These areas will be considered as reserves or will be used in a manner that is conducive to scrub jay habitation." Essentially, what will be lost from Conservation areas is 11.5 acres, another 23.2 acres will be lost from Open Space Corridors, 9.8 acres from Buffers, and 35 acres of lakes. Also lost is 242.8 acres of Florida scrub jay habitat identified in the original plan (10.4 acres from the 1983 plan). The 50 acres to be added are of questionable value to scrub jays, since it includes golf course fairways and roughs and is scattered throughout the site in small parcels. Maintenance of appropriate habitat would be very difficult. This is the only mitigation discussed for this species.

The proposed master plan identifies Conservation areas totalling approximately 40 acres. The two small areas in the developed southern portion of the site have been retained as open space. The northern and western parts of the site have several conservation areas, with most containing freshwater marsh and a transitional rim of wet prairie. An exception is the 16.6-acre area northwest of the outparcel which is a cypress swamp with pockets of marsh in its interior. Conservation areas in the eastern portion of the property encompass oak hammocks in depressions, most having a circular area of freshwater marsh and cypress at the center.

Approximately 32 acres of the Conservation areas shown, in the northern and western parts of the site, have been claimed as jurisdictional by COE. The applicant proposes to delineate the specific extent of each area on preliminary site plans as they are submitted for Pasco County

approval. The entities to own and maintain the Conservation areas would also be identified. Any alteration, removal or disturbance of vegetation within the delineated area would then require approval of Pasco County and any non-local regulatory agency having jurisdiction.

Conservation areas for the original plan were outlined based on interpretation of aerial photography and general field surveys conducted to determine vegetation characteristics over the entire DRI property. Changes are proposed where regulatory agencies have found these areas to be of a lesser extent. The areas of change occur primarily in the northern and western parts of the DRI property. An exception is the area on Hudson Avenue, at the east side of the property, where the change reflects County approval and removal of two conservation areas during the construction of Hudson Avenue.

The original 1982 Development Order for Beacon Woods East included the following conditions pertaining to vegetation and wildlife:

- Should any threatened/endangered wildlife and vegetation species be found on-site, the known critical habitat shall be isolated, the proper authorities shall be contacted, and appropriate measures implemented to preserve the habitat, as deemed necessary.
- A capture-release program for gopher tortoises found on-site shall be instituted. The program and the means of implementing it must be submitted and approved by the Pasco County Development Review Committee (DRC) prior to the approval of the next preliminary plan.
- The Beacon Woods East site shall be re-examined for the presence of Scrub jays. If present, the developer will preserve their habitat to the greatest extent possible. The results of this re-examination shall be submitted to Pasco County prior to the approval of the next preliminary plan.

It is appropriate that the first condition listed above remain in effect for Beacon Woods East, and that the following conditions be included in the Development Order Amendment:

1. The 11.5-acre reduction in the Beacon Woods East conservation area, as described in the ADA, shall require 1:1 replacement with similar transitional or upland habitat designated as conservation mitigation areas. These and other existing conservation areas shall be designated on the Master Plan included as an exhibit to the Development Order Amendment. Any subsequent proposal to reduce or modify conservation areas shall require further review and amendment of the Development Order.

2. Prior to the approval of any additional preliminary plan approvals, the developer shall establish a 30-acre upland preserve on the Beacon Woods East site for the Gopher tortoise, Gopher tortoise commensals, and the Florida scrub jay. Said preserve shall be located in xeric oak and sand pine scrub habitat. The location of this site shall be designated on the master plan for Beacon Woods East, and shall be subject to Pasco County and Florida Game and Fresh Water Fish Commission (FGFWFC) approval, and shall be provided to TBRPC for review and comment. Off-site mitigation for the Gopher tortoise, Gopher tortoise commensals and Florida scrub jay habitat may also be permitted, through acquisition of appropriate habitat, of suitable size and location to adequately protect these species. The site shall be subject to approval by the Florida Game and Fresh Water Fish Commission, in accordance with the Commission's mitigation guidelines (attached to this report). In any event, further incremental relocation of gopher tortoises shall not be allowed at Beacon Woods East, and a comprehensive master mitigation plan for the total project shall be required.

IMPACT ON PUBLIC FACILITIES

WASTEWATER

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, FRCRPP)

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, FRCRPP)

Develop payment systems for public and private sector health care services in which costs are negotiated before services are delivered. (6.13, SCP)

Identify, develop, and encourage environmentally sound wastewater treatment and disposal methods. (13.9, SCP)

Encourage development of graywater systems to extend existing sewerage capacity. (17.10, SCP)

The proposed changes in Conservation areas and the increase in commercial acreage will have no impact on the wastewater management for Beacon Woods East. The original ADA called for partial treatment at the Beacon Woods treatment plant and at an interim facility to be located on site. Subsequent to the issuance of the Development Order,

Pasco County re-evaluated its growth in that area and established sites for new wastewater treatment facilities. The interim facility was no longer needed. Currently, the Beacon Woods treatment plant is processing wastewater from the Beacon Woods East project. The new Hudson treatment plant is under construction and it is anticipated that the new plant will be operating by November, 1989, but this date is not firm.

It is recommended as a Development Order Amendment condition that issuance of any further building permits for Beacon Woods East shall be contingent upon the concurrency of adequate wastewater treatment capacity to service the Beacon Woods East Substantial Deviation proposed development plan.

EDUCATION

Those developments making additional demands for educational facilities shall pay their fair share in the provision of such facilities. (1.6.6, FRCRPP)

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

Provide adequate instructional materials, equipment, and facilities to meet the needs of all students. (1.16.k, SCP)

The approved development plan for Beacon Woods East, with 4,483 dwelling units, was estimated to produce 634 school-age children. This relatively low figure is justified by the retirement-community character of the development, a characteristic typical of the entire north Pasco County area. The current Beacon Woods East plan proposes a total of 4,100 residential dwelling units, a reduction of 383 units from the original plan. Of the 4,100 units, about two-thirds are proposed single-family units. The adult congregate living facility (ACLF) and nursing home are not included in the school-age children estimates. Ratios of children per household type as determined in the original study, when applied to households in the proposed plan, indicate a school-age population of 702 students. The increase of 68 children is a consequence of the increased proportion of single-family units approved since initial approval and the change now proposed.

A 15-acre elementary school site was included in the original Development Order for Beacon Woods East. The site was subsequently eliminated after another off-site school location was selected by the Pasco County School Board. In lieu of the site dedication, the applicant has entered into a contract to donate \$80,000 to the School Board.

It is appropriate that the Development Order Amendment set forth any additional measures for applicant participation in the provision of the school facilities, personnel, and equipment as are determined by the Pasco County School Board to be necessary and appropriate to address additional impacts attributed to approved changes in land use.

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, FRCRPP)

Urban development shall afford sufficient land or opportunity for the active/passive recreational needs of the future residents of the development as an expense of new development. (10.10.4, FRCRPP)

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, FRCRPP)

Protect and expand park systems throughout the state. (10.12, SCP)

Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels. (10.13, SCP)

The proposed Beacon Woods East master plan designates 260.1 acres for open space, lakes and recreational facilities, an increase of approximately 20 acres over the same types of areas designated in the DRI master plan approved in 1982.

The proposed master plan designates approximately 40 acres as "Conservation." The reduction in conservation area is primarily a consequence of an on-site delineation of jurisdictional boundaries performed by COE in June, 1988. The proposed reductions occur primarily around wetlands located north and northwest of the large outparcel, and adjacent to wetlands located north of Parkview Drive. Portions of the areas excluded from the conservation designation may still become parts of the green space within other areas of use in the plan, depending on site plans for individual tracts. The proposed conservation areas are incorporated into the proposed master plan's open space network. They will function as drainage retention areas, buffers and scenic features for the overall development.

An 18-hole golf course and a clubhouse complex are now in place north of Hudson Avenue. These facilities were planned in conjunction with the realignment of Hudson Avenue to a more southerly route than in the original master plan. The golf course facilities were approved by Pasco County through a previous Development Order amendment. The golf course is now in operation. The 14,000 square foot clubhouse will contain a golf pro shop, grill and social hall. Also provided in the complex are four tennis courts, a croquet course and a swimming pool to serve residents. The common recreational facilities are to be private, for residents only. The golf course, which will be privately owned, is expected to be private, residents-only at build-out. Until then, the golf course will be open to the public. After there are sufficient members to be residents-only, the public will be able to play on a daily basis as space is available. The golf course has 17.61 acres of lake retention areas.

The park open space uses are proposed to be increased from the original 18.7 acres to 19.1 acres. All parks on-site are for the residents of Beacon Woods East. The builder of each home in the development is required to pay an impact fee for park land and park improvements to help develop the proposed County park system.

Conditions B.1.d and B.13.a of the current Development Order require designation of ownership and maintenance responsibility in conjunction with approval of individual tracts. A Master Declaration for Beacon Woods East Villages 8 through 24 was filed in June, 1988. All common areas will be the responsibility of either the Beacon Woods East Homeowners Association, Inc., the Beacon Woods East Master Association, Inc., the Beacon Woods East Recreation Association, Inc., or one of the various Beacon Woods East village associations. Other open space is being maintained by the golf course owner. The Master Association will be responsible for maintenance of most of the common areas. On Commercial tracts, individual owners will be responsible for maintaining open space.

It is recommended that Conditions B.1.d and B.13.a of the current Development Order for Beacon Woods East, as amended, shall remain in effect, designating the entities responsible for maintaining specific recreation and open space areas in Beacon Woods East.

HOUSING

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

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

Mixed-use developments shall be encouraged. Appropriate buffering between residential uses and the other uses shall be maintained, where possible. (16.5.5, FRCRPP)

Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs. (5.3, SCP)

The proposed master plan for Beacon Woods East consists of a total of 4,100 dwelling units as compared to 4,483 units approved by the originally-approved plan. A 500-unit Adult Congregate Living Facility (ACLF) and a 150-bed nursing home are included in the proposed plan.

APPROVED VERSUS PROPOSED HOUSING MIX FOR BEACON WOODS EAST
(in dwelling units)

<u>Unit Type</u>	<u>Approved</u>	<u>Proposed</u>	<u>Change</u>
Single-Family/ Single-Family Cluster	2,168	2,743	+ 575
Villas, Townhomes, Four- Plex	2,064	475	-1,589
Garden Apartments	251	232	- 19
ACLF	0	500	+ 500
Nursing Home (beds)	<u>0</u>	<u>150</u>	<u>+ 150</u>
TOTAL	4,483	4,100	- 383

The residential housing market continues to be very strongly oriented toward retirement age households. Single-family housing remains a strong product type, while demand for multi-family units in north Pasco is lighter than had been projected in 1982.

Single-family/single-family cluster units are proposed to be increased in the new master plan. Units are primarily three-bedroom. Sale prices are generally from \$70,000 to \$200,000, with approximately 80-percent of the market in the narrower \$70,000 to \$110,000 range.

The multi-family units in the proposed master plan are mostly single-story with two bedrooms, ranging in price from approximately \$50,000 to \$150,000.

Garden Apartments are being offered in the proposed master plan to allow for market flexibility. The applicant states that development of this type of unit will occur when sufficient demand is indicated for either a sales or rental complex, with prices or rental rates probably in the mid-range of the area market.

The ACLF and Nursing Home facilities will be designed, built and operated by specialists in the field, who will also determine appropriate rates.

