

#244

Cypress Creek Group, LLC

2963 Dupont Avenue, Suite 2, Jacksonville, FL 32217, 904-732-9400

March 3, 2014

Ms. Cynthia Spidell
Senior Planner & DRI Coordinator
Pasco County
7530 Little Road, Suite 320
New Port Richey, FL 34654

Re: Cypress Creek DRI #244

Dear Cynthia:

Pursuant to the adopted Development Order, we are hereby notifying you of our intent to convert a portion of our existing entitlements to commercial land uses by utilizing the Land Use Trade-Off Matrix rates. Please see the itemization of trade-offs below:

- 639,728 sq. ft. of Office minus 524,000 sq. ft. minimum office maintained = 115,728 sq. ft. available for trade-off multiplied by 0.2797 rate = 32,369 sq. ft. commercial generated
- 614 MF entitlements minus 464 constructed = 150 MF units available for trade-off multiplied by 0.1155 = 17,325 sq. ft. commercial generated
- Conversion of 20 hotel rooms (293 available for conversion) multiplied by 0.1188 = 2,376 sq. ft. commercial generated

The proposed exchanges will result in an increase of 52,070 square feet of commercial land use. This total combined with the remaining 98,530 square feet of commercial entitlements result in 150,600 square feet of commercial available.

Please review the proposed tradeoff and let us know if you have any questions or require any additional information.

Sincerely,



A. C. "Chip" Skinner, III

cc: John Meyer, Tampa Bay Regional Planning Council ✓
Brenda Winningham, Florida Dept. of Economic Opportunity
Gordie Zimmerman, Gmitch LLC
Scott Sheridan, King

#244



PASCO COUNTY, FLORIDA

FAX
DADE CITY
LAND O' LAKES
NEW PORT RICHEY

(727) 847-8901
(352) 521-4279
(813) 996-7341
(727) 847-8132

ZONING AND SITE DEVELOPMENT
WEST PASCO GOVERNMENT CENTER
8731 CITIZENS DRIVE, SUITE 210
NEW PORT RICHEY, FL 34654

January 25, 2012

Richard Davis, P.A.,
15310 Amberly Drive, Suite 250,
Tampa, FL 33647

RE: Cypress Creek DRI No. 244
Request for 4-Year Concurrency Extensions

Dear Mr. Davis:

Please be advised that the following dates for the above referenced project have been extended pursuant to Resolution 11-301 (approved by the Board of County Commissioners on July 26, 2011):

State/Regional Dates:

The following state/regional dates have been extended consistent with the correspondence from the Tampa Bay Regional Planning Council dated November 29, 2011:

- The build-out date for state/regional purposes is hereby extended from December 15, 2016 to December 15, 2020* (includes the 4 year extension)
- The Development Order date is hereby extended from December 31, 2018 to December 31, 2022* (includes the 4 year extension)

*It is staff's understanding that the above dates may be eligible for further extension of 306 days pursuant to the Governor's Emergency Order Numbers 11-128, 11-172 & 11-202. The deadline for that extension is 2-1-2012.

Other Eligible Dates:

Option 1 fee trigger date:

- Section M6b(i): Undeveloped retail, residential or hotel parcels within the project which receive a Final Certificate of Capacity after December 31, 2008 ~~2010~~ 2014 shall be required to pay the option 1 Full fee unless such date is extended by the Board of

county Commissioners pursuant to Section 402.11 A of the County Concurrency Management Ordinance.

- Section M6b(ii): Undeveloped non-employment Center office parcels within the project which receive a Final certificate of Capacity after December 31, 2010 2012 2016 shall be required to pay Option 1 full Fee unless such date is extended by the Board of county Commissioners pursuant to Section 4.02.11 A of the County Concurrency Management Ordinance.

Transportation Concurrency:

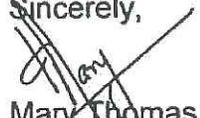
Staff will not be issuing a renewed Initial Certificate of Capacity for transportation concurrency purposes as this project is located within the County's Urban Service Area/Transportation Concurrency Exception area. Pursuant to Ordinance 11-08, projects located in this area shall be exempt from the transportation concurrency and Traffic Study requirements of these regulations upon paying, or agreeing to pay, the mobility fees. If your client intends to invoke the mobility fee opt-out provision pursuant to Ordinance 11-08, the transportation concurrency exemption will not apply and the concurrency expiration dates shall be hereby extended as follows:

- The local build-out date shall be extended from December 15, 2016 to December 15, 2020 (includes the 4 year extension)

This extension is granted pursuant to Chapter 2011-139, Laws of Florida (HB 7207), and the Pasco County Board of County Commissioners' good faith interpretation of HB 7207. By accepting this extension, the applicant acknowledges that there are portions of HB 7207 that are ambiguous, and that there are contrary interpretations of HB 7207. Accordingly, by accepting this extension, the applicant agrees to hold Pasco County harmless in the event a court of competent jurisdiction determines that the extension granted by Pasco County was not legally granted.

Please contact me with any questions at mthomas@pascocountyfl.net or at 727-847-8132.

Sincerely,


Mary Thomas
Engineer II


Debra M. Zampetti
Zoning/ Code Compliance Administrator

cc: John Meyer, Tampa Bay Regional Planning Council, (johnm@tbrpc.org)
Chip Skinner, Skinner Realty, (chip@skinnerrealty.com)
Cynthia D. Spidell, Sr. Planner & DRI Coordinator, (cspidell@pascocountyfl.net)
File

#244



PASCO COUNTY, FLORIDA

NEW PORT RICHEY
DADE CITY
LAND O' LAKES
FAX

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(813) 996-7341
(727) 847-8084

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

CERTIFIED MAIL NO. 7004 1160 0000 4437 7925
RETURN RECEIPT REQUESTED

June 9, 2009

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

RE: Cypress Creek - Development of Regional Impact (#244)
Development Order

Dear Mr. Meyer:

Enclosed please find a certified copy of the Cypress Creek Development of Regional Impact #244, Development Order (Resolution No. 09-205), 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 Board of County Commissioners on May 12, 2009.

Sincerely,

Quanlin Hu, MCRP
Planner II

Enclosure

A RESOLUTION AMENDING AND RESTATING THE DEVELOPMENT ORDER FOR THE CYPRESS CREEK DEVELOPMENT OF REGIONAL IMPACT NO. 244.

WHEREAS, on March 30, 2000, in accordance with Section 380.06, Florida Statutes as amended, CYPRESS CREEK (Applicant/Developer) filed an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as CYPRESS CREEK (Project); and

WHEREAS, on June 18, 2002, in accordance with Section 380.06, Florida Statutes, the Pasco County Board of County Commissioners adopted a development order (DO) approving, with conditions, the Project, by Resolution No. 02-181; and

WHEREAS, on December 5, 2006, the Board of County Commissioners adopted Resolution No. 07-63 that amended the DO for the Project to 1) extend the build-out date for retail, residential, and hotel uses by one (1) year (to December 31, 2007); 2) extend the build-out date for office uses by three (3) years (to December 31, 2009); 3) extend the DO expiration date by three (3) years (to June 18, 2015); 4) modify the Master Development Plan (Map H) to a) incorporate slight modifications to acreages for Parcels 1 through 6; b) add office as a possible land use in Parcel 2; c) add hotel as a possible land use in Parcel 5; and d) change the land use from office to hotel in Parcel 6; and

WHEREAS, on November 19, 2008, the Applicant filed an application entitled Notification of Proposed Change (NOPC) to a previously approved DRI application with Pasco County, Florida (County), with copies provided, to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (FDCA); and

WHEREAS, on November 25, 2008, the Board of County Commissioners adopted amendments to the County's concurrency-management regulations (Concurrency Amendments) to extend, without additional concurrency review or analysis, the concurrency expiration date of all projects in Pasco County by one (1) year (the One-Year Extension); and

WHEREAS, the One-Year Extension extended the concurrency exemption/expiration period for the Project from December 31, 2007, to December 31, 2008, for retail, residential, and hotel uses; and from December 31, 2009, to December 31, 2010, for any office use; and

WHEREAS, Section 402.11B of the Concurrency Amendments also allow any project to obtain an extension of its transportation concurrency expiration date by agreeing, as a Certificate of Capacity, DO, or development approval condition, to pay the Option 1 Full Fee (as defined in Section 402.5.D.6.[d], Land Development Code) at the time that transportation impact fees (TIFs) are due in accordance with the County's TIF Ordinance; and

WHEREAS, the Applicant/Developer is requesting a consolidated build-out-date extension to December 15, 2016, in exchange for the payment of the Option 1 Full Fee pursuant to Section 402.11.B, Land Development Code and the donation of real property for conservation to the County pursuant to Section VI of this DO; and

WHEREAS, in order to provide a single DO document incorporating all applicable provisions of the initial DO and subsequent modification, an Amended and Restated Development Order has been prepared; and

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

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

WHEREAS, the Board of County Commissioners wishes at this time to 1) consolidate Phases 1A (retail, residential, and hotel) and 1B (office) into one (1) development phase with an expiration date of December 15, 2016; 2) extend the expiration date of the DO until December 31, 2018; 3) grant a build-out-date extension subject to the payment of the Option 1 Full Fee and the donation of real property for conservation in accordance with Section VI of this DO; and 4) modify Map H to incorporate approximate boundary of lands to be donated to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that the DO for the Project be amended and restated as set forth below:

I. **GENERAL FINDINGS OF FACT**

The Board of County Commissioners makes the following general findings of fact:

- A. This DO is a valid final DO within the provisions of Section 163.3167(8), Florida Statutes. affecting the property described in Exhibit C attached hereto and incorporated herein.
- B. The NOPC includes a description of the proposed changes.
- C. The proposed changes necessitate amending the DO's findings and conditions described herein.
- D. A comprehensive review of the impacts generated by the proposed changes has been conducted by the County, the TBRPC, and the FDCA.
- E. On March 6, 2009, the TBRPC notified the County that the NOPC review was complete and that the TBRPC had initiated the preparation of its DRI NOPC Report for the Project, recommending approval of the NOPC with conditions. On April 13, 2009, the TBRPC adopted the NOPC Report for the Project recommending approval of the NOPC with conditions.

II. **CONCLUSIONS OF LAW**

The Board of County Commissioners hereby finds that the Project:

A. Will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan and State Land Development Plan applicable to the area encompassed by the application.

B. As conditioned, this DO, amended in accordance with the proposed changes, addresses issues raised consistent with the report and recommendation of the TBRPC.

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

D. As conditioned, this DO, amended in accordance with the proposed changes, is consistent with the adopted Pasco County Comprehensive Plan as amended (the Comprehensive Plan).

E. The land that is the subject of this DO is not in an area of critical State concern.

F. As conditioned, this DO, amended in accordance with the proposed changes, is consistent with the applicable provisions of the adopted State Comprehensive Plan.

G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record and these proceedings, the various departments of the County and the Developer are authorized to approve/conduct development as described herein.

H. Pursuant to Section 380.06(19)(3)(e), Florida Statutes, the proposed changes are presumed to be a substantial deviation; however, it is the opinion of the County, TBRPC, and other participating agencies that the Applicant has provided sufficient information to rebut the presumption of a substantial deviation. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that the proposed changes do not create additional impacts on regionally significant natural resources, facilities, and services beyond those approved in the original DO, and that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes. The proposed changes, therefore, do not constitute a "substantial deviation" from the original DO, pursuant to Section 380.06, Florida Statutes..

III. **APPROVAL STIPULATION**

A. Specific approval of the application is hereby granted with conditions. The effective date of this DO is June 18, 2002.

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

In the event the Pasco County Administrator or his designee determines that a violation of the provisions hereof has occurred, the County Administrator or his designee may issue a Notice of Noncompliance to the Applicant/Developer. If the noncompliance is not cured by the date stated in the Notice of Noncompliance, the County Administrator or his designee may require that all development related to the violation shall cease until the violation has been corrected. The Applicant/Developer may appeal the determination to the Board of County Commissioners pursuant to Article 317, Land Development Code (LDC).

C. All development specifically authorized by this DO shall be carried out in accordance with the provisions hereof:

1. Adverse impacts shall be mitigated as specified in this DO.
2. The Applicant's/Developer's commitments set forth in Exhibit E shall be

honored by the Applicant/Developer except as it may be superseded by specific terms of this DO.

D. Development of the Project shall be governed by the standards and procedural provisions of the Comprehensive Plan. Land development regulations shall be applied in a manner which is consistent with Section 163.3194(1)(b), Florida Statutes. Conflicts between the land development regulations and this DO shall be resolved in accordance with applicable law.

E. The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for ten (10) years from the date of adoption unless the County can demonstrate that substantial changes in the conditions underlying the approval of the DO have occurred, or that the DO was based on substantially inaccurate information provided by the Applicant/Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. Compliance with this DO, the MPUD Master Planned Unit Development conditions, the Pasco County Comprehensive Plan, and the LDC shall not constitute downzoning, unit density reduction, or intensity reduction for the purposes of the prohibition in this paragraph.

F. As provided in Chapter 190, Florida Statutes and subject to approval by the County, Community Development District(s) (CDD) are hereby authorized to undertake the funding and construction of any of the projects, whether within or without the boundaries of the CDD, which are identified within this DO. Further, any obligations of the Applicant/Developer contained in this DO may be assigned to the CDD, homeowner/property owner association, or other entity approved by Pasco County.

G. The property is currently utilized for agricultural activities. It is understood that, while the use will cease when the DRI is built-out, portions of the property may continue to be used for agricultural activities until the said property is developed in accordance with this DO.

IV. PHASING AND DURATION

A. Phasing Schedule:

1. Development of the Project shall proceed in accordance with the phasing schedule stated in Table 1 below:

TABLE 1 CYPRESS CREEK DRI LAND USE AND PHASING SCHEDULE		
Land Use	Phase 1 12/15/16	TOTAL
Retail (SF)	666,145	666,145
Office (SF)	639,728	639,728
Residential (DUs)	614	614
Hotel (Rooms)	393	393

B. Effective Date and Duration:

1. This DO became effective on June 18, 2002.
2. The expiration date of this DO shall be December 31, 2018. The

expiration date of this DO may be extended by the Board of County Commissioners upon a showing of good cause and as provided by statutes. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

C. Commencement of Development:

If physical development of the Project has not commenced on or before December 31, 2003, the Board of County Commissioners shall determine, pursuant to Section 380.06(19), Florida Statutes, as amended and the procedures outlined in Section VI.B.1 hereof, whether the delay represents a substantial deviation from the terms and conditions of the DO. For the purpose of the DO, "commencement of development" shall mean the commencement of development of infrastructure, roadways, or vertical development, unless otherwise approved by Pasco County.

D. Build-Out of Project:

The build-out date for the retail, residential, hotel, and office entitlements shall be as of December 15, 2016. No request to extend the build-out date of the DO shall be considered by the County unless and until the proportionate share to the County as full mitigation for the DRI transportation impacts of the project has either been paid to the County or guaranteed through an acceptable form of assurance as described herein. On March 1, 2006, the Applicant/Developer paid the County Four Million Four Hundred Eighty-Four Thousand Nine Hundred Sixty-Four and 00/100 Dollars (\$4,484,964.00), which, in addition to previously paid impact fees, constituted full and complete satisfaction of the proportionate-share contribution for the project through the build-out dates of December 31, 2007, for retail, residential, and hotel as extended to December 31, 2008, and December 31, 2009; and for office as extended to December 31, 2010, pursuant to Section 402.11.A, LDC. Any delay in the build-out date of the project beyond December 15,

2016, may require a new transportation analysis, in accordance with applicable law, as the basis for a DO amendment which may include re-evaluation of required transportation mitigation. The County Administrator or the Board of County Commissioners may waive any applicable transportation analysis requirement for any entitlements within the Project that satisfy the Limited Exemption criteria of Section 402.7 of the County's Concurrency Management Ordinance; however, build-out-date extensions for such entitlements are still subject to applicable statutory requirements in Section 380.06(19), Florida Statutes, as may be amended from time to time.

V. **SPECIFIC CONDITIONS**

A. Development Components:

Subject to the possible exchange of land uses as described elsewhere herein, the project consists of the land uses by phase as described in Table 1.

B. Land Use Exchange:

1. Development entitlements within the project may be exchanged pursuant to the Land Use Equivalency Matrix set out in Exhibit D, attached hereto. Land use exchange requests shall be provided to and approved by the County with copies to the FDCA and TBRPC, and the use thereof shall be reported in the next Annual Report.

2. Any amendments to the land use mix or proposed phasing schedule, other than those described herein, shall be approved pursuant to the NOPC as required by Section 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if otherwise there is compliance with the terms of the DO. Any departure in project build-out from the phasing schedule set forth in the DO shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

C. Water Quality and Drainage:

1. Development of the Project shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Comprehensive Plan and LDC.

2. The Project's stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4 or 40D-40, Florida Administrative Code (FAC), and Pasco County stormwater management requirements. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water-quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the Applicant/Developer shall comply with the following design requirements:

a. All swales shall be fully vegetated and operational.

b. Dry stormwater retention/detention areas, including side slopes and bottoms shall be vegetated as required.

c. The Applicant/Developer or other responsible entities shall ensure that the stormwater management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.

d. Should the Applicant/Developer discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the Applicant/Developer shall, within seven (7) days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The Annual Report shall include any such problems and the necessary repairs or modifications to remedy them as well as what repairs or modifications to the system have been undertaken since the previous Annual Report.

e. Landscape and irrigation shall be in conformance with the LDC in effect at the time of preliminary plan/site plan approval.

3. Should any noticeable soil slumping or sinkhole formation become evident, the Applicant/Developer shall immediately notify the County and the Southwest Florida Water Management District (SWFWMD) and adopt one (1) or more of the following procedures as determined to be appropriate by the County and SWFWMD:

a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.

b. Take immediate measures to ensure no surface water drains into the affected area.

c. Visually inspect the affected area.

d. Excavate and backfill as required to fill the affected area and prevent further subsidence.

e. Use geotextile materials in the backfilling operation, when appropriate.

f. If the affected area is in the vicinity of a water-retention area, maintain a minimum distance of five (5) feet from the bottom of the retention pond to the surface of the limerock-clay or karst connection.

g. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, relocate the retention area.

4. If applicable, planning and development of the Project shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area. The Annual Report shall identify what actions have been taken to comply with the said rules.

5. In order to protect surface-water quality, stormwater exiting the site shall meet all applicable State water-quality standards. The Applicant/Developer shall develop a surface-water-quality, monitoring program if required in the permitting process. The following parameters shall be included within any required water-quality, monitoring program:

a. Sampling locations and specific parameters (including nutrients, pesticides, herbicides, and stormwater parameters), frequency (minimum of twice annually) of monitoring, and reporting shall be subject to Pasco County, the Florida Department of Environmental Protection (FDEP), and other appropriate regulatory bodies' approval.

b. All water-quality, analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/FDEP quality-control standards and requirements.

c. The monitoring results shall be submitted to the FDEP, the SWFWMD, and Pasco County. Should the monitoring indicate that applicable State water-quality standards are not being met, the violation shall be reported to Pasco County and other appropriate regulatory bodies immediately. In the event there is a violation of any State water-quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the subbasin shall cease until the violation is corrected.

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

D. Wetlands:

1. Wetlands shall be protected in accordance with all applicable County, State, and Federal laws, rules, and regulations.

2. Development plans for each parcel in the project shall include specific limits of wetlands pursuant to wetland delineation surveys to be conducted in coordination with the SWFWMD and other regulatory agencies as may be applicable.

3. Prior to development plan approval for any parcel, the Applicant/ Developer shall submit a wetland/lake management plan to the SWFWMD for review and to Pasco County for approval. The plan shall address, but not be limited to, control of exotic species, mitigation of impacted wetlands, control of on-site water quality, and restoration of natural hydroperiods in on-site wetlands.

4. Existing annual hydroperiods, normal pool elevation, and seasonal high-water elevations shall be substantially maintained in conformance with permitting by all appropriate jurisdictional entities.

5. Buffering around all wetland areas shall comply with the Comprehensive Plan policies current at the time of this DO approval or the SWFWMD regulations at the time permits are obtained, whichever is more restrictive, to provide an upland transition into the wetland areas and to protect the natural system from development impacts.

6. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the appropriate permitting agency.

E. Flood Plain/Disaster Preparedness:

1. Elevation for all habitable structures shall be at, or above, a 100-year flood-plain elevation. All preliminary plan/preliminary site plan submittals shall show 100-year flood-plain elevations. Roadways providing access to residential areas shall be at, or above, required elevations as identified in the Pasco County LDC.

2. No fill shall be added within the 100-year flood plain without storage compensation as required by applicable regulations.

F. Wellfield Protection:

1. Within 200 feet of any public-supply well, a primary-exclusion zone, the following uses are prohibited: new industrial uses; septic tanks; leaching fields; landfills; facilities for the bulk storage, handling, or procession of materials on the Florida Substance List; commercial or industrial uses of hazardous material or wasters; junkyards or salvage operations; mines; wastewater treatment plants and similar facilities; pesticide-storage facilities; and animal-feed lots.

2. Within 1,000 feet of any public-supply well, a zone of secondary exclusion, the following uses are prohibited: landfills; facilities for the bulk storage, handling, or processing of materials on the Florida Substance List; commercial or industrial uses of hazardous materials or wasters; junkyards or salvage operations; mines; wastewater treatment plants and similar facilities; pesticide-storage facilities; and animal-feed lots.

3. All development must be consistent with Condition Nos. V.F.1 and 2 above, until such time as the Evaluation and Appraisal Report (EAR) based Comprehensive Plan amendments become effective and Pasco County's Wellhead Protection Ordinance is amended to comply with the amended

Comprehensive Plan policies. All development not determined to be vested, which is initiated subsequent to the EAR-based amendments becoming effective and the adoption of the revised Wellhead Protection Ordinance, shall comply with the ordinance.

G. Vegetation and Wildlife:

1. The Applicant/Developer shall comply with the rules and regulations, including the adopted Comprehensive Plan and Rule 9J-2.041, FAC, of all applicable agencies regarding the protection of regulated wildlife and plant species found on-site. In the event any additional State or Federally listed species, nesting colonies of wading birds, or nesting Florida sandhill cranes are discovered on-site during project development, the Applicant/Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection in accordance with the requirements of Chapter 68A-27, FAC.

2. All development must be consistent with Condition No. V.G.1 above until such time as the Wildlife Habitat Protection Ordinance becomes effective, in which case the more restrictive shall apply.

H. Historical and Archaeological Sites:

Should any historical or archaeological resources be encountered within the project, measures shall be taken in coordination with the Florida Department of State, Division of Historical Resources, and Pasco County to either protect and preserve the site(s) in place or to mitigate any adverse impacts consistent with the requirements in Rule 9J-2.043, FAC. The DO shall be amended to incorporate any required mitigation consistent with Rule 1A-46, FAC. If any significant resources are found, a Certificate of Appropriateness must be obtained from the County pursuant to requirements of the LDC.

I. Land:

1. Best Management Practices to reduce soil erosion and fugitive dust shall be implemented.

2. Prior to commencing development, the Applicant/Developer shall provide the Pasco County Engineering Services Department, Survey Division, with two (2) pairs of Global Positioning Satellite (GPS) control points with twenty-four (24) hour access. The location shall be mutually determined by the Applicant/Developer and the County Surveyor. The Applicant's/Developer's existing survey shall be valid for permitting purposes until final plat approval is requested.

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

1. The County has indicated that capacity exists, and water and wastewater services will be provided by Pasco County in accordance with Chapter 110 of the Pasco County Code of Ordinances as amended. The Applicant/Developer shall construct all water and wastewater facilities within the development to Pasco County standards in effect when the application is made for connection.

2. Development of the project shall not result in Levels of Service for water and wastewater services below the acceptable Levels of Service established in the Comprehensive Plan.

3. The Applicant/Developer agrees to use the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water and groundwater. Potable water (i.e., water that is treated and provided through a public-distribution system) shall not be used for the irrigation of common areas if lower quality water becomes reasonably available.

