

#211



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
8731 CITIZENS DRIVE, SUITE 320
NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL NO. 7004 1160 0000 4437 6614
RETURN RECEIPT REQUESTED

September 17, 2013

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

RE: Meadow Pointe Development of Regional Impact (#211)
Development Order

Dear Mr. Meyer:

Enclosed please find a certified copy of the Meadow Pointe Development of Regional Impact (#211) Development Order.(Resolution No. 13-297), 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 September 10, 2013.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Allen L. Howell".

Allen L. Howell
Planner II

Enclosure

**NOTICE OF ADOPTION OF THE DEVELOPMENT ORDER AMENDMENT
FOR THE MEADOW POINTE
DEVELOPMENT OF REGIONAL IMPACT NO. 211**

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No 13-297, dated September 10, 2013, 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 Attachment 2 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 Attachment 2 or actual constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

DONE AND RESOLVED this 10th day of September, 2013.



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

BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA

Ted J. Schrader
TED J. SCHRADER, CHAIRMAN

APPROVED
IN SESSION
SEP 10 2013
PASCO COUNTY
BCC

A RESOLUTION AMENDING RESOLUTION NO. 05-136, AS AMENDED FOR MEADOW POINTE (F.K.A. TROUT CREEK) DEVELOPMENT OF REGIONAL IMPACT NO. 211 TO ALLOW FOR AN EXTERNAL ACCESS POINT TO TRACT 2 AND RECOGNIZE BUILDOUT AND EXPIRATION DATE EXTENSIONS

WHEREAS, on October 9, 1973, the Pasco County Board of County Commissioners adopted by resolution a Development of Regional Impact (DRI) Development Order (DO) approving, with conditions, the Deerfield Village DRI; and,

WHEREAS, the DO was amended by the Board of County Commissioners by Resolution No. 89-10 dated October 11, 1988; Resolution No. 89-29 dated November 15, 1988; Resolution No. 89-69 dated January 4, 1989, rescinding Resolution Nos. 89-10 and 89-29; Resolution No. 90-32, a Substantial Deviation DO approved on November 21, 1989; Resolution No. 92-50 dated November 12, 1991; Resolution No. 97-98 dated December 10, 1996; and Resolution 98-91 dated February 10, 1998; Resolution 05-136 dated March 8, 2005; and

WHEREAS, on March 7, 2013 MPBBD, LLC, filed a request for an amendment to the Development Order Amendment pursuant to Section 380.06(19)(e)(2)(k), Florida Statutes, requesting: (1) removal of Condition No. 6 from Resolution 92-50 which limits all commercial parcels to internal accesses; and (2) recognize applicable date extensions granted in 2012; and

WHEREAS, the Planning and Development staff recommends amendment of Condition No. 6 to allow a right-in/right-out access from Bruce B. Downs Boulevard; and

WHEREAS, the Applicant provided notice of its intent to exercise the tolling and extension pursuant to the Governor's Executive Order 12-140 (as extended by Executive order 12-192 and 12-217) and 12-199; and

WHEREAS, the Florida Department of Economic Opportunity determined that the tolling and extension period shall be one (1) year and 120 days; and

WHEREAS, the Applicant wishes to recognize the new build-out date and DO expiration dates of March 13, 2019 and March 13, 2022, respectively; 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 the DRI DOs; and

WHEREAS, the traffic analysis prepared in 1996 did analyze an access between Meadow Point (now Aronwood Boulevard) and Williamsburg Drive, which was not considered in

subsequent DO Amendments, and the Florida Department of Economic Opportunity and the Tampa Bay Regional Planning Commission recognize the access should have been considered; and

WHEREAS, pursuant to Subparagraph 380.06(19)(e)2, Florida Statutes, a notice of proposed change application and public hearing are 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 September 10, 2013; and

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

WHEREAS, the Board of County Commissioners wishes at this time to amend the DO.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled this 10th day of September, 2013, that the DO Amendment for Meadow Pointe DRI as set forth below is hereby adopted by the Board of County Commissioners:

MEADOW POINTE DEVELOPMENT ORDER AMENDMENT

1. INTRODUCTION

This resolution shall constitute an amendment to the DO as previously amended.

2. FINDINGS OF FACT

- a. The foregoing whereas clauses are hereby incorporated as Findings of Fact.
- b. The Board of County Commissioners has received and considered various other reports and information including, but not limited to, the memoranda and attachments from the Planning and Development Department relating to this DO Amendment.
- c. All parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.

- d. The Development Order Amendment Application is incorporated into this DO by reference as Exhibit A.

3. CONCLUSIONS OF LAW

- a. This DO Amendment is consistent with the applicable provisions of the Pasco County Land Development Code.
- b. The DO Amendment is consistent with the applicable provisions of the adopted Pasco County Comprehensive Plan.
- c. This DO Amendment is consistent with the applicable provisions of the 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. ORDERED

Having made the above findings of fact and conclusions of law, the Meadow Pointe DO is hereby amended as follows:

- a. The DO is hereby amended to change the build-out date from November 13, 2017 to March 13, 2019 and the DO expiration date from November 13, 2020 to March 13, 2022.
- b. Condition No. 6 of Resolution 92-50 amending the DO is hereby amended as shown below in strikethrough/underline format.
 - 6. All commercial parcels shall be limited to internal accesses, except as provided below:
 - a) Access to Tract 1 may have full access from C.R. 581 provided the developer obtains a permit for a median cut.
 - b) Tract 2 may have a right-in/right-out access from C.R. 581, subject to County approval. However, any approved right-in/right-out access shall be modified or removed if required for all other developments that have access to C.R. 581 during the implementation of transit plans for the corridor such as the on-going FDOT/TBARTA "USF to Wesley Chapel Regional Transit

Study” or any other future transit studies for the corridor.

- c. Except as specifically amended hereby, the provisions of the DO as amended, remain in full force and effect.

5. EFFECTIVE DATE

This DO Amendment shall take effect upon transmittal to the Florida Department of Economic Opportunity (FDEO), the Tampa Bay Regional Planning Council (TBRPC), and the Applicant. 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 & Development Department. The Pasco County Planning and Development Department shall then send copies of each document to the FDEO, 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 10th day of September, 2013



Paula S. O'Neil
PAULA S. O'NEIL, Ph.D.
CLERK AND COMPTRROLLER

BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA

Theodore J. Schrader
THEODORE J. SCHRADER, CHAIRMAN PASCO COUNTY
BCC

APPROVED
IN SESSION
SEP 10 2013

EXHIBITS

A. Development Order Amendment Application*

B. Legal Description

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

EXHIBIT A

DEVELOPMENT ORDER AMENDMENT APPLICATION*

RECEIVED MARCH 15, 2013

***INCORPORATED BY REFERENCE ONLY AND ON FILE WITH THE PLANNING AND
DEVELOPMENT DEPARTMENT**

EXHIBIT B



LEGAL DESCRIPTION

#211



GUNSTER
ATTORNEYS AT LAW

Our File Number: 29397.00006
Writer's Direct Dial Number: (561) 650-0519
Writer's E-Mail Address: lcrippen@gunster.com

September 18, 2012

VIA U.S. MAIL

Mr. John Gallagher
County Administrator
Pasco County
8731 Citizens Dr., Suite 340
New Port Richey, FL 34654

Mr. Richard E. Gehring
Growth Management Administrator
Pasco County
8731 Citizens Dr., Suite 340
New Port Richey, FL 34654

Jeffrey Steinsnyder, Esq.
County Attorney
Pasco County
8731 Citizens Dr., Suite 340
New Port Richey, FL 34654

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

Re: Trout Creek Properties LLC ("Trout Creek") - Reversion of Entitlements on Meadow Pointe Commercial Tract 2

Gentlemen:

This firm represents Trout Creek Properties LLC, the original and ongoing developer of the Meadow Pointe Master Planned Unit Development in Pasco County, pursuant to that Development of Regional Impact Development Order, Pasco County Resolution 90-32, as amended, and MPUD Rezoning #1505 (collectively, the "DRI").

On December 12, 2005, Trout Creek conveyed to OS Realty, Inc., a Florida corporation ("OS Realty"), Meadow Pointe Commercial Tract 2, as shown on DRI Map H1-H2 and legally described in the exhibit to this letter (the "Property"). In connection with the conveyance, the parties executed a Memorandum of Agreement, which is recorded in Official Record Book 6748, Page 71, public records of Pasco County (the "Memorandum"). The Memorandum was recorded for the purpose of giving public notice of the fact that Trout Creek assigned to OS Realty all of Trout Creek's right, title and interest in the existing DRI Entitlements pertaining to the Property allowing for the development of a maximum of 140,000 square feet of commercial uses (the "DRI Entitlements"). The Memorandum further provides that, in the event OS Realty has not developed the maximum of 140,000 square feet of commercial uses on the Property by December 12, 2010, then the DRI Entitlements shall automatically revert to Trout Creek, and may be utilized by Trout Creek in its discretion.

It is our understanding that a portion of the Property was subsequently conveyed to, and is now owned by,

MPBBD, LLC, a Florida limited liability company ("MPBBD").

As of this date, the Property has not been developed as required by the Memorandum. Accordingly, this letter is to advise you that the DRI Entitlements of 140,000 square feet of commercial uses on the Property have reverted to Trout Creek, and that Trout Creek is the sole owner of all DRI Entitlements related to the Property. MPBBD has been informed that the DRI Entitlements have reverted to Trout Creek. Please be further advised that any future development of the Property will require the consent of Trout Creek with regard to the utilization of the DRI Entitlements.

Please contact the undersigned if you have any questions concerning this matter.

Thank you.

Sincerely,



Lewis F. Crippen

LFC/crp

cc: OS Realty, Inc., Attn.: Ms. Lauren Sustachek
2202 North West Shore Blvd., 5th Floor
Tampa, FL 33607

cc: Jacqueline Bozzuto, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
251 North Eola Dr.
Orlando, FL 32801

cc: MPBBD, LLC
10033 Tate Lane
Tampa, FL 33624
Attn.: Mr. Bryan Schultz

cc: Brian P. Burns, Jr., President of Trout Creek Properties LLC (Via Email)

EXHIBIT "A"

LEGAL DESCRIPTION

MEADOW POINT COMMERCIAL TRACT "2"

DESCRIPTION: A parcel of land lying in Section 31, Township 26 South, Range 20 East, Pasco County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 31, run thence along the North boundary of said Section 31, S89°58'03"E, 101.26 feet to a point of the East right-of-way line of County Line Road; thence along said East right-of-way line, S00°30'15"W, 2753.46 feet to the POINT OF BEGINNING; thence S75°52'42"E, 35.76 feet; thence S65°19'04"E, 35.87 feet; thence N86°13'56"E, 48.40 feet; thence N34°32'42"E, 27.91 feet; thence N 54°43'54"E, 41.01 feet; thence N86°52'06"E, 71.27 feet; thence S50°24'16"E, 78.58 feet; thence S86°25'52"E, 99.48 feet; thence N62°50'14"E, 45.01 feet; thence N44°34'38"E, 67.57 feet; thence N89°14'30"E, 42.84 feet; thence N05°58'06"E, 46.24 feet; thence N51°44'08"E, 74.70 feet; thence S53°28'00"E, 16.15 feet; thence S35°25'38"E, 309.62 feet; thence S88°21'23"E, 163.88 feet; thence N54°34'22"E, 52.47 feet; thence S51°58'45"E, 235.07 feet; thence S16°39'30"W, 408.50 feet to a point on a curve Northerly right-of-way line of Meadow Pointe Boulevard, as shown on the plat of MEADOW POINTE PARCEL 2 UNIT 1, as recorded in Plat Book 30, Pages 25 through 30 inclusive, Public Records of Pasco County, Florida; thence along said Northerly right-of-way line the following five (5) courses: 1) Westerly, 468.51 feet along the arc of a curve to the left having a radius of 760.00 feet and a central angle of 35°19'15" (chord bearing S88°59'52"W, 461.13 feet) to a point of tangency; 2) S71°20'15"W, 104.05 feet to a point of curvature; 3) Westerly, 381.35 feet along the arc of a curve to the right having a radius of 1140.00 feet and a central angle of 19°10'00" (chord bearing S80°55'15"W, 379.58 feet) to a point of tangency; 4) N89°29'45"W, 93.77 feet to a point of curvature; 5) Northwesterly, 54.98 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing N44°29'45"W, 49.50 feet) to a point on the aforesaid East right-of-way line of County Line Road; thence along said East right-of-way line, N00°30'15"E, 702.24 feet to the POINT OF BEGINNING.

SHELLY MAY JOHNSON, PA

ATTORNEY AT LAW

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

#211

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

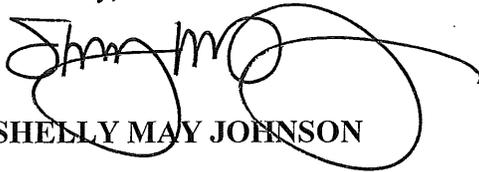
RE: MEADOW POINTE DRI #211

Dear Mr. Meyer:

On behalf of my clients, please accept this correspondence as the formal request for a 4 year extension of the Meadow Pointe Development of Regional Impact's development order and build out dates. The extended build out and development order expiration dates will be November 30, 2017 and November 30, 2020, respectively.

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

Sincerely,



SHELLY MAY JOHNSON

Cc Clients (*via regular mail only*)

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

#211

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: Meadow Pointe DRI #211 DRI
Additional 2 Years Extension Notice to the Phase II Build-Out Date

Dear Mr. Meyer:

Pursuant to our telephone conversation enclosed please find a copy of the three (3) years extension request that was sent in accordance with Section 380.06(19)(c) on June 30, 2008 for this DRI as well as your acknowledgement of the extension on June 24, 2008. The three (3) years extension extended the Development Order to November 30, 2016 and the Phase II build out date to November 30, 2011. As we discussed, the Annual Report Summary for this DRI on the Council's consent agenda on April 13, 2009 did not reflect these extended dates.

Further, please accept this correspondence as formal notification of the Meadow Pointe DRI's intention to utilize the additional two (2) years extension for the Phase II build out date 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.

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

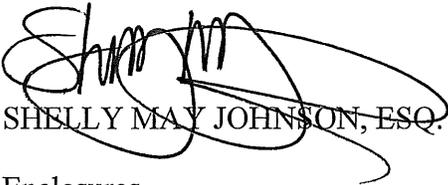
--Page 2 --

anticipates acting on the authorization in accordance with the land use phasing schedule as approved and extended.

Pursuant to this notification we are requesting that the Council acknowledge this request and extension and update its records to reflect the newly-established Phase II build-out expiration date as November 30, 2013.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelly M Johnson', is written over the typed name. The signature is stylized and somewhat cursive.

SHELLY MAY JOHNSON, ESQ.

Enclosures

Cc: Private Restaurant Properties, LLC (*via regular mail only*) w/o encl.
Inland Southeast Meadow Pointe Pasco, LLC c/o DDR Property Tax w/o encl.
Cynthia D. Spidell, Pasco County Growth Management (*via regular mail only*)
w/o encl.
Bernard Piawah, FDCA (*via regular mail only*) w/o encl.
Kent Fast, FDOT (*via regular mail only*) w/o encl.

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

June 30, 2008

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

RE: Meadow Pointe DRI #211

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.

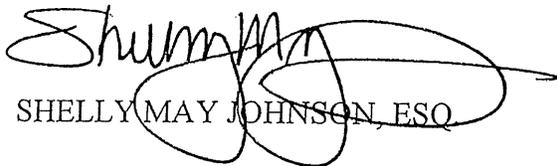
This letter is written to inform Pasco County and the Tampa Bay Regional Planning Council that the Meadow Pointe DRI was under active construction as of July 1, 2007. On February 22, 2007 two of the developers of the Wesley Chapel Outback Plaza received approval to subdivide 16.39 acres located in Phase II of the Meadow Pointe DRI and received approval of preliminary/construction plans for two restaurant pads located on Parcel 2 of the plaza plan. The construction plans were stamped by the Development Review Division on May 25, 2007 for issuance of the hard copy site development permit for Parcel 2. Pasco County's Utility Department issued the water and wastewater permits for the development on June 1, 2007. As a result, it is our understanding that the build-

out date for Phase II of the Meadow Pointe DRI is extended from November 30, 2008 to November 30, 2011. We also understand a similar three year extension is equally applicable to the expiration date for the Meadow Pointe Development Order, which would be extended from November 30, 2013 to November 30, 2016.

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 Meadow Pointe DRI to implement the extensions. It should also be noted that Development Order/Resolution 97-98 C.2(f) which amended Section C.3(f) of the prior Order provides, in pertinent part, that "compliance by the Developer with the requirements of this Section C.3(f) shall fully satisfy the Developer's obligation to mitigate the transportation impacts for Phases I and II and shall ensure compliance with the Level of Service Standards in accordance with the Pasco County Concurrency Management System." Development Order/Resolution 05-136 3a provides, in pertinent part, "Any delay in the build out date of the project beyond November 30, 2008, shall require a new transportation analysis in accordance with Chapter 380.06 F.S., as the basis for a DO amendmen[t]." 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 Meadow Pointe 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 Phase II build out date, November 30, 2011.

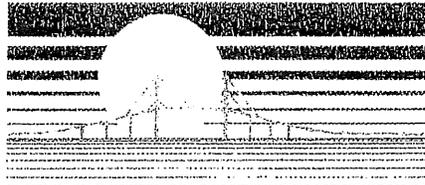
Should you have any questions or concerns with the information set forth above please do not hesitate to contact me.

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*)
Private Restaurant Properties, LLC (*via regular mail only*)
Inland Southeast Meadow Point Pasco, LLC c/o DDR Property Tax (*via regular mail only*)



Tampa Bay Regional Planning Council

Handwritten initials: JIL

Chair
Vice-Mayor Deborah Rynes

Vice-Chair
Commissioner Bill Dodson

Secretary/Treasurer
Commissioner Jack Mariano

Executive Director
Manny Pumariega

July 24, 2008

Shelly May Johnson, P.A.,
Attorney at Law
8726 Old C.R. 54, Suite D
New Port Richey, FL

Subject: DRI #211 - Meadow Pointe, Three-Year Extension, Pasco County

Dear Ms. Johnson:

The Council received your June 30, 2008 correspondence requesting three-year extensions of the build-out and Development Order expiration dates for the Meadow Pointe DRI in accordance with changes to Section 380.06(19)(c), F.S.

Combined with documentation provided within the RY 2006-07 Meadow Pointe Annual Report, you have provided sufficient documentation for Tampa Bay Regional Planning Council purposes to substantiate that construction activities were occurring on the Meadow Pointe DRI site on July 1, 2007, a pre-requisite for such extension requests. Based on this fact, Council records are being updated to reflect the newly-established buildout and Development Order expiration dates (i.e. November 30, 2011 and November 30, 2016 respectively). **However, please note that this update is for substantial deviation and regional DRI review purposes only.**

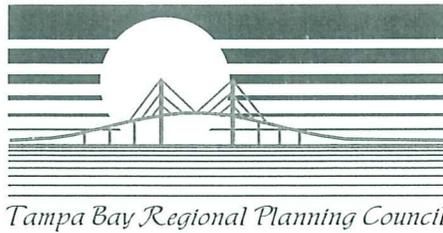
If you should have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Handwritten signature of John M. Meyer
John M. Meyer
DRI Coordinator

cc: Inland Southeast Meadow Point Pasco, LLC
Mr. Mike LaSala, Pasco County
Mr. David Goldstein, Pasco County

Mr. Kent Fast, FDOT
Mr. Bernard Piawah, FDCA



#211

SENT 7/24/08
@ 3:05 PM

Chair
Vice-Mayor Deborah Kynes

Vice-Chair
Commissioner Bill Dodson

Secretary/Treasurer
Commissioner Jack Mariano

Executive Director
Manny Pumariega

July 24, 2008

Shelly May Johnson, P.A.,
Attorney at Law
8726 Old C.R. 54, Suite D
New Port Richey, FL

Subject: DRI #211 - Meadow Pointe, Three-Year Extension, Pasco County

Dear Ms. Johnson:

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Combined with documentation provided within the RY 2006-07 Meadow Pointe Annual Report, you have provided sufficient documentation for Tampa Bay Regional Planning Council purposes to substantiate that construction activities were occurring on the Meadow Pointe DRI site on July 1, 2007, a pre-requisite for such extension requests. Based on this fact, Council records are being updated to reflect the newly-established buildout and Development Order expiration dates (i.e. November 30, 2011 and November 30, 2016 respectively). **However, please note that this update is for substantial deviation and regional DRI review purposes only.**

If you should have any questions, please do not hesitate to contact me. Thank you.