Housing prices in Beacon Woods East are mostly in the moderate and middle range associated with home buyers on fixed incomes, with some units in the low to moderate price range of \$50,000 to \$80,000. The proposed price ranges are comparable to those anticipated in the ADA for DRI #79, when adjusted for inflation. No government-subsidized housing is planned.

It does not appear that there will be a change in the provision of affordable housing with the proposed master plan for Beacon Woods East.

The properties proposed as ACLF and Nursing Home are designated MF-2 on the Master Plan. Consistent with Council policy, the siting of these facilities is evacuation zone E, outside of flood hazard areas. The sites will be developed as part of the proposed Phase III.

Beacon Woods East is surrounded mainly by other residential developments, of similar residential densities. Buffering of residential areas is proposed by the applicant to be consistent with Pasco County zoning ordinances.

The danger of subsidence on-site for the residential areas does not appear to be increased over the original master plan. The only exception to this may be the residential designation in the proposed of master plan of what was the "Recreation Reserve-3" tract in the originally-approved master plan. This reserve is in an area of high sinkhole potential.

The applicant has committed to advising all prospective lot purchasers of the findings of studies dealing with high subsidence potential.

No conditions specifically regarding housing were included in the original Development Order for Beacon Woods East, as amended, and none are recommended for the substantial deviation.

IMPACT ON TRANSPORTATION

TRANSPORTATION

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

Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions. (19.9, SCP)

Coordinate transportation improvements with state, local and regional plans. (19.13, SCP)

The proposed development is anticipated to generate approximately 53,572 daily vehicle trips and 6,070 evening peak hour trips, as opposed to the 55,445 daily trips and 6,353 evening peak hour trips projected to be generated from the existing approved land uses. The number of peak hour and daily trips are projected to decrease with the proposed development plan over the existing approved DRI land uses. Therefore, a traffic analysis for the proposed Beacon Woods East Substantial Deviation was determined not to be necessary for the substantial deviation review.

The transportation conditions of the original Development Order, as amended, are recommended to remain in effect. The proposed change in phasing will not affect these conditions, as they are not contingent upon a phasing schedule.

EXHIBIT C

Legal Description

LEGAL DESCRIPTION:

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Port Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Port Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00° 39' 09" E, along the easterly line of said Section 35 for 370.58 feet to the POINT OF BEGINNING; thence N 89° 20' 17" W for 255.95 feet; thence S 67° 42' 07" W, for 563.98 feet to a point on the arc of a non-tangent curve from which a radial line bears S 67° 42' 07" W to the center of said curve; thence along the arc of said curve concave to the West, having for its elements a radius of 725.00 feet, a central angle of 01° 16' 35", an arc distance of 18.15 feet, a chord bearing of N 22° 58' 10" W, and a chord distance of 16.15 feet to a point of reverse curve; thence along the arc of a curve concave to the East having for its elements a radius of 1,025.00 feet, a central angle of 41° 53' 50", an arc distance of 749.53 feet, a chord bearing of N 02° 37' 33" W, and a chord distance of 732.94 feet; thence N 18° 19' 22" E, for 78.39 feet to a point of curve; thence along the arc of a curve concave to the West, having for its elements a radius of 600.00 feet, a central angle of 27° 32' 04", an arc distance of 288.34 feet, a chord bearing of N 04° 33' 20" E, and a chord distance of 285.57 feet; thence departing said curve on a non-tangent line N 89° 20' 51" W, for 25.39 feet to a point on the arc of a non-tangent curve from which a radial line bears S 80° 21' 19" W; thence along the arc of said curve having for its elements a radius of 575.00 feet, a central angle of 02° 59' 23", an arc distance of 30.00 feet, a chord bearing of S 08° 09' 00" E, and a chord distance of 30.00 feet; thence departing said curve on a non-tangent line S 83° 42' 29" W, for 545.87 feet; thence S 51° 21' 38" W, for 500.00 feet; thence N 38° 38' 22" W, for 738.02 feet; thence S 53° 34' 19" W, for 98.86 feet to a point of curve; thence along the arc of a curve concave to the North having for its elements a radius of 1,492.39 feet, a central angle of 82° 46' 29", an arc distance of 2,158.05 feet, a chord bearing of N 85° 02' 27" W, and a chord distance of 1,973.38 feet; thence N 43° 39' 12" W, for 167.47 feet; thence S 46° 20' 48" W, for 867.50 feet to a point of curve; thence along the arc of said curve having for its elements a radius of 651.29 feet, a central angle of 25° 56' 33", an arc distance of 294.89 feet, a chord bearing of S 33° 22' 32" W, and a chord distance of 292.38 feet; thence departing said curve on a radial line N 69° 35' 45" W, for 70.00 feet to the arc of a non-tangent curve from which a radial line bears S 89° 35' 45" E to the center of said curve; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 02° 48' 47", an arc distance of 35.00 feet, a chord bearing of S 19° 00' 52" W, and a chord distance of 34.99 feet; thence departing said curve on a radial line N 72° 22' 32" W, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 72° 22' 32" E; thence S 16° 05' 58" W, for 40.00 feet; thence S 75° 25' 35" E, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 75° 25' 35" E; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 10° 13' 34", an arc distance of 128.73 feet, a chord bearing of S 09° 27' 38" W, and a chord distance of 128.58 feet; thence S 04° 20' 51" W, for 11.82 feet to a point of curve; thence along the arc of a curve concave to the Northwest, having for its elements a radius of 330.00 feet, a central angle of 40° 58' 31", an arc distance of 238.00 feet, a chord bearing of S 24° 50' 07" W, and a chord distance of 231.00 feet; thence S 45° 19' 22" W, for 295.03 feet to the northeasterly right-of-way line of Flivay Road (an 80.00' right-of-way); thence N 44° 40' 59" W, along said northeasterly right-of-way line for 2,059.34 feet to a point of curve; thence continue along said right-of-way line on the arc of a curve concave to the Northeast having for its elements a radius of 960.00 feet, a central angle of 07° 52' 58", an arc distance of 132.08 feet, a chord bearing of N 40° 44' 30" W, and a chord distance of 131.97 feet; thence departing said northeasterly right-of-way line on a non-tangent line N 46° 53' 04" E, for 427.35 feet; thence N 00° 38' 04" E, for 1,096.33 feet; thence N 89° 21' 58" W, for 346.44 feet; thence N 00° 38' 04" E, for 688.00 feet to the northerly line of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence S 89° 31' 25" E, along said line for 1,672.24 feet to the westerly line of said Section 26; thence along said line N 00° 35' 25" E, for 1,326.03 feet to the West quarter corner of said Section 26; thence S 89° 35' 16" E, along the East-West

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centerline of said Section 26, said East-west line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 84, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 5, Page 87, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 15 in Section 26, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 5,339.58 feet to the West quarter corner of said Section 25; thence S 00° 56' 15" W, along the westerly boundary of said Section for 361.72 feet; thence S 89° 35' 58" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,620.67 feet to the easterly line of the Southwest quarter of said Section 25; thence S 00° 47' 07" W, along said easterly line for 2,286.84 feet to the North quarter corner of said Section 36; thence S 00° 41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89° 33' 38" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00° 41' 51" W, along the easterly boundary of said Lots 8 and 13, for 860.71 feet to the Southeast corner of said Lot 13; thence N 89° 32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00° 41' 51" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89° 30' 16" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses; (1) N 00° 41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89° 28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,625.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00° 39' 09" W, along said line for 621.18 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

PARCEL "E":

Commence at the section corner common to said Sections 25, 28, 335, and 36, as a point of reference; thence N 89° 42' 55" W, for 1,758.78 feet to the POINT OF BEGINNING; thence S 10° 54' 48" W, for 291.78 feet; thence S 88° 54' 41" W, for 2,100.00 feet; thence N 00° 54' 48" E, for 1,114.84 feet; thence N 78° 48' 19" E, for 956.95 feet; thence S 79° 05' 19" E, for 1,344.80 feet; thence S 10° 54' 48" W, for 658.24 feet to the POINT OF BEGINNING.

Containing 56.695 acres, more or less.

ALSO LESS:

Commence at the North 1/4 corner of said Section 36; thence N 00° 47' 07" W along the easterly line of the Southwest 1/4 of said Section 25 for 120.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 00° 36' 44" E to the center of said curve, also being the POINT OF BEGINNING; thence along the arc of said curve, concave to the South having for its elements a radius of 1,205.92 feet, a central angle of 05° 14' 34", an arc distance of 110.34 feet, a chord bearing of S 87° 59' 27" W, and a chord distance of 110.31 feet; thence departing said curve on a non-tangent line N 00° 41' 52" E, for 79.18 feet; thence N 42° 49' 45" W, for 132.94 feet; thence N 00° 47' 07" E, for 99.97 feet; thence S 89° 12' 53" E, for 202.00 feet to the easterly line of the Southwest 1/4 of said Section 25; thence S 00° 47' 07" W, along said easterly line for 270.00 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

Total net acreage = 830.62 acres, more or less.

EXHIBIT D

Developer Commitments

Pages 17 and 18 of the TBRPC DRI Final Report

BEACON WOODS EAST SUBSTANTIAL DEVIATION

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.

ENVIRONMENTAL AND NATURAL RESOURCES

Land

1. The developer shall perform engineering studies to determine suitability for development of any land with soil conditions not usually conducive to development. (SR1*, page 5)
2. The developer agrees to use straw bales to protect conservation areas during periods of construction on adjacent property, along with erosion and dust control measures. (SR1, page 5).
3. Appropriate land planning, including building orientation and use of retention areas, will be used to buffer any residential uses from commercial or professional uses. (SR2**, page 7)
4. The applicant will advise the prospective lot purchaser of any area, including within Village 24, of the findings of studies dealing with high subsidence potential. (SR3***, page 4)

Water Quality

5. Ecologically sound maintenance techniques for the golf course such as natural pest control, native vegetation and minimal chemical applications shall be used. (SR3, page 2)

Wetlands

6. The stormwater management plan is designed to maintain natural hydroperiods in wetlands associated with proposed Conservation areas. (ADA****, page 14-10)
7. Ownership and maintenance responsibility for wetlands retained in proposed conservation areas will be assigned either to local village associations, a master association, or golf course owners, depending on location. The Master Association will be responsible for maintenance of most of the common areas. (ADA, page 16-7)

Vegetation and Wildlife

8. The developer commits to beginning a wildlife re-survey on undeveloped, unconstructed portions of the project and to produce a new plan for gopher tortoise relocation after getting FGFWFC concurrence in the scope and method of the survey. In addition, the developer shall review survey findings with FGFWFC, TBRPC and Pasco County and plans to work towards an acceptable plan to replace the previously approved-plan. (SR2, page 2)

PUBLIC FACILITIES

Recreation and Open Space

9. Any entity who will own and is to be responsible for maintenance of delineated Conservation areas will be identified on preliminary site plans containing such Conservation areas or portions thereof. (ADA, page 27-5)
10. All common areas will be the responsibility of either the Beacon Woods East Homeowner Association, Inc., the Beacon Woods East Master Association, Inc., the Beacon Woods East Recreation Association, Inc., or one of the various Beacon Woods East village associations. Other open space is maintained by the Links Golf Course owner. (SR1, page 41)

- * First Sufficiency Response
- ** Second Sufficiency Response
- *** Third Sufficiency Response
- **** Application for Development Approval

COMPOSITE EXHIBIT E

Correspondence Regarding Gopher

Tortoise Issue

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
R. L. GALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
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W. DAVID WATKINS

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MAILING ADDRESS:
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TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0088
FACSIMILE (904) 877-0081

JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

January 19, 1990

BY TELECOPIER/U.S. MAIL

Ms. Tammy Vrana
Planner II
7432 Little Road
New Port Richey, Florida 34654

Re: Beacon Woods East--Substantial Deviation Determination

Dear Tammy:

Enclosed are copies of letters from the Department of Community Affairs and from the Florida Game and Fresh Water Fish Commission referring to the reopening of the gopher tortoise issue pursuant to the substantial deviation.