4. Water-saving fixtures shall be required in the project as mandated by the Florida Building Code and xeriscape-type landscaping shall be encouraged within the project. The Applicant/Developer is encouraged to coordinate its efforts with the Florida Yards and Neighbors Program.

5. High-efficiency, water-saving devices; irrigation systems; and low-volume, plumbing fixtures will be used throughout the project.

6. Prior to construction, the Applicant/Developer shall provide the County with evidence that adequate water-supply capacity and wastewater capacity for that construction is available. The said assurance shall include adequate water supply for firefighting purposes. Pasco County shall have the right to rely on assurances of adequate potable-water supply from the Tampa Bay Water.

K. Solid/Hazardous/Biohazardous Waste and Recycling:

1. The County has determined that adequate capacity exists to process the solid waste generated by the project. The collection, transportation, and disposal of solid waste are controlled by the County Code of Ordinances, Chapter 90, and shall take place in accordance with the terms thereof.

2. Development of the project shall not result in Levels of Service for solid-waste collection/disposal below the acceptable Levels of Service established in the Comprehensive Plan. Documentation of adequate disposal capacity, including assurance of adequate hazardous/biohazardous waste and material disposal to service the project shall be obtained from Pasco County or other appropriate entities.

3. As stated in ADA, it is not anticipated that hazardous or toxic waste will be generated by the project. However, the Applicant/Developer or his designee shall advise businesses within the project of applicable statutes and regulations regarding hazardous waste and materials, including those listed in Rule 9J-2.044, FAC.

4. Solid-waste recycling shall be given a high priority, and a specific plan shall be submitted to and approved by Pasco County to maximize solid-waste recycling for all phases of and all types of development within the Project.

L. Energy:

All Project tenants, businesses, and residents in the project shall be encouraged to:

1. Use energy alternatives, such as solar energy, waste-heat recovery, and cogeneration.
2. Use landscaping, building orientation, and building construction and design to reduce heat gain.
3. Institute programs to promote energy conservation by employees, buyers, suppliers, and the public.
4. Institute recycling programs.
5. Reduce levels of operation of all air-conditioning, heating, and lighting levels during nonbusiness hours.

M. Transportation:

1. Specific approval is hereby granted for the development of the Project as defined herein, subject to the conditions outlined herein.
2. Access Management: The Applicant/Developer shall be responsible for construction of the access improvements to S.R. 56 for the project as described in Tables A and B below, which improvements shall generally be as shown on Map H, attached hereto as Exhibit F, subject to compliance with the Florida Department of Transportation (FDOT) access-management regulations. These improvements are not eligible for impact fee credits.

TABLE A* SUBPHASE A (2006) REQUIRED IMPROVEMENTS			
Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at West Project Driveway, North Side	N/A	N/A	Construct SB, RT lane.
S.R. 56 at West Project Driveway, South Side	N/A	N/A	Construct NB, RT lane.
S.R. 56 at Main Project Driveway	N/A	N/A	Construct EB and WB LT lanes; NB and SB LT, RT, and through-lanes. Signalize when warranted by <i>MUTCD</i> .
S.R. 56 at East Project Driveway, North Side	N/A	N/A	Construct SB, RT lane
S.R. 56 at Easternmost Project Driveway, North Side	N/A	N/A	Construct SB, RT lane.
ACRONYMS			
EB: Eastbound	<i>MUTCD: Manual of Uniform Traffic Control Devices</i>		
WB: Westbound	LT: Left-Turn		
NB: Northbound	RT: Right-Turn		
SB: Southbound			

TABLE B*			
SUBPHASE B (2006) REQUIRED IMPROVEMENTS			
Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at Main Project Driveway	N/A	N/A	Construct second EB, LT lane.
ACRONYMS			
EB: Eastbound	MUTCD: <i>Manual of Uniform Traffic Control Devices</i>		
WB: Westbound	LT: Left-Turn		
NB: Northbound	RT: Right-Turn		
SB: Southbound			

* Improvements listed in above Tables A and B correlate to the levels of development listed in the Project Composition and Phasing Table on Page No. 3 of the TBRPC's Final Report for DRI No. 244, CYPRESS CREEK.

3. Mitigation Option: Proportionate Share:

a. The Applicant's/Developer's proportionate-share contribution for those improvement projects listed in Exhibit G (Transportation Impact Summary) attached hereto, as calculated in accordance with Rule 9J-2.045, FAC, is Five Million Fifty-Two Thousand Six Hundred Forty-Six and 00/100 Dollars (\$5,052,646.00) (the proportionate share). The Applicant/Developer or its successors elect this option to pay the proportionate share to the County as full mitigation for the transportation impacts of the project through the build-out dates of December 31, 2007, for retail, residential, and hotel as extended to December 31, 2008, and December 31, 2009; and for office as extended to December 31, 2010, pursuant to Section 402.11.A, LDC.

b. The Applicant/Developer shall, within ninety (90) days of this order, post with the County, a surety bond, Letter of Credit, or other form of assurance reasonably acceptable to the parties ensuring payment of the proportionate-share contribution by January 1, 2006. The amount of the bond, Letter of Credit, or other form of assurance may be reduced on an annual basis to equal the difference between the amount of TIFs already received by the County and the total proportionate-share contribution described above.

c. The County shall cease issuance of development permits or approvals, or revoke Building Permits or development approvals for the project if:

The Applicant/Developer does not deliver the described assurance within the time frame contained herein or fails to maintain the required assurance to the satisfaction of the County,

or,

The financial institution issuing the Letter of Credit or other form of assurance fails to pay the required amount to the County in accordance with the terms of the Letter of Credit. This condition does not apply to reasonable delays experienced by the financial institution relating to the processing of payment requests. The County may seek payment under the Letter of Credit or other form of

assurance in accordance with the terms of the said instrument notwithstanding the amount of the development that has occurred at the point payment is sought.

d. I-75 Improvements:

Pasco County and the FDOT recognize the significance of proceeding with improvements to I-75 along a corridor beginning in Pasco County at the intersection of I-75/I-275 and extending to the intersection of I-75/S.R. 54. It is the intent of both the County and the FDOT to develop an improvement program for this portion of I-75 and utilize contributions from the Project and other DRI projects in the impact area for construction of specific road improvements in 2008. This improvement program will be applied and implemented through the terms of this DO, other development agreements in the impact area, and Joint Participation Agreements with the FDOT. The FDOT is currently in the process of identifying specific improvements intended to increase capacity on the identified road network.

e. Alternative Improvements:

Pasco County and the FDOT shall assess the status of the planning process relating to the described section of the I-75 corridor. If Pasco County and the FDOT determine that it is no longer feasible to proceed with improvements to I-75, then the DO shall be amended pursuant to Section 380.06(19), Florida Statutes and alternative improvement(s) shall be identified by the County which reasonably benefit the project and the monies held by the County shall be allocated to the design, right-of-way acquisition, and construction of the said alternative improvements.

4. Trip Generation Monitoring: The Applicant/Developer shall provide external p.m. peak-hour counts and projected counts at the project entrances in conjunction with an application for approval of a preliminary plan/preliminary site plan. This analysis shall summarize the cumulative development quantities, including p.m. peak-hour inbound and outbound trip ends for existing and projected development. If the project's external trips exceed the estimated (projected, plus counted) project traffic as described in Exhibit H (Traffic Monitoring Volumes) by more than five (5) percent, the County may require the Applicant/Developer to provide a revised transportation analysis in accordance with Section 380.06(19), Florida Statutes, a DO amendment, and/or a recalculation of the proportionate-share amount. Initiation of this monitoring shall commence after the issuance of Certificates of Occupancy (COs) for fifty (50) percent of the project and shall also be continued to build-out. The monitoring data shall be included in each Annual Report. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Applicant/Developer and shall declare the project not to be in compliance with the DO. Should the report not be submitted within thirty (30) days after such notification, all ongoing development activity, further issuance of Building Permits, and extension of services to the project shall cease immediately until the obligations of this paragraph have been satisfied.

5. Impact Fee Credits: The Applicant/Developer shall pay the impact fees to the County as development progresses at the point of CO issuance based upon the County's TIF Ordinance. These impact fees will be used for the I-75 improvements until the amount of the impact fees paid equals Five Million Fifty-Two Thousand Six Hundred Forty-Six and 00/100 Dollars (\$5,052,646.00), the proportionate share, and, after that, the impact fee payments paid for the project will go into the County's normal impact-fee accounts. The impact fees going toward the I-75 improvements will be held by the County until the County and FDOT enter into a Joint Participation Agreement for the construction of the I-75 improvements. Notwithstanding the foregoing, the Applicant/Developer shall pay the entire proportionate share to the County no later than January 1, 2006.

The Applicant/Developer is eligible to apply for impact-fee credits pursuant to Section 380.06(16), Florida Statutes and Pasco County Ordinance No. 90-04 as it may be amended, and the Applicant/Developer shall receive credits as authorized by the ordinance, this DO, and other land development regulations. Impact-fee credits are not transferable outside the project. Conditioned upon the assumption that the Applicant's/Developer's impact-fee payments will be held by the County and applied to construction of road improvements along I-75 or alternative improvement(s) to be identified by Pasco County and amended into the DO, the timing of which might exceed the time periods set forth in Chapter 78-45 of the Code, the Applicant/Developer waives the right to refunds of impact fees paid but not encumbered or expended within the described time periods.

6. Option 1 Full Fee:

a. The Applicant/Developer hereby consolidates Phases 1A (retail, residential, and hotel) and 1B (office) into one (1) development phase with an expiration date of December 15, 2016.

b. The additional impacts for such build-out-date extension shall be mitigated by the Applicant/Developer by paying the Option 1 FY 2007 Full Fee adjusted to the date of payment in accordance with the County's TIF Schedule – Option 1 – Full Rates as amended, attached hereto as Exhibit I, and in accordance with the following:

i) Undeveloped retail, residential, or hotel parcels within the Project which receive a Final Certificate of Capacity after December 31, 2008, shall be required to pay the Option 1 Full Fee unless such date is extended by the Board of County Commissioners pursuant to Section 402.11.A. of the County Concurrency Management Ordinance.

ii) Undeveloped non-Employment Center office parcels within the Project which receive a Final Certificate of Capacity after December 31, 2010, shall be required to pay the Option 1 Full Fee unless such date is extended by the Board of County Commissioners pursuant to Section 402.11.A. of the County Concurrency Management Ordinance.

iii) Undeveloped parcels within the Project which are developed as office entitlements that meet the EC-MPUD Employment Center Master Planned Unit Development requirements and the requirements of Section 402.7.(3) or (4), LDC shall be exempt from the Option 1 Full Fee payment, but shall be required to pay TIFs in accordance with the County's TIF Ordinance.

iv) Undeveloped parcels within the Project which are developed as hotel entitlements that are developed with a minimum of 3,250 square feet of conference meeting space, have a minimum of two (2) restaurants with on-site catering services, and that otherwise meet EC-MPUD Employment Center Master Planned Unit Development requirements (as may be modified in a corresponding MPUD Master Planned Unit Development amendment), shall be considered Employment Center entitlements and shall be exempt from the Option 1 Full Fee payment, but shall be required to pay TIFs in accordance with the County's TIF Ordinance.

c. In the event the Applicant/Developer, its successors, assigns, or other end-user (End-user) converts any Employment Center office or hotel entitlements to retail, residential, or hotel that does not meet the requirements set forth above within twenty (20) years after the applicable entitlement received a CO, the End-user shall comply with one (1) or more of the following:

i) Pay to the County the difference between the Option 1 Full Fee and the TIF for the entitlement that was converted or the applicable TIF due for the conversion, whichever is greater, calculated at the time of conversion (Option 1 – TIF Differential).

ii) Identify and construct a mitigation pipeline project acceptable to the County and equivalent to the Option 1 – TIF Differential.

iii) Otherwise demonstrate compliance with the County's transportation concurrency requirements.

d. The Applicant/Developer shall record a notice of this DO, in accordance with Florida law, upon the effective date of this DO to put subsequent property owners and End-users on notice of the existence of the DO. In addition, the developer shall record against each parcel within the Project which the Applicant/Developer conveys to an End-user for Employment Center office or hotel use, a private, restrictive covenant (Private Use Restriction) which evidences the foregoing conversion restriction and associated End-user obligation as an encumbrance against such particular parcel, names the County as a third-party beneficiary of such provision, and provides the County and the Applicant/Developer with specific enforcement rights with respect thereto. The Applicant/Developer shall obtain the County Attorney's prior approval to the form of Private Use Restriction, which approval shall not be unreasonably withheld; and once approved, the Applicant/Developer shall be entitled to use such Private Use Restriction for each such parcel without the County's further approval. The Private Use Restriction may be set forth in a declaration of restrictions that contains other provisions as the Applicant/Developer may elect. The Applicant/Developer shall

forward a copy of the recorded notice of the DO to the County prior to the first preliminary plan approval and each Private Use Restriction upon recording the same.

e. The County shall address the proportionate-share obligation for compliant Employment Center office and hotel entitlements through the application of TIF or other revenue sources toward parallel facility or mobility improvements in Pasco County that benefit the impacted facilities set forth in Exhibit G as determined by the County. This obligation shall not affect the expenditure of TIFs paid within the DRI, which may be expended in accordance with the County's adopted TIF Ordinance. Failure to develop any portion of the Employment Center entitlements in accordance with the requirements of this DO or any violation of the Employment Center office or hotel conversion restriction set forth above shall require one (1) of the mitigation requirements set forth in Section 5.M.6.c above. Such mitigation requirement, if applicable, shall be adjusted by the most recent construction and right-of-way indices as adopted by the County TIF Ordinance as amended. If such mitigation requirement results in a payment, such payment shall be utilized for parallel facility or mobility improvements in Pasco County that benefit the impacted facilities set forth in Exhibit G as determined by the County. Notwithstanding anything herein to the contrary, should the County conduct an areawide traffic/concurrency analysis which includes the Project and then establishes a transportation mitigation fee based upon the results of that analysis, the Applicant/Developer shall pay the areawide fee in lieu of the Option 1 Full Fee. However, the adoption of such analysis or fee shall not affect the Applicant/Developer's obligation to donate the real property as set forth in Section VI.

N. Air Quality:

Best Management Practices as identified in the ADA shall be employed during site preparation and construction to minimize air-quality impacts.

O. Health Care/Police/Fire:

Pasco County shall provide fire, police, and EMS service to the development. The Applicant/Developer shall be required to pay impact fees for such services at such time as the County adopts an impact fee ordinance for any or all of such services.

P. Housing:

The Applicant/Developer has completed an affordable housing assessment for the nonresidential component of the Project and determined that the existing housing supply is adequate to meet the anticipated demand for very low-, low-, and moderate-income, housing units for development of all planned commercial and office uses.

Q. General Conditions:

1. Should the Applicant/Developer divest itself of all interest in the project prior to the expiration of this DO, the Applicant/Developer shall designate the successor entity to be respon-

sible for preparation of the Annual Report, which designation shall be effective upon notification and consent by the County.

2. In the event ordinances or resolutions are adopted by the Board of County Commissioners establishing County impact fees for the purpose of funding solid waste, public safety, libraries, and/or wildlife mitigation, the Applicant/Developer shall be required to pay the said fees, subject to applicable credits, in accordance with the ordinance(s) or resolution(s).

If the Applicant/Developer desires to abandon any part or all of this DRI, it must do so pursuant to Rule 9J-2.0251, FAC (Abandonment of Development Orders), as amended. Simultaneously with filing for abandonment, the Applicant/Developer shall file for a Comprehensive Plan amendment to remove the land use classifications that were adopted for this DRI and to return the land uses to those existing prior to approval of this DRI.

VI. **DONATION OF SPECIFIC REAL PROPERTY FOR CONSERVATION**

A. The Applicant/Developer shall, at no cost, donate to Pasco County, real property lying within the area generally depicted on Exhibit J, which shall not include any wetland mitigation areas or any existing or future drainage/stormwater ponds. A detailed survey of the subject real property shall be prepared by Pasco County, which shall be the basis for preparation of those documents required to donate the real property. The donation shall occur within thirty (30) days of the Board of County Commissioners approval of this NOPC or within thirty (30) days of the survey, whichever occurs later. The Applicant/Developer shall continue to maintain the wetland mitigation areas and drainage/stormwater ponds and shall have access over and across the donated real property for purposes of accessing the wetland mitigation areas and drainage/stormwater ponds as described in Exhibit J.

B. In September of 2008, the Applicant/Developer and County agreed upon the terms of a Purchase and Sale Agreement whereby the Applicant/Developer agreed to sell the described real property to County for the sum of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00). Rather than completing the transaction as contemplated by the Purchase and Sale Agreement and then having the Applicant/Developer donate the proceeds of the sale to the County, the parties have agreed that it will be more convenient to structure the transfer of the Property as described herein. The Applicant/Developer has advised the County that they intend to treat the transfer of the real property contemplated by this resolution as a "bargain-sale" transaction under Section 170 of the Internal Revenue Code of 1986 as amended (the "Code"). The County makes no representation, warranty, or covenant as to the ability of the transaction to qualify for such treatment under the Code and shall have no responsibility to the Applicant/Developer in the event the transaction does not qualify, it being expressly understood and agreed by the Applicant/Developer that this aspect of the transaction shall have no impact on the validity of the transfer of the Property by the Applicant/Developer to the County, nor shall it in any way be a condition precedent or subsequent to the

obligation of the Applicant/Developer to transfer the Property to the County pursuant to the other terms and conditions of this resolution. The County agrees that it will cooperate with the Applicant/Developer in connection with the Applicant/Developer's efforts to qualify the transaction as a bargain-sale transaction under the Code and, as part thereof, the County is willing to execute postclosing, Part IV of the IRS Form 8283, as required by the Code for "noncash" charitable contributions.

C. Such real property donated pursuant to this paragraph shall not be subject to any of the conditions of this DO and the corresponding MPUD Master Planned Unit Development conditions of approval.

VII. PROCEDURES

A. Annual Reports:

1. Monitoring of the Project by the County shall be the responsibility of the County Administrator or his designee.

2. The Applicant/Developer shall provide an Annual Report on the required form to the Pasco County Development Services Branch, TBRPC, and FDCA on the anniversary date of final adoption of this DO each year during the term of this DO. The contents of the Annual Report shall meet the requirements of Section 380.06(18), Florida Statutes and shall include all additional data and information as required in this DO.

3. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Applicant/Developer and shall declare the project not to be in compliance with the DO. Should the report not be submitted within thirty (30) days after such notification, all ongoing development activity, further issuance of Building Permits, and extension of services to the project shall cease immediately, pursuant to Section 380.06(17), Florida Statutes, as amended, until a public hearing has been held, pursuant to Section 380.06(19), Florida Statutes as amended, to determine if a substantial deviation has occurred.

4. In addition to the required elements of the Annual Report, the Applicant/Developer shall include:

a. The cumulative number of units developed through the land-use tradeoff mechanism.

b. The cumulative number of units (by type and square feet of retail and office) with site-plan approval (preliminary plan, construction plan, and site plan), final plat approval, and COs.

c. A synopsis of all DRI and zoning amendments.

d. A synopsis of ownership (major parcels).

e. A list of DRI/DO conditions of approval and whether the said conditions have been met by the Applicant/Developer.

f. A status of the payment of the proportionate-share contribution and amount of the related Letter of Credit.

g. Applicable transportation-monitoring data.

5. The Applicant/Developer may not assign the obligation to submit the report or any part thereof without the consent of the TBRPC and the County Administrator or his designee.

B. Amendments/Substantial Deviations:

Proposed changes to this DO are subject to review pursuant to the terms of the DO and provisions of Section 380.06(19), Florida Statutes as amended prior to implementation of such changes. Application to amend any provision of this DO shall be made on the required form (Notice of a Proposed Change to a Previously Approved DRI) and shall be provided by the Applicant/Developer to the TBRPC, FDCA, and Pasco County.

C. Notice of Adoption:

1. A Notice of Adoption of this resolution shall be filed and recorded in the Public Records of Pasco County, Florida, in accordance with Section 380.06(15)(f), Florida Statutes as amended.

2. The Clerk of the Circuit Court, Secretarial Services, for the Board of County Commissioners shall return eight (8) signed and certified copies of this DO and Notice of Adoption to the Pasco County Development Services Branch. The Pasco County Development Services Branch shall then send out the copies of each document to the FDCA, TBRPC, and to the attorneys of record of these proceedings.

D. 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, such determination shall not affect the validity of 1) 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 COs; 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 12th day of MAY, 2009.



BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA

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

Jack Mariano
JACK MARIANO, CHAIRMAN

APPROVED
MAY 12 2009
BOCC

EXHIBITS

- A. ADA*; Sufficiency Responses*
- B. TBRPC DRI Final Report*
- C. Legal Description
- D. Land Use Equivalency Matrix
- E. Applicant's/Developer's Commitments
- F. Revised Map H
- G. Transportation Impact Summary
- H. Traffic Monitoring Volumes
- I. TIF Schedule – Option 1 – Full Rates
- J. Donated Land Map

*Incorporated by Reference

STATE OF FLORIDA, COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGES 1-22 OF 22 PAGES OF THE
ORIGINAL RECORD IN MY OFFICE. WITNESS
MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS
14th DAY OF March 2009
PAULA S. O'NEIL, CLERK & COMPTROLLER
BY Kristi Poquette DEPUTY CLERK

EXHIBIT A

ADA; SUFFICIENCY RESPONSES

Incorporated by reference copies are currently on file with Pasco County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

EXHIBIT B
TBRPC DRI FINAL REPORT

Incorporated by reference copies are currently on file with Pasco County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

EXHIBIT C

LEGAL DESCRIPTION

That part of Section 26, Township 26 South, Range 19 East, lying East of the right-of-way Interstate 75 Highway as now established, less the northern 900 feet of said Section 26, and less and except the road right-of-way for State Road 56, all lying and being in Pasco County, Florida. (410 Acres MOL).

EXHIBIT D
LAND USE EQUIVALENCY MATRIX

TABLE 1
(Revised 12/28/01)

CYPRESS CREEK DRI
LAND USE TRADE-OFFS

LAND USE TRADE-OFF RATES				
CHANGE TO →	Commercial (1,000 S.F.)	Multi-Family (DU)	Office (1,000 S.F.)	Hotel (Room)
CHANGE FROM ↓				
Commercial (1,000 S.F.)	--	8.6574	3.5754	8.4167
Multi-Family (DU)	0.1155	--	0.4130	0.9722
Office (1,000 S.F.)	0.2797	2.4214	--	2.3540
Hotel (Room)	0.1188	1.0286	0.4248	--

MINIMUM AND MAXIMUM TRADE-OFF LIMITS:			
Land Use	Minimum	Maximum	Measure
Commercial	350	750	1,000 S.F.
Multi-Family	370	800	DU
Office	524	780	1,000 S.F.
Hotel	0	500	Room

EXAMPLE 1: TRADE FROM COMMERCIAL TO OFFICE

Trade 5,000 S.F. of Commercial for ? (1,000) S.F. of Office
 $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 3.5754 \times (1,000) \text{ S.F. of Office}$
 $= 17,877 \times (1,000) \text{ S.F. of Office}$
 $= 17,877 \text{ S.F. of Office}$

EXAMPLE 2: TRADE FROM COMMERCIAL TO MULTI-FAMILY

Trade 5,000 S.F. of Commercial for ? Multi-Family dwelling units
 $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 8.6574 = 43 \text{ Multi-Family dwelling units}$

EXAMPLE 3: TRADE FROM MULTI-FAMILY TO HOTEL

Trade 300 Multi-Family dwelling units for ? Hotel rooms
 $= 300 \text{ Multi-Family dwelling units} \times 0.9722 = 292 \text{ Hotel rooms}$

SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES

Land Use	Total of North and South Sides [1]	Total Gross External Trips [1]	Trips / Measure
	Commercial	856 (1,000 S.F.)	2,571
Multi-Family	740 (DUs)	335	0.4527 Trips per DU
Office	524 (1,000 S.F.)	584	1.0952 Trips per 1,000 S.F.
Hotel	393 (Rooms)	381	0.4656 Trips per Room
	Total Gross External Trips =	3,773	

[1]: Cypress Creek DRI, Second Response to Request for Additional Information Report, Table 21.3B, Page TA-3; total of North and South sides.