Sincerely,


John M. Meyer
DRI Coordinator

cc: Inland Southeast Meadow Point Pasco, LLC
Mr. Mike LaSala, Pasco County
Mr. David Goldstein, Pasco County

Mr. Kent Fast, FDOT
Mr. Bernard Piawah, FDCA

#211

**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

June 30, 2008

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

RE: Meadow Pointe DRI #211

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 Meadow Pointe DRI was under active construction as of July 1, 2007. On February 22, 2007 two of the developers of the Wesley Chapel Outback Plaza received approval to subdivide 16.39 acres located in Phase II of the Meadow Pointe DRI and received approval of preliminary/construction plans for two restaurant pads located on Parcel 2 of the plaza plan. The construction plans were stamped by the Development Review Division on May 25, 2007 for issuance of the hard copy site development permit for Parcel 2. Pasco County's Utility Department issued the water and wastewater permits for the development on June 1, 2007. As a result, it is our understanding that the build-out date for Phase II of the Meadow Pointe DRI is extended from November 30, 2008 to

November 30, 2011. We also understand a similar three year extension is equally applicable to the expiration date for the Meadow Pointe Development Order, which would be extended from November 30, 2013 to November 30, 2016.

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 Meadow Pointe DRI to implement the extensions. It should also be noted that Development Order/Resolution 97-98 C.2(f) which amended Section C.3(f) of the prior Order provides, in pertinent part, that "compliance by the Developer with the requirements of this Section C.3(f) shall fully satisfy the Developer's obligation to mitigate the transportation impacts for Phases I and II and shall ensure compliance with the Level of Service Standards in accordance with the Pasco County Concurrency Management System." Development Order/Resolution 05-136 3a provides, in pertinent part, "Any delay in the build out date of the project beyond November 30, 2008, shall require a new transportation analysis in accordance with Chapter 380.06 F.S., as the basis for a DO amendmen[t]." 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 Meadow Pointe 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 Phase II build out date, November 30, 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 on June 30, 2008)
Mr. Bernard Piawah, FDCA (via regular mail on June 30, 2008)
Mr. Mike LaSala, Pasco County (via certified mail on June 30)
Private Restaurant Properties, LLC (via regular mail only on June 30, 2008)
Inland Southeast Meadow Point Pasco, LLC c/o DDR Property Tax (via regular mail only on June 30, 2008)

murovitz@inland-retail.com

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

June 30, 2008

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

RE: Meadow Pointe DRI #211

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This letter is written to inform Pasco County and the Tampa Bay Regional Planning Council that the Meadow Pointe DRI was under active construction as of July 1, 2007. On February 22, 2007 two of the developers of the Wesley Chapel Outback Plaza received approval to subdivide 16.39 acres located in Phase II of the Meadow Pointe DRI and received approval of preliminary/construction plans for two restaurant pads located on Parcel 2 of the plaza plan. The construction plans were stamped by the Development Review Division on May 25, 2007 for issuance of the hard copy site development permit for Parcel 2. Pasco County's Utility Department issued the water and wastewater permits for the development on June 1, 2007. As a result, it is our understanding that the build-

out date for Phase II of the Meadow Pointe DRI is extended from November 30, 2008 to November 30, 2011. We also understand a similar three year extension is equally applicable to the expiration date for the Meadow Pointe Development Order, which would be extended from November 30, 2013 to November 30, 2016.

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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*)
Private Restaurant Properties, LLC (*via regular mail only*)
Inland Southeast Meadow Point Pasco, LLC c/o DDR Property Tax (*via regular mail only*)



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 NO. 7002 2030 0006 5457 7783
RETURN RECEIPT REQUESTED

April 7, 2005

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

RE: Meadow Pointe - Development of Regional Impact (# 211)
Development Order Amendment

Dear Mr. Meyer:

Enclosed please find a certified copy of the Meadow Pointe Development of Regional Impact #211, Development Order Amendment (Resolution No. 05-136), 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 March 8, 2005.

Sincerely,

Michael LaSala, AICP
Senior Planner

Enclosure

cc: Samuel P. Steffey II, Growth Management Administrator

**MEADOW POINTE DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION**

RESOLUTION AMENDING RESOLUTION NO. 90-32, AS AMENDED, TO APPROVE REVISIONS TO THE DEVELOPMENT ORDER FOR THE MEADOW POINTE (F.K.A. TROUT CREEK) DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER.

WHEREAS, on October 9, 1973, the Pasco County Board of County Commissioners adopted by resolution a Development of Regional Impact/Development Order (DRI/DO) approving, with conditions, the Deerfield Village DRI; and,

WHEREAS, the DO was amended by the Board of County Commissioners by Resolution No. 89-10 dated October 11, 1988; Resolution No. 89-29 dated November 15, 1988; Resolution No. 89-69 dated January 4, 1989, rescinding Resolution Nos. 89-10 and 89-29; Resolution No. 90-32, a Substantial Deviation DO approved on November 21, 1989; Resolution No. 92-50 dated November 12, 1991; Resolution No. 97-98 dated December 10, 1996; and Resolution 98-91 dated February 10, 1998; and,

WHEREAS, September 27, 2004, Trout Creek Properties, LLC, filed a Notice of Proposed Change (NOPC) to an approved DO, pursuant to Section 380.06(19)(e)1, Florida Statutes (F.S.) (NOPC).

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

1. FINDINGS OF FACT

- a. The developer has submitted the NOPC simultaneously to the Pasco County Growth Management Department, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs (FDCA).
- b. The Board of County Commissioners is the local governing body having jurisdiction over the review and approval of the said DRI in accordance with Section 380.06, F.S.
- c. The Board of County Commissioners considered the NOPC on March 8, 2005.
- d. All parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.
- e. Additionally, at the said public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.
- f. The Board of County Commissioners has received and considered the evidence submitted by the applicant, the recommendations of the Pasco County Growth Management Department, and the comments of the Tampa Bay Regional Planning Council and FDCA staffs.

2. CONCLUSIONS OF LAW

a. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendment approved hereby does not constitute a substantial deviation; therefore, it does not require further DRI review pursuant to Subsection 380.06(19), F.S.

b. The Meadow Pointe DRI, as amended hereby, will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.

c. The amendment approved by this resolution is in accordance with the requirements of Section 380.06, F.S., and is consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, F.S.

d. The impacts of the proposed development are adequately addressed by the conditions of this DO, as amended, pursuant to Section 380.06, F.S.

e. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, F.S.

f. These proceedings have been duly conducted pursuant to applicable law and regulations.

g. Phase I of the development remains vested pursuant to Subsection 163.3167(8), F.S., and Phase II also remains vested subject to the requirements of Section C.3 of the DO (Transportation) as amended by Resolution No. 97-98.

h. Having made the above findings of fact and conclusions of law, the Meadow Pointe DO is hereby amended.

3. ORDERED

a. Table 1 of Section C.1 of the DO is hereby amended to change the build-out date for Phase 2 from December 31, 2003, to November 30, 2008, an extension of four (4) years and eleven (11) months. Any delay in the build-out date of the project beyond November 30, 2008, shall require a new transportation analysis in accordance with Chapter 380.06, F.S., as the basis for a DO amendment which may include a recalculation of the required transportation mitigation.

b. Except as specifically amended hereby, the provisions of the DO, as amended, remain in full force and effect.

c. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendment approved hereby does not constitute a substantial deviation; therefore, it does not require further DRI review pursuant to Subsection 380.06(19), F.S.

d. The Pasco County Growth Management Department will provide certified copies of this order to the developer, FDCA, Tampa Bay Regional Planning Council, and upon attorneys of record in these proceedings.

e. This order shall be deemed rendered upon transmittal of copies of this order to the recipients stated in Paragraph No. C.4 above.

f. The developer shall record a Notice of Adoption of this order as required pursuant to Chapter 380 and shall furnish the County Attorney with a copy of the recorded notice.

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

h. The applicant shall record a Notice of Adoption of this resolution as required pursuant to Chapter 380, F.S.

DONE AND RESOLVED this 8th day of March, 2005.



BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA

Jed Pittman
JED PITTMAN, CLERK

Pat Mulieri
PAT MULIERI, Ed.D., CHAIRMAN

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

Orlando
ATTORNEY

APPROVED

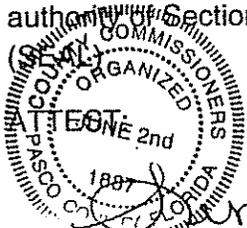
MAR 08 2005

NOTICE OF ADOPTION OF AN AMENDMENT TO
THE DEVELOPMENT ORDER FOR THE
MEADOW POINTE (F.K.A. TROUT CREEK)
DEVELOPMENT OF REGIONAL IMPACT

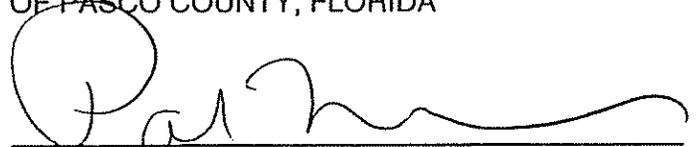
Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 05-136 dated 3-8-05, has adopted an amendment to the development order for a Development of Regional Impact known as Meadow Pointe (Resolution No. 90-32). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit A 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.

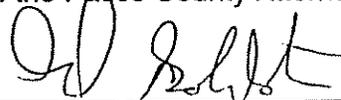
The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit A nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.


JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA


PAT MULIERI, Ed.D., CHAIRMAN

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


ATTORNEY

APPROVED

MAR 08 2005

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGE(S) _____ OF _____ PAGES
OF THE ORIGINAL OF RECORD IN MY
OFFICE. WITNESS MY HAND AND THE
COUNTY'S OFFICIAL SEAL THIS

3-21-05
JED PITTMAN, CLERK TO THE BOARD
BY Sandra Kerbel D.C.

211



PASCO COUNTY, FLORIDA

FAX (813) 847-8084
DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8132

GROWTH MANAGEMENT/ZONING DEPT.
WEST PASCO GOVT. CENTER, S-320
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

December 16, 1996

Mr. J. Thomas Beck
Bureau of Local Planning
Florida Dept. of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Meadow Pointe Development of Regional Impact
(DRI) Development Order (DO) Amendment

Dear Mr. Beck:

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 proposed changes to the Meadow Pointe DRI/DO created a substantial deviation. The Board met on December 10, 1996, and determined the proposed changes did not create a substantial deviation to the DO and did not require further DRI review.

A copy of Resolution No. 97-98 amending the DO and the Notice of Adoption are enclosed for your records.

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

Sincerely,

Deborah J. Bolduc
Deborah J. Bolduc
Planner II

DJB/ml21303:ltr

Enclosures

cc: Mr. Keith W. Brickleyer, Brickleyer, Smolker, and Bolves, P.A., Attorneys and Counselors at Law, 111 East Madison Street, Suite 2400, Tampa, FL 33602-4708
Mr. Tim Butts, AICP, DRI Coordinator, Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, FL 33702-2491
Samuel P. Steffey II, Growth Management Administrator

All of Sections 31, 32 and 33, Township 26 South, Range 20 East, Pasco County, Florida.

- LESS - The Southeast 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The Southwest 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The triangular Southwest 1/2 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 33.
- LESS - The triangular Southeast 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 33.
- LESS - TANGLEWOOD VILLAGE - PHASE 1 - AT WILLIAMSBURG WEST according to the map or plat thereof as recorded in Plat Book 20, Page 98 and 99 of the Public Records of Pasco County, Florida.
- LESS - TANGLEWOOD VILLAGE - PHASE 2 - AT WILLIAMSBURG WEST according to the map or plat thereof as recorded in Plat Book 20, Page 134, 135 and 136 of the Public Records of Pasco County, Florida.
- LESS - The right-of-way for County Road No. 581.

EXHIBIT "D"

- (f) The Developer agrees to retain all storm runoff up to the twenty-five (25) year flood on the proposed Development site to enhance the aquifer recharge process.
- ** (g) The Developer agrees to enter in agreement with the County and the residents of the proposed Development to supply adequate fire protection on or near the site.
- ** (h) The Developer agrees to give to the County all available Right-Of-Way for transportation structures as are deemed necessary by various County departments.
- ** (i) The Developer also agrees to donate twelve (12) acres within the proposed development as a future school site.
- ** (j) In as much as the proposed Development site has been analyzed by the Tampa Bay Regional Planning Staff and the Pasco County Planning Department Staff, and found to be severely limited for high density development because of natural physical features; the Developer agrees to a density of only 2.5 units per acre.
- ** (k) The Developer agrees to submit additional preliminary plats for each phase of the master plan which will detail proposed site for multi-family areas.
- ** Each requirement or condition marked by double asterisk (**) is superseded effective November 21, 1989.

Approved by the Board June 23, 1981

BOOTHE FINANCIAL CORPORATION AND INTERNATIONAL
COMMUNITIES CORPORATION
WILLIAMSBURG WEST
MASTER P.U.D.
ATTACHMENT - REZONING #1505

CONDITIONS OF APPROVAL

1. The developer agrees to comply with:
 - a. Deerfield Village, DRI Development Order dated October 9, 1973.
 - ** b. Substantial Deviation Determination Memo PL81-141
 - c. Williamsburg - West, P.U.D., April 6, 1981
 - ** d. Water Supply Report - Williamsburg West
 - ** e. Design Report - Williamsburg West Wastewater Treatment Plant, dated April 28, 1981.
 - ** f. Master Drainage Plan Report, dated May, 1981.
2. The developer agrees to conform with the National Flood Insurance Program.
3. With the Master Drainage information submitted for only the area west of Clay Gully, the developer agrees to provide the appropriate drainage and soils information (as per memo PL81-141) on the area east of Clay Gully prior to preliminary plan approval of the second unit.
4. The developer agrees to submit general drainage plans for an entire section (bubble) prior to approval of the first preliminary/site plan within that section.
5. The developer agrees to provide, prior to footer inspection, compaction tests to the satisfaction of the County Building Official for all building pad areas and its five foot periphery.
- ** 6. The developer agrees to construct an additional two lanes to C.R. 581 along the width of the project (total of four lanes). Such improvements shall be initiated when the traffic counts generated by the development, based upon the standards set forth in the ADA, warrant the additional two lanes as determined by the County Engineer.
- ** 7. The developer agrees to provide the following roadways and rights-of-way:
 - ** a. Collector roads running from the north project boundary line to the south boundary line
 - ** 1. One approximately 3/4 mile east of C.R. 581 (west of Clay Gully)
 - ** 2. One approximately 2.5 miles east of C.R. 581

5. The Developer shall, within ninety (90) days of the effective date of this Development Order, sign a Utility Service Agreement with the County for provision of water, wastewater, and reclaimed (reuse) wastewater for the development. The Developer shall, also within ninety (90) days of the effective date of the Development Order, transfer ownership of this existing well, water treatment plant, and wastewater treatment plant to the County. The Developer will be allowed water and sewer impact fee credits for excess capacity in the existing water treatment plant and wastewater treatment plant.

C. Recreation

1. The Developer shall donate a forty-five (45) acre park site to Pasco County within 180 days from the date of approval of this Development Order. Payment of Fifty and 00/100 Dollars (\$50.00) per residential unit, is required at the time of record plat, or, where no plat is required, at the time of building permit. Wetlands adjacent to the park site may be used for elevated walkways and nature trails. Additionally, the Developer will, upon 180 days' notice from the County, provide, concurrently with the construction of the park, a vehicular access road to service the park site.

D. Fire and Police Protection

1. The Developer shall donate a four (4) acre fire station/EMS site to Pasco County at a location in general conformity with the Master Development Plan and to be mutually agreed upon by the Developer and Pasco County. Such donation shall take place within 180 days of approval of this Development Order.

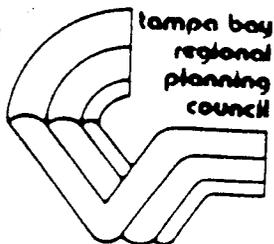
- ** b. Prior to record platting of any units, sixty feet (60') of right-of-way shall be dedicated to the County along the southern boundary line of the project (County line). A minimum of a two-lane roadway shall be constructed:
- ** 1. To S.F. #3 Bubble in conjunction with construction of improvements within this Bubble.
- ** 8. The developer agrees to dedicate to the County at least one-half (or 60') of an arterial status right-of-way along the eastern border of the project.
- ** 9. The developer agrees that the following intersection improvements shall be constructed:
- ** a. FDOT Case IV improvements along all road intersections with C.R. 581.
- ** b. FDOT Case III improvements along all collector and arterial roads, unless waived by the County Engineer.
- ** 10. The developer agrees to pay for the cost of traffic signalization at the road intersections along C.R. 581. This contribution shall be made when warranted by the County Engineer.
- ** 11. Vehicular access rights shall be dedicated or donated to the County along C.R. 581 and all collector and arterial roads except the north-south collector road in S.F. #1 Bubble and unless specifically waived by the Development Review Committee. Landscape buffering shall be installed along these roads.
- ** 12. The major east-west road shall be constructed to arterial status. Open swale drainage, as indicated in the 1981 application submittal, will be permitted.
- ** 13. Only one sidewalk may be constructed along all major collector/arterial roads, provided that a pedestrian and bicycle path plan, acceptable to the County, is submitted by the developer.
14. The areas along Clay Gulley and Trout Creek Branch shall remain as preservation land. No construction, clearing, or dredging will be allowed in this area unless specifically approved by the County. Easements for preservation/conservation and drainage shall be placed on these areas.
- ** 15. The developer agrees to donate 20 acres for a park landbank and fifty dollars (\$50.00) per unit with a minimum ten (10) private recreational facility areas, consisting of two and a half (2.5) acre minimum.
- ** 16. The developer agrees to donate to the County a minimum of one (1) acre of land for a Fire/EMS facility, prior to the final plat approval of the first subdivision unit.
- ** 17. The developer shall designate a minimum of two (2) acres quasi-public service sites, such as churches, civic clubs, etc.

- ** 18. The developer shall deed to the County School District a minimum fifteen (15) acre school site, location and time to be determined by the developer and School District.
19. The current ordinances and regulations of the time of preliminary or site plan submittal shall be in effect.
20. A preliminary plan as outlined in Section 7.1 of the Subdivision Ordinance, No. 74-09, must be approved for an entire section (bubble) prior to any phase construction drawing approval. A concept design (overall layout) must be approved for an entire multifamily or commercial bubble prior to any phase site plan approval. The maximum number of units shall not exceed forty-five hundred (4,500).
- ** 21. The developer agrees that the single family lots shall conform with the same standards as R-4 lot requirements, except a minimum side yard distance between structures shall be fifteen feet (15') with no structure closer than five feet (5') to any side property line.
22. The County will use the data submitted in this rezoning application as a basis for County approvals of plans, unless otherwise stipulated herein. The approval of the Master P.U.D. zoning, with stipulations, shall be binding upon the developer and any future owners of the land (in whole or in part).

** Each condition marked by double asterisk (**) is superseded effective November 21, 1989

EXHIBIT "D"

TBRPC Final DRI Report



Agenda Item #6.E
10/9/89

RECEIVED

OCT 5 1989

DRI Final Report

DRI #211 - TROUT CREEK SUBSTANTIAL DEVIATION
(formerly DRI #2 - DEERFIELD VILLAGE, WILLIAMSBURG WEST)

PASCO COUNTY

This report is prepared in accordance with the Florida Land and Water Management Act, Chapter 380, Florida Statutes (F.S.), and in compliance with this legislation addresses the development's efficient use or undue burdening of public facilities in the region. The report presents the findings and recommendations of the Tampa Bay Regional Planning Council based upon data presented in the Development of Regional Impact (DRI) Amended Application for Development Approval (AADA) as well as upon information obtained through local and state agencies, outside sources and comparisons with local, regional and state plans. Policies cited in this report are from the Council's adopted policy document, Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region (FRCRPP), amended June, 1988.