A letter from the Department of Community Affairs was issued pursuant to a meeting which took place on Wednesday, January 10, 1990, involving Mr. Tom Beck, Mr. Henry Bittaker, Ms. Tonya Johnson, and the undersigned. The result of that meeting was a decision by the Department of Community Affairs, as stated in the attached letter, that the substantial deviation does not reopen the gopher tortoise issue, therefore relocation pursuant to the original development order for Beacon Woods East is still required.

Also attached is a letter from Mr. Brad Hartman dated November 9, 1990, of the Florida Game and Fresh Water Fish Commission in which Mr. Hartman, in answer to the specific question of impact due to the reduction of tortoise habitat in the wetland oriented conservation areas, states that "the overall impact on tortoises of reducing these conservation areas is probably not great relative to the major impact resulting from the original development order.

In a conversation yesterday with Mr. Hartman, he told the undersigned that pursuant to the Department of Community Affairs' finding that the substantial deviation did not reopen the gopher tortoise issue, that Game and Fish would have no further comments.

It is our position that the decision made by the Department of Community Affairs, that the substantial deviation should not reopen the gopher tortoise issue has a direct bearing on the County staff's preliminary position regarding mitigation for gopher

Ms. Tammy Vrana
January 19, 1990
Page 2

tortoise impacts. We intend to make every effort to talk with the County and discuss the decision of the Department of Community Affairs and effects it will have on the proceedings before Pasco County. To that end, we are preparing to schedule meetings with individual County Commissioners on Monday, January 22, preliminary to our appearance before the Commission on Tuesday, January 23.

We will be contacting you later today in order to discuss changing the staff recommendation for the ADO on Beacon Woods' substantial deviation application and to set up meetings with County staff if necessary to impress upon them the changed circumstances brought about by DCA's determination.

It is now clear that paragraph number 3b of Section C, "Specific Conditions Restricting Development" in the proposed ADO should be deleted altogether. We further suggest that DCA's letter of January 19, 1990 be attached as an exhibit to the ADO.

We look forward to talking with you regarding staff's comments on the Department of Community Affairs' determination and hope that we will proceed quickly to a mutually acceptable resolution without the necessity of a costly and lengthy appeal under Section 380.07, Florida Statutes.

Sincerely,


Segundo J. Fernandez


Martha J. Edenfield

MJE/dg/1540

Encls. a/s

xc: Paul S. Scoggins (by telecopier)
Mike Palmer (by telecopier)
Doug Robison (by telecopier)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

January 19, 1990

THOMAS C. PELHAM
Secretary

Mr. Segundo Fernandez
Oertel, Hoffman, Fernandez & Cole, P.A.
P.O. Box 6507
Tallahassee, Florida 32314-6507

Re: Beacon Woods East Sub. Dev. ADA-882-022

Dear Mr. Fernandez:

As indicated to you in our meeting last week, staff has now completed a review of the development changes proposed in the current Beacon Woods East Substantial Deviation Application for Development Approval (ADA). Pursuant to your request, I am of the opinion that the previously approved development order conditions concerning gopher tortoise mitigation are not significantly affected by the proposed changes. Therefore, pursuant to Subparagraph 380.06(19)(g)3., F.S., the proposed changes do not warrant reopening this issue or justify a recommendation by this agency to revise or amend the existing development order conditions regarding gopher tortoise issues.

My staff has already discussed this opinion with Suzanne Cooper of the Tampa Bay Regional Planning Council, and with Brad Hartman of the Florida Game and Fresh Water Fish Commission. If I can be of any further help with this matter, please contact me at (904) 488-4925.

Sincerely,

J. Thomas Beck
J. Thomas Beck, Chief
Bureau of State Planning

- cc: Ms. Tammy Vrana (Pasco Co.)
- Ms. Suzanne Cooper (TBRPC)
- Mr. Rick Gooch (FGFWFC)
- Mr. Brad Hartman (FGFWFC)

FLORIDA GAME AND FRESH WATER FISH COMMISSION

C. TOM RAINEY, D.V.M. WILLIAM G. BOSTICK, JR. DON WRIGHT THOMAS L. HIRES, SR. MRS. GILBERT W. HUMPH
 Miami Winter Haven Orlando Lake Wales Miccosukee

ROBERT M. BRANTLY, Executive Director
 ALLAN L. EGBERT, Ph.D., Assistant Executive Director



FARRIS BRYANT BUILDING
 620 South Meridian Street
 Tallahassee, Florida 32399-1600
 (904) 488-1960

November 9, 1989

RECEIVED

NOV 13 1989

Ms. Martha J. Edenfield
 Oertel, Hoffman, Fernandez & Cole, P.A.
 Suite C
 2700 Blair Stone Road
 Tallahassee, FL 32301

OERTEL, HOFFMAN,
 FERNANDEZ & COLE, P.A.

RE: Beacon Wood Substantial Deviation,
 Pasco County

Dear Ms. Edenfield:

Per your 3 November request, I have attempted to evaluate the potential impact of this substantial deviation on gopher tortoises.

The specific question of impact due to the reduction of tortoise habitat in the wetland oriented conservation areas is difficult to answer, especially without a field inspection and having the conservation areas delineated on the ground. However, it is likely that the conservation areas between V-23 and V-22, and between V-25 and V-24 contain, or did contain, some suitable habitat for gopher tortoises, either in scrub areas or in the higher transition zones between scrub and wetlands. The other wetland oriented conservation areas appear to be less likely to support gopher tortoises because of the type of vegetation reported in those areas. The overall impact on tortoises of reducing these conservation areas is probably not great relative to the major impact resulting from the original development order.

There appears to be some confusion on the status of upland conservation areas, particularly those involving the scrub jay management plan. Any further loss of scrub brought about as a result of this substantial deviation, or of other changes, could have a relatively significant impact on gopher tortoise populations on the site and would further reduce the probability of sustaining a population.

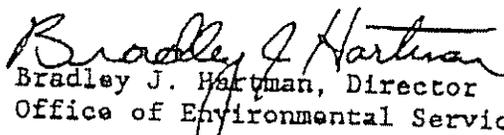
There is also a question of the possible cumulative effects of these proposals and past changes on gopher tortoises. I am not familiar with other changes made and cannot address this question.

Ms. Martha J. Edenfield
November 9, 1989
Page 2

The proposal to reduce the wetland oriented conservation areas will very likely result in reduced wetland wildlife values. Transition vegetation serves as a water quality and human impact buffer to wetlands and provides habitat for both upland wildlife and those components of the wetland wildlife community that use transition or upland areas for part of their life cycle. It is our recommendation that these reductions in size of the conservation areas not be allowed.

Please call me if you have questions.

Sincerely,


Bradley J. Hartman, Director
Office of Environmental Services

BJH/egw

ENV 1-11-3

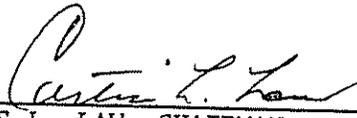
cc: Suzanne Cooper, TPRPC
Henry Bittaker, DCA
Wendy Masteller, PBSJ

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE BEACON WOOD EAST 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. 90-91 dated February 27, 1990, has adopted an amendment to the Development Order for a Development of Regional Impact known as Beacon Woods East (Resolution No. 82-147). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit C of the Development Order.

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 C nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

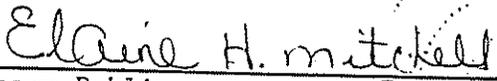


CURTIS L. LAW, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)

County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 27th day of February, 1990.



~~Notary Public~~ Deputy Clerk
~~State of Florida at Large~~
~~My Commission Expires:~~

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

Attorney



PASCO COUNTY, FLORIDA

PLANNING AND ZONING DEPARTMENT
PASCO COUNTY GOVERNMENT CENTER
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8193

March 20, 1990

Ms. Julia Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, FL 33702

Re: Beacon Woods East Development Order Amendment
Development of Regional Impact No. 203

Dear Ms. Greene:

Please be advised that on February 27, 1990, the Pasco County Board of County Commissioners adopted Resolution No. 90-91. Said Development Order Amendment is enclosed and hereby rendered to the Tampa Bay Regional Planning Council.

If you should require anything further, please contact me at the above number.

Sincerely,

Carlene R. Carson
Planner II

CRC/sj

Enclosure

cc: Paul Scoggins, Beacon Homes Ltd., 2494 Bayshore Blvd., Dunedin, FL 34698
Samuel P. Steffey II, Planning Director

BEACON WOODS EAST DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT NO. 203

RESOLUTION AMENDING RESOLUTION NO. 82-147,
AS AMENDED, REVISING THE CONDITIONS OF
DEVELOPMENT APPROVAL FOR BEACON WOODS EAST
DEVELOPMENT OF REGIONAL IMPACT TO APPROVE
REVISIONS TO THE MASTER DEVELOPMENT PLAN.

WHEREAS, on August 31, 1982, the Board of County Commissioners of Pasco County adopted by Resolution No. 82-147 a DRI Development Order approving with conditions the Beacon Woods East Development of Regional Impact consisting of 4,483 residential units, commercial/office development totaling 63.2 acres with 770,000 square feet of floor area, and 240.3 acres of open space, 51.5 acres of which was designated as conservation area.

WHEREAS, the Development Order for Beacon Woods East Development of Regional Impact was subsequently amended on October 19, 1982 (Resolution No. 82-147), March 3, 1987 (Resolution No. 87-108), May 24, 1988 (Resolution No. 88-203), and April 25, 1989 (Resolution No. 89-160).

WHEREAS, on January 24, 1989, in accordance with Section 380.06(19), Florida Statutes, Beacon Homes, Ltd., has filed a Substantial Deviation Application for Development Approval of a Development of Regional Impact with the Pasco County Planning and Zoning Department; and,

WHEREAS, the proposed change would represent a change in the location and reduction in the extent of conservation areas, an increase in the area designated for commercial use, a consolidation into Phase III of the Phase II development currently remaining to be constructed, and an extension of build-out of the total development of two years, to 1994; and,

WHEREAS, The Tampa Bay Regional Planning Council has reviewed the Substantial Deviation Application, determined that the regional issues subject to review pursuant to Section 380.06 (19) (g), Florida Statutes, were limited to environment and natural resources, vegetation and wildlife, wastewater and education, and recommended approval of the Substantial Deviation Application subject to conditions addressing said regional issues; and,

WHEREAS, the culmination of review pursuant to Section 380.06, Florida Statutes, requires the approval, approval with conditions, or denial of the Substantial Deviation Application for Development Approval.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session, duly assembled, this 27th day of February, 1990, that:

The above-referenced Substantial Deviation Application for Development Approval of the Beacon Woods East Development of Regional Impact is approved with conditions, as set forth in the following amended Development Order which is hereby adopted by the Pasco County Board of County Commissioners:

BEACON WOODS EAST DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

A. General Findings of Fact

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

1. Beacon Homes, Ltd., hereinafter referred to as the "applicant" or the "developer" has filed in accordance with Section 380.06, Florida Statutes, as amended, a Substantial Deviation Application for Development Approval of the Beacon Woods East Development of Regional Impact (DRI No. 203) and associated Sufficiency Responses, the sum total of which shall be referred to hereinafter as the "Application".