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EXHIBIT E
DEVELOPER'S COMMITMENTS

SECTION III - DEVELOPER COMMITMENTS
DRI #244 - CYPRESS CREEK
PASCO COUNTY

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

GENERAL

1. The wetlands associated with Cabbage Swamp on the north side of the project and those associated with Cypress Creek on the south side of the project will not be impacted. (Developer clarification - "effect for small areas as shown on revised Map H-1, dated January 26, 2001 and attached as Map 2 of this Report"). (ADA/Page 10-2/Response 10.B)
2. All isolated wetlands will have a buffer from development and appropriate protective measures will be used during construction to guard against pollution (SR1/Page 47/Response 10)
3. The project will use "reuse" water from Pasco County for non-potable (irrigation) purposes. (SR1/Page 48/Response 10)
4. Water saving devices, irrigation systems and low volume plumbing fixtures will be used throughout the development. (SR1/Page 48/Response 10)
5. Regionally significant natural resources will be protected by wetlands buffering, provision of open space and treatment of stormwater runoff. (SR1/Page 50/Response 10)
6. During construction appropriate steps will be used to prevent erosion. These steps will include the use of silt barriers and hay bales. (SR1/Page 50/Response 10)

VEGETATION, WILDLIFE AND WETLANDS

1. Additional buffer (for wetlands, in addition to that required by applicable regulations of Pasco County, SWFWMD and the FDEP) is being provided in the floodplain compensation areas and wetland mitigation areas. (ADA/Page 13-5)
2. Forested wetlands will be designed to compensate for losses to existing forested wetlands. (ADA/Page 13-8)
3. All isolated wetlands will be have a ⁶⁶ bigger buffer from development and protective measures will be used during construction to guard against pollution. (SR1/Page 47)

4. All regionally-significant natural resources located on the project's site will be protected and/or preserved, as appropriate. (SR1/Page 49)
5. Regionally significant natural resources will be protected by wetlands buffering, provision of open space, and treatment of stormwater runoff. (SR1/Page 50)
6. If necessary, appropriate passive controls (such as walk-through-only gates) and signs will be used to control access to preserved areas and eliminate undesirable uses. (SR1/Page 71)
7. The applicant will maintain the existing connection between (the wetland amid parcels 5-8) and Cypress Creek. (SR2/Page 3).

WATER QUALITY AND STORMWATER MANAGEMENT

1. The drainage system will be designed to provide protection of the surface water quality through the use of grass swale systems for treatment of runoff, detention ponds to allow for sedimentation of suspended solids, and stormwater attenuation ponds prior to discharging to existing surface water drainage system. The design will incorporate on site retention of the first one half inch of runoff or runoff from the first inch of rainfall. The wetland areas on site will be incorporated into the construction designs for retention and treatment purposes. (ADA/Page 14-16)
2. Lake Control water levels will be established at the seasonal high water level of existing wetlands and verified by SWFWMD during the permitting process. (ADA/Page 19-3)
3. Wetland hydroperiods will be maintained in the post developed conditions. (ADA/Page 19-7)
4. All of the project's stormwater facilities will be regularly inspected and appropriately maintained. (SR1/Page 49)
5. To prevent any adverse effects to the ground water quality during construction, no excavation into the confining clay layer or the underlying limestone is proposed. Surface water quality will be maintained through the use of conventional engineering practices such as diversion swales, temporary sediment stumps, silt fences, and storm inlet protection. The sediment and erosion control methods will prevent sediment from entering Cypress Creek and Cabbage Swamp. (SR1/Page 55).
6. Some of the stormwater ponds in more visible area will be enhanced with aesthetic amenities, such as aeration fountains and littoral shelf plantings to improve their appearance and function. (SR1/Page 57)
7. Hydrology of the wetland areas will be monitored to prevent the wetland systems from being adversely affected. (SR1/Page 94)

SOILS

Silt barriers and hay bales will be used to control runoff. Silt barriers will be used to limit wind-driven erosion of fine-grain soils. At the completion of each workday, all areas will be graded to reduce erosion. Grading will be done in such a manner as to reduce the velocity of runoff. All runoff will be directed to the site settling ponds before water is discharged from the site. Hay bales will be used extensively to reduce and control the velocity of runoff (ADA/Pages 15-2 through 15-3).

WATER SUPPLY

1. No water irrigation wells exist on the site or are proposed (ADA/Page 17-6/Response 7.c).
2. In the event reclaimed water is available, as solely determined by Pasco County, for nonpotable water uses, the developer intends to utilize and extend Pasco County's reuse water system by tapping into the nearest available source and distributing reuse mains throughout the project. . . . (ADA/Page 17-6/Response 17.D).

WASTEWATER MANAGEMENT

No septic tanks are proposed for this development (ADA/Page 18-7/Response 18.D).

AIR QUALITY

Fugitive dust will be controlled by moistening exposed soil on a regular basis during site preparation and construction activities (ADA/Page 22-1).

EXHIBIT F

MAP H

Map H as revised, is currently on file in Pasco County. Additional copies will be delivered to you upon your request.

LEGEND

- CYPRESS CREEK DRI BOUNDARY
- DEVELOPMENT POD BOUNDARY
- ▨ WETLANDS
- ▨ IMPACTED WETLANDS
- ▨ AREA OWNED BY FDOT
- ▨ APPROXIMATE BOUNDARY OF LANDS TO BE DONATED TO PASCO COUNTY

LAND USE DATA

USE	ACRES	UNITS / GFA
HOTEL or OFFICE DEVELOPMENT	60.9	393 / 639,728 SF
Office (Only) = 40.3 ac.		
Hotel (Only) = 4.9 ac.		
Hotel or Office (Only) = 15.7 ac.		
RETAIL DEVELOPMENT (Includes Parcel 13a Daycare)	88.7	666,145 SF
RESIDENTIAL	51.1	614
ROADS	17.2	
UPLAND PRESERVATION	14.6	
WETLANDS	151.0	
WATER CONTROL STRUCTURES	1.5	
FLOODPLAIN COMPENSATION	20.0	
TOTAL PROJECT AREA:	405.0	

NOTES:

- Acreages shown in each development parcel represent gross developable acreage.
- To the extent that owners can grant buffers, such buffers shall not exceed thirty (30) feet and will be located only on the east and west side of Parcel A.



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Scale: 1" = 500'

REVISED MAP H - 1
 December 10, 2001 (Updated April 2009)
 MASTER DEVELOPMENT PLAN
 CYPRESS CREEK DRI

ENGELHARDT, HAMMER & ASSOCIATE S
 Urban Planning Services
 5444 Bay Center Drive, Suite 122, Tampa, FL 33609
 Telephone 813 282-3855, Fax 813 286-2348

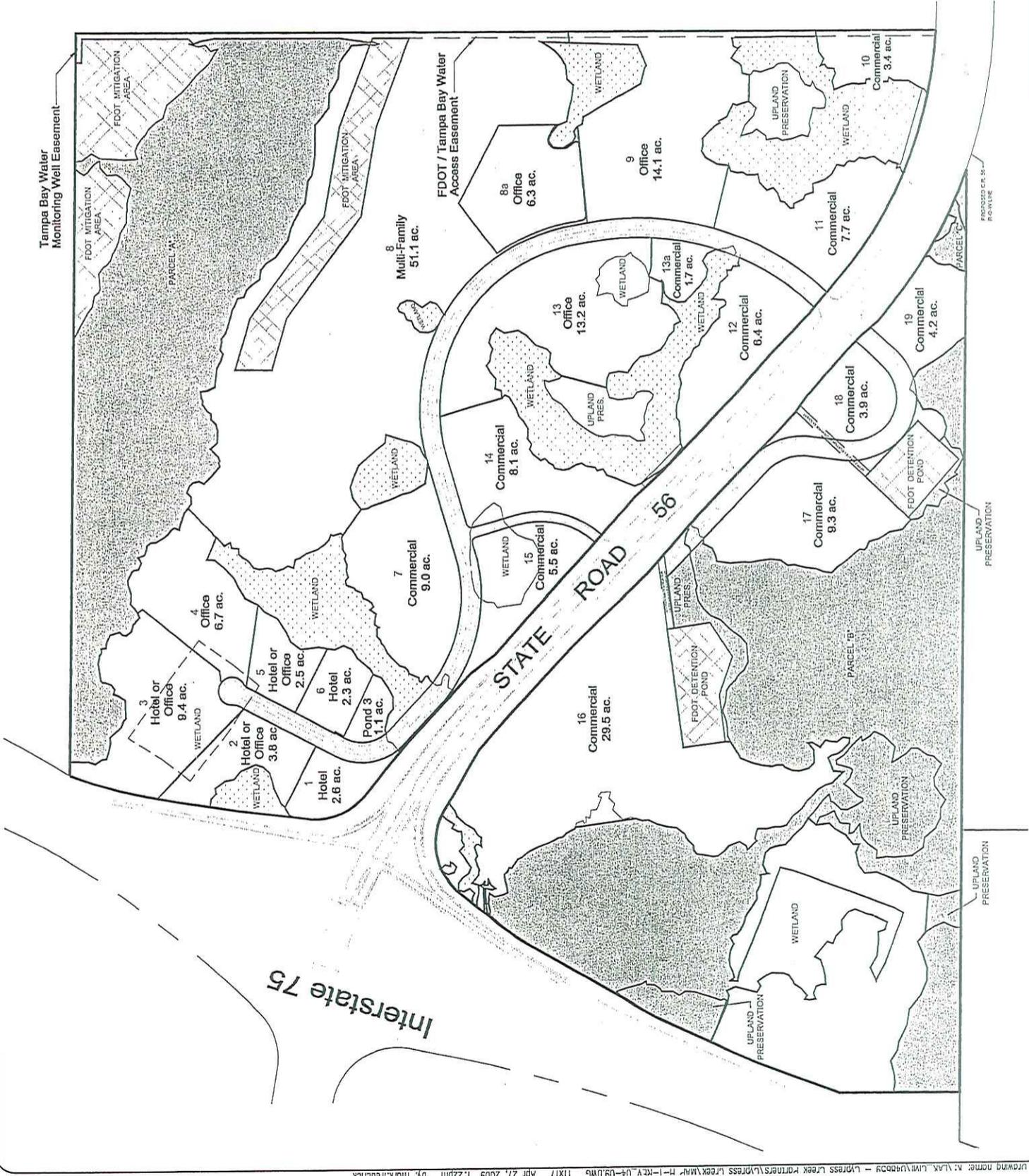


EXHIBIT G
TRANSPORTATION IMPACT SUMMARY

032602cypresscrbkdr1244v8

TABLE 1
Cypress Creek DRI
Off-Site Roadway Link Improvements: Total Improvement Costs
July 17, 2001

Roadway	Segment	Length (miles)	Improvement	Costs			Total Construction	Total
				Right-of-Way	Engineering, CEI, Etc.	Per Mile Construction Cost		
Interstate 75	Fletcher Avenue to Bruce B. Dawson Blvd.	3.98	4 to 6 lanes	\$1,623,102	\$2,803,159.50	\$2,343,500	\$9,350,463	\$13,834,836
	Fletcher Avenue to SR 55	1.87	6 to 8 lanes	\$340,203	\$1,211,819.00	\$2,415,000	\$4,009,730	\$5,591,857
	I-275 Interchange to SR 54	3.48	4 to 6 lanes	\$340,203	\$2,446,854.00	\$2,343,500	\$8,155,300	\$10,842,202
Bruce B. Dawson Blvd. SR 54	Countyline Road to SR 55	1.00	4 to 6 lanes	\$30,000	\$621,142.00	\$1,855,300	\$1,855,300	\$2,537,442
	Foggy Ridge Parkway to SR 55	1.00	4 to 6 lanes	\$30,000	\$311,142.00	\$1,855,300	\$1,855,300	\$2,537,442
Total *							\$1,855,300	\$13,834,836

ASSUMPTIONS

CONSTRUCTION COSTS	Year 2001	Year 2001	Year 2001
	1999 Costs per	Inflation	per Centerline
	Centerline Miles (1)	Factor (1)	Mile
Interstate Widening			
4 to 6 lanes *	\$2,182,000	1.07225	\$2,343,500
6 to 8 lanes *	\$2,256,000	1.07225	\$2,419,000
Non-Interstate Highway Widening			
4 to 6 lanes *	\$1,731,200	1.07225	\$1,855,300

ROW NEEDS COSTS	Unit Cost Per Sq. Ft.	Total ROW Cost
	ROW * 18% of Construction Cost (1)	
I-75: Fletcher to Bruce B. Dawson	N/A	\$1,683,102
I-275 to SR 55 *	\$0.828	\$340,203
SR 55 to SR 54 *	\$0.823	\$340,203
Bruce B. Dawson Countyline Road to SR 55	N/A	\$30,000 (A)
SR 54: Foggy Pkwy to SR 55 *	N/A	\$30,000 (A)

Notes: (A) Based on conversation with FDOT, little or no ROW is needed.

ENGINEERING, CEI, ETC COSTS

I-75: 30% of construction costs (2)

(1): 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000
(2): I-75 PD&E Study (south of SR 55 to north of SR 52) July 27, 2000 public hearing handout information

Proportionate Share Cost of Off-Site Intersection Improvements
July 17, 2001

Roadway	Intersection	Improvement	Right-of-Way [2]	Engineering, Etc.[1]	Constructive	Traffic Signal	Total Cost	Proportionate Percentage	Proportionate Share Cost
CR 581	Countyline Road	NE Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.90%	\$8,909
		EB Right turn	\$6,783	\$10,982	\$32,300	\$0	\$50,065	8.90%	\$4,454
SR 54	Collier Parkway	NE Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	9.10%	\$9,116
		NE Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		NE Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		SE Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		EB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		WB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
Curley		SB Right turn	\$6,783	\$10,982	\$32,300	\$0	\$50,065	5.11%	\$2,557
Livingston		Signalize	\$0	\$0	\$0	\$150,000	\$150,000	16.91%	\$25,360
Total =									\$85,180

NOTES [1]: 34 percent of construction cost; 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000
[2]: 21 Percent of construction cost; 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000

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EXHIBIT II
Cypress Creek DRI

Traffic Monitoring Volumes

Project Build-Out: Driveway Vehicle Counts, PM Peak Hour

Driveway Locations	Driveway Vehicle Count		Total Driveway Vehicle Count
	Inbound	Outbound	
North side of SR 56	1,103	1,606	2,709
South side of SR 56	659	713	1,372
Both Sides of SR 56	1,762	2,319	4,081

Total inbound internal capture= 324 trips, total outbound internal capture= 324 trips
Source: Table 21.3B revised 12/21/00, second sufficiency response.

Notes: 1- The numbers above represents counts at S.R. 56. If the development interconnects with other developments then this table may need to be revised.

2- The internal capture is only assumed for the North side of S.R. 56.

EXHIBIT I

TRANSPORTATION IMPACT FEE SCHEDULE - OPTION 1 - FULL RATES

Full Rates (Option 1) *** SEE CONCURRENCY ORDINANCE NO. 08-47 FOR APPLICABILITY ***

ITE LUC	Land Use	Unit	FISCAL YEAR (ENDING SEPTEMBER 30 OF THE YEAR LISTED)															
			2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
RESIDENTIAL:																		
210	Single Family (Detached)	du	7,500	8,422	9,577	9,570	10,201	10,875	11,593	12,358	13,173	14,043	14,969	15,957	17,011	18,133	19,330	20,606
	Less than 1,500 s.f. & Annual Hh Income less than 60%	du	9,907	10,561	11,258	12,001	12,793	13,638	14,538	15,497	16,520	17,611	18,773	20,012	21,333	22,741	24,242	25,842
	SHIP Definition ^(a)	du	13,660	14,775	15,750	16,780	17,869	19,079	20,338	21,660	23,111	24,637	26,244	27,946	29,844	31,813	33,913	36,151
	1,501 to 2,499 s.f.	du	15,328	16,340	17,418	18,568	19,793	21,099	22,492	23,977	25,559	27,246	29,044	30,961	33,004	35,183	37,505	39,960
	2,500 s.f. and greater	du	5,795	6,178	6,566	7,021	7,484	7,978	8,505	9,066	9,664	10,302	10,982	11,707	12,480	13,303	14,181	15,117
N/A	"Low Income" SHIP Defined Multi-Family ^(a)	du	10,162	10,833	11,548	12,310	13,120	13,989	14,912	15,896	16,945	18,063	19,256	20,527	21,881	23,325	24,865	26,506
221	Multi-Family/Apartments	du	6,183	6,591	7,026	7,490	7,984	8,511	9,073	9,671	10,310	10,990	11,715	12,489	13,313	14,192	15,128	16,127
240	Mobile Home Park	du	5,601	6,184	6,592	7,027	7,491	7,985	8,513	9,074	9,673	10,312	10,992	11,718	12,491	13,316	14,194	15,131
251	Age Restricted Single Family ^(b)	du	4,508	4,806	5,123	5,461	5,821	6,206	6,615	7,052	7,517	8,013	8,542	9,106	9,707	10,348	11,031	11,759
252	Age Restricted Multi-Family ^(b)	du	1,431	1,525	1,626	1,733	1,847	1,969	2,099	2,238	2,385	2,543	2,711	2,890	3,080	3,284	3,500	3,731
253	Congregate Care Facility (Attached) ^(b)	du	9,486	10,112	10,780	11,491	12,250	13,058	13,920	14,839	15,819	16,862	17,975	19,161	20,426	21,774	23,211	24,743
231	Low-Rise Condominium/Townhouse (1 to 2 stories)	du	7,628	8,132	8,668	9,241	9,850	10,501	11,194	11,932	12,720	13,559	14,454	15,408	16,425	17,509	18,665	19,897
232	High-Rise Condominium (3 or more stories)	du	7,533	8,031	8,561	9,126	9,728	10,370	11,054	11,784	12,562	13,391	14,275	15,217	16,221	17,282	18,433	19,649
310	Hotel	room	7,510	8,006	8,534	9,097	9,698	10,338	11,020	11,747	12,523	13,349	14,230	15,169	16,171	17,238	18,375	19,588
330	Resort Hotel	room	5,334	5,666	6,062	6,462	6,888	7,343	7,827	8,344	8,895	9,482	10,109	10,775	11,486	12,244	13,052	13,913
320	Motel	room	5,536	5,901	6,291	6,706	7,148	7,620	8,123	8,659	9,231	9,840	10,489	11,182	11,920	12,705	13,545	14,439
416	RV Park	RV Space	4,853	5,184	5,526	5,891	6,280	6,694	7,136	7,607	8,109	8,644	9,215	9,823	10,471	11,162	11,899	12,684
420	Mantra	bed	58,718	62,594	66,725	71,129	75,823	80,828	86,162	91,849	97,911	104,373	111,262	118,605	126,433	134,778	143,673	153,156
430	Golf Course	Hole	4,330	4,616	4,921	5,245	5,591	5,961	6,354	6,773	7,220	7,697	8,205	8,746	9,324	9,939	10,595	11,294
441	Miniature Golf Course	Hole	52,830	56,317	60,034	63,956	68,220	72,722	77,522	82,638	88,092	93,906	100,104	106,711	113,754	121,282	129,265	137,766
444	Movie Theaters	screen	3,468	3,697	3,941	4,201	4,478	4,773	5,088	5,424	5,782	6,164	6,571	7,004	7,467	7,959	8,485	9,045
412	General Recreation	acres	18,048	19,240	20,509	21,863	23,306	24,844	26,484	28,232	30,095	32,081	34,199	36,455	38,862	41,427	44,167	47,076
491	Racquet Club/Health Club/Spa/Dance Studio	1,000 sf	42,876	45,705	48,722	51,938	55,365	59,020	62,915	67,067	71,494	76,212	81,242	86,604	92,320	98,413	104,909	111,833
437	Bowling Alley	1,000 sf	34,804	37,101	39,550	42,160	44,942	47,909	51,071	54,441	58,034	61,865	65,948	70,300	74,940	79,865	85,158	90,779
495	Community Center/Gymnasium	1,000 sf	22,856	24,375	25,984	27,698	29,527	31,475	33,553	35,767	38,128	40,644	43,327	46,186	49,235	52,464	55,948	59,641
610	Hospital	1,000 sf	1,482	1,580	1,684	1,795	1,913	2,040	2,174	2,318	2,471	2,634	2,808	2,992	3,190	3,401	3,626	3,865
620	Nursing Home	bed	1,165	1,242	1,324	1,411	1,505	1,604	1,708	1,823	1,943	2,071	2,208	2,355	2,509	2,674	2,851	3,039
520	Elementary School	student	1,645	1,753	1,869	1,992	2,124	2,264	2,414	2,573	2,743	2,924	3,117	3,322	3,542	3,775	4,025	4,290
522	Middle School	student	1,971	2,101	2,240	2,388	2,545	2,713	2,892	3,083	3,287	3,504	3,735	3,981	4,244	4,524	4,823	5,141
530	High School	student	3,910	4,168	4,443	4,737	5,049	5,382	5,738	6,116	6,520	6,950	7,409	7,898	8,419	8,975	9,567	10,199
540	Junior/Community College	student	8,374	8,927	9,516	10,144	10,814	11,528	12,289	13,100	13,964	14,866	15,868	16,916	18,032	19,222	20,481	21,843
550	University	1,000 sf	1,146	1,222	1,302	1,388	1,480	1,577	1,682	1,793	1,911	2,037	2,171	2,315	2,467	2,630	2,804	2,988
560	Church	1,000 sf	8,202	8,743	9,320	9,935	10,591	11,297	12,055	12,863	13,726	14,649	15,631	16,673	17,775	18,938	20,168	21,463
565	Day Care	1,000 sf	19,768	21,073	22,463	23,946	25,526	27,211	29,007	30,922	32,962	35,138	37,457	39,929	42,564	45,374	48,368	51,561
566	Cemetery	acres	18,000	19,189	20,455	21,805	23,244	24,778	26,414	28,157	30,015	31,998	34,108	36,359	38,759	41,317	44,044	46,951
OFFICE:																		
710	General Office 50,000 sf or less ^(a)	1,000 sf	15,346	16,359	17,439	18,590	19,817	21,124	22,519	24,005	25,589	27,276	29,078	30,998	33,043	35,224	37,549	40,027
710	General Office 50,001-100,000 sf ^(b)	1,000 sf	13,066	13,950	14,871	15,852	16,893	18,014	19,202	20,470	21,821	23,261	24,796	26,433	28,177	30,037	32,020	34,133
710	General Office 100,001-200,000 sf ^(b)	1,000 sf	11,154	11,890	12,674	13,511	14,403	15,353	16,367	17,447	18,598	19,826	21,134	22,529	24,016	25,601	27,291	29,092
710	General Office greater than 400,000 sf ^(b)	1,000 sf	46,400	49,462	52,727	56,207	59,916	63,871	68,066	72,580	77,370	82,477	87,920	93,723	99,908	106,502	113,532	121,025
720	Medical Office	1,000 sf	14,731	15,703	16,740	17,845	19,022	20,278	21,616	23,043	24,564	26,185	27,913	29,755	31,719	33,813	36,044	38,423
750	Office Park	1,000 sf	10,047	10,710	11,417	12,174	12,974	13,820	14,716	15,653	16,633	17,659	18,733	19,858	21,029	22,249	23,521	24,848
714	Corporate Headquarters Building	1,000 sf	10,211	10,885	11,604	12,369	13,186	14,056	14,984	15,973	17,027	18,151	19,349	20,626	21,987	23,438	24,985	26,634
760	Research and Development Center	1,000 sf	11,139	11,874	12,657	13,493	14,383	15,333	16,345	17,423	18,573	19,799	21,106	22,499	23,984	25,567	27,254	29,053
N/A	Veterinarian Clinic	1,000 sf	7,823	8,319	8,850	9,417	10,011	10,634	11,287	11,970	12,684	13,429	14,206	15,017	15,864	16,748	17,668	18,625
RETAIL:																		
814	Specialty Retail	1,000 sf	17,690	18,858	20,102	21,429	22,844	24,351	25,958	27,672	29,498	31,445	33,520	35,733	38,091	40,605	43,285	46,142
820	Shopping Center under 50,000 GSF ^(a)	1,000 sf	17,244	18,382	19,595	20,888	22,267	23,736	25,303	26,973	28,753	30,651	32,674	34,830	37,129	39,580	42,192	44,977
820	Shopping Center 50,001-200,000 GSF ^(b)	1,000 sf	16,509	17,599	18,760	19,998	21,318	22,725	24,225	25,824	27,528	29,345	31,282	33,347	35,548	37,894	40,395	43,061
820	Shopping Center 200,001-400,000 GSF ^(b)	1,000 sf	17,250	18,389	19,602	20,956	22,375	23,875	25,468	27,154	28,933	30,816	32,806	34,913	37,143	39,594	42,208	44,993
820	Shopping Center 400,001-600,000 GSF ^(b)	1,000 sf	18,132	19,328	20,604	21,964	23,413	24,959	26,606	28,362	30,234	32,229	34,356	36,624	39,041	41,618	44,365	47,293
820	Shopping Center 600,001-800,000 GSF ^(b)	1,000 sf	18,132	19,328	20,604	21,964	23,413	24,959	26,606	28,362	30,234	32,229	34,356	36,624	39,041	41,618	44,365	47,293