APPLICATION INFORMATION

APPLICANT: Mr. John M. Price
Trout Creek Properties, Inc.
100 Bush Street
Suite 700
San Francisco, CA 94104

AUTHORIZED AGENT: Mr. Glen Cross
Shimberg-Cross Company
100 South Ashley Drive
Suite 1900
Tampa, FL 33602

DATES OF INFORMATION/RECEIPT:

Preapplication Conference	- June 26, 1989
AADA Submittal	- July 10, 1989
Requests for Additional Information	- August 9, 1989
Notice to Local Government of Provision of No Additional Information	- August 11, 1989
Notice from Local Government of Public Hearing Date	- September 1, 1989
TBRPC Final Report	- October 9, 1989
Local Government Public Hearing Date	- November 14, 1989

EXHIBIT "D"

PROJECT SUMMARY

TYPE OF DEVELOPMENT: Residential, Office and Commercial

LOCATION: Southern Pasco County, at County Road 581 and the Hillsborough County Line.

TOTAL DEVELOPMENT AREA:	1,821	Acres
Residential (Total)	1,105.0	Acres
Single Family	972.5	Acres
Multi-Family	132.5	Acres
Office/Commercial	61.5	Acres
Open Space	640.5	Acres
School	15.0	Acres
Fire Station	4.0	Acres
Church	3.0	Acres

PHASING SCHEDULE:

<u>Land Use</u>	<u>Phase 1</u> <u>(1990 - 1999)</u>		<u>Phase 2</u> <u>(2000 - 2003)</u>		<u>Total</u>	
Single Family	2,600*	DU**	655	DU	3,255	DU
Multi-Family	1,000	DU	245	DU	1,245	DU
Commercial/Office	15	Acres	46.5	Acres	61.5	Acres
Commercial	40,000	SF	Unknown		653,900	SF***
Office	40,000	SF	Unknown		Unknown	
Park	45	Acres	0	Acres	45	Acres
School	15	Acres****	0	Acres	15	Acres
Church	3	Acres	0	Acres	3	Acres

* Includes 233 existing units in Tanglewood Village, Phases 1 and 2.

** Dwelling Units

*** Square Feet

**** The 15 acres will be donated upon Pasco County's request, which may occur during Phase 1 or Phase 2.

NOTE: The land use mix in Phase 1 may vary from the above table, provided the uses do not result in more than 3,308 peak hour external trip ends and 2,569 external trips in the peak direction, based on "ITE 4th Edition Trip Generation" rates.

ESTIMATED BUILD-OUT YEAR: 2003

TOTAL NUMBER OF DWELLING UNITS: 4,500

TOTAL PROJECTED POPULATION: 11,925

PRIMARY TRANSPORTATION NETWORK: S.R. 54, C.R. 581 (Bruce B. Downs Boulevard), and Livingston Avenue

BENEFITS

The applicant has committed to the donation of a 15-acre elementary school site to the District School Board of Pasco County.

NEGATIVE IMPACTS

An estimated 3,308 peak hour external vehicle trips, 2,569 in the peak direction are anticipated to be generated by build-out of Phase 1 of Trout Creek.

The proposed development will generate 1,986 students by total project build-out.

PROJECT DESCRIPTION

Trout Creek Properties, Inc. is seeking Development of Regional Impact (DRI) approval for a proposed modification to an approved and partially constructed DRI - Trout Creek (formerly known as Deerfield Village and Williamsburg West), an 1,821-acre residential/office/commercial development proposed for construction in southern Pasco County on the east side of C.R. 580; on the Pasco County/ Hillsborough County border. The original 1973 development plan for Deerfield Village and the proposed Trout Creek development are contrasted in the following table:

DEVELOPMENT PLAN COMPARISON

<u>Land Use</u>	<u>1973 Plan</u>		<u>1988 Plan</u>		<u>Change</u>
	<u>Acres</u>	<u>DU*/SF**</u>	<u>Acres</u>	<u>DU/SF</u>	
Parks, Cypress Heads, Hardwood Forest, and Right-of-Way	395		640.5		+245.5 A***
Commercial/Office	90	653,900	61.5	653,900	- 28.5 A
School	12		15.0		+ 3.0 A
Fire Station	Unknown		4.0		Unknown
Golf Course	140		0		-140.0 A
Church Site	-		3.0		+ 3.0 A
Mobile Home Lots	310	620	0		-310.0 A -620 DU
Mobile Home Lots	50	350	0		- 50.0 A -350 DU
Condominiums	100	1,680	0		- 100 A -1,680 DU
Single Family Lots	703	1,826	972.5	3,255	+269.5 A +1,429 DU
Apartments	-	-	132.5	1,245	+132.5 A
Residential Density:	2.48 DU/A		2.47 DU/A		+1,245 DU - 0.01 DU/A
Population at Build-Out:	13,428 (1984)		11,925 (2003)		-1,503

* Dwelling Units
 ** Square Feet
 *** Acres

The June 26, 1989 Pre-Application Conference set the parameters of the Substantial Deviation review for Trout Creek, to include Applicant and General Information, Maps, Education and Transportation. Council staff determined that the most significant proposed change to the originally-approved development is the 19-year build-out extension which will result in additional impacts to transportation facilities and certain other public facilities. Pasco County provided assurances that Trout Creek's water supply, wastewater, and solid waste impacts, as well as recreation and open space impacts, will be adequately addressed. The County requested that Chapter 380, F.S., review be limited to transportation and education facilities. It was felt that Trout Creek's wetlands impacts would be less than those of the original Deerfield Village project since current wetland regulations are more strict than those in effect in 1973; uplands impacts have not changed due to the proposed development; the master drainage plan for Phase 1 has been submitted to SWFWMD and the County for approval; and the golf course has been deleted from the master plan. Operation of the on-site wastewater treatment plant will cease in 1992 and Trout Creek will connect to the Wesley Chapel Sub-Regional Wastewater Treatment Plant, so that Trout Creek's wastewater impacts will be reduced from those of Deerfield Village. Pasco County's recommended changes to the Pre-Application Report were adopted by the Council's Clearinghouse Review Committee.

The original approval for Deerfield Village was issued by Pasco County on October 9, 1973 in the form of acceptance of a staff memorandum containing commitments made by the developer. The original approval did not specify an expiration date, although build-out impacts were estimated for the year 1984. The Amended Application for Development Approval (AADA) has also assumed an originally-approved build-out year of 1984.

On June 23, 1981, Deerfield Village was rezoned to Master Planned Unit Development with a new development plan. The 1973 Development Order was not amended to reflect this new development plan. It was determined not to be a substantial deviation by Pasco County. The 1981 plan included 3,300 single-family dwelling units, 1,200 multi-family units, a 32-acre shopping center, a 30-acre office park, a school site, a 3.5-acre church site, and a one-acre fire station. The name of the project was changed to Williamsburg West and construction commenced on-site. To date, 233 homes with support facilities within the retirement community of Tanglewood Village have been completed in Williamsburg West.

The Development Order for Deerfield Village was amended on October 11, 1988, extending the build-out date by 19 years, to 2003. The residential mix was also changed: Mobile home and condominium development to be replaced by single family dwelling units and apartments. On November 14, 1988, the Tampa Bay Regional Planning Council authorized an appeal of the Amendment based upon the likelihood of additional regional impacts, beyond those previously reviewed, due to the extension of the build-out date and the change in residential mix. Pasco County rescinded the Development Order Amendment on January 4, 1989, resulting in a dismissal of the Council's appeal. This Substantial Deviation review was initiated on June 26, 1989.

Currently, access to Trout Creek is provided from C.R. 581. The Pasco County Comprehensive Land Use Plan (CLUP) includes an extension of County Line Road, from its present terminus at C.R. 581 to Wesley Chapel Road east of Trout Creek, by 2010. However, the construction of this extension has not been scheduled in the County's currently-adopted Five-Year Transportation Improvements Program (TIP). S.R. 54 is designated in the CLUP to be relocated approximately 3.5 miles south of its present location, intersecting C.R. 581 at the northwest corner of Trout Creek. Construction of this improvement has not been scheduled in the TIP, however, and the location of this new facility has not yet been determined by the Florida Department of Transportation (FDOT). It is currently undergoing preliminary engineering studies. A north/south arterial, proposed to extend northward from the Hunter's Green DRI to the existing S.R. 54, will cross the Trout Creek site. Two Trout Creek access drives onto C.R. 581 are planned to tie in with the Northwood DRI entrances directly across C.R. 581.

Trout Creek is currently surrounded by pastureland. The CLUP for Pasco County specifies land uses of equal or greater densities in the vicinity of Trout Creek. The Hillsborough County CLUP has designated land use densities adjacent to Trout Creek of one dwelling unit per acre to 12 dwelling units per acre. Therefore, the gross density proposed for Trout Creek is compatible with the gross densities of surrounding properties. The net densities proposed for Trout Creek will range from 3 to 4.5 units per acre for single family areas and from 9 to 12 units per acre for multi-family areas. The multi-family areas will be located near the neighborhood commercial center at the proposed intersection of County Line Road and the project's main north/south internal roadway.

SUMMARY OF REGIONAL CONCERNS

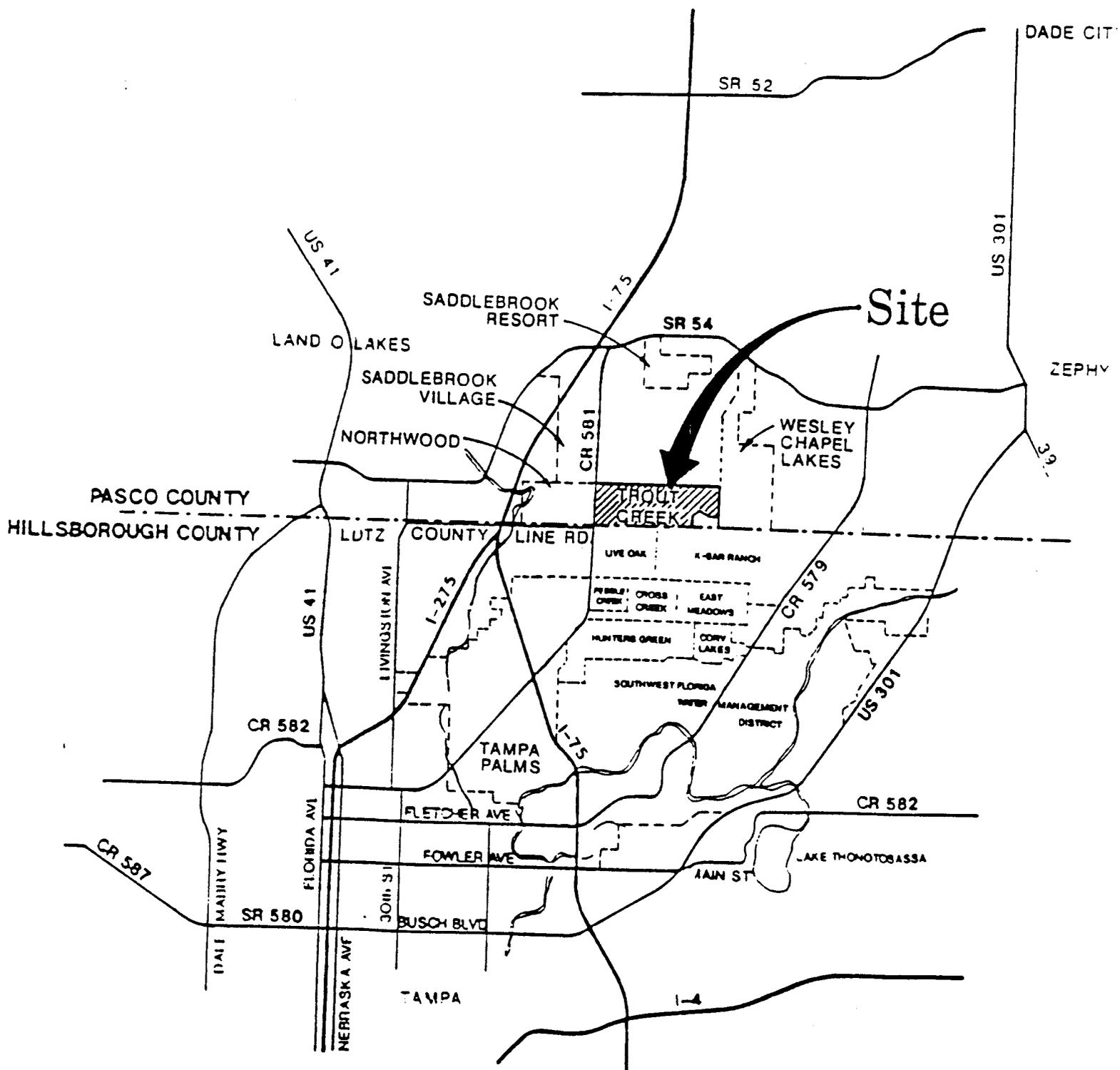
The following are regional concerns regarding the Trout Creek S/D proposal:

- o The traffic analysis for this Substantial Deviation proposal was not done to preferred regionally-acceptable methodologies. Although this made the review technically difficult, it has been determined that this project can be sufficiently conditioned to recommend its approval.
- o The project's impact on middle and high school facilities, and the availability of pre-school and day care facilities has not been fully addressed.
- o The terms and schedule for school site donation are unresolved. Donation should be made upon request by the Pasco County School Board.
- o The potential location of a water treatment plant with a gas chlorination system on the school site has not been sufficiently addressed and should be resolved prior to final site plan approval.

Other areas of concern include:

- o The delineation of preservation/conservation areas as defined by Council policies 10.1.2 and 10.3.1, FRCRPP, and the methods by which the applicant proposes to minimize impacts to preservation and conservation areas due to the proposed route of Trout Creek Boulevard.
- o The effect of the completed construction of Williamsburg Drive within the Trout Creek preservation area upon stream hydrology. FDER staff is reviewing this encroachment into a preservation area.
- o The impact of the proposed change in the residential mix of Trout Creek upon the low- to moderate-income housing stock in this area of the region.
- o The impact of the replacement of the currently-approved golf course with residential development upon on-site and off-site drainage and the on-site retention for the purpose of maintaining aquifer recharge, as required by the original Development Order.

DRI #211
Trout Creek
General Location



DRI #211 - TROUT CREEK SUBSTANTIAL DEVIATION

(ORIGINALLY DRI #2 - DEERFIELD VILLAGE, WILLIAMSBURG WEST)

RECOMMENDED REGIONAL CONDITIONS

INTRODUCTION

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

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

Any amended Development Order for Trout Creek shall include the above-referenced Section 380.06, F.S., requirements and shall address the following recommended regional conditions.

REGIONAL CONDITIONS

BASED ON THE FINDINGS AND THE ISSUES RAISED IN THIS REPORT, IT IS THE RECOMMENDATION OF THE TAMPA BAY REGIONAL PLANNING COUNCIL THAT SPECIFIC APPROVAL OF PHASE 1 OF THE TROUT CREEK DEVELOPMENT, AS PRESENTED IN THE AADA, BE ACCORDED ONLY AT SUCH TIME AS THE DEVELOPMENT ORDER AMENDMENT CONDITIONS CITED HEREIN, OR SUFFICIENT MEASURES TO MITIGATE THE ADVERSE IMPACTS TO BE GENERATED BY THIS DEVELOPMENT, CITED HEREIN, ARE COMMITTED TO BY THE APPROPRIATE ENTITIES OR JURISDICTIONS. IT IS FURTHER RECOMMENDED THAT CONCEPTUAL APPROVAL OF PHASE 2 BE GRANTED. SPECIFIC APPROVAL SHALL BE BASED ON A REVIEW OF THE TRANSPORTATION IMPACTS OF PHASE 2, CONDUCTED PURSUANT TO SECTION 380.06, F.S., AND AMENDMENT OF THE DEVELOPMENT ORDER TO IDENTIFY THE MEASURES NECESSARY TO MITIGATE THE PROJECT'S IMPACTS.

Transportation

1. Based on the information provided by the developer, approval of Phase 1 of the Trout Creek Development shall be based upon the developer's commitment to fund or construct specific regional facility(ies) as mitigation for the project's impact on the transportation network, pursuant to Council policy 19.8.14, FRCRPP.
 - A. Pipelining is hereby defined as a concept whereby a developer of an approved Development of Regional Impact (DRI) would be allowed to mitigate the project's transportation impacts by the construction of one or more major improvements listed as being substantially affected by the development. Under this concept, the developer's proportionate share of needed improvements is calculated for all of the deficient regional facilities significantly impacted by the proposed development, pursuant to FRCRPP. The developer's fair share however, is to be expended for one or more identified improvements.
 - B. Pipelining shall be acceptable and sufficient for DRI transportation impact mitigation for this DRI provided that all the following provisions are met:
 1. Project approvals shall be phased and not exceed five years. Subsequent approvals shall be subject to further analysis and additional pipeline mitigation.
 2. The roadway improvements to be pipelined shall be identified in the Development Order and shall:
 - a. be selected from the regional transportation facilities significantly impacted by the project,
 - b. preferably be consistent with the Pasco County, Pasco MPO, Hillsborough County, Tampa Urban Area MPO and FDOT long-range plans, and
 - c. receive concurrence from Pasco County and TBRPC with review and comment by the MPO and FDOT.
 3. The developer's proportionate share pipeline contribution shall be equal to or exceed the amount calculated pursuant to the Department of Community Affairs (DCA) pipeline transportation policy rule, 9J-2.0255, FAC. The proportionate share for Phase 1 of this project has been preliminarily calculated to be ~~\$2,821,045.-~~
2,508,938
 4. The developer shall receive credit against impact fees, pursuant to law.
 - C. Pasco County, based upon traffic analysis or studies, and/or long-range planning, may authorize alternative pipelining approaches and conditions, to those established in subparagraph B.1 above, provided that such variations are technically appropriate, and

that the basis for, and the conditions of, such variations are specifically set forth in the Development Order.

2. When Certificates of Occupancy have been issued for 1,000 residential units, an annual monitoring program to provide peak-hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts, Pasco County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments.

If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), F.S., shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. Specific approval of Phase 2 of Trout Creek, as proposed in the AADA, shall be contingent upon review, pursuant to Subsection 380.06, F.S., of the transportation impacts. The Phase 2 analysis shall be based on the determinations of a traffic methodology meeting to be held prior to submittal of the analysis. The Development Order shall be amended to identify the roadway improvements necessitated by the project and to set forth the conditions of approval.

Education

4. The developer shall donate an elementary school site to the District School Board of Pasco County in accordance with the recommendations included in Exhibit 26.C.1 of the AADA, in addition to the applicant's commitments set forth on page 26.4 of the AADA. This elementary school site shall be reserved on the Master Site Plan prior to the issuance of further building permits for Trout Creek and donated in Phase 1 or Phase 2, upon request by the Pasco County School Board.
5. Additional information shall be provided concerning the potential to locate a water treatment plant near the elementary school site. The potential hazards of a gas chlorination system shall be discussed, as well as the measures necessary to ensure the safety of the students.
6. Pasco County shall assure that education facilities and services for elementary, middle, and high school students will be adequate to serve all stages of the proposed Trout Creek development concurrent with the demand generated by this project. The methods by which Pasco County shall provide this assurance shall be set forth in the Development Order Amendment.

18. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing. Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the developer in accordance with the DRI Fee Schedule.

George Greer, Chairman

ATTEST:

Mike Wells
Secretary-Treasurer

These comments and recommendations were approved by a majority vote of the Tampa Bay Regional Planning Council this 9th day of October, 1989.

IMPACT ON TRANSPORTATION

TRANSPORTATION

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

The analysis of improvements for highway links and intersections needed as a result of the impact of a Development of Regional Impact (DRI) shall address all needed modifications on regionally significant roadway links and intersections when the peak hour operational LOS drops to worse than "D" in urbanized areas or when the peak hour operational LOS drops to worse than "C" in rural areas. (19.8.10, FRCRPP)

Trout Creek, an 1,800-acre mixed-use development proposed for southern Pasco County, will generate approximately 32,000 daily and 3,300 evening peak hour external trips following completion of the project's first phase, scheduled for 1999.

The applicant desires to use the pipeline option of transportation impact mitigation. It is proposed that the developer will pipeline the construction of a four-lane section of C.R. 581 from the Cross Creek DRI (#162) north to the Pasco County line.