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; and,

3. The developer has submitted the Application simultaneously to Pasco County, the Tampa Bay Regional Planning Council, and the State Department of Community Affairs.

4. The nature, type, scope, intensity, density, costs, and general impact of the proposed Development of Regional Impact are those which are summarized in Composite Exhibit "A", the Substantial Deviation Application for Development Approval, Sufficiency Responses, and associated correspondence; and in attached Exhibit "B", the specific findings of fact contained in Pages 19 through 35 of the Tampa Bay Regional Planning Council DRI Final Report. Both Exhibits are incorporated into this Development Order by reference.

5. The real property encompassed by this proposed Development of Regional Impact is owned by Beacon Homes, Ltd., and a description of said real property is attached hereto as Exhibit "C" which is made a part of this Development Order.

6. The Board of County Commissioners has received a Sufficiency Notification from the Tampa Bay Regional Planning Council dated August 25, 1989, that the Application is informationally sufficient and notified Pasco County to set the public hearing on the Application.

7. Notice of the hearing has been published in a newspaper of general circulation at least 60 days prior to the date set for the Board of County Commissioners' hearing pursuant to Section 380.06(11), Florida Statutes.

8. The Board of County Commissioners has scheduled and held a public hearing on the above-referenced Application on February 27, 1990.

9. At said public hearing, all parties were afforded the opportunity to present evidence and argument on all issues, and submit rebuttal evidence.

10. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.

11. The Board of County Commissioners has received and considered the Tampa Bay Regional Planning Council DRI Final Report on the above-referenced Application.

12. The Board of County Commissioners has received and considered the recommendation of the Pasco County Planning and Zoning staff and the Development Review Committee.

13. All development will occur in accordance with the Application and this Resolution.

14. The land uses proposed in the Application are consistent with the Pasco County Comprehensive Plan Future Land Use Map.

15. Zoning on the property subject to the Application is Master Planned Unit Development (MPUD).

B. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

1. The proposed changes to the Beacon Woods East Development of Regional Impact constitute a Substantial Deviation pursuant to Section 380.06(19), Florida Statutes.

2. The Beacon Woods East 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.

3. This Development of Regional Impact is consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, Florida Statutes.

4. The proposed Development of Regional Impact, as conditioned by this Resolution, is consistent with the report and lawful recommendations of the Tampa Bay Regional Planning Council.

5. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

6. The impacts of the proposed development are adequately addressed by the conditions of this Resolution, pursuant to Section 380.06, Florida Statutes.

C. Specific Conditions Restricting Development

1. Phasing Schedule and Approvals

a. Any change to the project which departs significantly from the parameters set forth in the phasing schedule below shall require a substantial deviation determination, pursuant to Section 380.06(19), Florida Statutes.

DRI #203 - PHASING SCHEDULE (BUILD-OUT: 1994)

<u>Area/Use</u>	<u>Existing</u>	<u>Phase I (1981-82)</u>	<u>Phase II (1983-87)</u>	<u>Phase III (1988-94)</u>	<u>Total</u>	<u>Unit</u>
Residential						
Single-Family	540	417	277	1,509	2,743	DU*
Multifamily				1,357	1,357	DU
Residential Subtotal	540	417	277	2,866	4,100	DU
Commercial				380,000	380,000	SF**
Professional Office				390,000	390,000	SF
Community Service			6		6	A***
Library			32,000		32,000	SF
Recreation/Open Space						
Golf Course/Rec. Center				122.7	122.7	A
Club House				14,000	14,000	SF
Parks			19.1		19.1	A
Open Space Corridor			40.4		40.4	A
Buffers			10.0		10.0	A
Conservation				40.0	40.0	A
Lakes			27.9		27.9	A

* - Dwelling Units

** - Square Feet

*** - Acres

b. The requirements of and conditions contained in this amended Development Order shall regulate the development of the property described in Exhibit C. Following the adoption of this Development Order, all plans for development on the referenced property shall be consistent with the conditions and restrictions recited herein. Such regulations and restrictions shall be binding upon all successors in interest to any of the parties hereto.

c. A revised Master Development Plan that incorporates any revisions required pursuant to this Development Order shall be submitted to the Planning and Zoning Department, the Tampa Bay Regional Planning Council, and the Department of Community Affairs for review, and to the Development Review Committee for a determination of compliance with this Development Order. This revised Master Development Plan shall be submitted within 45 days after the approval date of this Development Order.

2. Water Quality and Drainage

a. The applicant shall assure that no contamination of the underlying aquifer(s) shall occur as a result of surface water discharge to sinkholes. Plans to incorporate existing or new sinkholes into the drainage system as retention facilities shall be approved by Pasco County and the Southwest Florida Water Management District (SWFWMD), and may include filling with clean fill, adequate buffering, and special maintenance activities. Observed sinkhole activity, along with the specific measures taken to assure consistency with this condition shall be included in each annual report.

b. A groundwater quality monitoring program shall be developed for Beacon Woods East, as required by SWFWMD. The details, including parameters, locations, and frequency of this program shall be submitted to Pasco County for review and approval within 15 days of submittal to SWFWMD and to TBRPC for review and comment. Any violation of applicable water quality standards shall require corrective measures as set forth by the Florida Department of Environmental Regulation (FDER). The results of the monitoring shall be included in each annual report.

c. The applicant shall formulate guidelines for the maintenance of the Beacon Woods East golf course that include and address the limited use of herbicides, pesticides, and fertilizers, and include Best Management Practices and xeriscape landscaping and maintenance techniques. The first annual report following adoption of the Development Order amendment shall include a description of golf course maintenance techniques. Any change in the management techniques shall be included in the annual report following the change.

3. Vegetation and Wildlife

a. The 11.5-acre reduction in the Beacon Woods East conservation area, as described in the Application, shall require 1:1 replacement with similar transitional or upland habitat designated as conservation mitigation areas. These and other existing conservation areas shall be designated on the revised Master Development Plan pursuant to Condition C.1.c above. Any subsequent proposal to reduce or modify conservation areas shall require further review and amendment of the Development Order.

4. Utilities: Water Supply and Wastewater Treatment

a. The issuance of building permits for Beacon Woods East shall be contingent upon assurance by Pasco County of provision of adequate wastewater treatment and disposal services for each increment of development.

b. To the extent possible and applicable under this Substantial Deviation amendment, further planning and development of this project shall conform to the rules and

guidelines adopted by the Southwest Florida Water Management District for the Northern Tampa Bay Water Use Caution Area.

5. Recreation and Open Space

a. Conservation areas and the entity, other than Pasco County, who will own and be responsible for such areas shall be indicated on each preliminary/preliminary site plan containing conservation areas or portions thereof.

b. All common areas will be the responsibility of either the Beacon Woods East Homeowner Association, Inc., the Beacon Woods East Master Association, Inc., the Beacon Woods East Recreation Association, Inc., or one of the various Beacon Woods East village associations. Other open space within the golf course property shall be maintained by the Links Golf Course owner.

D. General Conditions Restricting Development

1. Development of the area embraced by the Application shall be governed by the standards and procedural provisions of the adopted comprehensive plans, elements thereof, and the land development regulations of Pasco County.

a. All conditions of the original Development Order for Beacon Woods East (Resolution No. 82-147, as amended) shall remain in force for the Beacon Woods East Substantial Deviation, except as specifically superseded by conditions resulting from this substantial deviation review.

2. All conditions of the Master Planned Unit Development (MPUD) zoning approved August 31, 1982, as amended, shall remain in effect, and are appended to this Development Order by reference. If there is a conflict with provision(s) of the Development Order (or other parts thereto incorporated by reference), then the more stringent provision(s) shall prevail.

E. Developer Commitments

The developer commitments set forth on Pages 17 and 18 of the TBRPC DRI Final Report (attached as Exhibit "D") shall be honored by the developer, except for those commitments which have been superseded by specific terms of this Development Order.

F. Duration

1. This Development Order shall take effect on February 27, 1990, the date of final adoption.

2. The duration of this Development Order shall remain in effect until December 31, 1994, provided that the effective date may be extended by the Pasco County Board of County Commissioners pursuant to the provisions of Section 380.06(19), Florida Statutes. Application for such extension shall be made at least thirty (30) days prior to the expiration date.

3. The approved Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 1994, or as extended, unless Pasco 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.

G. Amendment/Substantial Deviation

Any change to the project which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall constitute further substantial deviation.

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(15)(f), Florida Statutes, as amended.

2. The Planning and Zoning Department is hereby authorized and directed to cause a certified copy of the Development Order and Notice of Adoption to be served on the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and to attorneys of record in these proceedings for Beacon Homes, Ltd.

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 affected by such holding.

DONE AND RESOLVED this 27th day of February, 1990.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Curtis L. Law
CURTIS L. LAW, CHAIRMAN

By: Elaine H. Mitchell, DC

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

BY: _____
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 1st Day of March, 1990
JED PITTMAN, CLERK TO THE BOARD

BY: Elaine H. Mitchell D.C.

EXHIBIT A

Substantial Deviation Application for Development Approval
First Sufficiency Responses
Second Sufficiency Responses
Third Sufficiency Responses

(Transmitted under Separate Cover)

EXHIBIT B

Specific Findings of Fact
TBRPC Final DRI Report

Pages 19 through 35

IMPACT ON NATURAL RESOURCES

LAND

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

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

Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding. (16.6, SCP)

The original 1982 Development Order for Beacon Woods East states that this development is located in an area of active sinkhole activity. This area of northern Pasco County is characterized by an extensive remnant dune system contrasting with flat surrounding terrain and frequent hammocks and depressions. The limestone strata (karst) is in close proximity to the surficial sands, with well-defined caverns and sinkholes. The typical sinkhole profile in this area is a vertical shaft to a depth of approximately 60 feet below the surface, where it branches out and follows lineaments running from northwest to southeast.

A subsequent lineament study of the Beacon Woods East site, conducted pursuant to recommendations within the original Development Order, was performed in 1983. The study concluded that the potential for additional sinkhole formation was low, at that time, due to the elevation of the piezometric surface of the Floridan Aquifer above the elevation of the surficial aquifer. However, the study went on to say that "changes of the observed hydrologic conditions resulting from activities such as pumping from the Floridan Aquifer or increased ponding of surficial groundwater would increase the sinkhole potential". The major concentrations of inferred lineaments occur in the northwestern portion of Beacon Woods East, and where these lineaments intersect, the sinkhole potential is moderate to high. The study concluded that:

Although the likelihood of new sinkhole formation is judged to be low, the possibility of changes in hydrologic conditions and the potential for inferred lineament patterns to be misrepresentative of actual conditions suggest that additional investigations may be warranted where site layout cannot be reconfigured to avoid high risk areas.

The study recommended techniques to be implemented prior to construction activities in order to minimize the risk of sinkhole formation: avoidance of sinkhole-prone areas for structures, surface infiltration and percolation, and surface water impoundment; site-specific geologic or geophysical investigations; minimization of pumping from the confined aquifer; and runoff directed away from buildings. These techniques are listed in the ADA and are recommended for inclusion in the Development Order Amendment for DRI #203.