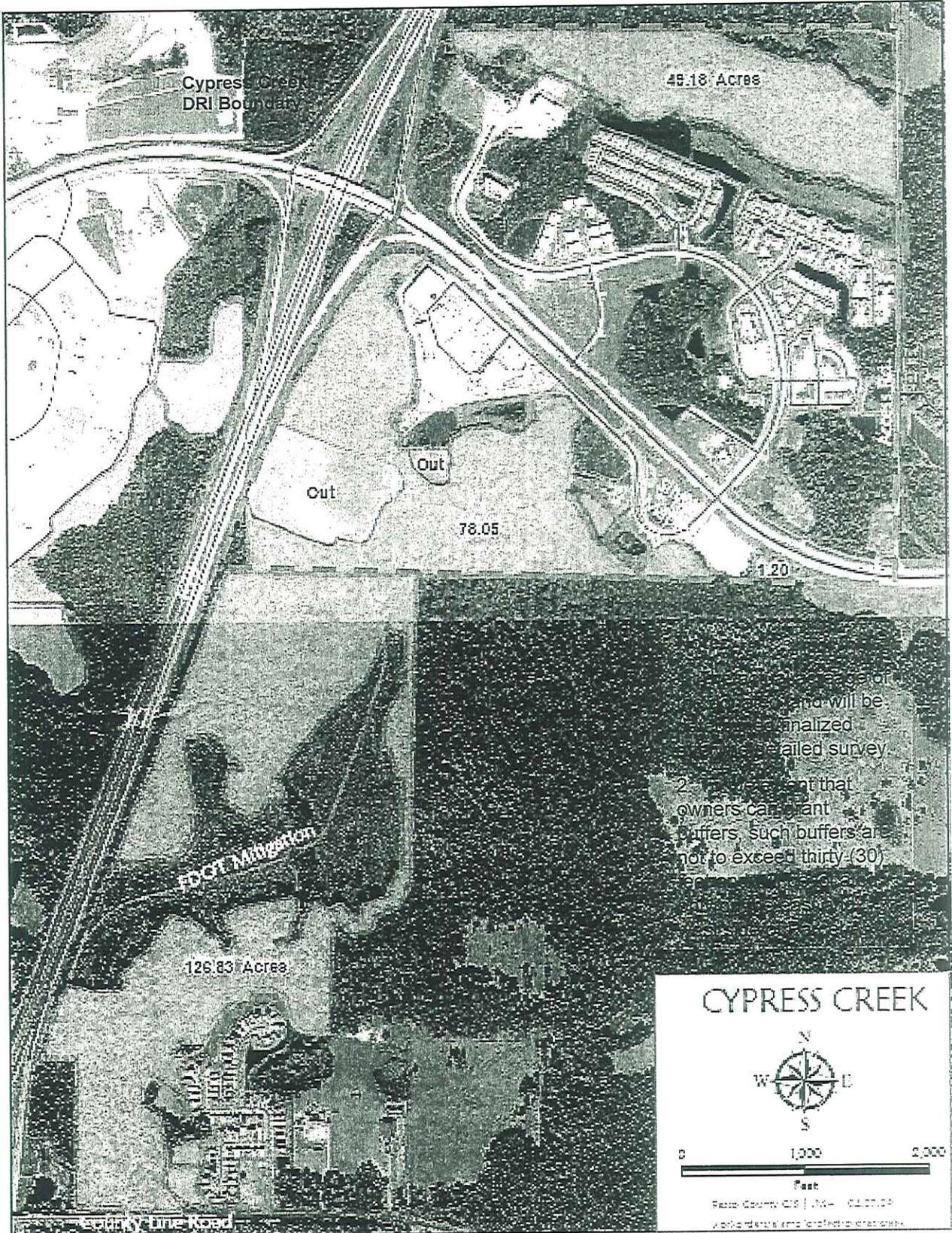
ITE LUC	Land Use	Unit	FISCAL YEAR (ENDING SEPTEMBER 30 OF THE YEAR LISTED)															
			2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
RETAIL (continued)																		
820	Shopping Center greater than 800,000 GSF ⁽³⁾	1,000 sf	\$ 19,714	\$ 21,015	\$ 22,402	\$ 23,800	\$ 25,256	\$ 27,136	\$ 28,927	\$ 30,836	\$ 32,872	\$ 35,041	\$ 37,354	\$ 39,819	\$ 42,447	\$ 45,249	\$ 48,235	\$ 51,419
881	Pharmacy/Drug Store w/ Drive-Thru	1,000 sf	\$ 16,671	\$ 17,771	\$ 18,944	\$ 20,195	\$ 21,528	\$ 22,948	\$ 24,463	\$ 26,078	\$ 27,799	\$ 29,633	\$ 31,589	\$ 33,674	\$ 35,897	\$ 38,266	\$ 40,791	\$ 43,483
862	Home Improvement Superstore	1,000 sf	\$ 18,378	\$ 19,591	\$ 20,884	\$ 22,262	\$ 23,731	\$ 25,298	\$ 26,967	\$ 28,747	\$ 30,644	\$ 32,667	\$ 34,823	\$ 37,121	\$ 39,571	\$ 42,183	\$ 44,967	\$ 47,935
931	Quality Restaurant	1,000 sf	\$ 58,597	\$ 60,333	\$ 64,314	\$ 68,559	\$ 73,084	\$ 77,908	\$ 83,050	\$ 88,531	\$ 94,374	\$ 100,603	\$ 107,242	\$ 114,320	\$ 121,866	\$ 129,939	\$ 138,483	\$ 147,622
932	High-Turnover Restaurant	1,000 sf	\$ 80,261	\$ 85,559	\$ 91,205	\$ 97,225	\$ 103,642	\$ 110,482	\$ 117,774	\$ 125,547	\$ 133,833	\$ 142,666	\$ 152,082	\$ 162,120	\$ 172,819	\$ 184,225	\$ 196,384	\$ 209,346
934	Fast Food Rest w/ Drive-Thru	1,000 sf	\$ 223,457	\$ 244,601	\$ 260,744	\$ 277,953	\$ 296,298	\$ 315,864	\$ 336,700	\$ 358,923	\$ 382,611	\$ 407,864	\$ 434,783	\$ 463,479	\$ 494,068	\$ 526,677	\$ 561,437	\$ 599,492
944	Gasoline Station	fuel posts	\$ 18,809	\$ 20,060	\$ 21,373	\$ 22,764	\$ 24,238	\$ 25,890	\$ 27,599	\$ 29,421	\$ 31,363	\$ 33,433	\$ 35,639	\$ 37,991	\$ 40,499	\$ 43,172	\$ 46,021	\$ 49,058
941	Quick Lube	bays	\$ 27,060	\$ 28,846	\$ 30,750	\$ 32,780	\$ 34,943	\$ 37,249	\$ 39,708	\$ 42,329	\$ 45,122	\$ 48,100	\$ 51,275	\$ 54,659	\$ 58,267	\$ 62,112	\$ 66,212	\$ 70,582
850	Supermarket	1,000 sf	\$ 31,190	\$ 33,249	\$ 35,443	\$ 37,782	\$ 40,276	\$ 42,934	\$ 45,768	\$ 48,788	\$ 52,008	\$ 55,441	\$ 59,107	\$ 63,001	\$ 67,159	\$ 71,591	\$ 76,316	\$ 81,353
853	Convenience Store with Gas Pumps	1,000 sf	\$ 87,684	\$ 93,471	\$ 99,640	\$ 106,216	\$ 113,227	\$ 120,700	\$ 128,666	\$ 137,158	\$ 146,210	\$ 155,860	\$ 166,147	\$ 177,112	\$ 188,802	\$ 201,283	\$ 214,546	\$ 228,706
848	Tire Store	1,000 sf	\$ 16,872	\$ 17,985	\$ 19,172	\$ 20,437	\$ 21,786	\$ 23,224	\$ 24,757	\$ 26,391	\$ 28,133	\$ 29,990	\$ 31,969	\$ 34,079	\$ 36,328	\$ 38,726	\$ 41,282	\$ 44,006
943	Auto Repair or Body Shop	1,000 sf	\$ 20,356	\$ 21,700	\$ 23,132	\$ 24,659	\$ 26,288	\$ 28,021	\$ 29,871	\$ 31,842	\$ 33,944	\$ 36,184	\$ 38,572	\$ 41,118	\$ 43,831	\$ 46,740	\$ 49,808	\$ 53,085
841	New/Used Auto Sales	1,000 sf	\$ 22,968	\$ 24,484	\$ 26,100	\$ 27,822	\$ 29,659	\$ 31,616	\$ 33,703	\$ 35,927	\$ 38,298	\$ 40,828	\$ 43,521	\$ 46,393	\$ 49,455	\$ 52,719	\$ 56,199	\$ 59,908
816	Hardware/Paint	1,000 sf	\$ 41,916	\$ 44,683	\$ 47,632	\$ 50,775	\$ 54,127	\$ 57,699	\$ 61,507	\$ 65,567	\$ 69,894	\$ 74,507	\$ 79,424	\$ 84,666	\$ 90,254	\$ 96,211	\$ 102,561	\$ 109,330
847	Self-Service Car Wash	bays	\$ 4,419	\$ 4,710	\$ 5,021	\$ 5,352	\$ 5,706	\$ 6,082	\$ 6,484	\$ 6,912	\$ 7,368	\$ 7,854	\$ 8,372	\$ 8,925	\$ 9,514	\$ 10,142	\$ 10,811	\$ 11,525
880	Furniture Store	1,000 sf	\$ 83,664	\$ 89,186	\$ 95,072	\$ 101,347	\$ 108,036	\$ 115,166	\$ 122,767	\$ 130,870	\$ 139,507	\$ 148,714	\$ 158,550	\$ 168,993	\$ 180,146	\$ 192,036	\$ 204,710	\$ 218,221
912	Bank/Savings Drive-In	1,000 sf	\$ 201,746	\$ 215,081	\$ 229,255	\$ 244,386	\$ 260,515	\$ 277,709	\$ 295,038	\$ 313,577	\$ 333,405	\$ 353,608	\$ 374,276	\$ 395,406	\$ 417,006	\$ 439,101	\$ 461,702	\$ 484,834
N/A	Convey/Gasoline/Fast Food Store	1,000 sf	\$ 201,746	\$ 215,081	\$ 229,255	\$ 244,386	\$ 260,515	\$ 277,709	\$ 295,038	\$ 313,577	\$ 333,405	\$ 353,608	\$ 374,276	\$ 395,406	\$ 417,006	\$ 439,101	\$ 461,702	\$ 484,834
INDUSTRY:																		
110	General Light Industrial	1,000 sf	\$ 8,611	\$ 9,179	\$ 9,785	\$ 10,431	\$ 11,120	\$ 11,854	\$ 12,636	\$ 13,470	\$ 14,359	\$ 15,306	\$ 16,317	\$ 17,394	\$ 18,542	\$ 19,765	\$ 21,070	\$ 22,460
120	General Heavy Industrial	1,000 sf	\$ 1,854	\$ 1,976	\$ 2,107	\$ 2,246	\$ 2,394	\$ 2,552	\$ 2,720	\$ 2,900	\$ 3,091	\$ 3,295	\$ 3,513	\$ 3,744	\$ 3,992	\$ 4,255	\$ 4,536	\$ 4,835
130	Industrial Park	1,000 sf	\$ 8,599	\$ 9,167	\$ 9,772	\$ 10,417	\$ 11,104	\$ 11,837	\$ 12,619	\$ 13,451	\$ 14,339	\$ 15,285	\$ 16,285	\$ 17,370	\$ 18,516	\$ 19,738	\$ 21,041	\$ 22,430
140	Manufacturing	1,000 sf	\$ 4,719	\$ 5,031	\$ 5,363	\$ 5,717	\$ 6,094	\$ 6,496	\$ 6,925	\$ 7,382	\$ 7,869	\$ 8,388	\$ 8,942	\$ 9,532	\$ 10,161	\$ 10,832	\$ 11,547	\$ 12,309
150	Warehouse	1,000 sf	\$ 6,128	\$ 6,533	\$ 6,964	\$ 7,424	\$ 7,914	\$ 8,436	\$ 8,993	\$ 9,583	\$ 10,219	\$ 10,893	\$ 11,612	\$ 12,379	\$ 13,196	\$ 14,067	\$ 14,995	\$ 15,985
151	Mini-Warehouse	1,000 sf	\$ 1,856	\$ 1,978	\$ 2,109	\$ 2,248	\$ 2,397	\$ 2,555	\$ 2,723	\$ 2,903	\$ 3,095	\$ 3,299	\$ 3,517	\$ 3,749	\$ 3,996	\$ 4,260	\$ 4,541	\$ 4,841
152	High Cube Warehouse	1,000 sf	\$ 2,015	\$ 2,148	\$ 2,289	\$ 2,441	\$ 2,602	\$ 2,773	\$ 2,956	\$ 3,152	\$ 3,360	\$ 3,581	\$ 3,818	\$ 4,070	\$ 4,338	\$ 4,624	\$ 4,930	\$ 5,255
N/A	Airport Hangar	1,000 sf	\$ 6,128	\$ 6,533	\$ 6,964	\$ 7,424	\$ 7,914	\$ 8,436	\$ 8,993	\$ 9,583	\$ 10,219	\$ 10,893	\$ 11,612	\$ 12,379	\$ 13,196	\$ 14,067	\$ 14,995	\$ 15,985

(1) Option 1 Fee is shown for informational purposes only. This is the full fee which could be legally assessed in FY2007 based on the Transportation Impact Fee Study dated August 25, 2006. This fee includes interrelate, interchange and carrying costs.
(2) Specific calculations for the "low income" category can be seen in Appendix D of the Transportation Impact Fee Update Study.
(3) The statistical relationship between the trip generation rate for the age restricted single family, age restricted multi-family, and congregate care facility was used to interpolate the trip length.
(4) The trip generation rate recommended for the office and retail less than 50,000 sf categories used the end-point of the range due to the nature of the ITE equation to be conservative for smaller developments.
(5) The trip generation rate recommended for all other office and retail tiered categories used the mid-point of each range due to the consistency of the ITE equation.

EXHIBIT J

DONATED LAND MAP

Exhibit J: Donated Land Map



#244

Richard E. Davis, P.A.
Attorney And Counselor-At-Law
220 East Madison Street
Suite 512
Tampa, Florida 33602

Richard E. Davis

Telephone (813) 301-8020
Facsimile (813) 307-6383

August 6, 2007

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

Mr. Mike LaSala
DRI Coordinator
Pasco County Development Services
7530 Little Road Ste. 320
New Port Richey, Florida 34654

Re: Cypress Creek DRI #244

Dear Sirs:

Effective July 1, 2007, the 2007 Growth Management Bill (HB 7203) amended Section 380.06 (19) (c), Florida Statutes authorizing an automatic three year time extension for all phase, build out and expiration dates of any development of regional impact under active construction as of the effective date (July 1, 2007) of said amendment.

Section 380.06 (19) (c) now specifically states:

(19) SUBSTANTIAL DEVIATIONS.

(c) An extension of the date of build out of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of build out, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of build out of an area wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a build out or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the build out date of a project or a phase

thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.

IN RECOGNITION OF THE 2007 REAL ESTATE MARKET CONDITIONS, ALL PHASE, BUILDOUT, AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT AND UNDER ACTIVE CONSTRUCTION AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH ARE EXTENDED FOR 3 YEARS, REGARDLESS OF ANY PRIOR EXTENSIONS. THIS 3-YEAR EXTENSION IS NOT A SUBSTANTIAL DEVIATION, MAY NOT BE SUBJECT TO FURTHER DEVELOPMENT-OF-REGIONAL-IMPACT REVIEW, AND MAY NOT BE CONSIDERED WHEN DETERMINING WHETHER ANY SUBSEQUENT EXTENSION IS A SUBSTANTIAL DEVIATION UNDER THIS SUBSECTION

The purpose of this correspondence is to inform Pasco County and the Tampa Bay Regional Planning Council that the Cypress Creek DRI #244 was under active construction as of July 1, 2007 and that construction has been on-going and continuous since well before the date of this correspondence. As a result, it is our understanding that the build out date for Phase 1A of the Cypress Creek DRI is now automatically extended from December 31, 2007 to December 31, 2010.

Further, it is our understanding that such extension has taken place by operation of law and no further action, such as a filing of an NOPC is required by Cypress Creek DRI #244. Also, it should be noted that Paragraph IV.D of the approved Development Order states "Any delay in the build out date of the project beyond December 31, 2007, for the retail, residential and hotel entitlements and from December 31, 2009, for the office entitlements, shall require a new transportation analysis in accordance with Chapter 380.06, Florida Statutes, as the basis for a DO amendment which may include a recalculation of the proportionate-share amount. The County may waive this requirement for office entitlements subject to applicable regulatory requirements". Notwithstanding, since the language of HB 7203 clearly states that statutory extensions are *NOT* subject to further development of regional impact review, it is our understanding the law requires no new transportation analysis under Section 380.06, Florida Statutes and Paragraph IV. D of the Development Order is amended by operation of law.

While it is understood that there are on-going discussions between the State and local governments as to whether the legislature intended that statutory extensions be subject to any further mitigation requirements, the resolution of such discussions should not affect Cypress Creek DRI #244 since existing DRI's whose phase dates have not expired continue to be exempt from Pasco County's Concurrency Management Ordinance pursuant to Section 402.6 C of the Pasco County Land Development Code. No additional local concurrency requirements should be applicable to the new build out date for Phase 1A of December 31, 2010.

We appreciate your time in the review of this matter. If you have any questions, please contact me.

Cordially,



Richard E. Davis, Esq.
Attorney for Cypress Creek DRI #244

Cc: John Gallagher, County Administrator
David Goldstein, Assistant County Attorney
Kent Fast, FDOT DRI Coordinator
Bipin Parikh, Asst. County Administrator (Development Services)
Brenda Winningham, Central District Program Administrator DCA
Samuel P. Steffey II, Growth Management Administrator

#244



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. 7004 1160 0000 4437 8182
RETURN RECEIPT REQUESTED

January 2, 2007

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

RE: Cypress Creek - Development of Regional Impact (#244)
Amended and Restated Development Order

Dear Mr. Meyer:

Enclosed please find a certified copy of the Cypress Creek Development of Regional Impact #244 Amended and Restated Development Order (Resolution No. 07-63), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes and Chapter 9J-2.025 Florida Administrative Code. This amended and restated development order was approved by the Pasco County Board of County Commissioners on December 5, 2006.

Sincerely,

Cynthia D. Spidell, MBA
Planner II

Enclosure

#244



PASCO COUNTY, FLORIDA

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Sincerely,

Cynthia D. Spidell, MBA
Planner II

Enclosure

A RESOLUTION AMENDING AND RESTATING THE DEVELOPMENT ORDER FOR THE CYPRESS CREEK DEVELOPMENT OF REGIONAL IMPACT NO. 244.

WHEREAS, on March 30, 2000, in accordance with Chapter 380.06, Florida Statutes (F.S.), as amended, CYPRESS CREEK (Applicant/Developer) filed an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as CYPRESS CREEK; and

WHEREAS, on June 18, 2002, in accordance with Section 380.06, F.S., the Pasco County Board of County Commissioners adopted a development order (DO) approving, with conditions, the Cypress Creek DRI, by Resolution No. 02-181; and

WHEREAS, on May 12, 2006, the Applicant filed an application entitled Notification of Proposed Change (NOPC) to a previously approved DRI application with Pasco County, Florida (County), with copies provided, to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (FDCA); and

WHEREAS, in order to provide a single DO document incorporating all applicable provisions of the initial DO and subsequent modification, an Amended and Restated Development Order has been prepared; and

WHEREAS, the Pasco County Board of County Commissioners is the governing body having jurisdiction over the review and approval of DRIs in Pasco County in accordance with Chapter 380.06, F.S., as amended; and

WHEREAS, the Board of County Commissioners is the governing body having jurisdiction over the review and approval of the DRI in accordance with Chapter 380.06, F.S., as amended; and

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

WHEREAS, the Board of County Commissioners wishes at this time to: 1) extend the build-out date for retail, residential, and hotel uses by one year (to December 31, 2007); 2) extend the build-out date for office uses by three years (to December 31, 2009); 3) extend the DO expiration date by three years (to June 18, 2015); 4) modify the master development plan (Map H) to: a) incorporate slight modifications to acreages for Parcels 1 through 6; b) add Office as a possible land use in Parcel 2; c) add Hotel as a possible land use in Parcel 5; and d) change the land use from Office to Hotel in Parcel 6.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that the DO for Cypress Creek be amended and restated as set forth below:

I. **GENERAL FINDINGS OF FACT**

The Board of County Commissioners makes the following general findings of fact:

- A. This DO is a valid final DO within the provisions of Sections 163.3167(8), F.S., affecting the property described in Exhibit C attached hereto and incorporated herein.
- B. The NOPC includes a description of the proposed changes.
- C. The proposed changes necessitate amending the DO's findings and conditions described herein.
- D. A comprehensive review of the impacts generated by the proposed changes has been conducted by the County, the TBRPC, and the FDCA.
- E. The proposed changes do not create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation, and mass transit over those approved in the DO; nor do they create impacts that were not previously reviewed.

II. **CONCLUSIONS OF LAW**

The Board of County Commissioners hereby finds that the CYPRESS CREEK DRI:

- A. Will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan and State Land Development Plan applicable to the area encompassed by the application.
- B. As conditioned, this DO, amended in accordance with the proposed changes, addresses issues raised consistent with the report and recommendation of the TBRPC.
- C. As conditioned, this DO, amended in accordance with the proposed changes, is consistent with the applicable provisions of the Pasco County Land Development Code (local land development regulations).
- D. As conditioned, this DO, amended in accordance with the proposed changes, is consistent with the adopted Pasco County Comprehensive Plan as amended (the Comprehensive Plan).
- E. The land that is the subject of this DO is not in an area of critical State concern.
- F. As conditioned, this DO, amended in accordance with the proposed changes, is consistent with the applicable provisions of the adopted State Comprehensive Plan.
- G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record and these proceedings, the various departments of the County and the Developer are authorized to approve/conduct development as described herein.
- H. Pursuant to Chapter 80.06(19)(3)(e), F.S., the proposed changes are presumed to be a substantial deviation; however, it is the opinion of the County, TBRPC, and other participating agencies that the Applicant has provided sufficient information to rebut the presumption of a substantial deviation. The review by the County, TBRPC, other participating agencies, and interested citizens reveals that the proposed

changes do not create additional impacts on regionally significant natural resources, facilities, and services beyond those approved in the original DO, and that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S. The proposed changes, therefore, do not constitute a "substantial deviation" from the original DO, pursuant to Chapter 380.06, F.S.