The Transportation Update for the Trout Creek DRI attempted to identify the incremental increase in the project traffic associated with the proposed land use changes from the 1973-approved DRI, and then to quantify the project's proportionate share contribution for roadway improvements associated with that change. The applicant sought to combine external project traffic for those land uses that remained unchanged from the approved Deerfield Village DRI with external project traffic anticipated to occur as a result of new land use assumptions. The 4th Edition of ITE's Trip Generation was used to estimate traffic associated with the proposed land use changes, whereas the original DRI employed an earlier methodology to forecast project trips. Because it was unacceptable to the Region and DCA that two methodologies were used to forecast project traffic, a compromise was struck that placed a cap on the amount of traffic generated for Phase 1 and limited the size of the commercial component.

Project traffic is expected to adversely affect several regional roadways within the study area, principally within Hillsborough County's jurisdiction. Facilities that will be negatively affected include C.R. 581 (Bruce B. Downs Boulevard) and S.R. 54.

In cases where a roadway facility will require an improvement to bring it to a satisfactory LOS, it is TBRPC policy to identify, during regional review, the regional roadway facilities to which the project will contribute five

percent or more of the existing LOS D capacity at peak hour for links and intersections (C in rural areas). If the project contributes five percent or more of the existing LOS D capacity at peak hour and the link or intersection is projected to operate at an unacceptable LOS, then specific improvements are identified and such identification becomes a specific recommendation for project approval.

TBRPC's traffic consultant has identified significant errors in the Substantial Deviation's transportation analysis. The analysis provided by the developer does not permit an identification of impacted roadways or the percent of LOS D (C rural) peak hour capacity consumed by the project. The analysis does, however, provide sufficient information to enable the calculation of the developer's Phase 1 proportionate share of transportation impacts, pursuant to Council policy 19.8.14, FRCRPP.

EDUCATION

Those developments making additional demands for educational facilities shall pay their fair share in the provision of such facilities. (1.6.6, 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)

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

It is estimated that 1,986 school-age children (1,182 elementary school, 444 middle school, and 360 high school) will reside in the proposed Trout Creek development, as opposed to 1,610 students for the Deerfield Village/Williamsburg West project.

A letter from the Pasco County School Board approved the above-proposed pupil population estimates, and included a recommendation that the applicant be required to donate a 15-acre school site to the School Board. The School Board also requested approval of the school site location, in accordance with the requirements of the Florida Department of Education, that the land not be subject to a reverter or restrictive usage clause, and that paved road access be provided by the applicant to the school site within 24 months of receiving written notification from the School Board that the school is to be constructed.

The applicant has committed to donating a 15-acre elementary school site as requested by the Pasco County School Board, along with the necessary infrastructure. The applicant states that the school site identified on the conceptual land use plan for Trout Creek has been approved by the Pasco County School Board, but the School Board has stated the need to determine if these 15 acres consist of net usable upland. The applicant has also committed to providing sidewalks or bike paths along all rights-of-way throughout the community, including proper pedestrian access to the school site.

The August 9, 1989 Preliminary Assessment Letter requested additional information from the applicant in order to address a number of concerns about the proposed development's impact upon educational resources. The applicant elected not to provide this additional information. The concerns which were not addressed include the following:

- o The proposed development's impact upon the area's middle school and high school facilities. This information was not provided by the Pasco County School Board in its June 22, 1989 letter. Pasco County does not have education impact fees, and may only request land donations to address impacts which are specifically attributable to an individual development. The magnitude of Trout Creek's impact upon such facilities would not warrant land donations large enough to accommodate these facilities on-site.
- o The availability of pre-school and day care facilities in the Trout Creek area.
- o The applicant states in the AADA that the proposed elementary school site may not be donated until Phase 2, scheduled to begin in 2000. The School Board was contacted by the applicant prior to submittal of the AADA, and was not made aware of the phasing proposed in that document. However, a June 22, 1989 letter from the District School Board of Pasco County requested that the developer be required to construct paved road access to the school site within 24 months of receiving written notification from the District School Board of Pasco County that the Board intends to construct a school on a site. Such notification will probably occur during Phase 1 of Trout Creek.
- o The location of a water treatment plant with a gas chlorination system either adjacent to, or within the proposed school site, and whether or not it will be dismantled prior to occupancy of the elementary school.

It is appropriate to recommend a Development Order Amendment condition that the developer donate an elementary school site to the District School Board of Pasco County in accordance with the applicant's commitments set forth on page 26.4 of the AADA. This elementary school site should be reserved on the Master Site Plan prior to the issuance of building permits for Trout Creek. Pasco County shall assure that its education facilities and services will be adequate to service all stages of the proposed Trout Creek development concurrent with the demand generated by this project. The

methods by which Pasco County shall provide this assurance shall be set forth in the Development Order.

OTHER ISSUES

The Department of Community Affairs has provided to TBRPC, in a letter dated July 18, 1989, a policy determination pertaining to the parameters of a DRI Substantial Deviation review. This letter has been attached to this Final Report. Emphasis is placed on the statement which describes the Substantial Deviation review process as one which "will ultimately lead to the approval or denial of the currently proposed changes by local government as they relate to the entire project."

The regional review has considered, in addition to the information provided in the AADA, comments received from other agencies and pertinent information from other sources which were brought to the Council's attention during the regional review, as stated in the Pre-Application Report. The additional comments and information requests have been attached to this Final Report as part of the Council's Preliminary Assessment letter. Many of these comments related to the proposed impact on the site's wetlands, particularly Trout Creek. The original ADA did not specifically address impacts to this tributary to the Hillsborough River.

The August 9, 1989 Preliminary Assessment Letter requested additional information from the applicant in order to address a number of regional concerns arising from the above-mentioned comments, information, and currently proposed changes as they relate to the entire project. The applicant elected not to provide this additional information. The general conditions provided for Pasco County's consideration in the Conditions section of this report address these issues.

FLORIDA

BOB MARTINEZ
GOVERNOR



DEPARTMENT OF TRANSPORTATION

RAYE R. HENDERSON
SECRETARY

July 17, 1989

Ms. Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Fl. 33702

Re: Trout Creek DRI, No. 211
Substantial Deviation Application
for Development Approval Review Comments

Dear Suzanne:

The Department has received the above referenced DRI's Application for Development Approval. The Department's SR 54 Project Development and Environment (PD&E) Study consultant has reviewed the Application with respect to SR 54 access and proposed alignment issues. The consultant's July 13, 1989 comments are attached for your information and transmittal to the applicant for his response. The Department requests that these comments be resolved before the applicant receives a development order from Pasco County.

The Department and it's PD&E consultant are available to answer any questions concerning the attached comments and/or the SR 54 PD&E Study.

Sincerely,

A handwritten signature in cursive script that reads "Richard E. Adair".

Richard E. Adair
Planning Administrator

CC: Ron Pscion
Jim Edwards
Dave Twiddy, w/attachment
Alex McGee, w/attachment
Bill Munz, w/attachment

HUNTER

Architecture, Engineering, Planning and Environmental Services

Hunter Services, Inc.
1715 N. Westshore Boulevard, Suite 500
Tampa, Florida 33607-3999
813/289-5550 FAX 813/289-5550

July 13, 1989

Mr. Walter Jetter
Greiner, Inc.
5601 Mariner Street
Post Office Box 23646
Tampa, Florida 33630-3416

RE: Pasco County No. 003000.20/001512
State Job No. 14504-1601
SR 54
From 1/4 Mile West of Cypress Creek Bridge
to Zephyrhills East Bypass
Pasco County, Florida

Dear Mr. Jetter:

Per your request, Hunter Services has reviewed the master site plan for Wesley Chapel Lakes' Development of Regional Impact and Trout Creek Properties, Inc. Amended Application for Development Approval. Both master site plans were reviewed regarding compatibility of proposed development with the proposed SR 54 roadway. As you are aware, the viable alternatives for SR 54 being carried forward for further analysis at this time are Alternative Alignments 1, 1C, and 1D (See attached Figure 3.2).

The following comments are provided for each development:

1. Wesley Chapel Lakes

A. The proposed location for SR 54 per the master site plan is approximately the same alignment as proposed for Alternative Alignment 1D. The location is acceptable and would result in minimal impact to the proposed development.

B. Alternative Alignment 1C which is located approximately 1800 feet south of Alternative Alignment 1D would impact the proposed development requiring modifications to the master site plan, existing zoning, and comprehensive plan designation to allow space for the SR 54 roadway.

C. The site plan currently includes a 220' right-of-way envelope for SR 54. This right-of-way envelope needs to be increased to 250 feet to meet the width needed for the proposed typical cross-section for SR 54.

D. The location of the principle north-south arterial roadway as shown on the master site plan is acceptable. Collector roads are proposed to connect to SR 54 approximately 1000 feet and 3800 feet east of the proposed north-south arterial. These roads may not comply with an access management plan for SR 54 if a one mile interval for access is to be maintained.

Mr. Walt Jetter
July 13, 1989
Page Two

E. The DRI master site plan indicates eight (8) parcels located adjacent to the proposed SR 54 alignment which would have direct access to SR 54. This may not be in compliance with the proposed access management plan for SR 54. Therefore an internal roadway network or service drive adjacent to SR 54 may need to be developed to carry traffic from these parcels.

2. Trout Creek Properties, Inc.

A. The proposed Trout Creek development is located in the section immediately south of the proposed alignment for SR 54 Alternative 1 east of CR 581. No right-of-way is required from Trout Creek for any of the proposed typical cross-sections for SR 54.

B. The site plan as shown on Map H1 proposes an arterial roadway in 120 feet of right-of-way. Trout Creek Blvd. as an east-west roadway through the development located approximately 3000' north of the County line. A review of the master site plan (Map H) for Wesley Chapel Lakes proposes a future County Line Road in 220 feet of right-of-way located directly on the County line. No provisions are made to have these two east-west roadways connect. This issue should be addressed for both DRIs.

C. Trout Creek proposes a north-south collector roadway located approximately 3,300 feet east of CR 581. If this roadway is to be connected to SR 54 it may not comply with the proposed access management plan for SR 54 if a one mile interval for access is to be maintained.

D. A north-south arterial is proposed to be constructed in 120 feet of right-of-way approximately 1.8 miles east of CR 581. This location should be in compliance with the proposed one mile interval for access to SR 54.

E. Access to Tract 1 - Commercial Site should be provided from CR 581. The location of driveways to CR 581 by Pasco County should be coordinated with FDOT to assure that proper separation from the SR 54 intersection is maintained. Also due to the potential access management plan for SR 54, it may not be possible to allow any access from this site to SR 54 due to the planned intersection with CR 581 and the likely one mile spacing between intersections.

If you have questions regarding the above comments or need additional clarification, please contact me.

Sincerely,

Teresa S. Estes

Teresa S. Estes
Transportation Planner

/rm/R7-114

Enclosure

=

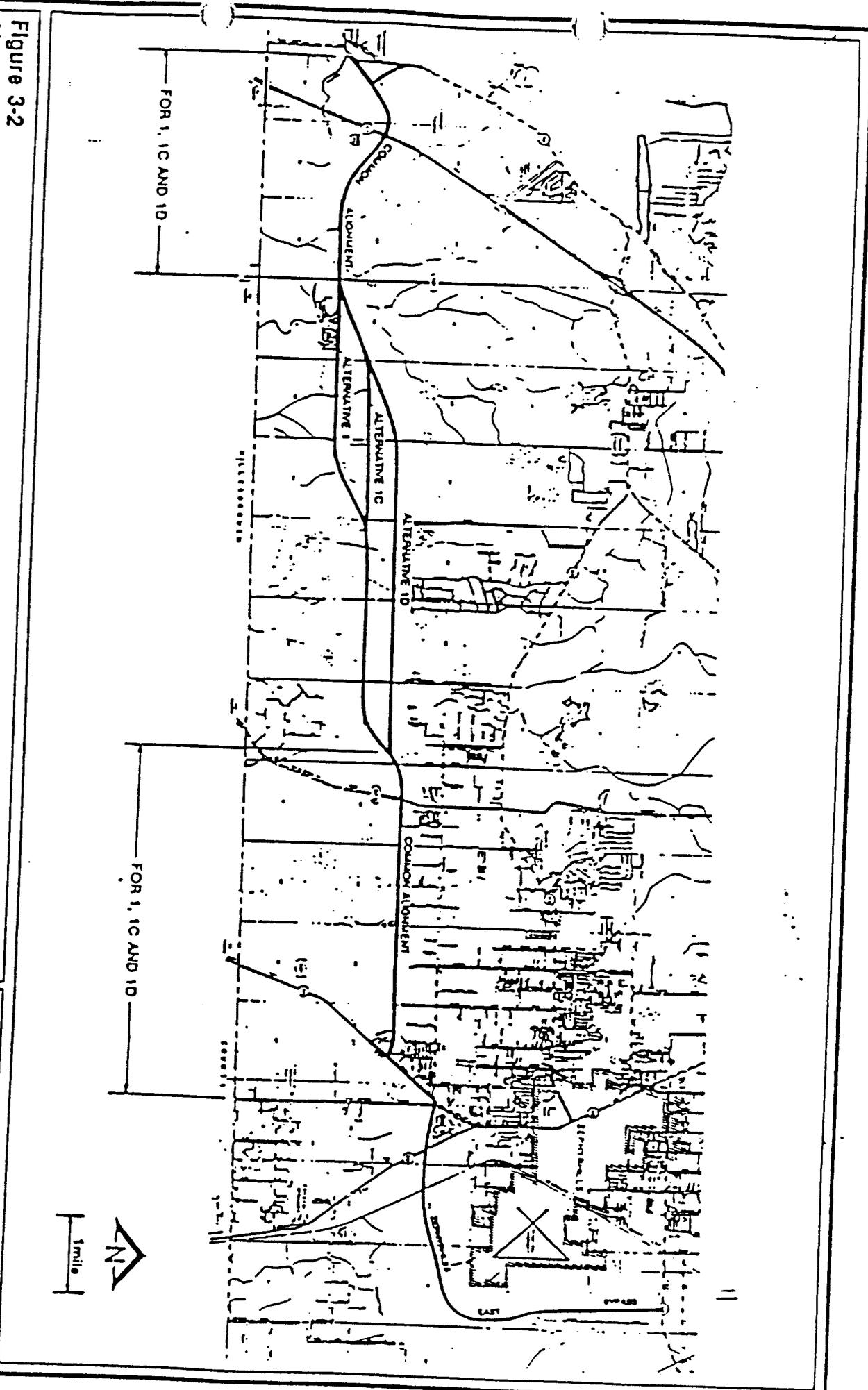


Figure 3-2
ALTERNATIVE ALIGNMENTS

SOURCE: HUNTER 1998

SR 54/SR 54A
CYPRESS CREEK TO
ZEPHYRHILLS EAST BYPASS

July 19, 1989



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

Re: Trout Creek Substantial Deviation, DRI #211

Dear Ms. Cooper:

Authority staff has reviewed the referenced DRI application. Because of the project's proximity to a regional source of potable water supply, the Cypress Bridge Wellfield, we make the following comments.

The West Coast Regional Water Supply Authority has a Consumptive Use Permit application pending with the Southwest Florida Water Management District for the Cypress Bridge Wellfield. The proposed withdrawal quantities are 8 million gallons per day (mgd) on an annual average basis, and 25 mgd on a maximum day basis. Possible recipients of water from this facility include Pasco, Hillsborough and Pinellas Counties, the City of St. Petersburg, and the City of Tampa on an emergency basis. This wellfield will be the source of supply for the Trout Creek development. The proximity of the development site to the wellfield raises several concerns regarding the development's potential impact on groundwater resources and sources of public supply in the area. Contamination of the Cypress Bridge Wellfield would constitute a severe setback to the Trout Creek subdivision and the region's water supply, and would place additional responsibility on other regional wellfields for public supply to citizens.

Board of
Directors

Charles E. Rainey

Charles L. Law

Phyllis Busansky

Mike Salmon

J. W. Gale, Jr.

Debbie Chant

General
Manager

Gene Heath

Therefore, it is in the best interest of the region and the Trout Creek development to insure the protection of this resource. In this regard, the West Coast Regional Water Supply Authority requests the following conditions be placed on the Trout Creek development:

1. Any interim waste treatment facility or disposal site located wholly or in part within 2500 feet of any Cypress Bridge Wellfield wellhead should contain treatment processes including: dual media, deep-bed filtration; removal of viral and bacteriological constituents; addition of alum flocculent to effluent prior to filtration; treatments requirements meeting Rule 17-6.06(1)(b)1, F.A.C.; slow-rate application only (i.e., no percolation ponds); water table monitor wells installed on-site pursuant to Rule 17-19.07, F.A.C.; quarterly analyses for organic compounds such as benzene, ethylbenzene, chlorobenzene, toluene, endrin, lindane, methoxychlor, toxaphene, trihalomethanes, trichloroethylene, carbon tetrachloride, vinyl chloride, and 1,1,1-trichloromethane; facility inspection twice every twenty-four hours to insure proper treatment plant process control; 24 hour-a-day attendance of a wastewater operator under the general supervision of a Class

2535 Landmark Drive
Suite 211 - Clearwater
Florida 34621
813 796 2355
Pinellas
813 223 9343
Hillsborough

Ms. Suzanne Cooper
July 19, 1989
Page 2



- certified wastewater operator; permitting limited to 5 years; and expedited hook-up to a regional facility.
2. In order to insure the water quality integrity of the Floridan aquifer, the developer shall conduct ground-penetrating radar surveys to determine depth, thickness, and presence or absence of a confining layer prior to excavation of any pond or lake pit in the areas specified for such excavation within 400 feet of any public supply wellsite property boundary.
 3. No stormwater detention/retention ponds or septic tanks should be located within 200 feet of any Cypress Bridge Wellfield wellsite property boundary. All retention/detention ponds located wholly or in part within 400 feet of any public supply wellsite property boundary should be lined in all area, other than littoral shelves, with an impermeable liner (clay or man-made material).
 4. All excavations made on-site should not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstance; include an analysis of the excavations dewatering impact on the surficial aquifer and neighboring wells during the county review process; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and for those excavations wholly or in part within 400 feet of any public supply wellsite property boundary, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health.
 5. The developer should institute and implement groundwater monitoring within the project area, as developed by the Florida Department of Environmental Regulation, Southwest Florida Water Management District or other appropriate regulatory agencies, to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (c.g., Cypress Bridge Wellfield). The water quality monitoring program should be initiated upon the effective date of the first Southwest Florida Water Management District/Florida Department of Environmental Regulation construction permit and expand geographically concurrent with the development of the project. The monitoring plan, including parameters to be tested, sampling locations, methodologies and frequencies, should be submitted to the West Coast Regional Water Supply Authority for review and comment prior to any preliminary site plan approval or the initiation of construction. Copies of all data should be furnished to the Authority and other appropriate agencies within 30 days of receipt by the developer, its successors or assignees. The Authority should be afforded the right to be notified and present for the construction of the monitor wells and at any sampling episode.

Ms. Suzanne Cooper
July 19, 1989
Page 3



6. If at any time during the monitoring process any monitor well on-site indicates the presence of potential pollutants, the Authority and/or other appropriate agencies may require intensified monitoring and data collection. If a potential source of pollution persists, then the Authority and other appropriate agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, determined by the Authority and/or other appropriate regulatory agencies.
7. No hazardous wastes should be discharged or disposed of on the property, and no hazardous material should be stored within 500 feet of any public supply wellsite property boundary.
8. The developer should specifically waive his rights, pursuant to Section 308.06(5)(c), F.S., to elect to be bound by the rules adopted pursuant to Chapters 403 and 373, F.S., as they govern groundwater classification, usage, reclassification, and aquifer protection as they exist on the effective date of the Development Order. The developer shall also specifically agree to and be bound by local ordinances, state rules, and federal rules governing groundwater classification, usage, reclassification, and aquifer protection. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those monitoring requirements deemed unnecessary.

These proposed conditions will help protect the region's valuable water resources and public supplies.

If you have any questions or need any further information, please do not hesitate to contact me.

Sincerely,

Jeffrey V. Baumgartner, Ph.D.
Ecological Services Manager

JVB:gml780gen

cc: Curtis Law, Commissioner of Pasco County
Ed de la Parte, de la Parte, & Gilbert, P.A.
Liz Eginton, Pasco County Planning Department
John Galagher, Pasco County Administrator

September 12, 1989

RECEIVED
SEP 15 1989
Tampa Bay Regional
Planning Council



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

Re: Trout Creek Substantial Deviation, DRI #211

Dear Ms. Cooper:

Authority staff has previously commented by letter dated July 19, 1989 to the Regional Planning Council regarding the above-referenced DRI. We would like to comment on one additional point before final review.