The applicant states that most areas of high sinkhole potential are located in or near the site's conservation areas, where no buildings will be located. Site developers routinely examine subsurface conditions prior to construction. The stormwater management plan is designed to maintain natural hydroperiods in wetlands associated with the conservation areas. Surface runoff to these areas is low due to the small drainage basins of the site and also to the high permeability of upland soils which allows percolation downward. Water in the wetland will then percolate until the water table elevation is reached. Using the natural storage capabilities of these areas should not affect the existing hydraulic gradient. Golf course irrigation needs will be supplied by treated water from Pasco County, supplemented by a deep well located on the golf course. The applicant's take-back agreement with the County is for 250,000 gallons per day.

The applicant has observed sinkhole activity as follows:

1986 - 87	Nominal sinkhole activity in linear park
1987	Ravenswood Village, after well drilling by resident
1987	Woodward Village, in retention area
1988	Hudson Avenue, Phase II, during construction
1989	Hudson Avenue, Phase I

The golf course is located in areas which were originally planned to include residential development as well as a recreation reserve and conservation areas. Golf course irrigation may increase the likelihood of sinkhole development over maintenance activities associated with the originally-planned land uses for the golf course area. Sinkholes would provide direct discharge of surface pollutants into the underlying aquifers. Assurance that groundwater will not be contaminated, in the event of sinkhole formation, shall be provided by the developer by means of a control plan. Outside of the golf course, however, the probability of sinkhole development does not appear to be increased due to the proposed master plan.

The original Development Order for Beacon Woods East includes a condition requiring that the soil erosion and dust control measures proposed in the original ADA be instituted during construction. It is recommended that this condition remain in effect for this development.

WATER QUALITY AND DRAINAGE

Environmental regulations to protect the human life and health shall be strictly enforced. (6.12.1, FRCRPP)

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

Activities which could conceivably breach the confining unit to the Floridan Aquifer shall be strictly regulated. (8.5.3, FRCRPP)

Adequate long-term water quality monitoring of surface and groundwater resources, shall be continued for areas which are presently being monitored and developed for areas which are not presently being 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, FRCRPP)

The selection of spray irrigation sites shall continue to be based on a complete analysis of the treated effluent and a detailed hydrogeological analysis of the site to determine the potential for groundwater contamination from any hazardous waste or other pollutants. (13.7.1., FRCRPP)

Expand and improve current efforts to protect public health through clean air and water requirements. (6.19, SCP)

Ensure the safety and quality of drinking water supplies and promote the development of reverse osmosis and desalinization technologies for developing water supplies. (8.1, SCP)

Identify and protect the functions of water recharge areas and provide incentives for their conservation. (8.2, SCP)

Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives. (8.9, SCP)

Protect surface and groundwater quality and quantity in the state. (8.10, SCP)

Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding. (16.6, SCP)

Development of the commercial sites and changes of the proposed conservation areas should exert minimal influence on either the surficial or deep aquifer groundwater resources. It is anticipated that the relatively low irrigation needs of commercial sites can be

obtained from shallow wells. Water quality data for these supplies has not been determined for these sites, but nearby users report that supplies suitable for irrigation are available. The changed conservation areas fall mostly in the golf course, where the developer has agreed with Pasco County to take back treated wastewater for irrigation use, reducing the need for irrigation from groundwater.

Although no monitoring programs are required by the current Development Order and no monitoring programs are proposed by the applicant, golf course maintenance has the potential to degrade water quality in nearby wetlands and in the underlying aquifers. Golf course irrigation may increase the likelihood of sinkhole formation, with direct discharge of surface pollutants to underlying aquifers. The proposed irrigation of the golf course with treated wastewater was not reviewed in the original ADA. SWFWMD recommends that a groundwater monitoring network be devised and implemented with which to detect any degradation in groundwater if treated wastewater is used for irrigation.

The proposed master drainage plan for Beacon Woods East will impact the original drainage plan for the North and East slopes. The proposed plan is consistent with the originally-approved plan, which also proposed retention in Conservation areas with 100 percent outfall by percolation. The principal differences are the small adjustments proposed for Conservation area boundaries and plans for the golf course, which included a significant amount of open space for upland percolation.

The western commercial area encompasses three small basins which are proposed to drain to three small retention areas. The East slope plan proposes on-site retention for commercial tracts C-2b and C-2c. The retention areas are designed for percolation so that water levels in these areas will be determined by water table elevation. The specific location and configuration of retention facilities are subject to revision in final tract designs, with Pasco County approval.

The "Lakes" category designated on the proposed master site plan signifies the approximate location and extent of drainage retention areas in residential villages that are not separately designated as conservation areas. The acreage does not include retention areas in commercial tracts. The applicant has indicated that the project will meet Chapter 17-25, Florida Administrative Code (FAC) standards, but is exempt from Chapter 40D-4, FAC.

Lakes in the proposed plan total 27.9 acres as compared to 62.9 acres in the original DRI-approved plan. Factors causing the net reduction include: 1) retention acreage in commercial tracts is not shown and is included in commercial acreage; inclusion of retention areas for the golf course are counted as golf course acreage; and a more accurate determination of the amount of retention area needed to meet stormwater management requirements.

Lakes shown on the proposed plan represent the approximate location and extent of retention facilities. Final locations will be determined as individual areas are designed. Water levels in retention lakes will fluctuate with water table elevations.

It is recommended that the following be Development Order Amendment conditions:

1. The applicant shall assure that no contamination of the underlying aquifer(s) shall occur as a result of surface water discharge to sinkholes. Plans to incorporate existing or new sinkholes into the drainage system as retention facilities shall be approved by Pasco County and the Southwest Florida Water Management District (SWFWMD), and may include filling with clean fill, adequate buffering, and special maintenance activities. Observed sinkhole activity, along with the specific measures taken to assure consistency with this condition, shall be included in each annual report.
2. A groundwater quality monitoring program shall be developed for Beacon Woods East, as recommended by SWFWMD. The details, including parameters, locations and frequency of this monitoring program shall be included in the Development Order Amendment and shall be subject to Pasco County and SWFWMD approval, with review and comment by TBRPC. Any violation of applicable water quality standards shall require corrective measures as set forth by the Florida Department of Environmental Regulation (DER). The results of the monitoring shall be included in each annual report.
3. It is strongly encouraged that golf course maintenance procedures include and address the limited use of herbicides, pesticides, and fertilizers, and include Best Management Practices, xeriscape landscaping and maintenance techniques. The first annual report following adoption of the Development Order amendment shall include a description of golf course maintenance techniques. Any change in the management techniques shall be included in the annual report following the change.

WETLANDS

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, FRCRPP)

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, FRCRPP)

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, FRCRPP)

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, FRCRPP)

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 2 to 5 year period. (10.2.4, FRCRPP)

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, FRCRPP)

Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value. (10.7, SCP)

The proposed master plan identifies 40.0 acres of Conservation areas. Approximately 32 acres of the Conservation areas have been claimed as jurisdictional by the U.S. Army Corps of Engineers (COE). The original plan for Beacon Woods East, DRI #79, included 51.5 acres of Conservation areas. Conservation areas in the original plan were outlined based on interpretation of aerial photography and general field surveys conducted to determine vegetation characteristics over the entire DRI property. Changes are proposed where the June, 1988 field investigation by the COE found the areas warranting wetland protection under applicable regulations to be of a lesser extent. The proposed master plan reduces conservation areas by 11.5 acres. This reduction in conservation area was not approved by Pasco County as an amendment to the original Development Order.

Areas of alteration include construction of a lake in the 0.75-acre freshwater marsh system and three locations where the golf course crosses or abuts jurisdictional areas. Two of these locations include wooden bridge crossings of COE jurisdictional wetlands, which have been permitted by COE and are completed. According to the applicant, the golf course alterations provide hydraulic connection between wetlands in the disturbed area and are approved by COE. Use of wetlands for stormwater retention will occur as permitted under the master drainage plans approved by Pasco County.

FLOOD PLAINS/DISASTER PREPAREDNESS

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 system. (8.9.3, FRCRPP)

Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters. (7.25, SCP)

Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding. (16.6, SCP)

Portions of the western commercial area in both the original DRI plan and the proposed plan are below the 100-year flood elevation. The approved Development Order requires, in Condition B.3.a, that all development comply with the National Flood Insurance Program requirements for habitable floor elevations to be above the 100-year flood elevation. The applicant proposes to meet this requirement in commercial areas by grading and filling, building placement and design. It is recommended that the original Development Order Condition B.3.a remain in effect for Beacon Woods East.

The 25-year flood levels are associated with site depressions, mostly in conservation area wetlands. Design elevations are determined and set in conjunction with design for individual sites. No buildings are planned in the conservation areas.

The cumulative changes to Beacon Woods East do not appear to affect floodplain function or disaster preparedness efforts beyond those impacts reviewed for the original DRI.

The following conditions addressing floodplains are included in the approved Development Order for Beacon Woods East:

- The lineament study described in the Land section of this Final Report.
- Design of the drainage system according to the concepts described in the original ADA, including the use of the existing topography, conservation areas, swales, culverts, and detention/retention areas. Identification of the entity(ies) responsible for maintenance of the drainage system.
- No lake excavation until specific lake design and construction are submitted to Pasco County for approval and to TERPC for review of possible effects on groundwater due to breaching of the limestone

aquifer or removal of clays and soils during excavation that may allow pollutant infiltration.

- Maintenance of pre-development water levels and flow conditions in bayheads as a result of the drainage system. Identification of the entity(ies) responsible for maintenance of the bayhead areas.

It is recommended that the approved Development Order conditions remain in effect.

VEGETATION AND WILDLIFE

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

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, FRCRPP)

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

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

Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values. (10.1, SCP)

Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state. (10.4, SCP)

Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, research development, and fish and wildlife habitats. (16.2, SCP)

The areas which are currently designated as Conservation areas and which are proposed to be removed from that designation include or adjoin jurisdictional areas claimed by COE. These include freshwater marsh, wet prairie and a cypress community with internal pockets of open marsh. Five small Conservation areas are oak hammocks in depressions, most with freshwater marsh and cypress in the center. The two easternmost conservation areas were partially removed during construction of Hudson Avenue, an earlier change to the Development Order.

The 21.4-acre commercial site consists primarily of slash-pine, sand-pine, and longleaf-pine lands, with scattered oak-palmetto sandhill. A 1.5-acre freshwater marsh occurs here also. The easternmost commercial tracts are old agricultural fields, open pasture and oak sandhill habitat. The area was originally approved for residential development.

It is stated in the ADA that no rare or endangered plant species have been noted in areas affected by the proposed changes. No information has been provided on the manner or extent to which surveys have been undertaken to document this statement.