III. **Approval Stipulation**

A. Specific approval of the application is hereby granted with conditions. The effective date of this DO is June 18, 2002.

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

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

C. All development specifically authorized by this DO shall be carried out in accordance with the provisions hereof:

1. Adverse impacts shall be mitigated as specified in this DO.
2. The Applicant's/Developer's commitments set forth in Exhibit E shall be honored by the Applicant/Developer except as it may be superseded by specific terms of this DO.

D. Development of the CYPRESS CREEK DRI shall be governed by the standards and procedural provisions of the Comprehensive Plan. Land development regulations shall be applied in a manner which is consistent with Chapter 163.3194(1)(b), F.S. Conflicts between the land development regulations and this DO shall be resolved in accordance with applicable law.

E. The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for ten (10) years from the date of adoption unless the County can demonstrate that substantial changes in the conditions underlying the approval of the DO have occurred, or that the DO was based on substantially inaccurate information provided by the Applicant/Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. Compliance with this DO, the MPUD Master Planned Unit Development conditions, the Pasco County Comprehensive Plan, and the Land Development Code shall not constitute downzoning, unit density reduction, or intensity reduction for the purposes of the prohibition in this paragraph.

F. As provided in Chapter 190, F.S., and subject to approval by the County, Community Development District(s) (CDD) are hereby authorized to undertake the funding and construction of any of the projects, whether within or without the boundaries of the CDD, which are identified within this DO. Further, any obligations of the Applicant/Developer contained in this DO may be assigned to the CDD, homeowner/property owner association, or other entity approved by Pasco County.

G. The property is currently utilized for agricultural activities. It is understood that, while the use will cease when the DRI is built-out, portions of the property may continue to be used for agricultural activities until the said property is developed in accordance with this DO.

IV. PHASING AND DURATION

A. Phasing Schedule:

1. Development of CYPRESS CREEK shall proceed in accordance with the phasing schedule stated in Table 1 below:

TABLE 1 CYPRESS CREEK DRI LAND USE AND PHASING SCHEDULE			
Land Use	Phase 1A 12/31/07	Phase 1B 12/31/09	TOTAL
Retail (SF)	666,145		666,145
Office (SF)		639,728	639,728
Residential (DUs)	614		614
Hotel (Rooms)	393		393

B. Effective Date and Duration:

1. This DO became effective on June 18, 2002.
2. The expiration date of this DO shall be June 18, 2015. The expiration date of this DO may be extended by the Board of County Commissioners upon a showing of good cause and as provided by statutes. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

C. Commencement of Development:

If physical development of CYPRESS CREEK has not commenced on or before December 31, 2003, the Board of County Commissioners shall determine, pursuant to Chapter 380.06(19), F.S., as amended and the procedures outlined in Section VI.B.1 hereof, whether the delay represents a substantial deviation from the terms and conditions of the DO. For the purpose of the DO, "commencement of development" shall mean the commencement of development of infrastructure, roadways, or vertical development, unless otherwise approved by Pasco County.

D. Build-Out of Project:

The build-out date for the retail, residential, and hotel entitlements shall be as of December 31, 2007, and the build-out date for the office entitlements shall be December 31, 2009. No request to extend the build-out date of the DO shall be considered by the County unless and until the proportionate share to the County as full mitigation for the DRI transportation impacts of the project has either been paid to the County or guaranteed through an acceptable form of assurance as described herein. On March 1, 2006, the Applicant/Developer paid the County Four Million Four Hundred Eighty-Four Thousand Nine Hundred Sixty-Four and 00/100 Dollars (\$4,484,964.00), which, in addition to previously paid impact fees, constituted full and complete satisfaction of the proportionate-share contribution for the project. Any delay in the build-out date of the project beyond December 31, 2007, for the retail, residential and hotel entitlements and from December 31, 2009, for the office entitlements, 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 proportionate-share amount. The County may waive this requirement for office entitlements subject to applicable regulatory requirements.

V. **SPECIFIC CONDITIONS**

A. Development Components:

Subject to the possible exchange of land uses as described elsewhere herein, the project consists of the land uses by phase as described in Table 1.

B. Land Use Exchange:

1. Development entitlements within the project may be exchanged pursuant to the Land Use Equivalency Matrix set out in Exhibit D, attached hereto. Land use exchange requests shall be provided to and approved by the County with copies to the FDCA and TBRPC, and the use thereof shall be reported in the next Annual Report.

2. Any amendments to the land use mix or proposed phasing schedule, other than those described herein, shall be approved pursuant to the NOPC as required by Chapter 380.06(19), F.S., which approval shall not be withheld for mere acceleration or deceleration of phases if otherwise there is compliance with the terms of the DO. Any departure in project build-out from the phasing schedule set forth in the DO shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Chapter 380.06(19), F.S.

C. Water Quality and Drainage:

1. Development of the CYPRESS CREEK DRI shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Comprehensive Plan and Land Development Code.

2. The project's stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4 or 40D-40, Florida Administrative Code (FAC), and Pasco County stormwater management requirements. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water-quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the Applicant/Developer shall comply with the following design requirements:

- a. All swales shall be fully vegetated and operational.
- b. Dry stormwater retention/detention areas, including side slopes and bottoms shall be vegetated as required.
- c. The Applicant/Developer or other responsible entities shall ensure that the stormwater management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
- d. Should the Applicant/Developer discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the Applicant/Developer shall, within seven (7) days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The Annual Report shall include any such problems and the necessary repairs or modifications to remedy them as well as what repairs or modifications to the system have been undertaken since the previous Annual Report.
- e. Landscape and irrigation shall be in conformance with the Land Development Code in effect at the time of preliminary plan/site plan approval.

3. Should any noticeable soil slumping or sinkhole formation become evident, the Applicant/Developer shall immediately notify the County and the Southwest Florida Water Management District (SWFWMD) and adopt one (1) or more of the following procedures as determined to be appropriate by the County and SWFWMD:

- a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.
- b. Take immediate measures to ensure no surface water drains into the affected area.
- c. Visually inspect the affected area.
- d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
- e. Use geotextile materials in the backfilling operation, when appropriate.

f. If the affected area is in the vicinity of a water-retention area, maintain a minimum distance of five (5) feet from the bottom of the retention pond to the surface of the limerock-clay or karst connection.

g. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, relocate the retention area.

4. If applicable, planning and development of the CYPRESS CREEK DRI shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area. The Annual Report shall identify what actions have been taken to comply with the said rules.

5. In order to protect surface-water quality, stormwater exiting the site shall meet all applicable State water-quality standards. The Applicant/Developer shall develop a surface-water-quality, monitoring program if required in the permitting process. The following parameters shall be included within any required water-quality, monitoring program:

a. Sampling locations and specific parameters (including nutrients, pesticides, herbicides, and stormwater parameters), frequency (minimum of twice annually) of monitoring, and reporting shall be subject to Pasco County, the Florida Department of Environmental Protection (FDEP), and other appropriate regulatory bodies' approval.

b. All water-quality, analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/FDEP quality-control standards and requirements.

c. The monitoring results shall be submitted to the FDEP, the SWFWMD, and Pasco County. Should the monitoring indicate that applicable State water-quality standards are not being met, the violation shall be reported to Pasco County and other appropriate regulatory bodies immediately. In the event there is a violation of any State water-quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the subbasin shall cease until the violation is corrected.

6. A groundwater-quality, monitoring program shall be developed in coordination with the FDEP and SWFWMD to establish parameters, methodology, and locations of monitoring sites if required in the permitting process. Any such program shall be submitted to the FDEP and SWFWMD for review and to Pasco County for approval and shall be included in the next Annual Report. Any required groundwater-quality, monitoring program shall be instituted before construction begins as defined in the County Land Development Code to provide background data and shall continue to project build-out. If reclaimed water for irrigation purposes is used in the future, any groundwater, monitoring program will be amended as required by the permit for use of reclaimed water. In the event there is a violation of any State water-quality standard,

the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. Monitoring results shall be included in the Annual Report.

D. Wetlands:

1. Wetlands shall be protected in accordance with all applicable County, State, and Federal laws, rules, and regulations.
2. Development plans for each parcel in the project shall include specific limits of wetlands pursuant to wetland delineation surveys to be conducted in coordination with the SWFWMD and other regulatory agencies as may be applicable.
3. Prior to development plan approval for any parcel, the Applicant/ Developer shall submit a wetland/lake management plan to the SWFWMD for review and to Pasco County for approval. The plan shall address, but not be limited to, control of exotic species, mitigation of impacted wetlands, control of on-site water quality, and restoration of natural hydroperiods in on-site wetlands.
4. Existing annual hydroperiods, normal pool elevation, and seasonal high-water elevations shall be substantially maintained in conformance with permitting by all appropriate jurisdictional entities.
5. Buffering around all wetland areas shall comply with the Comprehensive Plan policies current at the time of this DO approval or the SWFWMD regulations at the time permits are obtained, whichever is more restrictive, to provide an upland transition into the wetland areas and to protect the natural system from development impacts.
6. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the appropriate permitting agency.

E. Flood Plain/Disaster Preparedness:

1. Elevation for all habitable structures shall be at, or above, a 100-year flood-plain elevation. All preliminary plan/preliminary site plan submittals shall show 100-year flood-plain elevations. Roadways providing access to residential areas shall be at, or above, required elevations as identified in the Pasco County Land Development Code.
2. No fill shall be added within the 100-year flood plain without storage compensation as required by applicable regulations.

F. Wellfield Protection:

1. Within 200 feet of any public-supply well, a primary-exclusion zone, the following uses are prohibited: new industrial uses; septic tanks; leaching fields; landfills; facilities for the bulk storage, handling, or procession of materials on the Florida Substance List; commercial or industrial uses of hazardous material or wasters; junkyards or salvage operations; mines; wastewater treatment plants and similar facilities; pesticide-storage facilities; and animal-feed lots.

2. Within 1,000 feet of any public-supply well, a zone of secondary exclusion, the following uses are prohibited: landfills; facilities for the bulk storage, handling, or processing of materials on the Florida Substance List; commercial or industrial uses of hazardous materials or wasters; junkyards or salvage operations; mines; wastewater treatment plants and similar facilities; pesticide-storage facilities; and animal-feed lots.

3. All development must be consistent with Condition Nos. V.F.1 and 2 above, until such time as the Evaluation and Appraisal Report (EAR) based Comprehensive Plan amendments become effective and Pasco County's Wellhead Protection Ordinance is amended to comply with the amended Comprehensive Plan policies. All development not determined to be vested, which is initiated subsequent to the EAR-based amendments becoming effective and the adoption of the revised Wellhead Protection Ordinance, shall comply with the ordinance.

G. Vegetation and Wildlife:

1. The Applicant/Developer shall comply with the rules and regulations, including the adopted Comprehensive Plan and Rule 9J-2.041, FAC, of all applicable agencies regarding the protection of regulated wildlife and plant species found on-site. In the event any additional State or Federally listed species, nesting colonies of wading birds, or nesting Florida sandhill cranes are discovered on-site during project development, the Applicant/Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection in accordance with the requirements of Chapter 68A-27, FAC.

2. All development must be consistent with Condition No. V.G.1 above until such time as the Wildlife Habitat Protection Ordinance becomes effective, in which case the more restrictive shall apply.

H. Historical and Archaeological Sites:

Should any historical or archaeological resources be encountered within the project, measures shall be taken in coordination with the Florida Department of State, Division of Historical Resources, and Pasco County to either protect and preserve the site(s) in place or to mitigate any adverse impacts consistent with the requirements in Rule 9J-2.043, FAC. The DO shall be amended to incorporate any required mitigation consistent with Rule 1A-46, FAC. If any significant resources are found, a Certificate of Appropriateness must be obtained from the County pursuant to requirements of the Land Development Code.

I. Land:

1. Best Management Practices to reduce soil erosion and fugitive dust shall be implemented.

2. Prior to commencing development, the Applicant/Developer shall provide the Pasco County Engineering Services Department, Survey Division, with two (2) pairs of Global Positioning

Satellite (GPS) control points with twenty-four (24) hour access. The location shall be mutually determined by the Applicant/Developer and the County Surveyor. The Applicant's/Developer's existing survey shall be valid for permitting purposes until final plat approval is requested.

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

1. The County has indicated that capacity exists, and water and wastewater services will be provided by Pasco County in accordance with Chapter 110 of the Pasco County Code of Ordinances as amended. The Applicant/Developer shall construct all water and wastewater facilities within the development to Pasco County standards in effect when the application is made for connection.

2. Development of the project shall not result in Levels of Service for water and wastewater services below the acceptable Levels of Service established in the Comprehensive Plan.

3. The Applicant/Developer agrees to use the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water and groundwater. Potable water (i.e., water that is treated and provided through a public-distribution system) shall not be used for the irrigation of common areas if lower quality water becomes reasonably available.

4. Water-saving fixtures shall be required in the project as mandated by the Florida Water Conservation Act (Chapter 553.14, F.S.) and xeriscape-type landscaping shall be encouraged within the project. The Applicant/Developer is encouraged to coordinate its efforts with the Florida Yards and Neighbors Program.

5. High-efficiency, water-saving devices; irrigation systems; and low-volume, plumbing fixtures will be used throughout the project.

6. Prior to construction, the Applicant/Developer shall provide the County with evidence that adequate water-supply capacity and wastewater capacity for that construction is available. The said assurance shall include adequate water supply for firefighting purposes. Pasco County shall have the right to rely on assurances of adequate potable-water supply from the Tampa Bay Water.

K. Solid/Hazardous/Biohazardous Waste and Recycling:

1. The County has determined that adequate capacity exists to process the solid waste generated by the project. The collection, transportation, and disposal of solid waste are controlled by the County Code of Ordinances, Chapter 90, and shall take place in accordance with the terms thereof.

2. Development of the project shall not result in Levels of Service for solid-waste collection/disposal below the acceptable Levels of Service established in the Comprehensive Plan. Documentation of adequate disposal capacity, including assurance of adequate hazardous/biohazardous waste and material disposal to service the project shall be obtained from Pasco County or other appropriate entities.

3. As stated in ADA, it is not anticipated that hazardous or toxic waste will be generated by the project. However, the Applicant/Developer or his designee shall advise businesses within the project of applicable statutes and regulations regarding hazardous waste and materials, including those listed in Rule 9J-2.044, FAC.

4. Solid-waste recycling shall be given a high priority, and a specific plan shall be submitted to and approved by Pasco County to maximize solid-waste recycling for all phases of and all types of development within the CYPRESS CREEK DRI.

L. Energy:

All CYPRESS CREEK DRI tenants, businesses, and residents in the project shall be encouraged to:

1. Use energy alternatives, such as solar energy, waste-heat recovery, and cogeneration.
2. Use landscaping, building orientation, and building construction and design to reduce heat gain.
3. Institute programs to promote energy conservation by employees, buyers, suppliers, and the public.
4. Institute recycling programs.
5. Reduce levels of operation of all air-conditioning, heating, and lighting levels during nonbusiness hours.

M. Transportation:

1. Specific approval is hereby granted for the development of the CYPRESS CREEK DRI as defined herein, subject to the conditions outlined herein.

2. Access Management: The Applicant/Developer shall be responsible for construction of the access improvements to S.R. 56 for the project as described in Tables A and B below, which improvements shall generally be as shown on Map H, attached hereto as Exhibit F, subject to compliance with the Florida Department of Transportation (FDOT) access-management regulations. These improvements are not eligible for impact fee credits.

TABLE A* SUBPHASE A (2006) REQUIRED IMPROVEMENTS			
Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at West Project Driveway, North Side	N/A	N/A	Construct SB, RT lane.
S.R. 56 at West Project Driveway, South Side	N/A	N/A	Construct NB, RT lane.
S.R. 56 at Main Project Driveway	N/A	N/A	Construct EB and WB LT lanes; NB and SB LT, RT, and through-lanes. Signalize when warranted by <i>MUTCD</i> .
S.R. 56 at East Project Driveway, North Side	N/A	N/A	Construct SB, RT lane
S.R. 56 at Easternmost Project Driveway, North Side	N/A	N/A	Construct SB, RT lane.
ACRONYMS			
EB: Eastbound WB: Westbound NB: Northbound SB: Southbound	<i>MUTCD: Manual of Uniform Traffic Control Devices</i> LT: Left-Turn RT: Right-Turn		

TABLE B* SUBPHASE B (2006) REQUIRED IMPROVEMENTS			
Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at Main Project Driveway	N/A	N/A	Construct second EB, LT lane.
ACRONYMS			
EB: Eastbound WB: Westbound NB: Northbound SB: Southbound	<i>MUTCD: Manual of Uniform Traffic Control Devices</i> LT: Left-Turn RT: Right-Turn		

* Improvements listed in above Tables A and B correlate to the levels of development listed in the Project Composition and Phasing Table on Page No. 3 of the TBRPC's Final Report for DRI No. 244, CYPRESS CREEK.

3. Mitigation Option: Proportionate Share:

a. The Applicant's/Developer's proportionate-share contribution for those improvement projects listed in Exhibit G (Transportation Impact Summary) attached hereto, as calculated in accordance with Rule 9J-2.045, FAC, is Five Million Fifty-Two Thousand Six Hundred Forty-Six and 00/100 Dollars (\$5,052,646.00) (the proportionate share). The Applicant/Developer or its successors elect this option to pay the proportionate share to the County as full mitigation for the transportation impacts of the project.

b. The Applicant/Developer shall, within ninety (90) days of this order, post with the County, a surety bond, Letter of Credit, or other form of assurance reasonably acceptable to the parties ensuring payment of the proportionate-share contribution by January 1, 2006. The amount of the bond, Letter of Credit, or other form of assurance may be reduced on an annual basis to equal the difference

between the amount of Transportation Impact Fees already received by the County and the total proportionate-share contribution described above.

c. The County shall cease issuance of development permits or approvals, or revoke Building Permits or development approvals for the project if:

The Applicant/Developer does not deliver the described assurance within the time frame contained herein or fails to maintain the required assurance to the satisfaction of the County,

or,

The financial institution issuing the Letter of Credit or other form of assurance fails to pay the required amount to the County in accordance with the terms of the Letter of Credit. This condition does not apply to reasonable delays experienced by the financial institution relating to the processing of payment requests. The County may seek payment under the Letter of Credit or other form of assurance in accordance with the terms of the said instrument notwithstanding the amount of the development that has occurred at the point payment is sought.

d. I-75 Improvements:

Pasco County and the FDOT recognize the significance of proceeding with improvements to I-75 along a corridor beginning in Pasco County at the intersection of I-75/I-275 and extending to the intersection of I-75/S.R. 54. It is the intent of both the County and the FDOT to develop an improvement program for this portion of I-75 and utilize contributions from CYPRESS CREEK and other DRI projects in the impact area for construction of specific road improvements in 2008. This improvement program will be applied and implemented through the terms of this DO, other development agreements in the impact area, and Joint Participation Agreements with the FDOT. The FDOT is currently in the process of identifying specific improvements intended to increase capacity on the identified road network. This identification, planning, and design process shall be completed by the conclusion of 2005.

e. Alternative Improvements:

In the Year 2005, Pasco County and the FDOT shall assess the status of the planning process relating to the described section of the I-75 corridor. If Pasco County and the FDOT determine that it is no longer feasible to proceed with improvements to I-75, then the DO shall be amended pursuant to Section 380.06(19), F.S., and alternative improvement(s) shall be identified by the County which reasonably benefit the project and the monies held by the County shall be allocated to the design, right-of-way acquisition, and construction of the said alternative improvements.

4. Trip Generation Monitoring: The Applicant/Developer shall provide external p.m. peak-hour counts and projected counts at the project entrances in conjunction with an application for approval of a preliminary plan/preliminary site plan. This analysis shall summarize the

cumulative development quantities, including p.m. peak-hour inbound and outbound trip ends for existing and projected development. If the project's external trips exceed the estimated (projected, plus counted) project traffic as described in Exhibit H (Traffic Monitoring Volumes) by more than five (5) percent, the County may require the Applicant/Developer to provide a revised transportation analysis in accordance with Subsection 380.06(19), F.S., a DO amendment, and/or a recalculation of the proportionate-share amount. Initiation of this monitoring shall commence after the issuance of Certificates of Occupancy for fifty (50) percent of the project and shall also be continued to build-out. The monitoring data shall be included in each Annual Report. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Applicant/Developer and shall declare the project not to be in compliance with the DO. Should the report not be submitted within thirty (30) days after such notification, all ongoing development activity, further issuance of Building Permits, and extension of services to the project shall cease immediately until the obligations of this paragraph have been satisfied.

5. Impact Fee Credits: The Applicant/Developer shall pay the impact fees to the County as development progresses at the point of Certificate of Occupancy issuance based upon the County's Transportation Impact Fee Ordinance. These impact fees will be used for the I-75 improvements until the amount of the impact fees paid equals Five Million Fifty-Two Thousand Six Hundred Forty-Six and 00/100 Dollars (\$5,052,646.00), the proportionate share, and, after that, the impact fee payments paid for the project will go into the County's normal impact-fee accounts. The impact fees going toward the I-75 improvements will be held by the County until the County and FDOT enter into a Joint Participation Agreement for the construction of the I-75 improvements. Notwithstanding the foregoing, the Applicant/Developer shall pay the entire proportionate share to the County no later than January 1, 2006.

The Applicant/Developer is eligible to apply for impact-fee credits pursuant to Chapter 380.06(16), F.S., and Pasco County Ordinance No. 90-04 as it may be amended, and the Applicant/Developer shall receive credits as authorized by the ordinance, this DO, and other land development regulations. Impact-fee credits are not transferable outside the project. Conditioned upon the assumption that the Applicant's/Developer's impact-fee payments will be held by the County and applied to construction of road improvements along I-75 or alternative improvement(s) to be identified by Pasco County and amended into the DO, the timing of which might exceed the time periods set forth in Chapter 78-45 of the code, the Applicant/Developer waives the right to refunds of impact fees paid but not encumbered or expended within the described time periods.

N. Air Quality:

Best Management Practices as identified in the ADA shall be employed during site preparation and construction to minimize air-quality impacts.

O. Health Care/Police/Fire:

Pasco County shall provide fire, police, and EMS service to the development.

The Applicant/Developer shall be required to pay impact fees for such services at such time as the County adopts an impact fee ordinance for any or all of such services.

P. Housing:

The Applicant/Developer has completed an affordable housing assessment for the nonresidential component of the CYPRESS CREEK DRI and determined that the existing housing supply is adequate to meet the anticipated demand for very low-, low-, and moderate-income, housing units for development of all planned commercial and office uses.

Q. General Conditions:

1. Should the Applicant/Developer divest itself of all interest in the project prior to the expiration of this DO, the Applicant/Developer shall designate the successor entity to be responsible for preparation of the Annual Report, which designation shall be effective upon notification and consent by the County.

2. In the event ordinances or resolutions are adopted by the Board of County Commissioners establishing County impact fees for the purpose of funding solid waste, public safety, libraries, and/or wildlife mitigation, the Applicant/Developer shall be required to pay the said fees, subject to applicable credits, in accordance with the ordinance(s) or resolution(s).

If the Applicant/Developer desires to abandon any part or all of this DRI, it must do so pursuant to Rule 9J-2.0251, FAC (Abandonment of Development Orders), as amended. Simultaneously with filing for abandonment, the Applicant/Developer shall file for a Comprehensive Plan amendment to remove the land use classifications that were adopted for this DRI and to return the land uses to those existing prior to approval of this DRI.