The Trout Creek development is within a proposed regional water-supply transmission and wellfield corridor as described in the Authority's Water Supply Master Plan (i.e., the Cypress Bridge Wellfield). As pointed out in my previous letter, the Authority has a Consumptive Use Permit application pending with the Southwest Florida Water Management District for the Cypress Bridge Wellfield. Possible recipients of water from this facility include Pasco, Hillsborough and Pinellas Counties, the City of St. Petersburg, and the City of Tampa on an emergency basis. The wellfield will be the source of supply for the Trout Creek development.

**Board of
Directors**

Charles E. Rainey

Curtis L. Law

Enylis B. Sanson

Mike Salmon

J.W. Cate, Jr.

Dell deChan

**General
Manager**

Gene Heain

Because the development is located within the proposed regional water supply transmission and wellfield corridor, the Authority requests development order conditions include the applicant be required to dedicate a 50 foot wide easement parallel to the existing County Road 581 right-of-way for underground water supply transmission mains. The Authority will work with the developer on the alignment and details of the pipeline.

If you have any questions regarding this request, do not hesitate to contact me.

Sincerely,

Jeffrey V. Baumgartner, Ph.D.
Ecological Services Manager

JVB:gml938gen

cc: Curtis Law, Pasco County Commissioner
Doug Bramlett, Pasco County Utilities
John Gallagher, Pasco County Administrator
Ed de la Parte, de la Parte & Gilbert, P.A.

2535 Landmark Drive

Suite 211 - Clearwater

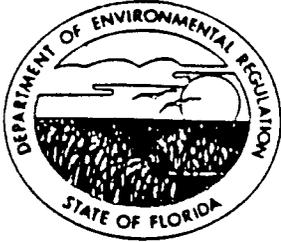
Florida 34621

813 798 2355

Pinellas

813 223 9343

Hillsborough



Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347 • 813-623-55

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary
Dr. Richard Garniv, Deputy Assistant Secretary

July 12, 1989

Mr. David G. Fuxan
Heidt & Associates, Inc.
2212 Swann Avenue
Tampa, Florida 33606

Re: Trout Creek DRI #211

Dear Mr. Fuxan:

I am writing to you to follow up on our meeting of last week.

I have been in touch with Suzanne Cooper concerning omission of questions from the ADA which we discussed. Both Suzanne and I are in agreement and have no problems with eliminating these questions.

I have since received the ADA and have drafted a response to be sent to the Council. I do not foresee problems with this project.

Sincerely,

Katherine P. Liles
Environmental Specialist

KPL/jdj

cc: Suzanne Cooper, TBRPC
Mickey Bryant, DER Tallahassee

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

Office of the County Administrator

Larry F. Brown
County Administrator



P.O. Box 1110
Tampa, Florida 33601

July 26, 1989

Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702-2491

RE: Additional Trout Creek ADA sufficiency response comments.

Dear Suzanne,

Hillsborough County has been supplied with new proportionate share calculations by the applicant, which satisfies our previous concerns. The proposed pipelining candidate of four-laning C.R. 581, from Pasco County to Cross Creek will benefit the citizens of both counties.

Thank you for considering our concerns. If you or the applicant have any questions regarding our comments please feel free to contact me at 272-5330.

Sincerely,

A handwritten signature in cursive script that reads "Joe R. Zambito".

Joe R. Zambito,
Engineer IV
Hillsborough County Planning and Zoning

cc: Shirley Gersholowitz
Ted Lincks

JZ/gs
TRTCRKR2



Southwest Florida Water Management District

2379 Broad Street (U.S. 41 South) Brooksville, Florida 34609-6899
Phone (904) 796-7211 or 1-800-423-1476 SUNCOM 628-4150

Michael Zagorac, Jr.
Chairman
Walter M. Markala
Vice Chairman
Anne Bishopric Sager
Secretary
Roy G. Harrell, Jr.
Treasurer
William M. Wilcox, Ph.D.
Mary Ann Hogan
Charles A. Black
Joseph S. Casper
Samuel D. Uddike

July 18, 1989

Ms. Suzanne Cooper, AICP
DRI Coordinator
Tampa Bay Regional Planning Council
945 Koger Boulevard
St. Petersburg, Florida 33702-2491

Subject: Trout Creek, DRI #211
Pasco County

Dear Ms. Cooper:

The staff of the Southwest Florida Water Management District (SWFWMD) has reviewed the Application for Development Approval for the project referenced above. Based on the information provided, the following comments are submitted to the Regional Planning Council.

The District has received an application for a surface water management permit for Trout Creek Phase I, application number 493010.01 dated May 3, 1989. Issues within the SWFWMD perview will be addressed through the Districts permitting procedure.

Sincerely,

Oliver R. DeWitt
Hydrologist
Conservation Projects Section
Resource Projects Department

ORD:kr

Peter G. Hubbell
Daniel P. Fernandez
Mark D. Farrell
William K. Hennessey
Richard V. McLeon
Jerry I. Simpson



FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building

300 South Bronough

Tallahassee, Florida 32399-0250

Director's Office

Telecopier Number (FAX)

(904) 488-1480

(904) 488-3353

July 7, 1989

Ms. Suzanne T. Cooper
Tampa Bay Regional Planning Council
Development of Regional Impact Section
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 34990

In Reply Refer To:
Laura A. Kammerer
Historic Sites Specialist
(904) 487-2333
Project File No. 891673

RE: Cultural Resource Assessment Request
DRI Preapplication Conference
DRI #211 - Trout Creek
Pasco County, Florida

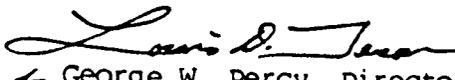
Dear Ms. Cooper:

In accordance with this agency's responsibilities under Section 380.06, Florida Statutes, we have reviewed the information contained in the Florida Master Site File to determine whether any archaeological or historical resources are recorded in the above referenced project area, and also to determine the potential for such resources which are presently unrecorded to be located within it.

A review of the Florida Master Site File indicates that no significant archaeological and/or historical sites are recorded for or considered likely to be present within the project area. It is the opinion of this agency that because of the project location and/or nature it is considered unlikely that any such sites will be affected. Therefore, it is the judgment of this office that the proposed project will have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, regional, or local significance. The project may proceed without further involvement with this agency.

We would like to request more than five working days to review and mail responses for DRI's because of the volume of projects our limited staff has to evaluate. If you have any questions concerning our comments, please do not hesitate to contact us. Your interest and cooperation in helping to protect Florida's archaeological and historical resources are appreciated.

Sincerely,


George W. Percy, Director

Division of Historical Resources
and

State Historic Preservation Officer

GWP/lak

RECEIVED

SEP 15 1989

Tampa Bay Regional
Planning Council

September 12, 1989



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

Re: Trout Creek Substantial Deviation, DRI #211

Dear Ms. Cooper:

Authority staff has previously commented by letter dated July 19, 1989 to the Regional Planning Council regarding the above-referenced DRI. We would like to comment on one additional point before final review.

The Trout Creek development is within a proposed regional water-supply transmission and wellfield corridor as described in the Authority's Water Supply Master Plan (i.e., the Cypress Bridge Wellfield). As pointed out in my previous letter, the Authority has a Consumptive Use Permit application pending with the Southwest Florida Water Management District for the Cypress Bridge Wellfield. Possible recipients of water from this facility include Pasco, Hillsborough and Pinellas Counties, the City of St. Petersburg, and the City of Tampa on an emergency basis. The wellfield will be the source of supply for the Trout Creek development.

Board of
Directors

Charles E. Payne

Curtis L. Law

Phyllis Busansky

Mike Salmon

J. W. Cate, Jr.

Dell deChant

General
Manager

Gene Heath

Because the development is located within the proposed regional water supply transmission and wellfield corridor, the Authority requests development order conditions include the applicant be required to dedicate a 50 foot wide easement parallel to the existing County Road 581 right-of-way for underground water supply transmission mains. The Authority will work with the developer on the alignment and details of the pipeline.

If you have any questions regarding this request, do not hesitate to contact me.

Sincerely,

Jeffrey V. Baumgartner, Ph.D.
Ecological Services Manager

JVB:gm1938gen

cc: Curtis Law, Pasco County Commissioner
Doug Bramlett, Pasco County Utilities
John Gallagher, Pasco County Administrator
Ed de la Parte, de la Parte & Gilbert, P A.

2535 Landmark Drive

Suite 211 - Clearwater

Florida 34621

813 796 2355

Pinellas

813 223 9343

Hillsborough



PASCO COUNTY, FLORIDA

PASCO COUNTY PLANNING AND ZONING DEPT.
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8132

August 2, 1989

Ms. Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Blvd., Suite 219
St. Petersburg, FL 33702

Re: Preliminary Assessment of Trout Creek Development of Regional
Impact Amended Application for Development Approval

Dear Ms. Cooper:

Please be advised that Pasco County is of the opinion that the data submitted by the applicant for the above referenced project is sufficient to proceed with the DRI amendment process.

The comments identified in my August 1, 1989 letter can be addressed prior to the public hearing. Any unresolved issues, of which I don't believe there will be any, can be conditioned as part of the amended development order.

Should you have any questions, please feel free to contact me.

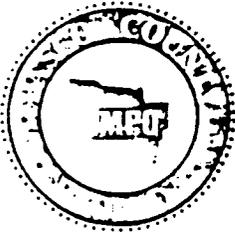
Sincerely,


Samuel P. Steffey II
Planning Director

SPS/ca

cc:

David G. Fuxan, Heidt and Associates, Inc.
Karla Stetter, Assistant County Attorney
William G. Munz, Acting Assistant County Administrator for Development Services
Bipin Parikh, P.E., Code Enforcement Director
Cynthia M. Jolly, P.E., Development Review Manager
Frederick J. Lowndes, Assistant Planning & Zoning Director/Zoning Administrator



PASCO COUNTY
METROPOLITAN PLANNING ORGANIZATION

7530 Little Road • New Port Richey • Florida 34654
(813) 847-8132

July 21, 1989

Ms. Suzanne Cooper
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 Koger Blvd.
St. Petersburg, FL 33702

Re: Trout Creek Transportation Update

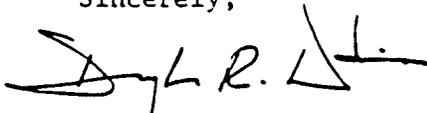
Dear Ms. Cooper:

After a discussion with Mr. Ted Lincks about the June 1989 ADA Amendment submittal, I find that my previous review was for the April submittal and not the June 30, 1989 letter which proposed a 1999 Phase 1 buildout. Consequently, please ignore my July 20, 1989 letter which commented on the earlier analysis.

As far as the June 30, 1989 revision, I find it sufficient in order to continue with the DRI Amendment process. At this time we conceptual approve of the idea of pipelineing, however details of this proposal will need to be determined during the drafting of the Development Order.

If you have any questions, please feel free to contact me.

Sincerely,



Douglas R. Uden
Transportation Planning Coordinator

DRU/sw



PASCO COUNTY, FLORIDA

PASCO COUNTY PLANNING AND ZONING DEPT.
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8132

August 1, 1989

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

Re: Preliminary Assessment of Trout Creek Development of Regional Impact
Amended Application for development Approval

Dear Ms. Cooper:

Please be advised that this letter will supersede Pasco County staff's review comments (letter dated July 14, 1989) for the above Application. The attached comments should be referred to the applicant.

Should you have any questions, please feel free to contact me.

Sincerely,



Samuel P. Steffey II
Planning Director

Attachment

cc: David G. Fuxan, Heidt and Associates, Inc.
Karla Stetter, Assistant County Attorney
William G. Munz, Acting Assistant County Administrator (Development Services)
Bipin Parikh, P.E., Code Enforcement Director
Cynthia M. Jolly, P.E., Development Review Manager
Frederick J. Lowndes, Assistant Planning and Zoning Director/Zoning Administrator

REVIEW OF TROUT CREEK AMENDED
APPLICATION FOR DEVELOPMENT APPROVAL

DRI
Section

Comment

12.A.

1. Please revise Exhibit 12.A.2 as follows:
 - a. Provide the office/commercial square footage separately for both phases within the body of the table, not in the notes.
 - b. Revise the second sentence of Note 1 to reflect that the project may proceed at a slower or faster pace in each phase subject to the build-out date of 2003 and/or an extension of the build-out date being approved by the County.
 - c. Please identify when the trip ends, referenced in Note 2, are to occur; at the end of or within each phase?
 - d. Clarify the last sentence of Note 3.
2. Please revise the fifth paragraph on Page 12.6 to reflect that Pasco County's Comprehensive Plan was adopted on June 15, 1989 and became effective on June 24, 1989.
3. Please identify the ownership of the "existing on-site sewage treatment plant" referenced on Page 12.8.

26.B.

1. Please document that the proposed location of the school site has been approved by the School Board.
2. How much of Tract 7 (the school site) is occupied by the water treatment plant? Is the acreage of the latter included in the land to be donated for a school site?
3. Please clarify which of the infrastructure, reasonably necessary to service the school site, will be provided by the developer.

EXHIBIT "E"

Developer Commitments

A. Environmental and Natural Resources

1. The Developer shall complete the additional ecological survey (the "Ecological Survey") required by the previous conditions of approval to ascertain whether endangered plant or animal species, as designated by the Department of Agriculture and Consumer Services and the United States Fish and Wildlife Service or the Florida Game and Fresh Water Fish Commission, respectively, are present on the project. The Ecological Survey shall be filed with Pasco County, TBRPC, and DCA on or before April 1, 1990, and shall be appended to the Development Order and incorporated therein as Exhibit "F". The Developer shall coordinate with the above named agencies to ensure the protection of those species identified in the Ecological Survey in accordance with presently existing rules and regulations.

a. The portions of the Trout Creek site that are subject to the jurisdiction of environmental agencies shall be identified and designated on any preliminary/preliminary site plans for the project in accordance with applicable rules and regulations prior to approval of said plans.

b. Pursuant to Section 380.06(5)(c), Florida Statutes, and subject to existing permits and approvals, the Developer has elected to be bound by the provisions of Chapters 403 and 373, Florida Statutes, and each Chapter's implementing rules and regulations in effect as of the effective date of the Development Order.

B. Utilities: Water Supply, Wastewater Treatment, and Electric Power Services

1. The Developer shall coordinate with the West Coast Regional Water Supply Authority (WCRWSA) regarding development adjacent to WCRWSA well sites to ensure compliance with all applicable rules and regulations governing the protection of the Cypress Bridge Wellfield, which will be the source of potable water for Trout Creek. No hazardous wastes shall be discharged or disposed of on the property, and no hazardous materials shall be stored within 500 feet of any public supply well site.

2. The Developer shall construct all water and wastewater facilities within the development to current Pasco County standards.

3. Water-saving devices shall be required in the project as mandated by Chapter 533.14, Florida Statutes, 1985 (the Florida Water Conservation Act).

4. Native vegetation shall be used in landscaping wherever feasible. Irrigation shall be from reuse of treated effluent, where available and as permitted by appropriate regulatory agencies. Responsibility for installation of a dual water supply system shall be in accordance with the appropriate Utility Service Agreement.



PASCO COUNTY, FLORIDA

Growth Management/Zoning Department
West Pasco Government Center
7530 Little Road, Suite 320
New Port Richey, FL 34654
Tel. (813) 847-8132
.. Fax (813) 847-8084

Mail Certified No. P 846 084 075

Date February 19, 1998

To Marina Pennington
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Meadow Pointe Development of Regional Impact, Notice of Proposed Change

Dear Ms. Pennington:

Pursuant to 9J-2.025 (4), (5), F.A.C., a certified copy of the approved Resolution No. 98-91, is being sent to Department of Community Affairs, Tampa Bay Regional Council, the developer and the developer's representative.

On February 10, 1998, the Pasco County Board of County Commissioners approved a request to amend the Meadow Pointe DRI Development Order. The Amendment eliminates County Line Road east of the North South road, revises Map H1 to eliminate said road and to extend a subdivision road, and determines that the request does not constitute a substantial deviation.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Cynthia A. Patterson, AICP
Planner II

CAP/cap

- cc: Mr. Tim Butts, Tampa Bay Regional Council,
Mail #P 846 084 069.
- Mr. Don Buck, Trout Creek Development Corporation,
Mail # P 864 084 050
- Mr. Ted Links, Lincks & Associates,
Mail # P 846 084 076

EXHIBIT B

BY COMMISSIONER _____ RESOLUTION NO. 98-91

MEADOW POINTE DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION

RESOLUTION AMENDING RESOLUTION NO. 90-32, AS AMENDED, TO APPROVE REVISIONS TO THE DEVELOPMENT ORDER FOR THE MEADOW POINTE (f/k/a TROUT CREEK) DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER.

WHEREAS, on October 9, 1973, the Board of County Commissioners of Pasco County adopted by resolution a Development of Regional Impact Development Order approving, with conditions, the Deerfield Village Development of Regional Impact.

WHEREAS, the Development Order was amended by the Board of County Commissioners by Resolution No. 89-10, dated October 11, 1988; Resolution No. 89-29, dated November 15, 1988; Resolution No. 89-69, dated January 4, 1989, rescinding Resolution Nos. 89-10 and 89-29; Resolution No. 90-32, a Substantial Deviation Development Order approved on November 21, 1989; Resolution No. 92-50, dated November 12, 1991; and Resolution No. 97-98, dated December 10, 1996.

WHEREAS, on October 13, 1997, Trout Creek Development Corporation filed a Notification Requesting a Change to an Approved Development Order, pursuant to Section 380.06(19), Florida Statutes.

1998-001394

02/10/98

3 of 93

1

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 10th day of Feb. 1998

JED PITTMAN, CLERK TO THE BOARD

BY Clair H. Mitchell D.C.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled this 10th day of February, 1998, that:

A. The Board of County Commissioners of Pasco County makes the following FINDINGS OF FACT:

1. Resolution No. 90-32 contained Map H1 showing County Line Road extending to the east boundary of Meadow Pointe.
2. Trout Creek Development Corporation has modified Map H1 to eliminate County Line Road east of the North South road and has filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Order on Florida Department of Community Affairs Form BRM-08-86 (the "NOPC").
3. The Developer has submitted the NOPC simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.
4. 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.
5. The Board of County Commissioners of Pasco County has given 15 days notice and held a public hearing on February 10, 1998.
6. At the public hearing, all parties were afforded the opportunity to

present evidence and argument on all issues and submit rebuttal evidence.

7. 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.

8. The Board of County Commissioners has received and considered the evidence submitted by the Applicant, the recommendations of the Pasco County Growth Management and the Development Review Committee, and the comments by Tampa Bay Regional Planning Council and Department of Community Affairs staffs.

B. The Board of County Commissioners of Pasco County makes the following CONCLUSIONS OF LAW:

1. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendments approved hereby do not constitute a substantial deviation and therefore do not require further Development of Regional Impact Review pursuant to Subsection 380.06(19), Florida Statutes.

2. The Meadow Pointe Development of Regional Impact, as amended hereby, will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.

3. The amendments approved by this Resolution are in accordance with the requirements of Section 380.06, Florida Statutes, and are consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, Florida Statutes.

4. The impacts of the proposed development are adequately addressed by the conditions of this Development Order, as amended, pursuant to Section 380.06, Florida Statutes.

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

6. These proceedings have been duly conducted pursuant to applicable law and regulations.

7. Phase I of the development remains vested pursuant to Subsection 163.3167(8), Florida Statutes and Phase II also remains vested, subject to the requirements of Section C.3. of the Development Order (Transportation), as amended by Resolution No. 97-98.

C. Having made the above findings of fact and above conclusions of law, it is ORDERED that the Meadow Pointe Development Order is hereby amended as follows:

1. Map H1 of Resolution No. 90-32 is hereby modified to eliminate County Line Road east of the North-South road.

2. Section C.3 of Resolution No. 90-32 is hereby amended to add the following new Subsection (h):

(h) The owner/developer shall extend a subdivision local road, with no individual lot access, to the east property line.

3. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendments approved hereby do not constitute a substantial deviation and therefore do not require further Development of Regional Impact Review pursuant to Subsection 380.06(19), Florida Statutes.