The original ADA included a description of the listed animal species expected or known to reside on the DRI site. These were identified to be the Gopher tortoise, the Eastern indigo snake, and the Florida scrub jay in the upland habitats. The Gopher tortoise is subject to a capture-release program whereby tortoises are captured by the contractors and released on undeveloped sites. It is proposed that this program continue for the commercial tracts as well. Potential habitat for the Florida scrub jay consists of 266.9 acres of oak scrub, oak-palmetto and old agricultural fields. The developer planned to keep 34.5 acres of this habitat in open space in the 1982 plan. Now it is planned that 24.1 acres be retained as open space for the Florida scrub jay. But it is planned that much of this acreage will be included in the golf course, which was not in the original 1982 plan. "These areas will be considered as reserves or will be used in a manner that is conducive to scrub jay habitation." Essentially, what will be lost from Conservation areas is 11.5 acres, another 23.2 acres will be lost from Open Space Corridors, 9.8 acres from Buffers, and 35 acres of lakes. Also lost is 242.8 acres of Florida scrub jay habitat identified in the original plan (10.4 acres from the 1983 plan). The 50 acres to be added are of questionable value to scrub jays, since it includes golf course fairways and roughs and is scattered throughout the site in small parcels. Maintenance of appropriate habitat would be very difficult. This is the only mitigation discussed for this species.

The proposed master plan identifies Conservation areas totalling approximately 40 acres. The two small areas in the developed southern portion of the site have been retained as open space. The northern and western parts of the site have several conservation areas, with most containing freshwater marsh and a transitional rim of wet prairie. An exception is the 16.6-acre area northwest of the outparcel which is a cypress swamp with pockets of marsh in its interior. Conservation areas in the eastern portion of the property encompass oak hammocks in depressions, most having a circular area of freshwater marsh and cypress at the center.

Approximately 32 acres of the Conservation areas shown, in the northern and western parts of the site, have been claimed as jurisdictional by COE. The applicant proposes to delineate the specific extent of each area on preliminary site plans as they are submitted for Pasco County

approval. The entities to own and maintain the Conservation areas would also be identified. Any alteration, removal or disturbance of vegetation within the delineated area would then require approval of Pasco County and any non-local regulatory agency having jurisdiction.

Conservation areas for the original plan were outlined based on interpretation of aerial photography and general field surveys conducted to determine vegetation characteristics over the entire DRI property. Changes are proposed where regulatory agencies have found these areas to be of a lesser extent. The areas of change occur primarily in the northern and western parts of the DRI property. An exception is the area on Hudson Avenue, at the east side of the property, where the change reflects County approval and removal of two conservation areas during the construction of Hudson Avenue.

The original 1982 Development Order for Beacon Woods East included the following conditions pertaining to vegetation and wildlife:

- Should any threatened/endangered wildlife and vegetation species be found on-site, the known critical habitat shall be isolated, the proper authorities shall be contacted, and appropriate measures implemented to preserve the habitat, as deemed necessary.
- A capture-release program for gopher tortoises found on-site shall be instituted. The program and the means of implementing it must be submitted and approved by the Pasco County Development Review Committee (DRC) prior to the approval of the next preliminary plan.
- The Beacon Woods East site shall be re-examined for the presence of Scrub jays. If present, the developer will preserve their habitat to the greatest extent possible. The results of this re-examination shall be submitted to Pasco County prior to the approval of the next preliminary plan.

It is appropriate that the first condition listed above remain in effect for Beacon Woods East, and that the following conditions be included in the Development Order Amendment:

1. The 11.5-acre reduction in the Beacon Woods East conservation area, as described in the ADA, shall require 1:1 replacement with similar transitional or upland habitat designated as conservation mitigation areas. These and other existing conservation areas shall be designated on the Master Plan included as an exhibit to the Development Order Amendment. Any subsequent proposal to reduce or modify conservation areas shall require further review and amendment of the Development Order.

2. Prior to the approval of any additional preliminary plan approvals, the developer shall establish a 30-acre upland preserve on the Beacon Woods East site for the Gopher tortoise, Gopher tortoise commensals, and the Florida scrub jay. Said preserve shall be located in xeric oak and sand pine scrub habitat. The location of this site shall be designated on the master plan for Beacon Woods East, and shall be subject to Pasco County and Florida Game and Fresh Water Fish Commission (FGFWFC) approval, and shall be provided to TBRPC for review and comment. Off-site mitigation for the Gopher tortoise, Gopher tortoise commensals and Florida scrub jay habitat may also be permitted, through acquisition of appropriate habitat, of suitable size and location to adequately protect these species. The site shall be subject to approval by the Florida Game and Fresh Water Fish Commission, in accordance with the Commission's mitigation guidelines (attached to this report). In any event, further incremental relocation of gopher tortoises shall not be allowed at Beacon Woods East, and a comprehensive master mitigation plan for the total project shall be required.

IMPACT ON PUBLIC FACILITIES

WASTEWATER

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, FRCRPP)

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, FRCRPP)

Develop payment systems for public and private sector health care services in which costs are negotiated before services are delivered. (6.13, SCP)

Identify, develop, and encourage environmentally sound wastewater treatment and disposal methods. (13.9, SCP)

Encourage development of graywater systems to extend existing sewerage capacity. (17.10, SCP)

The proposed changes in Conservation areas and the increase in commercial acreage will have no impact on the wastewater management for Beacon Woods East. The original ADA called for partial treatment at the Beacon Woods treatment plant and at an interim facility to be located on site. Subsequent to the issuance of the Development Order,

Pasco County re-evaluated its growth in that area and established sites for new wastewater treatment facilities. The interim facility was no longer needed. Currently, the Beacon Woods treatment plant is processing wastewater from the Beacon Woods East project. The new Hudson treatment plant is under construction and it is anticipated that the new plant will be operating by November, 1989, but this date is not firm.

It is recommended as a Development Order Amendment condition that issuance of any further building permits for Beacon Woods East shall be contingent upon the concurrency of adequate wastewater treatment capacity to service the Beacon Woods East Substantial Deviation proposed development plan.

EDUCATION

Those developments making additional demands for educational facilities shall pay their fair share in the provision of such facilities. (1.6.6, FRCRPP)

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

Provide adequate instructional materials, equipment, and facilities to meet the needs of all students. (1.16.k, SCP)

The approved development plan for Beacon Woods East, with 4,483 dwelling units, was estimated to produce 634 school-age children. This relatively low figure is justified by the retirement-community character of the development, a characteristic typical of the entire north Pasco County area. The current Beacon Woods East plan proposes a total of 4,100 residential dwelling units, a reduction of 383 units from the original plan. Of the 4,100 units, about two-thirds are proposed single-family units. The adult congregate living facility (ACLF) and nursing home are not included in the school-age children estimates. Ratios of children per household type as determined in the original study, when applied to households in the proposed plan, indicate a school-age population of 702 students. The increase of 68 children is a consequence of the increased proportion of single-family units approved since initial approval and the change now proposed.

A 15-acre elementary school site was included in the original Development Order for Beacon Woods East. The site was subsequently eliminated after another off-site school location was selected by the Pasco County School Board. In lieu of the site dedication, the applicant has entered into a contract to donate \$80,000 to the School Board.

It is appropriate that the Development Order Amendment set forth any additional measures for applicant participation in the provision of the school facilities, personnel, and equipment as are determined by the Pasco County School Board to be necessary and appropriate to address additional impacts attributed to approved changes in land use.

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, FRCRPP)

Urban development shall afford sufficient land or opportunity for the active/passive recreational needs of the future residents of the development as an expense of new development. (10.10.4, FRCRPP)

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, FRCRPP)

Protect and expand park systems throughout the state. (10.12, SCP)

Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels. (10.13, SCP)

The proposed Beacon Woods East master plan designates 260.1 acres for open space, lakes and recreational facilities, an increase of approximately 20 acres over the same types of areas designated in the DRI master plan approved in 1982.

The proposed master plan designates approximately 40 acres as "Conservation." The reduction in conservation area is primarily a consequence of an on-site delineation of jurisdictional boundaries performed by COE in June, 1988. The proposed reductions occur primarily around wetlands located north and northwest of the large outparcel, and adjacent to wetlands located north of Parkview Drive. Portions of the areas excluded from the conservation designation may still become parts of the green space within other areas of use in the plan, depending on site plans for individual tracts. The proposed conservation areas are incorporated into the proposed master plan's open space network. They will function as drainage retention areas, buffers and scenic features for the overall development.

An 18-hole golf course and a clubhouse complex are now in place north of Hudson Avenue. These facilities were planned in conjunction with the realignment of Hudson Avenue to a more southerly route than in the original master plan. The golf course facilities were approved by Pasco County through a previous Development Order amendment. The golf course is now in operation. The 14,000 square foot clubhouse will contain a golf pro shop, grill and social hall. Also provided in the complex are four tennis courts, a croquet course and a swimming pool to serve residents. The common recreational facilities are to be private, for residents only. The golf course, which will be privately owned, is expected to be private, residents-only at build-out. Until then, the golf course will be open to the public. After there are sufficient members to be residents-only, the public will be able to play on a daily basis as space is available. The golf course has 17.61 acres of lake retention areas.

The park open space uses are proposed to be increased from the original 18.7 acres to 19.1 acres. All parks on-site are for the residents of Beacon Woods East. The builder of each home in the development is required to pay an impact fee for park land and park improvements to help develop the proposed County park system.

Conditions B.1.d and B.13.a of the current Development Order require designation of ownership and maintenance responsibility in conjunction with approval of individual tracts. A Master Declaration for Beacon Woods East Villages 8 through 24 was filed in June, 1988. All common areas will be the responsibility of either the Beacon Woods East Homeowners Association, Inc., the Beacon Woods East Master Association, Inc., the Beacon Woods East Recreation Association, Inc., or one of the various Beacon Woods East village associations. Other open space is being maintained by the golf course owner. The Master Association will be responsible for maintenance of most of the common areas. On Commercial tracts, individual owners will be responsible for maintaining open space.

It is recommended that Conditions B.1.d and B.13.a of the current Development Order for Beacon Woods East, as amended, shall remain in effect, designating the entities responsible for maintaining specific recreation and open space areas in Beacon Woods East.

HOUSING

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

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

Mixed-use developments shall be encouraged. Appropriate buffering between residential uses and the other uses shall be maintained, where possible. (16.5.5, FRCRPP)

Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs. (5.3, SCP)

The proposed master plan for Beacon Woods East consists of a total of 4,100 dwelling units as compared to 4,483 units approved by the originally-approved plan. A 500-unit Adult Congregate Living Facility (ACLF) and a 150-bed nursing home are included in the proposed plan.

APPROVED VERSUS PROPOSED HOUSING MIX FOR BEACON WOODS EAST
(in dwelling units)

<u>Unit Type</u>	<u>Approved</u>	<u>Proposed</u>	<u>Change</u>
Single-Family/ Single-Family Cluster	2,168	2,743	+ 575
Villas, Townhomes, Four- Plex	2,064	475	-1,589
Garden Apartments	251	232	- 19
ACLF	0	500	+ 500
Nursing Home (beds)	<u>0</u>	<u>150</u>	<u>+ 150</u>
TOTAL	4,483	4,100	- 383

The residential housing market continues to be very strongly oriented toward retirement age households. Single-family housing remains a strong product type, while demand for multi-family units in north Pasco is lighter than had been projected in 1982.

Single-family/single-family cluster units are proposed to be increased in the new master plan. Units are primarily three-bedroom. Sale prices are generally from \$70,000 to \$200,000, with approximately 80-percent of the market in the narrower \$70,000 to \$110,000 range.

The multi-family units in the proposed master plan are mostly single-story with two bedrooms, ranging in price from approximately \$50,000 to \$150,000.

Garden Apartments are being offered in the proposed master plan to allow for market flexibility. The applicant states that development of this type of unit will occur when sufficient demand is indicated for either a sales or rental complex, with prices or rental rates probably in the mid-range of the area market.