VI. **PROCEDURES**

A. Annual Reports:

1. Monitoring of the CYPRESS CREEK DRI by the County shall be the responsibility of the County Administrator or his designee.

2. The Applicant/Developer shall provide an Annual Report on the required form to the Pasco County Development Services Branch, TBRPC, and FDCA on the anniversary date of final adoption of this DO each year during the term of this DO. The contents of the Annual Report shall meet the requirements of Chapter 380.06(18), F.S., and shall include all additional data and information as required in this DO.

3. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Applicant/Developer and shall declare the project not to be in compliance

with the DO. Should the report not be submitted within thirty (30) days after such notification, all ongoing development activity, further issuance of Building Permits, and extension of services to the project shall cease immediately pursuant to Chapter 380.06(17), F.S., as amended until a public hearing has been held, pursuant to Chapter 380.06(19), F.S., as amended to determine if a substantial deviation has occurred.

4. In addition to the required elements of the Annual Report, the Applicant/Developer shall include:

- a. The cumulative number of units developed through the land-use tradeoff mechanism.
- b. The cumulative number of units (by type and square feet of retail and office) with site-plan approval (preliminary plan, construction plan, and site plan), final plat approval, and Certificates of Occupancy.
- c. A synopsis of all DRI and zoning amendments.
- d. A synopsis of ownership (major parcels).
- e. A list of DRI/DO conditions of approval and whether the said conditions have been met by the Applicant/Developer.
- f. A status of the payment of the proportionate-share contribution and amount of the related Letter of Credit.
- g. Applicable transportation-monitoring data.

5. The Applicant/Developer may not assign the obligation to submit the report or any part thereof without the consent of the TBRPC and the County Administrator or his designee.

B. Amendments/Substantial Deviations:

Proposed changes to this DO are subject to review pursuant to the terms of the DO and provisions of Chapter 380.06(19), F.S., as amended prior to implementation of such changes. Application to amend any provision of this DO shall be made on the required form (Notice of a Proposed Change to a Previously Approved DRI) and shall be provided by the Applicant/Developer to the TBRPC, FDCA, and Pasco County.

C. Notice of Adoption:

1. A Notice of Adoption of this resolution shall be filed and recorded in the Public Records of Pasco County, Florida, in accordance with Chapter 380.06(15)(f), F.S., as amended.
2. The Clerk of the Circuit Court, Secretarial Services, for the Board of County Commissioners shall return eight (8) signed and certified copies of this DO and Notice of Adoption to the Pasco County Development Services Branch. The Pasco County Development Services Branch shall then send out the copies of each document to the FDCA, TBRPC, and to the attorneys of record of these proceedings.

D. Severability:

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

DONE AND RESOLVED this 5th day of December 2006.

BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA



[Signature]
JED PITTMAN, CLERK

[Signature]
CHAIRMAN

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

APPROVED
DEC 05 2006

[Signature]
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGE(S) 33 OF _____ PAGES
THE ORIGINAL OF RECORD IN MY
OFFICE. WITNESS MY HAND AND THE
COUNTY'S OFFICIAL SEAL THIS
5th day of Dec 2006
JED PITTMAN, CLERK TO THE BOARD
[Signature] D.C.

EXHIBITS

- A. ADA*; Sufficiency Responses*
- B. TBRPC DRI Final Report*
- C. Legal Description
- D. Land Use Equivalency Matrix
- E. Applicant's/Developer's Commitments
- F. Map H
- G. Transportation Impact Summary
- H. Traffic Monitoring Volumes

*Incorporated by Reference

EXHIBIT A

ADA; SUFFICIENCY RESPONSES

Incorporated by reference copies are currently on file with Pasco County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

EXHIBIT B

TBRPC DRI FINAL REPORT

Incorporated by reference copies are currently on file with Pasco County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

EXHIBIT C

LEGAL DESCRIPTION

That part of Section 26, Township 26 South, Range 19 East, lying East of the right-of-way Interstate 75 Highway as now established, less the northern 900 feet of said Section 26, and less and except the road right-of-way for State Road 56, all lying and being in Pasco County, Florida. (410 Acres MOL).

EXHIBIT D
LAND USE EQUIVALENCY MATRIX

TABLE 1
(Revised 12/28/01)

CYPRESS CREEK DRI
LAND USE TRADE-OFFS

LAND USE TRADE-OFF RATES				
CHANGE TO →	Commercial (1,000 S.F.)	Multi-Family (DU)	Office (1,000 S.F.)	Hotel (Room)
CHANGE FROM ↓				
Commercial (1,000 S.F.)	--	8.6574	3.5754	8.4167
Multi-Family (DU)	0.1155	--	0.4130	0.9722
Office (1,000 S.F.)	0.2797	2.4214	--	2.3540
Hotel (Room)	0.1188	1.0286	0.4248	--

MINIMUM AND MAXIMUM TRADE-OFF LIMITS			
Land Use	Minimum	Maximum	Measure
Commercial	350	750	1,000 S.F.
Multi-Family	370	800	DU
Office	524	780	1,000 S.F.
Hotel	0	500	Room

- TRADE-OFF EXAMPLES**
- EXAMPLE 1: TRADE FROM COMMERCIAL TO OFFICE**
 Trade 5,000 S.F. of Commercial for ? (1,000) S.F. of Office
 $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 3.5754 \times (1,000) \text{ S.F. of Office}$
 $= 17.877 \times (1,000) \text{ S.F. of Office}$
 $= 17,877 \text{ S.F. of Office}$
- EXAMPLE 2: TRADE FROM COMMERCIAL TO MULTI-FAMILY**
 Trade 5,000 S.F. of Commercial for ? Multi-Family dwelling units
 $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 8.6574 = 43 \text{ Multi-Family dwelling units}$
- EXAMPLE 3: TRADE FROM MULTI-FAMILY TO HOTEL**
 Trade 300 Multi-Family dwelling units for ? Hotel rooms
 $= 300 \text{ Multi-Family dwelling units} \times 0.9722 = 292 \text{ Hotel rooms}$

SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES			
Land Use	Total of North and South Sides [1]	Total Gross External Trips [1]	Trips / Measure
Commercial	656 (1,000 S.F.)	2,571	3.9182 Trips per 1,000 S.F.
Multi-Family	740 (DUs)	335	0.4527 Trips per DU
Office	624 (1,000 S.F.)	684	1.0962 Trips per 1,000 S.F.
Hotel	393 (Rooms)	183	0.4655 Trips per Room
	Total Gross External Trips =	3,773	

[1]: Cypress Creek DRI, Second Response to Request for Additional Information Report,
 Table 21.3B, Page TA-3; total of North and South sides.
 File Name = C:\WINDOWS\TEMP\~rade Off 122801.xls\Trade-Off
 Print Date = 03/22/02
 Print Time = 11:59 AM

EXHIBIT E

DEVELOPER'S COMMITMENTS

SECTION III - DEVELOPER COMMITMENTS DRI #244 - CYPRESS CREEK PASCO COUNTY

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

GENERAL

1. The wetlands associated with Cabbage Swamp on the north side of the project and those associated with Cypress Creek on the south side of the project will not be impacted. (Developer clarification - "effect for small areas as shown on revised Map H-1, dated January 26, 2001 and attached as Map 2 of this Report"). (ADA/Page 10-2/Response 10.B)
2. All isolated wetlands will have a buffer from development and appropriate protective measures will be used during construction to guard against pollution (SR1/Page 47/Response 10)
3. The project will use "reuse" water from Pasco County for non-potable (irrigation) purposes. (SR1/Page 48/Response 10)
4. Water saving devices, irrigation systems and low volume plumbing fixtures will be used throughout the development. (SR1/Page 48/Response 10)
5. Regionally significant natural resources will be protected by wetlands buffering, provision of open space and treatment of stormwater runoff. (SR1/Page 50/Response 10)
6. During construction appropriate steps will be used to prevent erosion. These steps will include the use of silt barriers and hay bales. (SR1/Page 50/Response 10)

VEGETATION, WILDLIFE AND WETLANDS

1. Additional buffer (for wetlands, in addition to that required by applicable regulations of Pasco County, SWFWMD and the FDEP) is being provided in the floodplain compensation areas and wetland mitigation areas. (ADA/Page 13-5)
2. Forested wetlands will be designed to compensate for losses to existing forested wetlands. (ADA/Page 13-8)
3. All isolated wetlands will be have a ^{ff}bugger from development and protective measures will be used during construction to guard against pollution. (SR1/Page 47)

4. All regionally-significant natural resources located on the project's site will be protected and/or preserved, as appropriate. (SR1/Page 49)
5. Regionally significant natural resources will be protected by wetlands buffering, provision of open space, and treatment of stormwater runoff. (SR1/Page 50)
6. If necessary, appropriate passive controls (such as walk-through-only gates) and signs will be used to control access to preserved areas and eliminate undesirable uses. (SR1/Page 71)
7. The applicant will maintain the existing connection between (the wetland amid parcels 5-8) and Cypress Creek. (SR2/Page 3).

WATER QUALITY AND STORMWATER MANAGEMENT

1. The drainage system will be designed to provide protection of the surface water quality through the use of grass swale systems for treatment of runoff, detention ponds to allow for sedimentation of suspended solids, and stormwater attenuation ponds prior to discharging to existing surface water drainage system. The design will incorporate on site retention of the first one half inch of runoff or runoff from the first inch of rainfall. The wetland areas on site will be incorporated into the construction designs for retention and treatment purposes. (ADA/Page 14-16)
2. Lake Control water levels will be established at the seasonal high water level of existing wetlands and verified by SWFWMD during the permitting process. (ADA/Page 19-3)
3. Wetland hydroperiods will be maintained in the post developed conditions. (ADA/Page 19-7)
4. All of the project's stormwater facilities will be regularly inspected and appropriately maintained. (SR1/Page 49)
5. To prevent any adverse effects to the ground water quality during construction, no excavation into the confining clay layer or the underlying limestone is proposed. Surface water quality will be maintained through the use of conventional engineering practices such as diversion swales, temporary sediment traps, silt fences, and storm inlet protection. The sediment and erosion control methods will prevent sediment from entering Cypress Creek and Cabbage Swamp. (SR1/Page 55).
6. Some of the stormwater ponds in more visible area will be enhanced with aesthetic amenities, such as aeration fountains and littoral shelf plantings to improve their appearance and function. (SR1/Page 57)
7. Hydrology of the wetland areas will be monitored to prevent the wetland systems from being adversely affected. (SR1/Page 94)

SOILS

Silt barriers and hay bales will be used to control runoff. Silt barriers will be used to limit wind-driven erosion of fine-grain soils. At the completion of each workday, all areas will be graded to reduce erosion. Grading will be done in such a manner as to reduce the velocity of runoff. All runoff will be directed to the site settling ponds before water is discharged from the site. Hay bales will be used extensively to reduce and control the velocity of runoff (ADA/Pages 15-2 through 15-3).

WATER SUPPLY

1. No water irrigation wells exist on the site or are proposed (ADA/Page 17-6/Response 7.c).
2. In the event reclaimed water is available, as solely determined by Pasco County, for nonpotable water uses, the developer intends to utilize and extend Pasco County's reuse water system by tapping into the nearest available source and distributing reuse mains throughout the project. . . . (ADA/Page 17-6/Response 17.D).

WASTEWATER MANAGEMENT

No septic tanks are proposed for this development (ADA/Page 18-7/Response 18.D).

AIR QUALITY

Fugitive dust will be controlled by moistening exposed soil on a regular basis during site preparation and construction activities (ADA/Page 22-1).

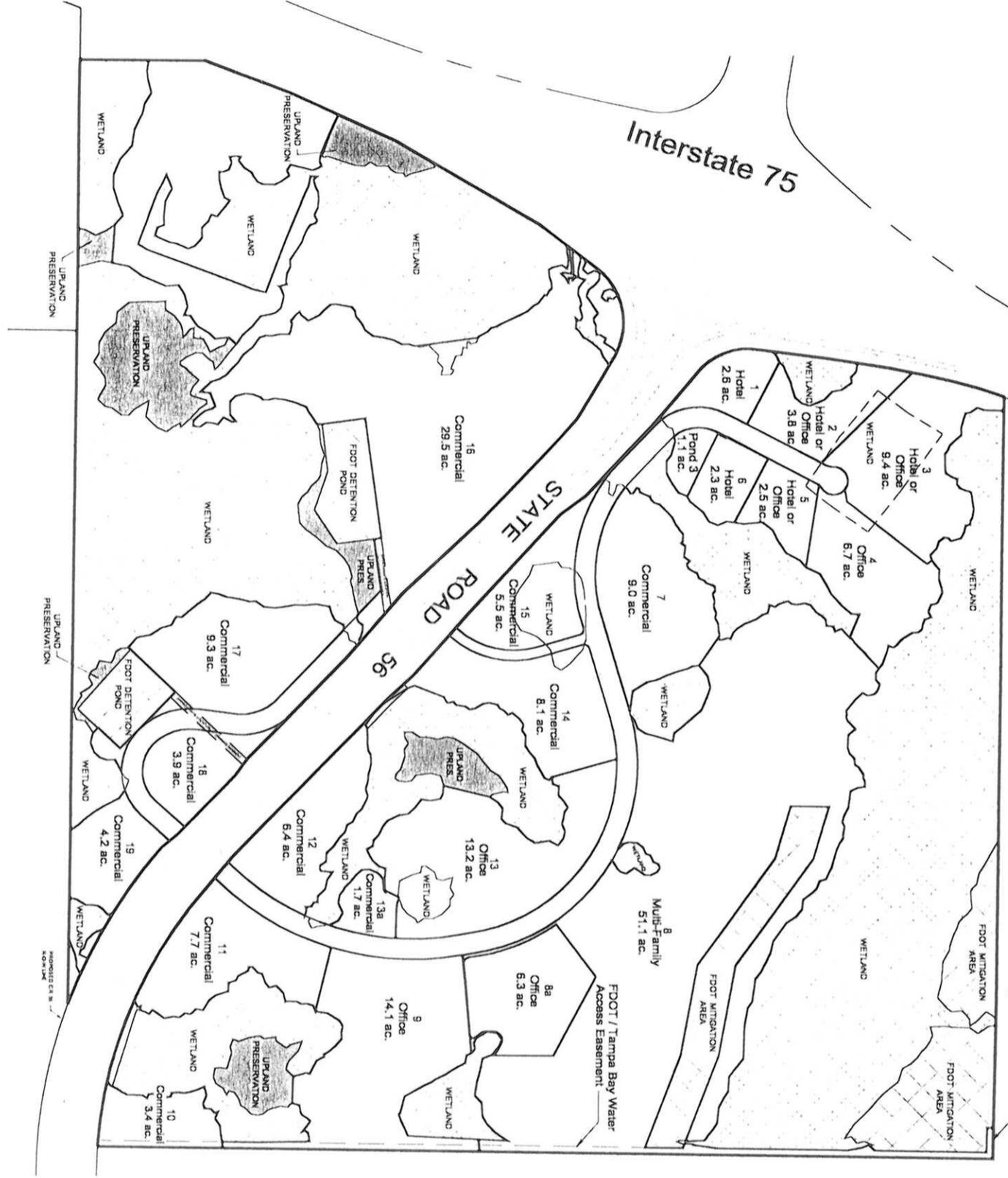
EXHIBIT F

MAP H

Map H as revised, is currently on file in Pasco County. Additional copies will be delivered to you upon your request.

Interstate 75

STATE ROAD 56



Tampa Bay Water
Monitoring Well Easement

LEGEND

- CYPRESS CREEK DRI BOUNDARY
- DEVELOPMENT POB BOUNDARY
- WETLANDS
- IMPACTED WETLANDS
- AREA OWNED BY FDOT
- UPLAND PRESERVATION

LAND USE DATA

USE	ACRES	UNITS / GFA
HOTEL or OFFICE DEVELOPMENT	80.9	393 / 639,728 S
Office (Only) = 40.3 ac		
Hotel (Only) = 4.9 ac		
Hotel or Office (Only) = 15.7 ac		
RETAIL DEVELOPMENT (Includes Parcel 13a Daycare)	88.7	666,145 SF
RESIDENTIAL	51.1	614
ROADS	17.2	
UPLAND PRESERVATION	14.6	
WETLANDS	151.0	
WATER CONTROL STRUCTURES	1.5	
FLOODPLAIN COMPENSATION	20.0	
TOTAL PROJECT AREA:	405.0	

NOTE:
Acreages shown in each development parcel represent gross developable acreage.

Kimley-Horn
and Associates, Inc.
5208 Wilshire Blvd. Suite 200, Los Angeles, CA 90048
10119 Project 2, 4th Ave. Suite 300, Tampa, Florida 33610
Phone: (813) 526-1460 Fax: (813) 670-1542
www.kimley-horn.com CA 00000895



REVISED MAP H-1
December 10, 2001 (Updated Oct. 2006)
MASTER DEVELOPMENT PLAN
CYPRESS CREEK DRI

ENGELHARDT HAMMER & ASSOCIATE S
URBAN PLANNING SERVICES
5444 Bay Center Drive, Suite 122, Tampa, FL 33609
Telephone: 813 282-3855 Fax: 813 286-2308

EXHIBIT G
TRANSPORTATION IMPACT SUMMARY

TABLE 1

Cypress Creek DRI
Off-Site Roadway Link Improvements: Total Improvement Costs
July 17, 2001

Roadway	Segment	Length (miles)	Improvement	Costs			Total Construction	Total
				Right-of-Way	Engineering, CEI, Etc.	Per Mile Construction Cost		
Interstate 75	Fletcher Avenue to Bruce B. Downs Blvd.	3.99	4 to 6 lanes	\$1,683,102	\$2,805,169.50	\$2,343,500	\$9,350,565	\$13,636,836
	I-275 Interchange to SR 56	1.87	6 to 8 lanes	\$340,208	\$1,211,818.00	\$2,419,000	\$4,039,730	\$5,591,857
	SR 56 to SR 54	3.48	4 to 6 lanes	\$340,208	\$2,446,814.00	\$2,343,500	\$8,155,380	\$10,942,202
Bruce B. Downs Blvd. SR 54	Countyline Road to SR 56	1.00	4 to 6 lanes	\$50,000	\$631,142.00	\$1,856,300	\$1,856,300	\$2,537,642
	Foggy Ridge Parkway to SR 56	1.00	4 to 6 lanes	\$50,000	\$631,142.00	\$1,856,300	\$1,856,300	\$2,537,642
Total =							\$35,447,279	

ASSUMPTIONS

CONSTRUCTION COSTS

	1999 Costs per Centerline Mile [1]	Year 2001 Inflation Factor [1]	Year 2001 Costs per Centerline Mile
Interstate Widening 4 to 6 lanes =	\$2,185,600	1.07226	\$2,343,500
6 to 8 Lanes =	\$2,256,000	1.07226	\$2,419,000
Non-Interstate Highway Widening 4 to 6 lanes =	\$1,731,200	1.07226	\$1,856,300

ROW NEEDS COSTS

	Square Feet	Unit Cost Per Sq. Ft.	Total ROW Cost
I-75: Fletcher to Bruce B. Dow	N/A	ROW = 18% of Construction Cost [1]	\$1,683,102
I-275 to SR 56 =	30,928	\$11.00	\$340,208
SR 56 to SR 54 =	30,928	\$11.00	\$340,208
Bruce B. Downs: Countyline Road to SR 56	N/A	Existing ROW = 200 feet	\$50,000 [A]
SR 54: Foggy Pkwy to SR 56 =	N/A	Existing ROW = 6 lane width	\$50,000 [A]

Notes: [A] Based on conversation with FDOT, little or no ROW is needed.

ENGINEERING, CEI, ETC COSTS

I-75: 30% of construction costs [2]

NOTES

- [1]: 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000
- [2]: I-75 PD&E Study [south of SR 56 to north of SR 52] July 27, 2000 public hearing handout information

Proportionate Share Cost of Off-Site Intersection Improvements

July 17, 2001

Roadway	Intersection	Improvement	Right-of-Way [2]	Engineering, Etc. [1]	Constructio	Traffic Signal	Total Cost	Proportionate Percentage	Proportionate Share Cost
CR 581	Countyline Road	NB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.90%	\$8,909
		EB Right turn	\$6,783	\$10,982	\$32,300	\$0	\$50,065	8.90%	\$4,454
SR 54	CR 581 Collier Parkway	NB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		NB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		SB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		EB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		WB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
Curley Livingston		SB Right turn	\$6,783	\$10,982	\$32,300	\$0	\$50,065	5.11%	\$2,557
		Signalize	\$0	\$0	\$0	\$150,000	\$150,000	16.91%	\$25,360
Total =									\$85,180

NOTES [1]: 34 percent of construction cost; 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000
[2]: 21 Percent of construction cost; 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000

File Name =
 Print Date =
 Print Time =

C:\WINDOWS\TEMP\[-os\Share 071701.xls]Table 3 071701
 3/22/02
 3:41 PM

EXHIBIT H

Cypress Creek DRI

Traffic Monitoring Volumes

Project Build-Out: Driveway Vehicle Counts, PM Peak Hour

Driveway Locations	Driveway Vehicle Count		Total Driveway Vehicle Count
	Inbound	Outbound	
North side of SR 56	1,103	1,606	2,709
South side of SR 56	659	713	1,372
Both Sides of SR 56	1,762	2,319	4,081

Total inbound internal capture= 324 trips, total outbound internal capture= 324 trips
Source: Table 21.3B revised 12/21/00, second sufficiency response.

Notes: 1- The numbers above represents counts at S.R. 56. If the development interconnects with other developments then this table may need to be revised.

2- The internal capture is only assumed for the North side of S.R. 56.

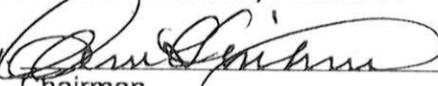
**NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT
ORDER FOR THE CYPRESS CREEK DEVELOPMENT OF REGIONAL
IMPACT**

Pursuant to Section 380.06 (15) (f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 0763 dated December 5, 2006, has adopted an amendment to the development order for a Development of Regional Impact known as Cypress Creek (Resolution No. 02-181). 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, Historic 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.

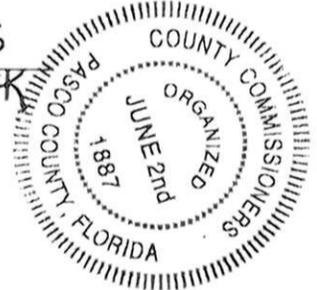
**BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA**

By: 
Chairman

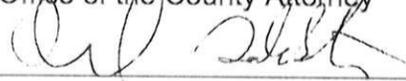
STATE OF FLORIDA
COUNTY OF PASCO

The foregoing Notice of Adoption of Development Order was acknowledged before me this 5th day of December, 2006.

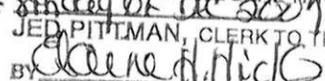
Elaine H. Hicks
Notary Deputy Clerk
My Commission Expires: _____



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

By: 



STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGE(S) 11 OF _____ PAGES
OF THE ORIGINAL OF RECORD IN MY
OFFICE. WITNESS MY HAND AND THE
COUNTY'S OFFICIAL SEAL THIS
Sunday of Dec 2006
JED PITTMAN, CLERK TO THE BOARD
BY:  D.C.

244

Richard E. Davis, P.A.
Attorney And Counselor-At-Law
220 East Madison Street
Suite 512
Tampa, Florida 33602

Richard E. Davis

Telephone (813) 301-8020
Facsimile (813) 307-6383

October 23, 2006

Mr. John Meyer, DRI Coordinator
TBRPC
4000 Gateway Center Boulevard, Ste. 100
Pinellas Park, FL 33782

Re: Cypress Creek DRI #244

Dear John:

Please accept this correspondence as confirmation of our prior conversation wherein I indicated that the developer is not requesting a Land Use Equivalency Matrix Conversion for Parcel 7 as described in the letter dated May 22, 2006 from Mr. George Deakin of Kimley-Horn & Associates to Ms. Gerri DiMaria.