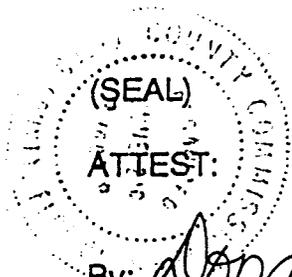
4. The County Attorney of Pasco County is hereby directed to render certified copies of this Order to the Developer, the Department of Community Affairs, Tampa Bay Regional Planning Council, and upon attorneys of record in these proceedings.

5. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients stated in paragraph 4 above.

6. The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the County Attorney a copy of the recorded notice.

7. This Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED THIS 10th DAY OF February, 1998.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: Donalee Schmitts/da

JED PITTMAN, CLERK

Sylvia Young
SYLVIA YOUNG, CHAIRMAN

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

APPROVED
FEB 10 1998

By: [Signature]

Attorney

1998-001394

02/10/98

8 of 93

chg 5-002

R Bd. Rec. *[Signature]*



NOTICE OF ADOPTION OF AMENDMENT OF THE DEVELOPMENT ORDER FOR THE MEADOW POINTE DEVELOPMENT OF REGIONAL IMPACT (DRI)

PURSUANT TO SECTION 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners by Resolution No. 98-91, dated February 10, 1998, has adopted an amendment to the Development Order for the Meadow Pointe Development of Regional Impact (DRI). The above referenced Development Order, as amended, constitutes a regulation applicable to the property described in Exhibit "A" of the Development Order.

A legal description of the property concerned, the Development Order and the Resolution amending the Development Order may be examined upon request at the Office of the Clerk of 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 the above-mentioned Exhibit "A" or actual or 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

By: *[Signature]*
Sylvia Young, Chairman

STATE OF FLORIDA)

COUNTY OF PASCO)

Rept: 215143 Rec: 6.00
DS: 0.00 IT: 0.00
02/11/98 Dpty Clerk

The foregoing Notice of Adoption of Development Order was acknowledged before me this 10th date of February, 1998, as Chairperson of the BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA. He is personally known to me and did not take an oath. *[Signature]*

1998-001394 02/10/98
9 of 93

[Signature]
Notary Public
[Signature]
Deputy Clerk

APPROVED AS TO LEGAL FORM AND CONTENT
Office of County Attorney

By: *[Signature]*
Attorney

JED PITTMAN, PASCO COUNTY CLERK
02/11/98 04:08pm 1 of 1
OR BK 3880 PG 122

[Handwritten] CeBI

MEADOW POINTE DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION

A RESOLUTION AMENDING RESOLUTION NO. 90-32, AS AMENDED, TO APPROVE REVISIONS TO THE DEVELOPMENT ORDER FOR THE MEADOW POINTE (F.K.A. TROUT CREEK, WILLIAMSBURG WEST, AND DEERFIELD VILLAGE) 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 October 9, 1973, the Board of County Commissioners of Pasco County adopted by resolution a Development of Regional Impact Development Order approving, with conditions, the Deerfield Village Development of Regional Impact; and,

WHEREAS, the development order was amended by the Board of County Commissioners by Resolution No. 89-10, dated October 11, 1988; Resolution No. 89-29, dated November 15, 1988; Resolution No. 89-69, dated January 4, 1989, rescinding Resolution Nos. 89-10 and 89-29; Resolution No. 90-32, a Substantial Deviation Development Order approved on November 21, 1989; and Resolution No. 92-50, dated November 12, 1991; and,

WHEREAS, on September 6, 1996, Trout Creek Development Corporation filed a notification requesting a change to an approved development order pursuant to Section 380.06(19), Florida Statutes.

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

A. The Board of County Commissioners of Pasco County makes the following findings of fact:

FINDINGS OF FACT:

1. Resolution No. 90-32, as amended, specifically approves development of Phase I and conceptually approves development of Phase II, subject to an additional traffic analysis to verify the results of the approved traffic analysis on which Resolution No. 90-32 was based (the "1989 Analysis").

2. Trout Creek Development Corporation has completed the required traffic analysis in accordance with the methodology approved by reviewing agencies (the "1996 Analysis") and has filed a Notification of Proposed Change to a previously approved Development of Regional Impact Order on Florida Department of Community Affairs Form BRM-08-86 (the "NOPC").

3. The 1996 Analysis verified the accuracy of the proportionate share costs determined by the 1989 Analysis as follows:

1989 Analysis Proportionate Share Cost for Phases I and II	\$2,524,327.00
1996 Analysis Proportionate Share Cost for Phases I and II	<u>2,589,161.00</u>
Net Additional Proportionate Share Cost	\$ 64,834.00 (+2.5%)

4. The developer has constructed the Two Million Five Hundred Fifty-Three Thousand Three Hundred Fourteen and 40/100 Dollars (\$2,553,314.40) required pipeline improvement pursuant to Resolution No. 90-32 and has agreed to pay impact fees for Phase II development pursuant to the Pasco County New Development Fair-Share Contribution for Road Improvements Ordinance, which fees are estimated to be in excess of Six Million and 00/100 Dollars (\$6,000,000.00), for a total contribution in excess of Eight Million Five Hundred Thousand and 00/100 Dollars (\$8,500,000.00).

5. The developer's required contributions pursuant to this resolution exceed his proportionate-share costs.

6. The developer has submitted the NOPC simultaneously to the Pasco County Growth Management/Zoning Department, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.

7. The proposed change specifically approves the development of Phase II, subject to the requirement that the developer pay its proportionate fair share of the costs to mitigate the traffic impacts of Phase II.

8. 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.

9. The Board of County Commissioners of Pasco County has given fifteen (15) days notice and scheduled a public hearing for November 13, 1996, and continued said public hearing to November 19, 1996, and held a public hearing on December 10, 1996.

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

11. 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.

12. The Board of County Commissioners has received and considered the evidence submitted by the applicant, the recommendations of the Pasco County Growth Management/Zoning Department and the Development Review Committee, and the comments by the Tampa Bay Regional Planning Council and the Department of Community Affairs staffs.

B. The Board of County Commissioners of Pasco County makes the following conclusions of law:

CONCLUSIONS OF LAW:

1. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendments approved hereby do not constitute a

substantial deviation and, therefore, do not require further Development of Regional Impact review pursuant to Subsection 380.06(19), Florida Statutes.

2. The Meadow Pointe Development of Regional Impact, as amended hereby, will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.

3. The amendments approved by this resolution are in accordance with the requirements of Section 380.06, Florida Statutes, and are consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, Florida Statutes.

4. The impacts of the proposed development are adequately addressed by the conditions of this development order, as amended, pursuant to Section 380.06, Florida Statutes.

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

6. These proceedings have been duly conducted pursuant to applicable law and regulations.

7. Subject to the requirements of Section C.3 of the development order, as amended hereby, Phases I and II of the project are and remain vested pursuant to Subsection 163.3167(8), Florida Statutes.

C. Having made the above findings of fact and above conclusions of law, it is ORDERED that the Meadow Pointe Development Order is hereby amended as follows:

1. Phase II of the Meadow Pointe Development of Regional Impact is hereby specifically approved subject to the conditions of this resolution. The changes approved by this resolution are not a substantial deviation and, therefore, do not require further Development of Regional Impact review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. Section C.3 of Resolution No. 90-32 is hereby amended to add the following new Subsections (f) and (g):

"(f) Based on the traffic analysis submitted with this NOPC, the "proportionate share" contribution by the Developer necessary to mitigate the transportation impacts of Phases I and II have been determined to be Two Million Five Hundred Eighty-Nine Thousand One Hundred Sixty-One and 00/100 Dollars (\$2,589,161.00), rather than Two Million Five Hundred Twenty-Four Thousand Three Hundred Twenty-Seven and 00/100 Dollars (\$2,524,327.00) as determined by the 1989 traffic analysis. The Developer has completed the Two Million Five Hundred Fifty-Three Three Hundred Fourteen and 40/100 Dollars (\$2,553,314.40) Required Improvement, and shall be required to pay impact fees to Pasco County for Phase II development pursuant to the Pasco County New Development Fair Share Contribution for Road Improvements Ordinance, No. 90-04, as amended, said fees are estimated to be in excess of Six Million and 00/100 Dollars (\$6,000,000.00). Compliance

by the Developer with the requirements of this Section C.3(f) shall fully satisfy the Developer's obligation to mitigate the transportation impacts for Phases I and II and shall ensure compliance with the Level of Service Standards in accordance with the Pasco County Concurrency Management System.

"(g) Pasco County hereby assures the Developer that the fees collected pursuant to Section C.3(f) above shall be used to maintain an acceptable level of service on the Project's roadway network and that the regional highway facilities will remain operating at an acceptable level of service under the Pasco County Comprehensive Plan."

3. Except as specifically amended hereby, the provisions of Resolution No. 90-32 remain in full force and effect.

4. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendments approved hereby do not constitute a substantial deviation and, therefore, do not require further Development of Regional Impact review pursuant to Subsection 380.06(19), Florida Statutes.

5. The County shall render certified copies of this order to the developer, the Department of Community Affairs, the Tampa Bay Regional Planning Council, and upon attorneys of record in these proceedings.

6. This order shall be deemed rendered upon transmittal of copies of this order to the recipients stated in Paragraph 5 above.

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

DONE AND RESOLVED this 10th day of December, 1996.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Rebecca S. Hank/D.C.
JED PITTMAN, CLERK

BY: David H. Clark, Jr.
DAVID H. CLARK, JR., CHAIRMAN

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

BY: Lucas E. O'Connell
ATTORNEY

5

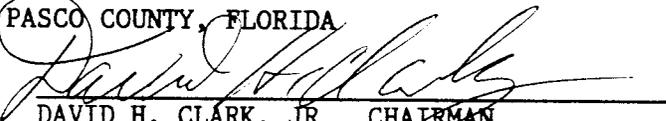
NOTICE OF ADOPTION OF AN AMENDMENT TO THE
DEVELOPMENT ORDER FOR THE MEADOW POINTE (F/K/A TROUT
CREEK) DEVELOPMENT OF REGIONAL IMPACT (DRI)

PURSUANT TO Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 97-98 dated December 10, 1996, has adopted an amendment to the Development Order for a Development of Regional Impact known as Meadow Pointe, f/k/a Trout Creek (Resolution No. 90-32). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

A legal description of the property concerned, the Development Order, and the Resolution amending 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 the 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.

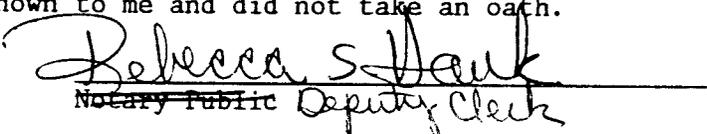
BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: 

DAVID H. CLARK, JR., CHAIRMAN

STATE OF FLORIDA)
COUNTY OF PASCO)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 10 day of December, 1996, as Chairman of the BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA. He is personally known to me and did not take an oath.


Notary Public Deputy Clerk

Printed Name of Notary

My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of County Attorney

BY: 

Attorney

DESCRIPTION: All of Sections 31, 32, and 33, Township 26 South, Range 20 East, Pasco County, Florida

- LESS - The Southeast 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The Southwest 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The triangular Southwest 1/2 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 33.
- LESS - The triangular Southeast 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 33.
- LESS - The right-of-way for County Road No. 581.

Containing 1821 acres, more or less.

NOTE: Total site area includes existing residential development, Tanglewood Village, Phases 1 and 2 (aggregating approximately 95.5 acres), which is not owned by Applicant/Developer.

EXHIBIT 7A

Trout Creek Legal Description

7



PASCO COUNTY, FLORIDA

PASCO COUNTY GROWTH MANAGEMENT
DEVELOPMENT SERVICES ADM.
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8132

CERTIFIED MAIL: P 146 931 937

December 6, 1991

Ms. Marina Gonzalez-Pennington
Department of Community Affairs
DRI Section
2740 Centerview Drive
Tallahassee, FL 32399-2100

Re: Meadow Pointe DRI Amendment

Dear Marina,

Please find attached a certified copy of Resolution 92-50 amending the DRI development order for Meadow Pointe.

Sincerely,

Dean R. Neal

Dean R. Neal
Senior Planner

DRN/ca

cc: Suzanne Cooper, AICP (CERTIFIED MAIL: P 146 931 947)
Tampa Bay Regional Planning Council

Keith Brickleyer (CERTIFIED MAIL: P 146 931 948)
Honigman, Miller, Schwartz and Cohn

Samuel P. Steffey II
Growth Management Administrator

Attachment

*mailed 12/6/91
received 12/9/91*

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE MEADOW POINTE (F/K/A TROUT CREEK) 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. 92-50 dated November 12, 1991, has adopted an amendment to the Development Order for a Development of Regional Impact known as Meadow Point, f/k/a Trout Creek, (Resolution No. 90-32). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

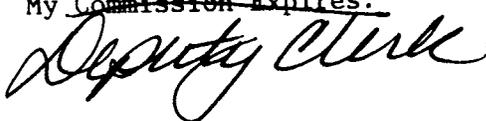
A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

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


MIKE WELLS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 12th day of November, 1991.


~~Notary Public~~
~~State of Florida at Large~~
~~My Commission Expires:~~


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


Attorney



PASCO COUNTY, FLORIDA

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

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

February 21, 1990

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

Ms. Marina Gonzalez-Pennington
Florida Department of Community Affairs
2470 Centerview Drive
Tallahassee, FL 32399

Florida Department of Community Affairs
Regional Planning Council

Dear Ladies:

It has come to our attention that the attached exhibits were inadvertently incorporated into the Trout Creek Development of Regional Impact Development Order at sometime during the Agenda process. After inquiry of DCA staff, it was my understanding that a letter sent to the appropriate agencies, which identified the error, would rectify the situation. Therefore, it is requested that the same exhibits as attached be removed from your respective documents.

Hopefully, this will be sufficient to clear things up. If not, please let me know of any further action required by Pasco County.

Sincerely,

Tammy B. Vrana
Tammy B. Vrana
Planner II

TBV/t022002:wp

cc: H. Clyde Hobby, P.A., 6917 S.R. 54, New Port Richey, FL 34653
Samuel P. Steffey II, Planning Director

T T CREEK DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION

RESOLUTION AMENDING RESOLUTION NO. 90-32, AS AMENDED, TO APPROVE REVISIONS TO THE MASTER DEVELOPMENT PLAN FOR THE MEADOW POINTE (f/k/a TROUT CREEK) DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER.

WHEREAS, on October 9, 1973, the Board of County Commissioners of Pasco County adopted by resolution a Development of Regional Impact Development Order approving, with conditions, the Deerfield Village Development of Regional Impact.

WHEREAS, the Development Order was amended by the Board of County Commissioners by Resolution No. 89-10, dated October 11, 1988; Resolution No. 89-29, dated November 15, 1988; Resolution No. 89-69, dated January 4, 1989, rescinding Resolution Nos. 89-10 and 89-29; and Resolution No. 90-32, a Substantial Deviation Development Order approved on November 21, 1989.

WHEREAS, on July 1, 1991, Trout Creek Development Corporation filed a Notification Requesting a Change to an Approved Development Order, pursuant to Section 380.06(19), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled this 6th day of November, 1991, that:

A. The Board of County Commissioners of Pasco County makes the following FINDINGS OF FACT:

1. Resolution No. 90-32 allowed development of 4,500 residential units and commercial/professional development totaling 61.5 acres, or 653,900 gross square feet of floor area.
2. Trout Creek Development Corporation 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 approve a revised Table 12.B.1 to the ADA and the revised Conceptual Land Use and Geographic Map (Map H-1, H-2) attached hereto as Composite Exhibit "A" to:

a. Change the project name from Trout Creek to Meadow Pointe.

b. Change the alignment of the east-west minor arterial (County Line Road) through the project.

c. Change the configuration of parcels to accommodate the realignment of County Line Road with no change in the number of approved dwelling units, commercial acreage, or other project parameters.

d. Change the location of the school site.

e. Change the proposed access to the regional park site.

f. Identify the location of the Tampa Electric Company Substation constructed on the site, which was acquired through condemnation proceedings on June 20, 1990, resulting in a one (1) acre decrease in open space.

g. Identify the general boundaries of conservation and preservation areas.

5. 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.

6. The Board of County Commissioners of Pasco County has given 15 days notice and held a public hearing on October 15, 1991.

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

9. 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.

10. The Board of County Commissioners has received and considered the evidence submitted by the applicant, the recommendations of Pasco County Growth Management and the Development Review Committee, and the comments by Tampa Bay Regional Planning Council and Department of Community Affairs staffs.

B. The Board of County Commissioners of Pasco County makes the following CONCLUSIONS OF LAW:

1. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendments approved hereby do not constitute a substantial deviation and therefore do not require further Development of Regional Impact Review pursuant to Subsection 380.06(19), Florida Statutes.

2. The Trout Creek Development of Regional Impact, as amended hereby, will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.

3. The amendments approved by this Resolution are in accordance with the requirements of Section 380.06, Florida Statutes, and are consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, Florida Statutes.

4. The impacts of the proposed development are adequately addressed by the conditions of this Development Order, as amended, pursuant to Section 380.06, Florida Statutes.

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

6. These proceedings have been duly conducted pursuant to applicable law and regulations.

7. Phase I of the development remains vested pursuant to Subsection 163.3167(8), Florida Statutes and Phase II also remains vested except as to those matters described in Section C.3. of the Development Order (Transportation).

C. Having made the above findings of fact and above conclusions of law, it is ORDERED that the Trout Creek Development Order is hereby amended as follows:

1. The above-referenced proposed changes to the Trout Creek Development of Regional Impact are not a substantial deviation and, therefore, do not require further Development of Regional Impact review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed changes to the Trout Creek Development of Regional Impact are approved and Resolution No. 90-32 is hereby amended by approving a Revised Table 12.B.1. and the Conceptual Land Use and Geographic Map (Map H-1, H-2) attached hereto as Composite Exhibit "A" incorporating the following changes:

- a. Change the project name from Trout Creek to Meadow Pointe.
- b. Change the alignment of the east-west minor arterial (County Line Road) through the project.
- c. Change the configuration of parcels to accommodate the realignment of County Line Road with no change in the number of approved dwelling units, commercial acreage, or other project parameters.
- d. Change the location of the school site.
- e. Change the proposed access to the regional park site.

f. Identify the location of the Tampa Electric Company Substation constructed on the site, which was acquired through condemnation proceedings on June 20, 1990, resulting in a one (1) acre decrease in open space.

g. Identify the general boundaries of conservation and preservation areas.

The above changes are subject to the following conditions:

1. Except as specifically amended hereby, the provisions of Resolution No. 90-32 remain in full force and effect.

2. The developer shall submit a revised master drainage plan to the Development Review Division. This plan must be approved prior to the submittal of the first preliminary site plan or construction plan submitted after the approval of this amendment.

3. The developer has donated to Pasco County a 56-acre regional park site as illustrated on the revised Conceptual Land Use and Geographic Map attached hereto as Composite Exhibit "A". The developer shall provide and construct within a 60-foot right-of-way, an access to the upland area of the park site as illustrated on the above-mentioned master plan.

The alternate access as shown through Parcel No. 6 shall be constructed by the developer should the park design process for the park master plan begin and require access prior to Area No. 2 development of the DRI. If the park design process for the park master plan is not initiated until Area No. 2 of the DRI is developed, then the developer shall construct the preferred access along the western boundary of Parcel No. 9 generally as illustrated on Composite Exhibit "A".

In either instance, the County shall give the developer 60 days notice to commence, design, permit, and construct the access road. The road shall be constructed within one year of commencement. Extensions of this time frame shall not require a development order amendment and shall not be unreasonably withheld by the County. Approval of extensions shall require the concurrence of the Director of Parks and Recreation and the DRI Coordinator. The design and location requirements for the park access road as described herein are subject to modification based on permitting requirements of jurisdictional agencies.

4. There shall be no driveways connected to the required regional park access road.

5. The design speed for County Line Road shall be 45 miles per hour.

6. All commercial parcels shall be limited to internal accesses. Access to Tract 1 may have full access from C.R. 581 provided the developer obtains a permit for a median cut.

7. Within 45 days of approval of this amendment, the developer shall submit to the Growth Management a right-of-way phasing, pedestrian circulation, and buffer plan.

8. Based on the clear and convincing evidence submitted to and considered by the Board of County Commissioners, the amendments approved hereby do not constitute a substantial deviation and therefore do not require further Development of Regional Impact Review pursuant to Subsection 380.06(19), Florida Statutes.