The ACLF and Nursing Home facilities will be designed, built and operated by specialists in the field, who will also determine appropriate rates.

Housing prices in Beacon Woods East are mostly in the moderate and middle range associated with home buyers on fixed incomes, with some units in the low to moderate price range of \$50,000 to \$80,000. The proposed price ranges are comparable to those anticipated in the ADA for DRI #79, when adjusted for inflation. No government-subsidized housing is planned.

It does not appear that there will be a change in the provision of affordable housing with the proposed master plan for Beacon Woods East.

The properties proposed as ACLF and Nursing Home are designated MF-2 on the Master Plan. Consistent with Council policy, the siting of these facilities is evacuation zone E, outside of flood hazard areas. The sites will be developed as part of the proposed Phase III.

Beacon Woods East is surrounded mainly by other residential developments, of similar residential densities. Buffering of residential areas is proposed by the applicant to be consistent with Pasco County zoning ordinances.

The danger of subsidence on-site for the residential areas does not appear to be increased over the original master plan. The only exception to this may be the residential designation in the proposed of master plan of what was the "Recreation Reserve-3" tract in the originally-approved master plan. This reserve is in an area of high sinkhole potential.

The applicant has committed to advising all prospective lot purchasers of the findings of studies dealing with high subsidence potential.

No conditions specifically regarding housing were included in the original Development Order for Beacon Woods East, as amended, and none are recommended for the substantial deviation.

IMPACT ON TRANSPORTATION

TRANSPORTATION

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

Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions. (19.9, SCP)

Coordinate transportation improvements with state, local and regional plans. (19.13, SCP)

The proposed development is anticipated to generate approximately 53,572 daily vehicle trips and 6,070 evening peak hour trips, as opposed to the 55,445 daily trips and 6,353 evening peak hour trips projected to be generated from the existing approved land uses. The number of peak hour and daily trips are projected to decrease with the proposed development plan over the existing approved DRI land uses. Therefore, a traffic analysis for the proposed Beacon Woods East Substantial Deviation was determined not to be necessary for the substantial deviation review.

The transportation conditions of the original Development Order, as amended, are recommended to remain in effect. The proposed change in phasing will not affect these conditions, as they are not contingent upon a phasing schedule.

EXHIBIT C

Legal Description

LEGAL DESCRIPTION:

A portion of Lots 49, 50, 51, 53, and 55; and all of Lots 52, 56, 57 and 61 in Section 25, Township 24 South, Range 16 East, of the Port Richey Land Company Subdivision as recorded in Plat Book 1, Pages 60 and 61, Public Records of Pasco County, Florida;

TOGETHER WITH

All of Lots 8, 13, 14, and 21 in Section 36, Township 24 South, Range 16 East, of said Port Richey Land Company Subdivision;

TOGETHER WITH

A portion of Sections 25, 26, 27, 35 and 36, Township 24 South, Range 16 East, Pasco County, Florida;

All being more particularly described as follows:

From the East quarter corner of said Section 35 as a point of reference; thence N 00°39' 09" E, along the easterly line of said Section 35 for 370.58 feet to the POINT OF BEGINNING; thence N 89°20' 17" W for 255.95 feet; thence S 87°42' 07" W, for 563.98 feet to a point on the arc of a non-tangent curve from which a radial line bears S 67°42' 07" W to the center of said curve; thence along the arc of said curve concave to the West, having for its elements a radius of 725.00 feet, a central angle of 01°16' 35", an arc distance of 18.15 feet, a chord bearing of N 22°56' 10" W, and a chord distance of 16.15 feet to a point of reverse curve; thence along the arc of a curve concave to the East having for its elements a radius of 1,025.00 feet, a central angle of 41°53' 50", an arc distance of 749.53 feet, a chord bearing of N 02°37' 33" W, and a chord distance of 732.94 feet; thence N 18°19' 22" E, for 78.39 feet to a point of curve; thence along the arc of a curve concave to the West, having for its elements a radius of 600.00 feet, a central angle of 27°32' 04", an arc distance of 288.34 feet, a chord bearing of N 04°33' 20" E, and a chord distance of 285.57 feet; thence departing said curve on a non-tangent line N 89°20' 51" W, for 25.39 feet to a point on the arc of a non-tangent curve from which a radial line bears S 80°21' 19" W; thence along the arc of said curve having for its elements a radius of 575.00 feet, a central angle of 02°59' 23", an arc distance of 30.00 feet, a chord bearing of S 08°09' 00" E, and a chord distance of 30.00 feet; thence departing said curve on a non-tangent line S 83°42' 29" W, for 545.87 feet; thence S 51°21' 38" W, for 500.00 feet; thence N 38°38' 22" W, for 738.02 feet; thence S 53°34' 19" W, for 98.88 feet to a point of curve; thence along the arc of a curve concave to the North having for its elements a radius of 1,492.39 feet, a central angle of 82°46' 29", an arc distance of 2,156.05 feet, a chord bearing of N 85°02' 27" W, and a chord distance of 1,973.38 feet; thence N 43°39' 12" W, for 167.47 feet; thence S 46°20' 48" W, for 867.50 feet to a point of curve; thence along the arc of said curve having for its elements a radius of 851.29 feet, a central angle of 25°56' 33", an arc distance of 294.89 feet, a chord bearing of S 33°22' 32" W, and a chord distance of 292.38 feet; thence departing said curve on a radial line N 69°35' 45" W, for 70.00 feet to the arc of a non-tangent curve from which a radial line bears S 69°35' 45" E to the center of said curve; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 02°46' 47", an arc distance of 35.00 feet, a chord bearing of S 19°00' 52" W, and a chord distance of 34.99 feet; thence departing said curve on a radial line N 72°22' 32" W, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 72°22' 32" E; thence S 16°05' 58" W, for 40.00 feet; thence S 75°25' 35" E, for 30.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 75°25' 35" E; thence along the arc of said curve, concave to the Southeast, having for its elements a radius of 721.29 feet, a central angle of 10°13' 34", an arc distance of 128.73 feet, a chord bearing of S 09°27' 38" W, and a chord distance of 128.56 feet; thence S 04°20' 51" W, for 11.62 feet to a point of curve; thence along the arc of a curve concave to the Northwest, having for its elements a radius of 330.00 feet, a central angle of 40°58' 31", an arc distance of 238.00 feet, a chord bearing of S 24°50' 07" W, and a chord distance of 231.00 feet; thence S 45°19' 22" W, for 295.03 feet to the northeasterly right-of-way line of Flivay Road (an 80.00' right-of-way); thence N 44°40' 59" W, along said northeasterly right-of-way line for 2,059.34 feet to a point of curve; thence continue along said right-of-way line on the arc of a curve concave to the Northeast having for its elements a radius of 960.00 feet, a central angle of 07°52' 58", an arc distance of 132.08 feet, a chord bearing of N 40°44' 30" W, and a chord distance of 131.97 feet; thence departing said northeasterly right-of-way line on a non-tangent line N 46°53' 04" E, for 427.35 feet; thence N 00°38' 04" E, for 1,096.33 feet; thence N 89°21' 56" W, for 346.44 feet; thence N 00°38' 04" E, for 886.00 feet to the northerly line of the Southwest 1/4 of the Southeast 1/4 of said Section 27; thence S 89°31' 25" E, along said line for 1,672.24 feet to the westerly line of said Section 26; thence along said line N 00°35' 25" E, for 1,326.03 feet to the West quarter corner of said Section 28; thence S 89°35' 16" E, along the East-West

cw:LD35:F/8
05-058.10

centerline of said Section 26, said East-West line also being the southerly boundary of Gulf Coast Acres, Unit 1, according to the plat thereof as recorded in Plat Book 5, Page 84, Public Records of Pasco County, Florida, the southerly boundary of Gulf Coast Acres, Unit 4, according to the plat thereof as recorded in Plat Book 5, Page 87, Public Records of said County, and 15 feet South of and parallel with the southerly line of Lots 11 and 12 in Section 26, Port Richey Land Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Pages 60 and 61, Public Records of said County, for 5,339.58 feet to the West quarter corner of said Section 25; thence S 00° 56' 15" W, along the westerly boundary of said Section for 361.72 feet; thence S 89° 35' 58" E, along a line parallel with the northerly line of the Southwest quarter of said Section for 2,620.67 feet to the easterly line of the Southwest quarter of said Section 25; thence S 00° 47' 07" W, along said easterly line for 2,286.84 feet to the North quarter corner of said Section 38; thence S 00° 41' 52" W, along the North-South centerline of said Section for 990.29 feet to a point 15.00 feet West of the Northwest corner of Lot 8 of said Port Richey Land Company Subdivision; thence S 89° 33' 38" E, along the westerly extension of, and the northerly line of said Lot 8 for 1,320.00 feet to the Northeast corner of said lot; thence S 00° 41' 51" W, along the easterly boundary of said Lots 8 and 13, for 660.71 feet to the Southeast corner of said Lot 13; thence N 89° 32' 17" W, along the southerly line of said Lot 13 for 880.00 feet to the Northeast corner of said Lot 14; thence S 00° 41' 51" W, along the easterly line of said Lot 14 and its southerly extension for 990.55 feet to the northerly line of Five-A Ranches, Unit 6, according to the plat thereof as recorded in Plat Book 7, Page 54, Public Records of Pasco County, Florida; thence N 89° 30' 16" W, along said line for 440.00 feet to the center of said Section 36, said point also being the Southeast corner of Five-A Ranches, Unit 7, according to the plat thereof as recorded in Plat Book 7, Page 55, Public Records of Pasco County, Florida; thence along the boundary of said Unit 7 by the following two (2) courses; (1) N 00° 41' 52" E, for 990.29 feet to the Northeast corner of said Unit 7; (2) N 89° 28' 20" W, along the northerly line of said Unit 7 and also the northerly line of Lot 30 of said Port Richey Land Company Subdivision, and the westerly extension thereof, for 2,625.39 feet to the easterly line of the Northeast quarter of said Section 35; thence S 00° 39' 09" W, along said line for 621.18 feet to the POINT OF BEGINNING.

LESS THE FOLLOWING:

PARCEL "E":

Commence at the section corner common to said Sections 25, 28, 335, and 36, as a point of reference; thence N 89° 42' 55" W, for 1,758.78 feet to the POINT OF BEGINNING; thence S 10° 54' 48" W, for 291.78 feet; thence S 86° 54' 41" W, for 2,100.00 feet; thence N 00° 54' 48" E, for 1,114.84 feet; thence N 78° 48' 19" E, for 956.95 feet; thence S 79° 05' 19" E, for 1,344.60 feet; thence S 10° 54' 48" W, for 658.24 feet to the POINT OF BEGINNING.

Containing 56.695 acres, more or less.

ALSO LESS:

Commence at the North 1/4 corner of said Section 38; thence N 00° 47' 07" W along the easterly line of the Southwest 1/4 of said Section 25 for 120.00 feet to a point on the arc of a non-tangent curve from which a radial line bears S 00° 36' 44" E to the center of said curve, also being the POINT OF BEGINNING; thence along the arc of said curve, concave to the South having for its elements a radius of 1,205.92 feet, a central angle of 05° 14' 34", an arc distance of 110.34 feet, a chord bearing of S 87° 59' 27" W, and a chord distance of 110.31 feet; thence departing said curve on a non-tangent line N 00° 41' 52" E, for 79.18 feet; thence N 42° 49' 45" W, for 132.94 feet; thence N 00° 47' 07" E, for 99.97 feet; thence S 89° 12' 53" E, for 202.00 feet to the easterly line of the Southwest 1/4 of said Section 25; thence S 00° 47' 07" W, along said easterly line for 270.00 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

Total net acreage = 830.62 acres, more or less.