I appreciate your assistance in this matter. Should you require any further information, please call.

Cordially,



Richard E. Davis, Esq.
Attorney for Cypress Creek

Cc: Brenda Winningham, Department of Community Affairs
Cynthia Spidell, Pasco County

#244



Richard E. Davis, P.A.
Attorney And Counselor-At-Law
220 East Madison Street
Suite 512
Tampa, Florida 33602

Telephone (813) 301-8020
Facsimile (813) 307-6383

August 22, 2006

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

Re: DRI # 244 Cypress Creek Annual Report

Dear John,

In November 2005, the BOCC of Pasco County approved two land use exchange calculations for the Cypress Creek Project. Attached as Exhibit A is a copy of Map H with two parcels highlighted, specifically 13-5 and 8a. These two parcels represent the locations where the exchanges occurred.

- Parcel 13-5: This parcel was originally designated for office uses. In Pasco County, a day-care center is considered a commercial use and is not permitted in the office classification. The developer of the day-care center wanted to locate in Parcel 13-5 as opposed to Parcel 11 (located across the street). We exchanged 36,272 square feet of office uses for a 10,145 sf day-care center. A copy of George Deakin's equivalency calculation is attached as Exhibit B.

- An office developer wanted to locate in Parcel 8; specifically that area shown as 8a. To facilitate this project one hundred twenty six (126) dwelling units were exchanged for 52,000 sf of office uses. This equivalency calculation is also described in Exhibit B.

The described Parcels constitute the exchanges previously approved by the Board of County Commissioners of Pasco County. These exchanges did not result in an increase in overall project entitlements.

If you have any further questions, please call.

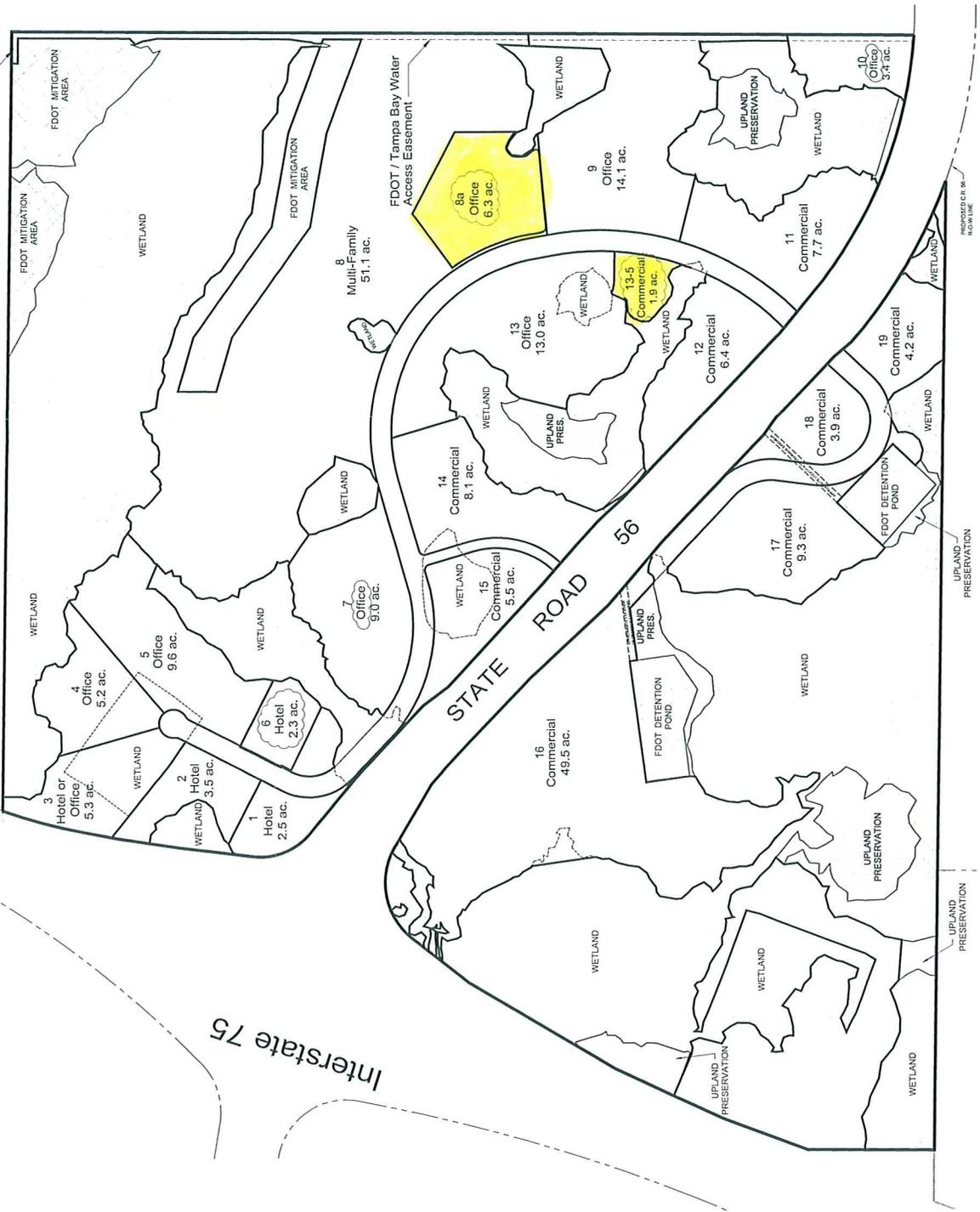
Cordially,

Richard E. Davis, Esq.
Attorney for Cypress Creek

Tampa Bay Water
Monitoring Well Easement

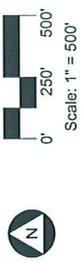
LEGEND

- CYPRESS CREEK DRI BOUNDARY
- DEVELOPMENT POD BOUNDARY
- WETLANDS
- IMPACTED WETLANDS
- AREA OWNED BY FDOT
- UPLAND PRESERVATION



NOTE:
Acreages shown in each development parcel represent gross developable acreage.

Kimley-Horn and Associates, Inc.
© 2008 Kimley-Horn and Associates, Inc.
10117 Princess Palm Ave., Suite 300, Tampa, Florida 33610
Phone: (813) 620-1460 Fax: (813) 620-1542
www.kimley-horn.com CA 00000696



REVISED MAP H - 1
December 10, 2001 (Updated May 09, 2006)
MASTER DEVELOPMENT PLAN
CYPRESS CREEK DRI

ENGELHARDT, HAMMER & ASSOCIATE S
Urban Planning Services
5444 Bay Center Drive, Suite 122, Tampa, FL 33609
Telephone 813 282-3855, Fax 813 286-2308

Exhibit A



Kimley-Horn
and Associates, Inc.

To: Rick Davis

From: George Deakin

Date: October 10, 2005

Subject: Cypress Creek DRI,
Requested Equivalency Information

- Office to Day Care Center
- Dwelling Units to 52,000 square feet of Office

1. **Day Care Center: Equivalent Office.** The Day Care Center is considered "commercial" for the purposes of the Land Use Trade-Off table. The land use trade off factor from the Land Use Trade-Off table (dated December 28, 2001), to convert from commercial to office is 3.5754 (1,000 square feet of commercial / 1,000 square feet of office). Therefore, for 10,200 square foot Day Care Center, the equivalent office would be: $10,200 \times 3.5754 = 36,469$ square feet of office.
2. **Multi-Family: Equivalent Office.** The land use trade off factor (from the Land Use Trade-Off table dated December 28, 2001), to convert from office to multi-family is 2.4214 (1,000 square feet of office per dwelling unit). Therefore, for 52,000 square feet of office, the equivalent dwelling units would be: $52 \times 2.4214 = 126$ dwelling units.

■
Suite 300
10117 Princess Palm Avenue
Tampa, Florida
33610

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■
TEL 813 620 1460
FAX 813 620 1542

Exhibit B

TABLE A
CYPRESS CREEK DRI
 October 14, 2005

"Day Care" Trip Generation Comparison (square feet vs students)

ITE TRIP GENERATION CHARACTERISTICS		PM Peak Hour Trip Generation													
		ITE		DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			INTERNAL CAPTURE		PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
		Edition	ITE Code	In	Out	In	Out	Total	Percent	Trips	Percent	Trips	In	Out	Total
Land Use															
Day Care Center [based on 10,145 square feet]		7	565	47%	53%	46	51	97	0.0%	0	0.0%	0	46	51	97
Day Care center [based on 156 students]		7	565	47%	53%	52	59	111	0.0%	0	0.0%	0	52	59	111

#244



Kimley-Horn
and Associates, Inc.

May 22, 2006

■
Suite 300
10117 Princess Palm Avenue
Tampa, Florida
33610-8300

Ms. Gerri DiMaria
Pasco County Government Center
7533 Little Road
Suite 320
New Port Richey, Florida 34654

**Re: Cypress Creek DRI
Parcel 7
Trade-Off; From Retail to Office**

Dear Ms. DiMaria:

As noted in Section V.B.1 of the approved Cypress Creek DRI Development Order, within certain restrictions, one land use may be traded for another land use using the Land Use Equivalency Matrix (Exhibit D of the Development Order). Land use exchange requests are to be provided to and approved by the County, with copies to the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council. The use of the Land Use Equivalency Matrix shall also be reported in the next annual report.

Mr. Lou Spiegel of Itasca Construction Associates acting on behalf of Medallion Sites LLC, wants to develop Parcel 7 of the Cypress Creek DRI as office, rather than the originally planned commercial.

A copy of the DRI Land Use Equivalency Matrix is attached to this letter as Table 1. As noted in the attached Land Use Equivalency Matrix, the factor for trading from commercial to office is 3.5754. Therefore every square foot of commercial is equivalent to 3.5754 square feet of office.

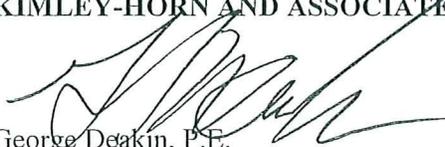
Mr. Spiegel wants to develop approximately 78,999 square feet of office. The 78,999 square feet includes overhangs and covered areas. The net square feet of office is 71,609. The number of parking spaces provided will be 296. The site Plan is attached as Exhibit A. The 78,999 square feet of office is equivalent to approximately 22,100 square feet of commercial [22,100 (commercial square feet) x 3.5754 = 79,016 (office square feet)].



Parcel 7 is approximately 8.32 acres (7.62 upland acres) and was originally planned for approximately 75,000 square feet of commercial in the DRI. Therefore, the trading of approximately 22,100 square feet of retail for approximately 78,999 square feet of office will actually significantly lessen the trip generation of Parcel 7. The trip production of Parcel 7 will be approximately 1/3 of what was originally planned in the DRI. In conclusion, it is requested that the planned 75,000 square feet of commercial in Parcel 7 be traded for 78,999 square feet of office. This trade-off will significantly reduce the trips generated by Parcel 7.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.


George Deakin, P.E.
Vice President

Attachments: Table 1
Exhibit A

Cc: Brenda Winningham, FDCA
John, Meyer, TBRPC
Lou Spiegel, Itasca Construction Associates
Chip Skinner
Rick Davis

M:\Common\MKTG\Private\Pasco\Cypress Creek Parcels\DiMaria_Parcel_7_Trade-Off_052206.doc

TABLE 1
(Revised 12/28/01)

CYPRESS CREEK DRI
LAND USE TRADE-OFFS

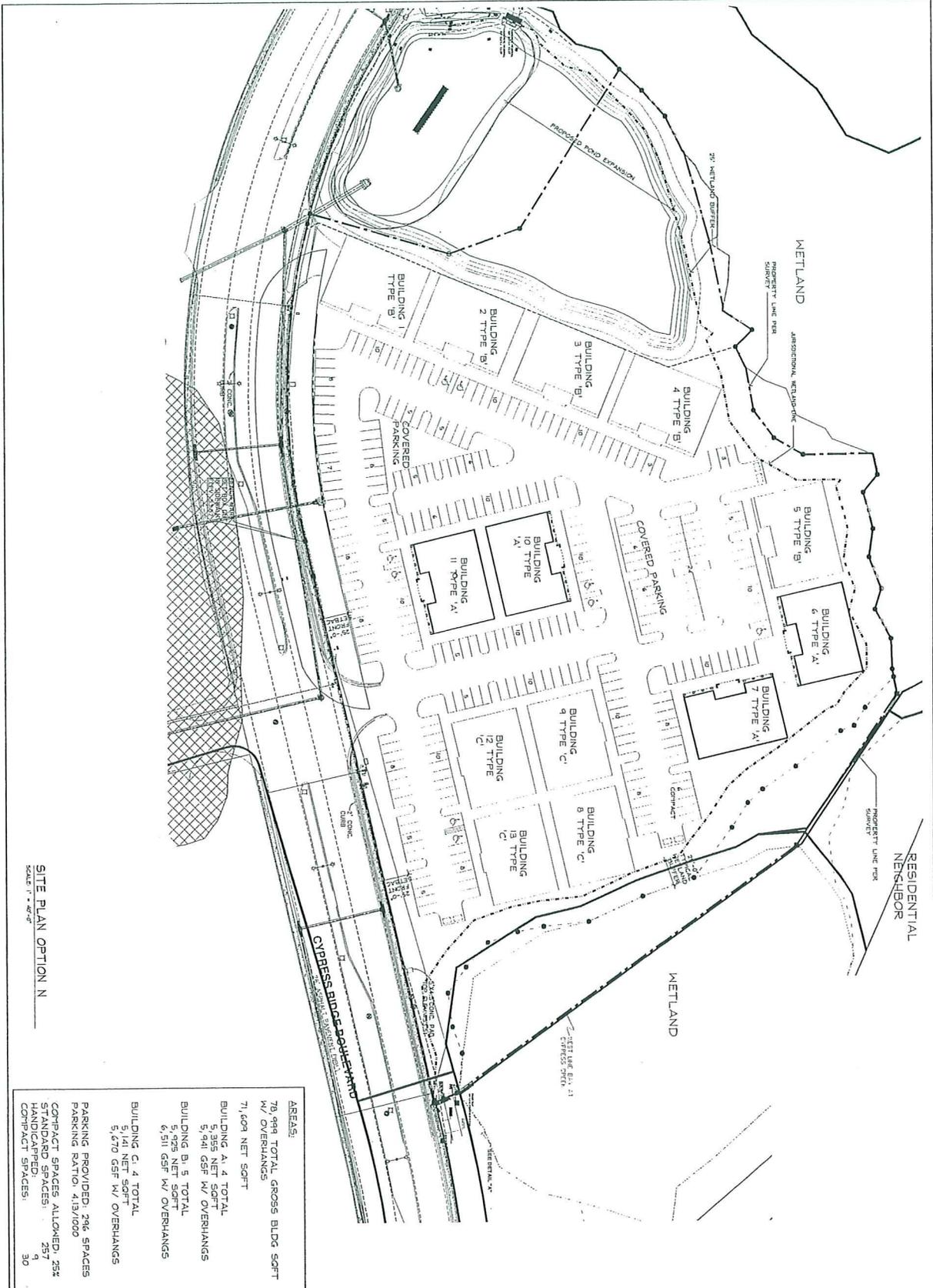
LAND USE TRADE-OFF RATES				
CHANGE TO →	Commercial	Multi-Family	Office	Hotel
CHANGE FROM ↓	(1,000 S.F.)	(DU)	(1,000 S.F.)	(Room)
Commercial (1,000 S.F.)	--	8.6574	3.5754	8.4167
Multi-Family (DU)	0.1155	--	0.4130	0.9722
Office (1,000 S.F.)	0.2797	2.4214	--	2.3540
Hotel (Room)	0.1188	1.0286	0.4248	--

MINIMUM AND MAXIMUM TRADE-OFF LIMITS			
Land Use	Minimum	Maximum	Measure
Commercial	350	750	1,000 S.F.
Multi-Family	370	800	DU
Office	524	780	1,000 S.F.
Hotel	0	500	Room

TRADE-OFF EXAMPLES
<p>EXAMPLE 1: TRADE FROM COMMERCIAL TO OFFICE Trade 5,000 S.F. of Commercial for ? (1,000) S.F. of Office $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 3.5754 \times (1,000) \text{ S.F. of Office}$ $= 17.877 \times (1,000) \text{ S.F. Office}$ $= 17,877 \text{ S.F. of Office}$</p>
<p>EXAMPLE 2: TRADE FROM COMMERCIAL TO MULTI-FAMILY Trade 5,000 S.F. of Commercial for ? Multi-Family dwelling units $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 8.6574 = 43 \text{ Multi-Family dwelling units}$</p>
<p>EXAMPLE 3: TRADE FROM MULTI-FAMILY TO HOTEL Trade 300 Multi-Family dwelling units for ? Hotel rooms $= 300 \text{ Multi-Family dwelling units} \times 0.9722 = 292 \text{ Hotel rooms}$</p>

SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES			
Land Use	Total of North and South Sides [1]	Total Gross External Trips [1]	Trips / Measure
Commercial	656 (1,000 S.F.)	2,571	3.9192 Trips per 1,000 S.F.
Multi-Family	740 (DUs)	335	0.4527 Trips per DU
Office	624 (1,000 S.F.)	684	1.0962 Trips per 1,000 S.F.
Hotel	393 (Rooms)	183	0.4656 Trips per Room
	Total Gross External Trips =	3,773	

[1]: Cypress Creek DRI, Second Response to Request for Additional Information Report, Table 21.3B, Page TA-3; total of North and South sides.



SITE PLAN OPTION N
SCALE 1" = 40'

AREAS:	
78,998 TOTAL GROSS BLDG SQFT	
71,609 NET SQFT	
BUILDING A, 4 TOTAL	5,355 NET SQFT
	5,741 GSF W/ OVERHANGS
BUILDING B, 5 TOTAL	5,925 NET SQFT
	6,511 GSF W/ OVERHANGS
BUILDING C, 4 TOTAL	5,141 NET SQFT
	5,670 GSF W/ OVERHANGS
PARKING PROVIDED, 2% SPACES	
PARKING RATIO, 4.13/1000	
STANDARD SPACES	257
HANDICAPPED SPACES	9
COMPACT SPACES	30

JOB NO.:	0807
DRAWN BY:	EMD
ISSUE DATE:	4/24/08
DATE:	
SHEET NUMBER	A1

**CYPRESS CREEK PARCEL 7
PASCO COUNTY, FLORIDA**

GARCIA SEUFERT ARCHITECT, INC
ARCHITECTURAL DESIGN SERVICES
2501 WEST BUSH BLVD SUITE 309 TAMPA, FLORIDA 33618
PHONE 813-954-8300 FAX 813-954-5124
FL REGISTRATION # AA26000767

REVISIONS	1
	2
	3
	4
	5

EXHIBIT A

#244



PASCO COUNTY, FLORIDA

Growth Management Department
West Pasco Government Center
7530 Little Road, Suite 320
New Port Richey, FL 34654
Tel. (727) 847-8140
Fax (727) 847-8084

CERTIFIED MAIL NO. 7000 0600 0024 4517 5766
RETURN RECEIPT REQUESTED

July 9, 2002

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

RE: Cypress Creek Development of Regional Impact #244

Dear Mr. Meyer:

Enclosed please find a certified copy of the Cypress Creek Development of Regional Impact #244, Development Order (Resolution No. 02-181), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. This development order was approved by the Pasco County Board of County Commissioners on June 18, 2002.

Sincerely,

A handwritten signature in cursive script that reads "Michael LaSala".

Michael LaSala, AICP
Planner II

ML/ml
Enclosure

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

A RESOLUTION ADOPTING A DEVELOPMENT ORDER APPROVING, WITH CONDITIONS, CYPRESS CREEK DEVELOPMENT OF REGIONAL IMPACT NO. 244.

WHEREAS, in accordance with Chapter 380.06, Florida Statutes (F.S.), as amended, CYPRESS CREEK (Applicant/Developer) filed an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as CYPRESS CREEK; and,

WHEREAS, the Pasco County Board of County Commissioners (Board) is the governing body having jurisdiction over the review and approval of DRIs in Pasco County in accordance with Chapter 380.06, F.S., as amended; and,

WHEREAS, the culmination of review pursuant to Chapter 380.06, F.S., requires approval, approval with conditions, or denial of ADA; and,

WHEREAS, this development order (DO) for the CYPRESS CREEK DRI was adopted by the Board on June 18, _____, 2002.

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

I. GENERAL FINDINGS OF FACT

The Board makes the following general findings of fact:

A. The Applicant/Developer has filed, in accordance with Chapter 380.06, F.S., as amended, ADA for the CYPRESS CREEK DRI and associated responses to requests for additional information, collectively referred to herein as the application.

B. The nature, type, scope, intensity, density, and general impact of the proposed CYPRESS CREEK DRI, in part, are those which are summarized in composite Exhibit A, ADA and Sufficiency Responses, and in Exhibit B, the specific findings of fact and regional impacts contained in Pages 1 through 33 of the Tampa Bay Regional Planning Council (TBRPC) DRI Final Report. Both Exhibits A and B are incorporated into this DO by reference.

C. The real property encompassed by the CYPRESS CREEK DRI is owned by the individual property owners described in ADA. A description of the real property is attached hereto as Exhibit C (Legal Description) and incorporated herein.

D. The Pasco County Comprehensive Plan (the Comprehensive Plan) Future Land Use Map (FLUM) classifications for the area subject to the application is RES-3 (Residential - 3 du/ga). Concurrent with the review of ADA, the owners have filed a request to amend the FLUM classification to MU (Mixed Use) Classification. The proposed development is consistent with the provisions of the MU (Mixed Use) Land Use Classifications and other Goals, Objectives, and Policies of the Comprehensive Plan.

E. Zoning on the property which is subject to the application is A-C Agricultural. On July 23, 2002, the Board will consider Rezoning Petition No. 5787 to rezone the property subject to the application from A-C Agricultural to MPUD Master Planned Unit Development.

F. On June 11, 2001, TBRPC notified Pasco County that the sufficiency review was complete, that TBRPC had initiated the preparation of its DRI Final Report, and that the local government should set a date for a public hearing on the pending application.

G. The Board has scheduled and held a public hearing on the application on July 17, 2001, which was eventually continued to June 18, 2002.

H. Notice of the hearing has been published in a newspaper of general circulation at least sixty (60) days prior to the date set for the Board hearing.

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

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

K. The Board has received and considered the TBRPC DRI Final Report on the application.

L. The Board has received and considered various other reports and information including, but not limited to, the recommendation of the Pasco County Development Services Branch and the Development Review Committee.

II. CONCLUSIONS OF LAW

The Board hereby finds that the CYPRESS CREEK DRI:

A. Will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan and State Land Development Plan applicable to the area encompassed by the application.

B. As conditioned, this DO is consistent with the report and recommendation of TBRPC.

C. As conditioned, this DO is consistent with the Pasco County Land Development Code (local land development regulations).

D. As conditioned, this DO is consistent with the adopted Comprehensive Plan as amended and shall be deemed effective concurrent with the effective date of the described Comprehensive Plan amendment.

E. The land that is the subject of this DO is not in an area of critical State concern.

III. APPROVAL STIPULATION

A. Specific approval of the application is hereby granted with conditions. The effective date of this DO shall be concurrent with the effective date of the associated amendment to the adopted Comprehensive Plan.

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

In the event, the County believes violation of the provisions hereof has occurred, the County Administrator or his designee may issue a Notice of Noncompliance to the Applicant/Developer after providing the Applicant/Developer with an opportunity to be heard and, if it is determined by the County Administrator that a violation has occurred, the County Administrator may require that all development related to the violation shall cease until the violation has been corrected or the Board rescinds the Notice of Noncompliance at a hearing to consider the said matter.

C. All development specifically authorized by this DO shall be carried out in accordance with the provisions hereof.

1. Adverse impacts shall be mitigated as specified in this DO.

2. The Applicant's/Developer's commitments set forth in Exhibit E shall be honored by the Applicant/Developer, except as it may be superseded by specific terms of this DO.