9. The County Attorney of Pasco County is hereby directed to render certified copies of this Order to the Developer, the Department of Community Affairs, Tampa Bay Regional Planning Council, and upon attorneys of record in these proceedings.

10. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients stated in C.9 above.

11. The Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the County Attorney a copy of the recorded notice.

12. This Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED THIS 10th DAY OF November,
1991.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By: Jed Pittman
JED PITTMAN, CLERK

BY: Mike Wells
MIKE WELLS, CHAIRMAN

By: Donalee Schmidt

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

By: _____
Attorney

T6951o
T00491/cmb

DESCRIPTION: All of Sections 31, 32, and 33, Township 26 South,
Range 20 East, Pasco County, Florida

LESS - The Southeast 1/4 of the Southeast 1/4 of said Section
33.

LESS - The South 1/4 of the Southeast 1/4 of said Section
33.

LESS - The triangular Southwest 1/2 of the South 1/2 of the
Northwest 1/4 of the Southeast 1/4 of said Section 33.

LESS - The East 1/2 of the Southeast 1/4 of the Southwest 1/4
of said Section 33.

LESS - The triangular Southeast 1/2 of the Southeast 1/4 of the
Northeast 1/4 of the Southwest 1/4 of said Section 33.

LESS - The right-of-way for County Road No. 581.

Containing 1821 acres, more or less.

NOTE: Total site area includes existing residential
development at Tanglewood Village, Phases 1 and 2
(aggregating approximately 95.5 acres), which is not
owned by Applicant/Developer.

EXHIBIT "A"

about Creek Legal Description

EXISTING AND PROPOSED LAND USES FOR MEADOW POINTE, PASCO COUNTY

EXHIBIT 12.B.1

LAND USE CODE NO.*	LAND USE/VEGETATION TYPE	EXISTING		POST-DEVELOPMENT ****	
		AC.	%	AC.	%
121	Single family residential; medium density	76.7	4.2	945.1	51.9
133	Multi-family	0	0	129.3	7.1
147	Mixed office and commercial	0	0	52.5	2.9
171	School	0	0	15.0	0.8
172	Church	0	0	2.0	0.1
178	Fire station	0	0	4.0	0.2
178	Day Care	0	0	1.0	0.2
186	Park sites	0	0	37.0	2.2
321	Palmetto prairies	912.5	50.1	0	0
330	Mixed rangeland	35.0	1.9	0	0
411	Pine flatwoods	186.1	10.2	0	0
427	Live oak	20.1	1.1	0	0
510	Streams/ditch**	3.9	0.2	0	0
621	Cypress wetland forest	235.8	13.0	235.8	13.0
630	Mixed wetland forest	152.8	8.4	154.3	8.4
641	Freshwater marsh	163.0	9.0	163.0	9.0
814	Major roads***	0	0	81.0	4.2
831	TBCO sub-station	0	0	1.0	0.1
833	Water supply plant	1.3	0.1	0	0
834	Sewer treatment plant and spray field	33.8	1.9	0	0
		<u>1821</u>	<u>100%</u>	<u>1821</u>	<u>100%</u>

* - Florida Land Use, Cover and Forms Classification System (1985), Level III

** - The acreage for the streams is included in the mixed wetland forest category.

*** - Only major roadways (i.e., collector and arterial) included; internal road acreages included within adjacent development areas.

**** - The reduction in the acreages of existing, natural upland vegetation types, over the project period, does not imply that all of those particular areas will be removed; it indicates a change in the pre-dominant use. For example, many acres of native upland habitat will be maintained in required wetland setbacks, park sites and other open space areas. It is not possible to quantify the acreage at this time. Some wetland areas will undoubtedly be disturbed in various parcels. However, we anticipate that these areas will generally be recreated on a type for type, acre for acre basis, resulting in no net acreage decrease.

Revised 5/14/91

Revised 10/8/91

65.032



PASCO COUNTY, FLORIDA

Office Of The County Attorney

J. Ben Harrill, Esq.
County Attorney

Karla A. Stetter, Esq.
Brent E. Simon, Esq.
Roy K. Payne, Esq.
Eileen M. McGlinchey, Esq.

August 23, 1990

Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702-2491

Re: Trout Creek DRI/Second Corrected Notice of Adoption

Dear Suzanne:

Pursuant to our previous conversation, please find attached a Second Amended Notice of Adoption for the Trout Creek Development of Regional Impact. As we discussed, the prior Notice contained clerical errors which needed to be amended. If you have any further questions regarding this matter, please feel free to call me.

Sincerely yours



Karla A. Stetter
Chief Assistant County Attorney

KAS:cs
encl.

cc: Dean Neal, Senior Planner

15-002
4

7) ID CORRECTED NOTICE OF ADOPTION
O. A. AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE TROUT CREEK DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on November 21, 1989 the Pasco County Board of County Commissioners recorded that certain Notice of Adoption of an Amendment to the Development Order for the Trout Creek Development of Regional Impact (Notice of Adoption) as recorded in O.R. Book 1858, Page 1239, of the Public Records of Pasco County, Florida; and

WHEREAS, that certain Notice of Adoption incorrectly identified both the Resolution number and Date of Adoption of the amendment to the Trout Creek Development Order; and

WHEREAS, on June 14, 1990 a Corrected Notice of Adoption was recorded in O.R. Book 1918, Page 1863 of the Public Records of Pasco County, Florida; and

WHEREAS, that certain Corrected Notice of Adoption incorrectly identified the Date of Resolution Number 90-32, the Amendment to the Trout Creek Development Order; and

WHEREAS, the Pasco County Board of County Commissioners desires to issue a corrective Notice of Adoption in which said notice shall correct and supersede all previously recorded Notices of Adoption.

NOW, THEREFORE, the Pasco County Board of County Commissioners hereby approves the following Corrected Notice of Adoption of an Amendment to the Development Order for the Trout Creek Development of Regional Impact:

1. Pursuant to Section 380.06, Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution Number 90-32, dated November 21, 1989, has adopted an Amendment to the Development Order for a Development of Regional Impact known as Trout Creek. The above-referenced Development Order, was originally approved October 9, 1973, and constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

Trout Creek Properties, Inc., formerly identified as the Developer, has been replaced by Trout Creek Development Corporation.

A legal description of the property covered in a Development Order may be examined upon request at the Office of the Clerk of 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 the above-mentioned Exhibit "A" nor actual or constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

6.95823

RECORD

AUG 14

Curtis Law 8/14/90
Chairman
Board of County Commissioners

RECORD VERIFIED
JED PITTMAN

Clerk Circuit Court, Pasco County

STATE OF FLORIDA
COUNTY OF PASCO

[Signature]

The foregoing Corrected Notice of Adoption of an Amendment to the Development Order for the Trout Creek Development of Regional Impact was acknowledged before me this 14th day of August, 1990.

Rebecca S. Hawk
Notary Public
My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA;
MY COMMISSION EXPIRES: MAR. 20, 1994.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Approved as to legal form and content
Office of the County Attorney

[Signature]
Attorney

KWB/lk **R** *[Signature]*

O. R. 1934 PG 0724

2-1-89

SB ✓
SC -
file

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

IN RE: RESOLUTION NO. 89-10
OF PASCO COUNTY, RENDERING AN
AMENDED DEVELOPMENT ORDER
FOR TROUT CREEK A/K/A
DEERFIELD VILLAGE, A
DEVELOPMENT OF REGIONAL
IMPACT (DRI)

JOINT STIPULATION FOR DISMISSAL OF APPEAL

COMES NOW, Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (Department) by and through their respective undersigned attorneys and file the Joint Motion for Dismissal.

WHEREAS, TBRPC filed a timely appeal of Resolution 89-10, an Amended Development Order rendered by Pasco County for Trout Creek, a Development of Regional Impact; and

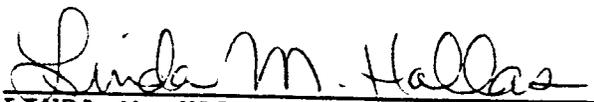
WHEREAS, The Department filed a timely Motion to Intervene as a full party in the pending appeal; and

WHEREAS, on January 4, 1989, Pasco County Board of County Commissioners rescinded Resolution No. 89-10 and Resolution No. 89-29, a copy of said Rescinding Resolution 89-69 is attached hereto marked Exhibit "A";

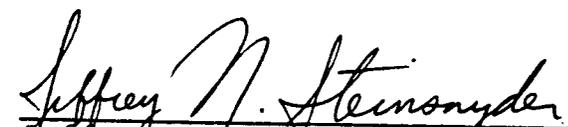
WHEREAS, the Development Order which is the subject of the appeal and intervention is now moot;

NOW THEREFORE Tampa Bay Regional Planning Council and the Florida Department of Community Affairs hereby dismiss the appeal of Resolution 89-10, an Amended Development Order for Trout Creek.

Respectfully submitted,



LINDA M. HALLAS
Attorney for TBRPC
9455 Koger Blvd., Suite 209
St. Petersburg, Florida 33702
(813) 577-7377



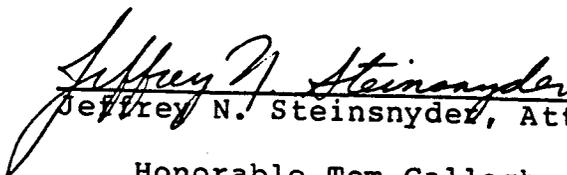
Jeffrey N. Steinsnyder, Attorney
David L. Jordan, Senior Attorney
C. Laurence Keesey, General Counsel
Department of Community Affairs
2740 Centerview Drive Suite 138
Tallahassee, Florida 32399-2100
(904) 488-0410

2
motion or
reassessment
Chk DO file

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties listed below by U.S.

Mail this 1st day of February, 1989.


Jeffrey N. Steinsnyder, Attorney

Honorable Bob Martinez
Governor
The Capitol
Tallahassee, FL 32399-0001

Honorable Bob Butterworth
Attorney General
The Capitol
Tallahassee, FL 32399

Honorable Doyle Connor
Commission of Agriculture
The Capitol
Tallahassee, FL 32399

Honorable Gerald Lewis
Comptroller
The Capitol
Tallahassee, FL 32399

Karla A. Stetter, Esquire
Assistant County Attorney
Pasco County
Pasco County Government
Center
7530 Little Road
New Port Richey, FL 34654

James Vaughn, Jr.
Florida Land and Water
Adjudicatory Commission
501 South Gadsden Street
Carlton Bldg., Room 404
Tallahassee, FL 32301

Keith Bricklemeyer, Esq.
Honigman, Miller, Schwartz
and Cohn
777 Harbour Island Blvd.
Suite 350
Tampa, FL 33602

Honorable Tom Gallagher
Insurance Commissioner
The Capitol
Tallahassee, FL 32399-0001

Honorable Betty Castor
Commissioner of Education
The Capitol
Tallahassee, FL 32399-0001

Honorable Jim Smith
Secretary of State
The Capitol
Tallahassee, FL 32399-0001

Deborah Hardin-Wagner, Esq.
Assistant General Counsel
Governor's Legal Office
The Capitol, Room 209
Tallahassee, FL 32399-0001

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

Stuart B. Aronoff
Pasco Properties, Inc.
100 Bush Street
Suite 1700
San Francisco, CA 94104

Sylvia Young, Chairman
Board of County Commissioners
of Pasco County
705 East Liveoak Avenue
Dade City, FL 33525

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA RESCINDING RESOLUTION NOS. 89-10 AND 89-29 AMENDING THE CONDITIONS OF DEVELOPMENT APPROVAL FOR THE TROUT CREEK (F/K/A DEERFIELD VILLAGE AND WILLIAMSBURG WEST) DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on August 11, 1988, Pasco Properties, Inc., filed an application requesting a nonsubstantial deviation determination pursuant to Section 380.06(19), Florida Statutes, to review proposed changes to the Trout Creek Development of Regional Impact including extension of the buildout date of the project, a decrease in residential acreage, a decrease in commercial acreage, and an increase in open space acreage; and

WHEREAS, on October 11, 1988, the Board of County Commissioners held a public hearing and adopted Resolution Nos. 89-10 and 89-29 amending the Trout Creek Development of Regional Impact Development Order; and

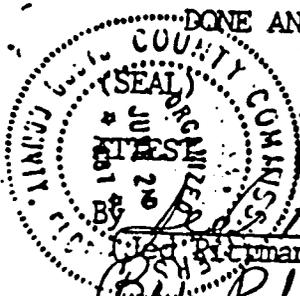
WHEREAS, as a result of recent developments, Pasco Properties, Inc. requested on December 15, 1988 that Resolution Nos. 89-10 and 89-29 be rescinded; and

WHEREAS, the Board of County Commissioners and the Tampa Bay Regional Planning Council also desire to rescind Resolution Nos. 89-10 and 89-29 in order to reevaluate the proposed amendments to the Trout Creek Development of Regional Impact Development Order.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida in regular session duly assembled, that Resolution Nos. 89-10 and 89-29 amending conditions of development approval for the Trout Creek Development of Regional Impact is hereby rescinded.

BE IT FURTHER RESOLVED that the Planning Staff is hereby authorized to set a new public hearing in order to reevaluate the proposed amendment to the Trout Creek Development of Regional Impact.

DONE AND RESOLVED this 4th day of January, 1989.



BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA

By Allan G. Sarranek Jr. Chairman

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

By [Signature]
Attorney

EXHIBIT A

Part of Section 31, Township 26 South, Range 20 East, Pasco County, Florida, described as follows:

Commence at the Northeast corner of said Section 31; thence S.89°31'54"W., along the North line thereof, 1106.68 feet to a point on the Easterly boundary line of Tanglewood Village - Phase 2, according to map or plat thereof, as recorded in Plat Book 20, Pages 134, 135 and 136, Public Records of Pasco County, Florida; thence along said Easterly boundary line of said Easterly boundary line of said Tanglewood Village - Phase 2 the following three (3) courses and distances; S.20°28'05"E., 585.46 feet; thence S.02°05'02"E., 547.24 feet; thence S.61°37'21"W., 425.00 feet; thence S.28°22'39"E., 645.00 feet for the POINT OF BEGINNING; thence N.61°37'21"E., 544.95 feet; thence N.28°22'39"W., 106.20 feet; thence N.61°37'21"E., 200.00 feet; thence S.28°22'39"E., 200.00 feet; thence S.61°37'21"W., 200.00 feet; thence N.28°22'39"W., 73.80 feet; thence S.61°37'21"W., 544.95 feet; thence N.28°22'39"W., 20.00 feet to the POINT OF BEGINNING.

EXHIBIT "A"

TROUT CREEK DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT NO. 211

RESOLUTION AMENDING THE CONDITIONS OF
DEVELOPMENT APPROVAL FOR THE TROUT CREEK
(F/K/A DEERFIELD VILLAGE AND WILLIAMSBURG
WEST) DEVELOPMENT OF REGIONAL IMPACT NO. 211
TO APPROVE REVISIONS TO THE MASTER DEVELOPMENT
PLAN AND PHASING SCHEDULE

WHEREAS, on October 9, 1973, the Board of County Commissioners of Pasco County adopted a Development of Regional Impact Development Order approving, with conditions, the Deerfield Village Development of Regional Impact governing the real property described in Exhibit "A" attached hereto. Presently, the Developer is proposing to change the name of the development to Trout Creek. The development currently consists of 1,821 acres and includes 4,500 residential units, commercial/office development totaling 61.5 acres, and 591.3 acres designated as open space; and,

WHEREAS, on August 11, 1988, Pasco Properties, Inc., now Trout Creek Properties, Inc. (the "Applicant"), filed an application requesting a nonsubstantial deviation determination pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, the Florida Department of Community Affairs ("DCA") advised the Applicant that it considered that the proposed extension of buildout for the project was a substantial deviation; and,

WHEREAS, on July 7, 1989, the Applicant filed an Amended Application for Development Approval (the "AADA"); and,

WHEREAS, the proposed changes would revise the project's Phasing Schedule, establish an expiration date for the Development Order, and result in a decrease in residential acreage, a decrease in commercial acreage, and an increase in open space acreage; and,

WHEREAS, the Tampa Bay Regional Planning Council has reviewed the AADA, determined that the regional issues subject to review pursuant to Section 380.06(19)(g), Florida Statutes, were limited to transportation and education, and recommended approval of the AADA subject to conditions addressing said regional issues; and,

WHEREAS, the Pasco County Planning and Zoning Department has recommended approval of the AADA subject to conditions consistent with the Tampa Bay Regional Planning Council DRI Final Report dated October 9, 1989.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled this 21st day of November, 1989, that:

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

TROUT CREEK DEVELOPMENT OF REGIONAL IMPACT

DEVELOPMENT ORDER

The Board of County Commissioners of Pasco County makes the following findings of fact and conclusions of law:

A. Findings of Fact

1. Trout Creek Properties, Inc., hereinafter referred to as the "Applicant" or the "Developer" of the property described in Exhibit "A" has filed an Amended Application for Development Approval, hereinafter referred to as the "AADA", for the Trout Creek Development of Regional Impact (DRI No. 211).
2. The total project, including both developed and undeveloped parcels on said property, shall henceforth be known as and named Trout Creek.
3. The Board of County Commissioners of Pasco County is the local government governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended.
4. The Developer has submitted the AADA simultaneously to Pasco County, the Tampa Bay Regional Planning Council, and the State Department of Community Affairs.
5. On August 11, 1989, the Tampa Bay Regional Planning Council notified Pasco County to set the public hearing on the AADA.
6. Pasco County has given sixty (60) days notice and scheduled a public hearing pursuant to Section 380.06(11), Florida Statutes.
7. The Tampa Bay Regional Planning Council has recommended approval of the AADA subject to conditions addressing the regional issues of transportation and education.
8. The Board of County Commissioners of Pasco County has held a public hearing on the above-referenced requests on November 21, 1989.
9. At the public hearing, all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination, 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 recommendations of the Pasco County Planning and Zoning Department and the Tampa Bay Regional Planning Council on the AADA.
12. All development will occur in accordance with the AADA and this Resolution.

13. The real property encompassed by this proposed Development of Regional Impact is owned by Trout Creek Properties, Inc., and a description of said real property is attached hereto as Exhibit A and made a part hereof by reference.

14. The nature, type, scope, intensity, density, costs, and general impact of the proposed Development of Regional Impact is that which is summarized in AADA, and associated correspondence, attached hereto and incorporated by reference herein. The Tampa Bay Regional Planning Council's Final DRI Report is also incorporated into this Development Order as Exhibit D.

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

16. Zoning on the property which is subject to the AADA and within Pasco County's jurisdiction is Master Planned Unit Development (MPUD).

17. The authorized agents of Trout Creek are Glen Cross, Shimberg-Cross Company, Post Office Box 3341, Riverview, Florida, 33569-3341; Clyde Hobby, Esquire, 6917 County Road 54, New Port Richey, Florida 34653; Keith Bricklemyer, Esquire, Honigman Miller Schwartz and Cohn, 777 South Harbour Island Boulevard, Suite 350, Tampa, Florida 33602; and Stuart B. Aronoff, B.F. Enterprises, Inc., 100 Bush Street, Suite 1700, San Francisco, California, 94104.

B. Conclusions of Law

1. The proposed changes to the Trout Creek Development of Regional Impact constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

2. The Trout Creek 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. The AADA approved by this Resolution is in accordance with the requirements of Section 380.06, Florida Statutes, and is consistent with the Pasco County Comprehensive Plan adopted pursuant to Section 163, Florida Statutes.

4. The proposed development, as conditioned by this Resolution, is consistent with the Tampa Bay Regional Planning Council DRI Final Report dated October 9, 1989.

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

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

C. Specific Conditions Restricting Development

1. Phasing Schedule and Approvals

a. Development of Trout Creek shall proceed in accordance with the phasing schedule shown in Table 1 below. Phase I will be ten (10) years and Phase II will

be four (4) years. A phase shall be considered complete upon issuance of the final building/construction permit for the phase.

b. Specific approval with conditions is hereby granted for Trout Creek Phase I, and conceptual approval is hereby granted for Phase II. Specific approval of Phase II shall be subject to a review of the transportation impacts of Phase II, conducted pursuant to Section 380.06, Florida Statutes, and an amendment of this Development Order to identify measures to mitigate said transportation impacts.