EXHIBIT D

Developer Commitments

Pages 17 and 18 of the TBRPC DRI Final Report

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
 R. L. CALEEN, JR.
 C. ANTHONY CLEVELAND
 TERRY COLE
 MARTHA J. EDENFIELD
 SEGUNDO J. FERNANDEZ
 KENNETH F. HOFFMAN
 KENNETH G. OERTEL
 HAROLD F. X. PURNELL
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TELEPHONE (904) 877-0089
 FACSIMILE (904) 877-0081

JOHN H. MILLICAN
 ENVIRONMENTAL CONSULTANT
 (NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P. E.
 ENVIRONMENTAL CONSULTANT
 (NOT A MEMBER OF THE FLORIDA BAR)

January 19, 1990

BY TELECOPIER/U.S. MAIL

Ms. Tammy Vrana
 Planner II
 7432 Little Road
 New Port Richey, Florida 34654

Re: Beacon Woods East--Substantial Deviation Determination

Dear Tammy:

Enclosed are copies of letters from the Department of Community Affairs and from the Florida Game and Fresh Water Fish Commission referring to the reopening of the gopher tortoise issue pursuant to the substantial deviation.

A letter from the Department of Community Affairs was issued pursuant to a meeting which took place on Wednesday, January 10, 1990, involving Mr. Tom Beck, Mr. Henry Bittaker, Ms. Tonya Johnson, and the undersigned. The result of that meeting was a decision by the Department of Community Affairs, as stated in the attached letter, that the substantial deviation does not reopen the gopher tortoise issue, therefore relocation pursuant to the original development order for Beacon Woods East is still required.

Also attached is a letter from Mr. Brad Hartman dated November 9, 1990, of the Florida Game and Fresh Water Fish Commission in which Mr. Hartman, in answer to the specific question of impact due to the reduction of tortoise habitat in the wetland oriented conservation areas, states that "the overall impact on tortoises of reducing these conservation areas is probably not great relative to the major impact resulting from the original development order.

In a conversation yesterday with Mr. Hartman, he told the undersigned that pursuant to the Department of Community Affairs' finding that the substantial deviation did not reopen the gopher tortoise issue, that Game and Fish would have no further comments.

It is our position that the decision made by the Department of Community Affairs, that the substantial deviation should not reopen the gopher tortoise issue has a direct bearing on the County staff's preliminary position regarding mitigation for gopher

Ms. Tammy Vrana
January 19, 1990
Page 2

tortoise impacts. We intend to make every effort to talk with the County and discuss the decision of the Department of Community Affairs and effects it will have on the proceedings before Pasco County. To that end, we are preparing to schedule meetings with individual County Commissioners on Monday, January 22, preliminary to our appearance before the Commission on Tuesday, January 23.

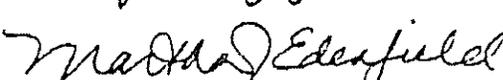
We will be contacting you later today in order to discuss changing the staff recommendation for the ADO on Beacon Woods' substantial deviation application and to set up meetings with County staff if necessary to impress upon them the changed circumstances brought about by DCA's determination.

It is now clear that paragraph number 3b of Section C, "Specific Conditions Restricting Development" in the proposed ADO should be deleted altogether. We further suggest that DCA's letter of January 19, 1990 be attached as an exhibit to the ADO.

We look forward to talking with you regarding staff's comments on the Department of Community Affairs' determination and hope that we will proceed quickly to a mutually acceptable resolution without the necessity of a costly and lengthy appeal under Section 380.07, Florida Statutes.

Sincerely,


Segundo J. Fernandez


Martha J. Edenfield

MJE/dg/1540

Encls. a/s

xc: Paul S. Scoggins (by telecopier)
Mike Palmer (by telecopier)
Doug Robison (by telecopier)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

January 19, 1990

THOMAS C. PELHAM
Secretary

Mr. Segundo Fernandez
Oertel, Hoffman, Fernandez & Cole, P.A.
P.O. Box 6507
Tallahassee, Florida 32314-6507

Re: Beacon Woods East Sub. Dev. ADA-882-022

Dear Mr. Fernandez:

As indicated to you in our meeting last week, staff has now completed a review of the development changes proposed in the current Beacon Woods East Substantial Deviation Application for Development Approval (ADA). Pursuant to your request, I am of the opinion that the previously approved development order conditions concerning gopher tortoise mitigation are not significantly affected by the proposed changes. Therefore, pursuant to Subparagraph 380.06(19)(g)3., F.S., the proposed changes do not warrant reopening this issue or justify a recommendation by this agency to revise or amend the existing development order conditions regarding gopher tortoise issues.

My staff has already discussed this opinion with Suzanne Cooper of the Tampa Bay Regional Planning Council, and with Brad Hartman of the Florida Game and Fresh Water Fish Commission. If I can be of any further help with this matter, please contact me at (904) 488-4925.

Sincerely,

J. Thomas Beck
J. Thomas Beck, Chief
Bureau of State Planning

cc: Ms. Tammy Vrana (Pasco Co.)
Ms. Suzanne Cooper (TBRPC)
Mr. Rick Gooch (FGFWFC)
Mr. Brad Hartman (FGFWFC)

FLORIDA GAME AND FRESH WATER FISH COMMISSION

C. TOM RAINEY, D.V.M. WILLIAM G. BOSTICK, JR. DON WRIGHT THOMAS L. HIRES, SR. MRS. GILBERT W. HUMPHREY
 Miami Winter Haven Orlando Lake Wales Miccosukee

ROBERT M. BRANTLY, Executive Director
 ALLAN L. EGBERT, Ph.D., Assistant Executive Director



FARRIS BRYANT BUILDING
 620 South Meridian Street
 Tallahassee, Florida 32399-1600
 (904) 488-1960

November 9, 1989

RECEIVED

NOV 13 1989

Ms. Martha J. Edenfield
 Oertel, Hoffman, Fernandez & Cole, P.A.
 Suite C
 2700 Blair Stone Road
 Tallahassee, FL 32301

OERTEL, HOFFMAN,
 FERNANDEZ & COLE, P.A.

RE: Beacon Wood Substantial Deviation,
 Pascc County

Dear Ms. Edenfield:

Per your 3 November request, I have attempted to evaluate the potential impact of this substantial deviation on gopher tortoises.

The specific question of impact due to the reduction of tortoise habitat in the wetland oriented conservation areas is difficult to answer, especially without a field inspection and having the conservation areas delineated on the ground. However, it is likely that the conservation areas between V-23 and V-22, and between V-25 and V-24 contain, or did contain, some suitable habitat for gopher tortoises, either in scrub areas or in the higher transition zones between scrub and wetlands. The other wetland oriented conservation areas appear to be less likely to support gopher tortoises because of the type of vegetation reported in those areas. The overall impact on tortoises of reducing these conservation areas is probably not great relative to the major impact resulting from the original development order.

There appears to be some confusion on the status of upland conservation areas, particularly those involving the scrub jay management plan. Any further loss of scrub brought about as a result of this substantial deviation, or of other changes, could have a relatively significant impact on gopher tortoise populations on the site and would further reduce the probability of sustaining a population.

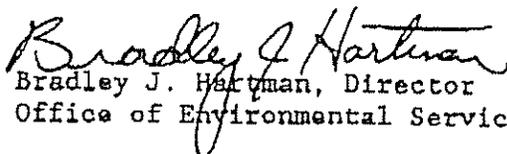
There is also a question of the possible cumulative effects of these proposals and past changes on gopher tortoises. I am not familiar with other changes made and cannot address this question.

Ms. Martha J. Edenfield
November 9, 1989
Page 2

The proposal to reduce the wetland oriented conservation areas will very likely result in reduced wetland wildlife values. Transition vegetation serves as a water quality and human impact buffer to wetlands and provides habitat for both upland wildlife and those components of the wetland wildlife community that use transition or upland areas for part of their life cycle. It is our recommendation that these reductions in size of the conservation areas not be allowed.

Please call me if you have questions.

Sincerely,


Bradley J. Hartman, Director
Office of Environmental Services

BJH/tgw

ENV 1-11-3

cc: Suzanne Cooper, TPRPC
Henry Bittaker, DCA
Wendy Masteller, PBSJ

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE BEACON WOOD EAST 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. 90-91 dated February 27, 1990, has adopted an amendment to the Development Order for a Development of Regional Impact known as Beacon Woods East (Resolution No. 82-147). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit C of the Development Order.

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 C nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

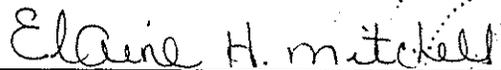


CURTIS L. LAW, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)

County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 27th day of February, 1990.



Notary Public
State of Florida at Large
My Commission Expires:

Deputy Clerk

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

Attorney

BEACON WOODS EAST SUBSTANTIAL DEVIATION

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.

ENVIRONMENTAL AND NATURAL RESOURCES

Land

1. The developer shall perform engineering studies to determine suitability for development of any land with soil conditions not usually conducive to development. (SR1*, page 5)
2. The developer agrees to use straw bales to protect conservation areas during periods of construction on adjacent property, along with erosion and dust control measures. (SR1, page 5).
3. Appropriate land planning, including building orientation and use of retention areas, will be used to buffer any residential uses from commercial or professional uses. (SR2**, page 7)
4. The applicant will advise the prospective lot purchaser of any area, including within Village 24, of the findings of studies dealing with high subsidence potential. (SR3***, page 4)

Water Quality

5. Ecologically sound maintenance techniques for the golf course such as natural pest control, native vegetation and minimal chemical applications shall be used. (SR3, page 2)

Wetlands

6. The stormwater management plan is designed to maintain natural hydroperiods in wetlands associated with proposed Conservation areas. (ADA****, page 14-10)
7. Ownership and maintenance responsibility for wetlands retained in proposed conservation areas will be assigned either to local village associations, a master association, or golf course owners, depending on location. The Master Association will be responsible for maintenance of most of the common areas. (ADA, page 16-7)

Vegetation and Wildlife

8. The developer commits to beginning a wildlife re-survey on undeveloped, unconstructed portions of the project and to produce a new plan for gopher tortoise relocation after getting FGFWFC concurrence in the scope and method of the survey. In addition, the developer shall review survey findings with FGFWFC, TERPC and Pasco County and plans to work towards an acceptable plan to replace the previously approved-plan. (SR2, page 2)

PUBLIC FACILITIES

Recreation and Open Space

9. Any entity who will own and is to be responsible for maintenance of delineated Conservation areas will be identified on preliminary site plans containing such Conservation areas or portions thereof. (ADA, page 27-5)
10. All common areas will be the responsibility of either the Beacon Woods East Homeowner Association, Inc., the Beacon Woods East Master Association, Inc., the Beacon Woods East Recreation Association, Inc., or one of the various Beacon Woods East village associations. Other open space is maintained by the Links Golf Course owner. (SR1, page 41)

- * First Sufficiency Response
- ** Second Sufficiency Response
- *** Third Sufficiency Response
- **** Application for Development Approval

COMPOSITE EXHIBIT E

Correspondence Regarding Gopher

Tortoise Issue