TABLE 1

TROUT CREEK DRI NO. 211

PHASING SCHEDULE

<u>Land Use</u>	<u>Specific Approval</u>		<u>Conceptual Approval</u>		<u>Total</u>	
	Phase 1 (1990 - 1999)		Phase 2 (2000 - 2003)			
Single-Family	2,600*	DU**	655	DU	3,255	DU
Multifamily	1,000	DU	245	DU	1,245	DU
Commercial/Office	15	Acres	46.5	Acres	61.5	Acres
Commercial	40,000	SF			653,900	SF***
Office	40,000	SF	Unknown		Unknown	
Park	45	Acres	Unknown		Unknown	
School	15	Acres****	0	Acres	45	Acres
Church	3	Acres	0	Acres	15	Acres
					3	Acres

* Includes 233 existing units in Tanglewood Village, Phases 1 and 2.

** Dwelling units

*** Square feet

**** The 15 acres will be donated upon Pasco County's request, which may occur during Phase 1 or Phase 2.

NOTE: The land use mix in Phase 1 may vary from the above table, provided the uses do not exceed the uses for the total project and do not result in more than 3,308 peak hour external trip ends and 2,569 external trips in the peak direction, based on "ITE 4th Edition Trip Generation" rates. The years shown in the Phasing Schedule shall not preclude development at a faster or slower pace subject to the project's compliance with Development Order Conditions and Section 380.06(19), Florida Statutes.

2. Land Use

Development of the project shall proceed in accordance with the Master Development Plan attached hereto as Exhibit "C", except as specifically modified by this Resolution. Within forty-five (45) days after adoption of this amendment and the resolution of any appeal, or expiration of the appeal period with no appeals, and prior to any further preliminary/preliminary site plan approvals, a revised Master Development Plan consistent with this Resolution shall be submitted to the Planning and Zoning Department for review and to the Development Review Committee for approval. An extension may be granted upon the showing of good cause by the Developer.

3. Transportation

a. The Developer will coordinate with the Florida Department of Transportation regarding the proposed State Road 54 alignment affecting the project.

b. A new traffic analysis of Phase II shall be performed by the Developer to identify necessary improvements to the affected roadway network to mitigate the negative impact of the proposed phase. The analysis shall be based upon methodology agreed upon at a new transportation methodology meeting which shall be held prior to preparation of each new traffic analysis; and shall be performed pursuant to Chapter 380.06, Florida Statutes, and all other rules and regulations in effect when the study is done. There shall be no development approval for any portion of the project beyond Phase I until the above-mentioned traffic analysis and mitigation plan for Phase II has been submitted to and approved by Pasco County and the Tampa Bay Regional Planning Council. The Development Order shall be amended, as necessary, to reflect the conclusions of the future traffic analysis and mitigation plan.

c. Monitoring

When Certificates of Occupancy have been issued for 1,000 residential units (in terms of trip generation), the developer shall institute an annual monitoring program to provide peak-hour traffic counts at the project entrances to verify that the projected number of external trips for Phase I (3,308 peak hour external trips and 2,569 external trips in the peak direction, based on "ITE 4th Edition Trip Generation" rates) are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program which survey shall be submitted with the annual report. Counts shall be performed on an annual basis through build-out of Phase I. Counts shall be taken for five (5) consecutive weekdays during October of each year prior to filing the Annual Report in November. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts as defined above, Pasco County shall

conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and if the variance is determined to be a substantial deviation, shall amend the Development Order or require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for the revised traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the revised analysis.

d. Pipeline Option

The requirements of this Pipeline Option have been determined to be the minimum requirements to mitigate the impacts of Phase I of the project on the regionally significant transportation highway facilities within the primary impact area. Approval of this mitigation mechanism is based on the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction, and use of a major public facility in both Pasco and Hillsborough Counties, and its consistency with Pasco County, TBRPC, and DCA policies regarding pipelining transportation impacts. In order to exercise this option, the Developer must give written notice of said election to Pasco County within 45 days after the "Start Date" as defined below.

The Required Pipeline Improvement (the "Required Improvement") under this Pipeline Option, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(1) The Developer shall design and construct as a four (4) lane divided rural section, the extension of the existing four (4) lane portion of County Road 581 from its intersection with Cross Creek Boulevard in Hillsborough County, north to its intersection with the access to Trout Creek adjacent to and south of commercial Tract 2, as shown on the Master Development Plan, including transitions through that intersection consistent with acceptable engineering standards (the "Required Design").

(2) Pasco County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Pasco County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the county shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way for roadway construction, drainage improvements, wetlands mitigation, and related improvements needed for the Required Improvement in both Pasco and Hillsborough Counties, including the exercise of its powers of eminent domain. Unless a lesser right-of-way is approved by Pasco County or

Hillsborough County Engineering Departments, as applicable, the right-of-way shall be 200 feet wide.

(3) The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Two Million Five Hundred Eight Thousand Nine Hundred Thirty-Eight and 00/100 Dollars (\$2,508,938.00).

(4) The cost of the Required Improvement including the cost of the necessary right-of-way, the environmental mitigation areas, and stormwater management areas has been determined to be Two Million Five Hundred Fifty-Three Thousand Three Hundred Fourteen and 40/100 Dollars (\$2,553,314.40) which amount exceeds the Developer's Proportionate Share obligation for Phase I.

(5) Buildings within Trout Creek shall be subject to the Pasco County Transportation Impact Fee Ordinance, as amended from time to time, provided, however, that all applicable transportation contributions, costs, and expenses borne by the Developer pursuant to this Development Order including, but not limited to, costs for right-of-way dedication or acquisition, design, construction, and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be established as a credit balance against impact fees for related items imposed by Pasco County. Total credits shall not exceed the proportionate share contribution of Two Million Five Hundred Eight Thousand Nine Hundred Thirty-Eight and 00/100 Dollars (\$2,508,938.00). Upon the issuance of Certificates of Occupancy, the Developer shall pay impact fees to the extent said fees exceed the credit balance established pursuant to this condition. Nothing herein shall be construed as a waiver of Developer's rights to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinance or other impact fee ordinances or the impact fees assessed thereunder.

(6) Pasco County shall not be liable for any cost exceedances of the actual construction cost over the estimated total costs listed in Paragraph 3.d(4). The Developer shall provide any necessary additional funds to complete the improvements as approved, including any additional funds necessary for rights-of-way. The costs of construction shall include the costs of any necessary utility relocations, environmental mitigation, and stormwater management facilities.

(7) Subject to Paragraph 3.d(9) below, the Developer shall comply with the following time schedule:

(a) Developer shall complete the Required Design no later than twelve (12) months after the "Start Date", which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

That part of Section 31, Township 26 South, Range 20 East, Pasco County, Florida, described as follows:

Commencing at the Southeast corner of said Section 31; thence S.89°40'10"W., along the South line of said Section 31, a distance of 1183.04 feet; thence leaving said South line and running N.00°19'50"W., a distance of 60 feet to the POINT OF BEGINNING; thence N. 27°40'10"E., a distance of 705.66 feet; thence N.89°40'10"E., a distance of 478.97 feet; thence S.11°25'33"W., a distance of 636.41 feet; thence S.89°40'10"W., parallel to the South lines of said Section 31, a distance of 680.58 feet to the POINT OF BEGINNING.

EXHIBIT "B"

EXHIBIT "C"

TROUT CREEK
SPRAY IRRIGATION EASEMENT

That part of Section 32, Township 26 South, Range 20 East, Pasco County, Florida, described as follows:

Commencing at the Southwest corner of said Section 32; thence N.89°39'19"E., along the South line of said Section 32, a distance of 1555.17 feet; thence leaving said South line and running due North a distance of 786.98 feet to the Point of Beginning; thence continuing due North, a distance of 1292 feet; thence due East a distance of 835 feet; thence due South, a distance of 1292 feet; thence due West, a distance of 835 feet to the Point of Beginning.

All of Sections 31, 32 and 33, Township 26 South, Range 20 East, Pasco County, Florida.

LESS - The Southeast 1/4 of the Southeast 1/4 of said Section 33.

LESS - The Southwest 1/4 of the Southeast 1/4 of said Section 33.

LESS - The triangular Southwest 1/2 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 33.

LESS - The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 33.

LESS - The triangular Southeast 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 33.

LESS - TANGLEWOOD VILLAGE - PHASE 1 - AT WILLIAMSBURG WEST according to the map or plat thereof as recorded in Plat Book 20, Page 98 and 99 of the Public Records of Pasco County, Florida.

LESS - TANGLEWOOD VILLAGE - PHASE 2 - AT WILLIAMSBURG WEST according to the map or plat thereof as recorded in Plat Book 20, Page 134, 135 and 136 of the Public Records of Pasco County, Florida.

LESS - The right-of-way for County Road No. 581.

EXHIBIT "D"

(b) Developer shall acquire the necessary right-of-way for the Required Improvement within six (6) months after approval of the Required Design.

(c) Developer shall commence construction of the Required Improvement no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of the Required Improvement shall be completed within eighteen (18) months after the commencement of its construction.

(7) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(8) Subject to Paragraph 3.d(9) below, if the Required Improvement is not constructed in accordance with the above-stated schedule, development in the project shall be subject to a stop order, with no further development approval (i.e. preliminary/preliminary site plan approval, construction plan approval, or the issuance of building permits). In such event, the County shall require the Developer to immediately complete the Required Improvement and may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County.

(9) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster, or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to the Pasco County Administrator, or his designee, and to the Tampa Bay Regional Planning Council for review. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

e. Subphasing

In the event the Developer does not elect the Pipeline Option as described above, the capacity and loading of transportation facilities in the Trout Creek transportation study network shall be limiting factors in any development approvals. If the Developer does not elect the Pipeline Option, a revised transportation analysis and an amendment to the Development Order shall be required to identify specific link and intersection improvements that will be required prior to any further development

approvals. In such a case, approval of any construction permits for any phase or subphase of the project shall require funding commitments from responsible entities for said improvements. At the point in the development at which roadway improvements are required as described above for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate. The traffic analysis for each phase or subphase shall serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways in the study network at LOS "D" at peak hours ("C" peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices.

4. Education

a. The Developer shall donate the fifteen (15) acre elementary school site as shown on the Master Development Plan attached as Exhibit "C" to the District School Board of Pasco County within 180 days from the date of approval of this Development Order. If the site designated on Exhibit "C" is reasonably determined to be unsuitable by the School Board, the Developer shall select another suitable site and shall designate it on the Master Development Plan. In such event, the site presently designated as the School Site may be developed for single-family dwelling units within the limitations for total dwelling units established by this Resolution. Such a change shall not require additional review pursuant to Pasco County zoning regulations or Chapter 380, Florida Statutes.

b. Sidewalks or bike paths shall be constructed along both sides of all rights-of-way to insure pedestrian access throughout the community, including proper pedestrian access to the school site. Additionally, the Developer will, upon 180 days' notice from the County, provide, concurrently with the construction of the school, the roads and water and wastewater facilities reasonably necessary to service the school site.

D. General Conditions Restricting Development

1. All conditions of the Master Planned Unit Development (MPUD) Zoning (No. 1505) approved June 23, 1981, as amended and as modified hereby, are incorporated into this Development Order, attached hereto, as Exhibit B. Subject to the requirements of Section 380.06(19.) Florida Statutes, changes to said zoning conditions shall not require amendments to this Development Order.

2. All Development Order Conditions of Approval as adopted by the Board of County Commissioners on October 9, 1973, as modified hereby, are incorporated into this Development Order, attached hereto, as Exhibit B.

3. Excess infrastructure capacity constructed to potentially serve latter phases of the development shall be at the Developer's risk and shall not vest latter phase development rights.

E. Developer Commitments

1. The Developer shall comply with the Developer Commitments set out in Exhibit "E", attached hereto, except to the extent said commitments are in conflict with this Resolution.

F. Duration

1. This Development Order shall take effect on November 21, 1989, upon approval of the Pasco County Board of County Commissioners.

2. This Development Order shall remain in effect until December 31, 2008; provided that the effective period 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, 2008, 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. Monitoring Procedures

1. Monitoring of this Development Order shall be at the time of the annual report submittal and during review of the development approvals. Monitoring the Trout Creek Development of Regional Impact DRI shall be carried out by the Pasco County Planning and Zoning Department.

2. In the event of a noncompliance, the Pasco County Planning and Zoning Department may recommend that the Board of County Commissioners establish a hearing to consider such noncompliance.

3. If the Board of County Commissioners determines that any development on an individual tract or increment is not in substantial compliance with the Development Order or any other provisions thereto are not complied with, all development on that increment or tract shall cease until the increment or tract in question can be developed in compliance with the Development Order.

H. Annual Report

1. Trout Creek shall provide an annual report on Florida Department of Community Affairs Form BLWM-07-85 to the Pasco County Planning and Zoning Department,

Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs, or their successor agencies, on November 21, the anniversary date, of each year during the term of the Development Order. If the annual report is not submitted within thirty (30) days of the due date, Pasco County shall notify the Developer and the provisions of Section 380.06(18), Florida Statutes, shall apply. Pasco County may initiate a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes.

2. The report shall include, at a minimum, the following information:

a. Any changes in the proposed plan of development.

b. Description of the development activities which have occurred over the previous year, including a summary of the number, type, and location of residential units and commercial structures.

c. A description of development activity proposed for the next year.

d. A statement setting forth names and addresses of major assignees or successors in interest to this Development Order.

3. Should the Developer divest itself of all interest in Trout Creek prior to the expiration of this Development Order, the Developer shall designate the successor entity to be responsible for preparation of the annual report subject to approval by Pasco County.

I. Amendment/Substantial Deviations

All proposed changes to the AADA and to this Development Order shall be submitted to the Board of County Commissioners for a substantial deviation determination pursuant to the provisions of Section 380.06(19), Florida Statutes, as amended, prior to implementation of such changes by the Developer. Application for a substantial deviation determination shall be made on Florida Department of Community Affairs Form BRM-08-86. Prior to amending any provision in this Development Order or issuing any substantial deviation determination, the appropriate county shall provide the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs with thirty (30) days notice of its intent to consider such an amendment. Such notice shall be reasonably calculated to permit the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs to appear at the public hearing or present written comments on the proposed change prior to the effective date of the amendment or change. A subsequent fifteen (15) day public notice period shall also be observed, if necessary.

J. Development Order Effectiveness

1. The requirements of and conditions imposed by this Development Order shall constitute regulations or restrictions which restrict the development of the property described in Exhibit A attached hereto. Following the adoption of this Development Order, all plans for development on the referenced property shall be consistent with the conditions and restrictions recited therein. Such regulations and restrictions shall be binding upon all successors in interest to any of the parties hereto.

2. All development of the property subject to this Development Order shall substantially conform to the Application, unless otherwise modified by the provisions of this Development Order and subsequent amendments thereto.

K. Miscellaneous Provisions

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, and the Development Order contained herein shall govern the development of the Trout Creek Development of Regional Impact.

2. The County Attorney of Pasco County is hereby authorized and directed to cause a certified copy hereof to be served on the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and upon attorneys of record in these proceedings for Trout Creek.

L. Severability

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Resolution is held invalid, the remainder of the Resolution shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be effected by such holding.

DONE AND RESOLVED this 21st day of November, 1989.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Allan G. Safranek
ALLAN G. SAFRANEK, JR., CHAIRMAN

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 28th day of November, 1989
JED PITTMAN, CLERK TO THE BOARD
BY: Elaine H. Mitchell D.C.

DESCRIPTION: All of Sections 31, 32, and 33, Township 26 South, Range 20 East, Pasco County, Florida

- LESS - The Southeast 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The Southwest 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The triangular Southwest 1/2 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 33.
- LESS - The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 33.
- LESS - The triangular Southeast 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 33.
- LESS - The right-of-way for County Road No. 581.

Containing 1821 acres, more or less.

NOTE: Total site area includes existing residential development, Tanglewood Village, Phases 1 and 2 (aggregating approximately 95.5 acres), which is not owned by Applicant/Developer.

EXHIBIT "A"

Trout Creek Legal Description

EXHIBIT "B"

Pasco County Planning Department

DADE CITY, FLORIDA 33525

(904) 867-5271 EXT. 66

October 9, 1973

MEMORANDUM

TO: THE BOARD OF COUNTY COMMISSIONERS

FROM: BILL WILEY, PLANNING DIRECTOR

RE: REEDER DEVELOPMENT CORPORATION;
DEVELOPMENT OF REGIONAL IMPACT REQUIREMENTS.

In consultation with the Planning Department Staff, Reeder Development Corporation and their consultants have agreed to meet the additional following requirements based on Tampa Bay Regional Planning Council Staff review and the Pasco County Planning Department Staff review.

- Progressive Planning 100*
- ** (a) The Developer agrees to design all sewage treatment facilities and drainage facilities on the site so that adequate protection is available for a twenty-five (25) year cycle flood.
(pertains to sewage treatment facilities only)
 - ** (b) The Developer agrees to design the sewage treatment facilities with adequate biological monitoring facilities to adequately ascertain the movement of and the potential danger of ground-water pollution by bacteria and virus which shall emanate from human waste on the proposed site of the Development.
 - ** (c) In the event that the initial plan for sewage treatment (land spreading of sewage effluent and polishing pond retention) proves to be inadequate or dangerous to the ground-water supply or any natural surface water feature, the Developer agrees to implement total in-plant tertiary treatment of all sewage effluent.
 - ** (d) The Developer agrees to an additional ecological survey at the proposed development site to again ascertain whether or not endangered plant and/or animal species are present.
 - (e) The Developer agrees to maintain all natural wetland, topographic features of the site to include cypress sloughs and the strand of vegetation referred to locally as "Clay Gulley". The Developer shall provide adequate drainage facilities which shall not degrade the quality or reduce significantly the natural productivity of these valuable topographic features.

EXHIBIT "B"

EXHIBIT "B"

Deerfield Village DRI DO, Approved October 9, 1973,
and Williamsburg West MPUD (Petition 1505) Approved June 23, 1981

Part of Section 31, Township 26 South, Range 20 East, Pasco County, Florida, described as follows:

Commence at the Northeast corner of said Section 31; thence S.89°31'54"W., along the North line thereof, 1106.68 feet to a point on the Easterly boundary line of Tanglewood Village - Phase 2, according to map or plat thereof, as recorded in Plat Book 20, Pages 134, 135 and 136, Public Records of Pasco County, Florida; thence along said Easterly boundary line of said Easterly boundary line of said Tanglewood Village - Phase 2 the following three (3) courses and distances; S.20°28'05"E., 585.46 feet; thence S.02°05'02"E., 547.24 feet; thence S.61°37'21"W., 425.00 feet; thence S.28°22'39"E., 645.00 feet for the POINT OF BEGINNING; thence N.61°37'21"E., 544.95 feet; thence N.28°22'39"W., 106.20 feet; thence N.61°37'21"E., 200.00 feet; thence S.28°22'39"E., 200.00 feet; thence S.61°37'21"W., 200.00 feet; thence N.28°22'39"W., 73.80 feet; thence S.61°37'21"W., 544.95 feet; thence N.28°22'39"W., 20.00 feet to the POINT OF BEGINNING.

EXHIBIT "A"

That part of Section 31, Township 26 South, Range 20 East, Pasco County, Florida, described as follows:

Commencing at the Southeast corner of said Section 31; thence S.89°40'10"W., along the South line of said Section 31, a distance of 1183.04 feet; thence leaving said South line and running N.00°19'50"W., a distance of 60 feet to the POINT OF BEGINNING; thence N. 27°40'10"E., a distance of 705.66 feet; thence N.89°40'10"E., a distance of 478.97 feet; thence S.11°25'33"W., a distance of 636.41 feet; thence S.89°40'10"W., parallel to the South lines of said Section 31, a distance of 680.58 feet to the POINT OF BEGINNING.

EXHIBIT "B"

EXHIBIT "C"

TROUT CREEK
SPRAY IRRIGATION EASEMENT

That part of Section 32, Township 26 South, Range 20 East, Pasco County, Florida, described as follows:

Commencing at the Southwest corner of said Section 32; thence N.89°39'19"E., along the South line of said Section 32, a distance of 1555.17 feet; thence leaving said South line and running due North a distance of 786.98 feet to the Point of Beginning; thence continuing due North, a distance of 1292 feet; thence due East a distance of 835 feet; thence due South, a distance of 1292 feet; thence due West, a distance of 835 feet to the Point of Beginning.