D. Development of the CYPRESS CREEK DRI shall be governed by the standards and procedural provisions of the Comprehensive Plan. Land development regulations shall be applied in a manner which is consistent with Chapter 163.3194(1)(b), F.S. Conflicts between the land development regulations and this DO shall be resolved in accordance with applicable law.

E. The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for ten (10) years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the approval of DO have occurred or that DO was based on substantially inaccurate information provided by the Applicant/Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

F. As provided in Chapter 190, F.S., and subject to approval by the County, Community Development District(s) (CDD) are hereby authorized to undertake the funding and construction of any of the projects, whether within or without the boundaries of CDD, which are identified within this DO. Further, any obligations of the Applicant/Developer contained in this DO may be assigned to CDD, homeowner/property owner association, or other entity approved by Pasco County.

G. The property is currently utilized for agricultural activities. It is understood that, while the use will cease when DRI is built out, portions of the property may continue to be used for agricultural activities until said property is developed in accordance with this DO.

IV. PHASING AND DURATION

A. Phasing Schedule:

1. Development of CYPRESS CREEK shall proceed in accordance with the phasing schedule stated in Table 1 below:

TABLE 1
CYPRESS CREEK DRI

LAND USE AND PHASING SCHEDULE

Land Use	Phase 2001—Dec. 31, 2006	Total
Retail (sq. ft.)	656,000	656,000
Office (sq. ft.)	624,000	624,000
Residential (dus)	740	740
Hotel (rooms)	393	393

B. Effective Date and Duration:

1. This DO shall become effective upon its adoption in accordance with Chapter 380.06, F.S.

2. The duration of DO shall be a period of ten (10) years from its effective date. The effective period may be extended by the Board upon a showing of good cause and as provided by statutes. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

C. Commencement of Development:

If physical development of CYPRESS CREEK has not commenced on or before December 31, 2003, the Board shall determine, pursuant to Chapter 380.06(19), F.S., as amended and the procedures outlined in Section VI.B.1 hereof, whether the delay represents a substantial deviation from the terms and conditions of DO. For the purpose of DO, "commencement of development" shall mean the commencement of development of infrastructure, roadways, or vertical development, unless otherwise approved by Pasco County.

D. Build-Out of Project:

The build-out date of the entire project shall be as of December 31, 2006. No request to extend the build-out date of DO shall be considered by the County unless and until the proportionate share to the County as full mitigation for DRI transportation impacts of the project has either been paid to the County or guaranteed through an acceptable form of assurance as described herein. Any delay in the build-out date of the project beyond twelve (12) months from December 31, 2006, 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 proportionate-share amount.

V. SPECIFIC CONDITIONS

A. Development Components:

Subject to the possible exchange of land uses as described elsewhere herein, the project consists of the land uses by phase as described in Table 1.

B. Land Use Exchange:

1. Development entitlements within the project may be exchanged pursuant to the Land Use Equivalency Matrix set out in Exhibit D, attached hereto. Land use exchange requests shall be provided to and approved by the County, with copies to the Florida Department of Community Affairs (FDCA) and TBRPC, and the use thereof shall be reported in the next Annual Report.

2. Any amendments to the land use mix or proposed phasing schedule, other than those described herein, shall be approved pursuant to the Notice of Proposed Change as required by Chapter 380.06(19), F.S., which approval shall not be withheld for mere acceleration or deceleration of phases if otherwise there is compliance with the terms of DO. Any departure in project build-out from the phasing schedule set forth in DO shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Chapter 380.06(19), F.S.

C. Water Quality and Drainage:

1. Development of CYPRESS CREEK DRI shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Comprehensive Plan and Land Development Code.

2. The project's stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4, or 40D-40, Florida Administrative Code (FAC), and Pasco County stormwater management requirements. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the Applicant/Developer shall comply with the following design requirements:

a. All swales shall be fully vegetated and operational.

b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.

c. The Applicant/Developer or other responsible entities shall ensure that the stormwater management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.

d. Should the Applicant/Developer discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the Applicant/Developer shall, within seven (7) days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The Annual Report shall include any such problems and

the necessary repairs or modifications to remedy them as well as what repairs or modifications to the system have been undertaken since the previous Annual Report.

e. Landscape and irrigation shall be in conformance with the Land Development Code in effect at the time of preliminary plan/site plan approval.

3. Should any noticeable soil slumping or sinkhole formation become evident, the Applicant/Developer shall immediately notify the County and Southwest Florida Water Management District (SWFWMD), and adopt one (1) or more of the following procedures as determined to be appropriate by the County and SWFWMD:

a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.

b. Take immediate measures to ensure no surface water drains into the affected areas.

c. Visually inspect the affected area.

d. Excavate and backfill as required to fill the affected area and prevent further subsidence.

e. Use geotextile materials in the backfilling operation, when appropriate.

f. If the affected area is in the vicinity of a water retention area, maintain a minimum distance of five (5) feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.

g. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, relocate the retention area.

4. If applicable, planning and development of CYPRESS CREEK DRI shall conform to the rules adopted by SWFWMD for the Northern Tampa Bay Water Use Caution Area. The Annual Report shall identify what actions have been taken to comply with the said rules.

5. In order to protect surface water quality, stormwater exiting the site shall meet all applicable State water-quality standards. The Applicant/Developer shall develop a surface-water-quality, monitoring program if required in the permitting process. The following parameters shall be included within any required water-quality, monitoring program:

a. Sampling locations and specific parameters (including nutrients, pesticides, herbicides, and stormwater parameters), frequency (minimum of twice annually) of monitoring, and reporting shall be subject to Pasco County, the Florida Department of Environmental Protection (FDEP), and other appropriate regulatory bodies' approval.

b. All water-quality, analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/FDEP quality control standards and requirements.

c. The monitoring results shall be submitted to FDEP, SWFWMD, and Pasco County. Should the monitoring indicate that applicable State water-quality standards are not being met, the violation shall be reported to Pasco County and other appropriate regulatory bodies immediately. In the event, there is a violation of any State water quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the subbasin shall cease until the violation is corrected.

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

D. Wetlands:

1. Wetlands shall be protected in accordance with all applicable County, State, and Federal laws, rules, and regulations.

2. Development plans for each parcel in the project shall include specific limits of wetlands pursuant to wetland delineation surveys to be conducted in coordination with SWFWMD and other regulatory agencies as may be applicable.

3. Prior to development plan approval for any parcel, the Applicant/Developer shall submit a wetland/lake management plan to SWFWMD for review and to Pasco County for approval. The plan shall address, but not be limited to, control of exotic species, mitigation of impacted wetlands, control of on-site water quality, and restoration of natural hydroperiods in on-site wetlands.

4. Existing annual hydroperiods, normal pool elevation, and seasonal high-water elevations shall be substantially maintained in conformance with permitting by all appropriate jurisdictional entities.

5. Buffering around all wetland areas shall comply with the Comprehensive Plan policies current at the time of this DO approval or SWFWMD regulations at the time permits are obtained,

whichever is more restrictive, to provide an upland transition into the wetland areas and to protect the natural system from development impacts.

6. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the appropriate permitting agency.

E. Flood Plain/Disaster Preparedness:

1. Elevation for all habitable structures shall be at, or above, a 100-year flood-plain elevation. All preliminary plan/preliminary site plan submittals shall show 100-year flood-plain elevations. Roadways providing access to residential areas shall be at, or above, required elevations as identified in the Pasco County Land Development Code.

2. No fill shall be added within the 100-year flood plain without storage compensation as required by applicable regulations.

F. Wellfield Protection:

1. Within 200 feet of any public-supply well, a primary exclusion zone, the following uses are prohibited: new industrial uses; septic tank; leaching fields; landfills; facilities for the bulk storage, handling, or procession of materials on the *Florida Substance List*; commercial or industrial uses of hazardous material or wasters; junkyards or salvage operations; mines; wastewater treatment plants and similar facilities; pesticide-storage facilities; and animal-feed lots.

2. Within 1,000 feet of any public-supply well, a zone of secondary exclusion, the following uses are prohibited: landfills; facilities for the bulk storage, handling, or processing of materials of the *Florida Substance List*; commercial or industrial uses of hazardous materials or wasters; junkyards or salvage operations; mines; wastewater treatment plants and similar facilities; pesticide-storage facilities; and animal-feed lots.

3. All development must be consistent with Conditions V.F.1 and 2 above, until such time as the Evaluation and Appraisal Report (EAR) based Comprehensive Plan amendments become effective and Pasco County's Wellhead Protection Ordinance is amended to comply with the amended Comprehensive Plan policies. All development not determined to be vested, which is initiated subsequent to the EAR-based amendments becoming effective and the adoption of the revised Wellhead Protection Ordinance, shall comply with the ordinance.

G. Vegetation and Wildlife:

1. The Applicant/Developer shall comply with the rules and regulations, including the adopted Comprehensive Plan and Rule 9J-2.041, FAC, of all applicable agencies regarding the protection of regulated wildlife and plant species found on site. In the event any additional State or Federally listed species, nesting colonies of wading birds, or nesting Florida sandhill cranes are discovered on site during project development, the Applicant/Developer shall immediately notify the Florida Fish and Wildlife Conservation

Commission and implement the recommended measures for species protection in accordance with the requirements of Chapter 68A-27, FAC.

2. All development must be consistent with Condition V.G.1 above until such time as the Wildlife Habitat Protection Ordinance becomes effective, in which case the more restrictive shall apply.

H. Historical and Archaeological Sites:

Should any historical or archaeological resources be encountered within the project, measures shall be taken in coordination with the Florida Department of State, Division of Historical Resources, and Pasco County to either protect and preserve the site(s) in place or to mitigate any adverse impacts consistent with the requirements in Rule 9J-2.043, FAC. DO shall be amended to incorporate any required mitigation consistent with 1A-46, FAC. If any significant resources are found, a Certificate of Appropriateness must be obtained from the County pursuant to requirements of the Land Development Code.

I. Land:

1. Best Management Practices to reduce soil erosion and fugitive dust shall be implemented.

2. Prior to commencing development, the Applicant/Developer shall provide the Pasco County Engineering Services Department, Survey Division, with two (2) pair of Global Positioning Satellite control points with twenty-four (24) hour access. The location shall be mutually determined by the Applicant/Developer and the County Surveyor. The Applicant's/Developer's existing survey shall be valid for permitting purposes until final plat approval is requested.

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

1. The County has indicated that capacity exists, and water and wastewater services will be provided by Pasco County in accordance with Chapter 110 of the Pasco County Code of Ordinances as amended. The Applicant/Developer shall construct all water and wastewater facilities within the development to Pasco County standards in effect when application is made for connection.

2. Development of the project shall not result in Levels of Service for water and wastewater services below the acceptable Levels of Service established in the Comprehensive Plan.

3. The Applicant/Developer agrees to use the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water and groundwater. Potable water (i.e., water that is treated and provided through a public-distribution system) shall not be used for the irrigation of common areas if lower quality water becomes reasonably available.

4. Water-saving fixtures shall be required in the project as mandated by the Florida Water Conservation Act (Chapter 553.14, F.S.), and xeriscape-type landscaping shall be encouraged within the project. The Applicant/Developer is encouraged to coordinate its efforts with the Florida Yards and Neighbors Program.

5. High efficiency, water-saving devices; irrigation systems; and low-volume, plumbing fixtures will be used throughout the project.

6. Prior to construction, the Applicant/Developer shall provide the County with evidence that adequate water-supply capacity and wastewater capacity for that construction is available. The said assurance shall include adequate water supply for fire fighting purposes. Pasco County shall have the right to rely on assurances of adequate potable-water supply from Tampa Bay Water.

K. Solid/Hazardous/Biohazardous Waste and Recycling:

1. The County has determined that adequate capacity exists to process the solid waste generated by the project. The collection, transportation, and disposal of solid waste are controlled by Chapter 90 of the County Code of Ordinances and shall take place in accordance with the terms thereof.

2. Development of the project shall not result in Levels of Service for solid-waste collection/disposal below the acceptable Levels of Service established in the Comprehensive Plan. Documentation of adequate disposal capacity, including assurance of adequate hazardous/biohazardous waste and material disposal to service the project shall be obtained from Pasco County or other appropriate entities.

3. As stated in ADA, it is not anticipated that hazardous or toxic waste will be generated by the project. However, the Applicant/Developer or his designee shall advise businesses within the project of applicable statutes and regulations regarding hazardous waste and materials, including those listed in Rule 9J-2.044, FAC.

4. Solid-waste recycling shall be given a high priority, and a specific plan shall be submitted to and approved by Pasco County to maximize solid-waste recycling for all phases of and all types of development within CYPRESS CREEK DRI.

L. Energy:

1. All CYPRESS CREEK DRI tenants, businesses, and residents in the project shall be encouraged to:

a. Use energy alternatives, such as solar energy, waste-heat recovery, and cogeneration.

b. Use landscaping, building orientation, and building construction and design to reduce heat gain.

c. Institute programs to promote energy conservation by employees, buyers, suppliers, and the public.

d. Institute recycling programs.

e. Reduce levels of operation of all air-conditioning, heating, and lighting levels during nonbusiness hours.

M. Transportation:

1. Specific approval is hereby granted for the development of the CYPRESS CREEK DRI as defined herein, subject to the conditions outlined herein.

2. Access Management: The Applicant/Developer shall be responsible for construction of the access improvements to S.R. 56 for the project as described in Tables A and B below which improvements shall generally be as shown on Map H, attached hereto as Exhibit F, subject to compliance with the Florida Department of Transportation (FDOT) access-management regulations. These improvements are not eligible for impact fee credits.

TABLE A*
SUBPHASE A (2006) REQUIRED IMPROVEMENTS

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at West Project Driveway, North Side	N/A	N/A	Construct SB RT lane.
SR 56 at West Project Driveway, South Side	N/A	N/A	Construct NB RT lane.
S.R. 56 at Main Project Driveway	N/A	N/A	Construct EB and WB LT lanes; NB and SB LT, RT, and through lanes. Signalize when warranted by MUTCD.
S.R. 56 at East Project Driveway, North Side	N/A	N/A	Construct SB RT lane.
S.R. 56 at East-ernmost Project Driveway, North Side	N/A	N/A	Construct SB RT lane.

ACRONYM LISTING:

EB: Eastbound	MUTCD: Manual of Uniform Traffic Control
WB: Westbound	Devices
NB: Northbound	LT: Left-Turn
SB: Southbound	RT: Right-Turn

TABLE B*
SUBPHASE B (2006) REQUIRED IMPROVEMENTS

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement
S.R. 56 at Main Project Driveway	N/A	N/A	Construct second EB LT lane.

ACRONYM LISTING:

EB: Eastbound	MUTCD: Manual of Uniform Traffic Control
WB: Westbound	Devices
NB: Northbound	LT: Left-Turn
SB: Southbound	RT: Right-Turn

* Improvements listed in above Tables A and B correlate to the levels of development listed in the Project Composition and Phasing table on Page No. 3 of TBRPC's Final Report for DRI No. 244, Cypress Creek.

3. Mitigation Option: Proportionate Share.

a. The Applicant's/Developer's proportionate-share contribution for those improvement projects listed in Exhibit G (Transportation Impact Summary) attached hereto, as calculated in accordance with Rule 9J-2.045, FAC, is Five Million Fifty-Two Thousand Six Hundred Forty-Six Dollars (\$5,052,646) (the proportionate share). The Applicant/Developer or its successors elect this option to pay the proportionate share to the County as full mitigation for the transportation impacts of the project.

b. The Applicant/Developer shall, within ninety (90) days of this order, post with the County, a Surety Bond, Letter of Credit, or other form of assurance reasonably acceptable to the parties ensuring payment of the proportionate-share contribution by January 1, 2006. The amount of the bond, Letter of Credit, or other form of assurance may be reduced on an annual basis to equal the difference between the amount of Transportation Impact Fees already received by the County and the total proportionate-share contribution described above.

c. The County shall cease issuance of development permits or approvals, or revoke Building Permits or development approvals for the project if:

The Applicant/Developer does not deliver the described assurance within the time frame contained herein or fails to maintain the required assurance to the satisfaction of the County,

or,

The financial institution issuing the Letter of Credit or other form of assurance fails to pay the required amount to the County in accordance with the terms of the Letter of Credit. This condition does not apply to reasonable delays experienced by the financial institution relating to the processing of payment requests. The County may seek payment under the Letter of Credit or other form of assurance in accordance with the terms of the said instrument notwithstanding the amount of the development that has occurred at the point payment is sought.

d. I-75 Improvements:

Pasco County and FDOT recognize the significance of proceeding with improvements to I-75 along a corridor beginning in Pasco County at the intersection of I-75/I-275 and extending to the intersection of I-75/S.R. 54. It is the intent of both the County and FDOT to develop an improvement program for this portion of I-75 and utilize contributions from CYPRESS CREEK and other DRI projects in the impact area for construction of specific road improvements in 2008. This improvement program will be applied and implemented through the terms of this DO, other development agreements in the impact area, and Joint Participation Agreements with FDOT. FDOT is currently in the process of identifying specific improvements intended to increase capacity on the identified road network. This identification, planning, and design process shall be completed by the conclusion of 2005.

e. Alternative Improvements:

In the Year 2005, Pasco County and FDOT shall assess the status of the planning process relating to the described section of the I-75 corridor. If Pasco County and FDOT determine that it is no longer feasible to proceed with improvements to I-75, then DO shall be amended pursuant to Section 380.06(19), F.S., and alternative improvement(s) shall be identified by the County which reasonably benefit the project and the monies held by the County shall be allocated to the design, right-of-way acquisition, and construction of the said alternative improvements.

4. Trip Generation Monitoring: The Applicant/Developer shall provide external p.m. peak-hour counts and projected counts at the project entrances in conjunction with an application for approval of a preliminary plan/preliminary site plan. This analysis shall summarize the cumulative development quantities, including p.m. peak-hour inbound and outbound trip ends for existing and projected development. If the project's external trips exceed the estimated (projected, plus counted) project traffic as described in Exhibit H (Traffic Monitoring Volumes) by more than five (5) percent, the County may require the Applicant/Developer to provide a revised transportation analysis in accordance with Subsection 380.06(19), F.S., a DO amendment, and/or a recalculation of the proportionate-share amount. Initiation of this monitoring shall commence after the issuance of Certificates of Occupancy for fifty (50) percent of the project and shall also be continued to build-out. The monitoring data shall be included in each Annual Report. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Applicant/Developer and shall declare the project not to be in compliance with DO. Should the report not be submitted within thirty (30) days after such notification, all ongoing development activity, further issuance of Building Permits, and extension of services to the project shall cease immediately until the obligations of this paragraph have been satisfied.

5. Impact Fee Credits: The Applicant/Developer shall pay the impact fees to the County as development progresses at the point of Certificate of Occupancy issuance based upon the County's Transportation Impact Fee Ordinance. These impact fees will be used for the I-75 improvements until the amount of the impact fees paid equals Five Million Fifty-Two Thousand Six Hundred Forty-Six and 00/100 Dollars (\$5,052,646.00), the proportionate share, and, after that, the impact fee payments paid for the project will go into the County's normal impact-fee accounts. The impact fees going toward the I-75 improvements will be held by the County until the County and FDOT enter into a Joint Participation Agreement for the construction of the I-75 improvements. Notwithstanding the foregoing, the Applicant/Developer shall pay the entire proportionate share to the County no later than January 1, 2006.

The Applicant/Developer is eligible to apply for impact-fee credits pursuant to Chapter 380.06(16), F.S., and Pasco County Ordinance No. 90-04 as it may be amended, and the Applicant/Developer shall receive credits as authorized by the ordinance, this DO, and other land development regulations. Impact-fee credits are not transferable outside the project. Conditioned upon the assumption that the Applicant's/Developer's impact-fee payments will be held by the County and applied to construction of road

improvements along I-75 or alternative improvement(s) to be identified by Pasco County and amended into the DO, the timing of which might exceed the time periods set forth in Chapter 78-45 of the code, the Applicant/ Developer waives the right to refunds of impact fees paid but not encumbered or expended within the described time periods.

N. Air Quality:

Best Management Practices as identified in ADA shall be employed during site preparation and construction to minimize air quality impacts.

O. Health Care/Police/Fire:

Pasco County shall provide fire, police, and EMS service to the development. The Applicant/Developer shall be required to pay impact fees for such services at such time as the County adopts an impact fee ordinance for any or all of such services.

P. Housing:

The Applicant/Developer has completed an affordable housing assessment for the nonresidential component of CYPRESS CREEK DRI and determined that the existing housing supply is adequate to meet the anticipated demand for very low-, low-, and moderate-income, housing units for development of all planned commercial and office uses.

Q. General Conditions:

1. Should the Applicant/Developer divest it of all interest in the project prior to the expiration of this DO, the Applicant/Developer shall designate the successor entity to be responsible for preparation of the Annual Report, which designation shall be effective upon notification and consent by the County.

2. In the event ordinances or resolutions are adopted by the Board establishing County impact fees for the purpose of funding solid waste, public safety, libraries, and/or wildlife mitigation, the Applicant/Developer shall be required to pay the said fees, subject to applicable credits, in accordance with the ordinance(s) or resolution(s).

3. If the Applicant/Developer desires to abandon any part or all of this DRI, it must do so pursuant to Rule 9J-2.0251, FAC (Abandonment of Development Orders) as amended. Simultaneously with filing for abandonment, the Applicant/Developer shall file for a Comprehensive Plan amendment to remove the land use classifications that were adopted for this DRI and to return the land uses to those existing prior to approval of this DRI.

VI. PROCEDURES

A. Annual Reports:

1. Monitoring of the CYPRESS CREEK DRI by the County shall be the responsibility of the County Administrator or his designee.

2. The Applicant/Developer shall provide an Annual Report on the required form to the Pasco County Development Services Branch, TBRPC, and FDCA on the anniversary date of final adoption of this DO each year during the term of this DO. The contents of the Annual Report shall meet the requirements of Chapter 380.06(18), F.S., and shall include all additional data and information as required in this DO.

3. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Applicant/Developer and shall declare the project not to be in compliance with DO. Should the report not be submitted within thirty (30) days after such notification, all ongoing development activity, further issuance of Building Permits, and extension of services to the project shall cease immediately pursuant to Chapter 380.06(17), F.S., as amended until a public hearing has been held, pursuant to Chapter 380.06(19), F.S., as amended to determine if a substantial deviation has occurred.

4. In addition to the required elements of the Annual Report, the Applicant/Developer shall include:

- a. The cumulative number of units developed through the land-use tradeoff mechanism.
- b. The cumulative number of units (by type and square feet of retail and office) with site-plan approval (preliminary plan, construction plan, and site plan), final plat approval, and Certificates of Occupancy.
- c. A synopsis of all DRI and zoning amendments.
- d. A synopsis of ownership (major parcels).
- e. A list of DRI/DO conditions of approval and whether the said conditions have been met by the Applicant/Developer.
- f. A status of the payment of the proportionate-share contribution and amount of the related Letter of Credit.
- g. Applicable transportation-monitoring data.

5. The Applicant/Developer may not assign the obligation to submit the report or any part thereof without the consent of TBRPC and the County Administrator or his designee.

B. Amendments/Substantial Deviations:

Proposed changes to this DO are subject to review pursuant to the terms of DO and provisions of Chapter 380.06(19), F.S., as amended prior to implementation of such changes. Application to amend any provision of this DO shall be made on the required form (Notice of a Proposed Change to a Previously Approved DRI) and shall be provided by the Applicant/Developer to TBRPC, FDCA, and Pasco County.

C. Notice of Adoption:

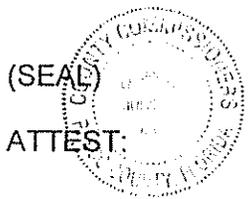
1. A Notice of Adoption of this resolution shall be filed and recorded in the Public Records of Pasco County, Florida, in accordance with Chapter 380.06(15)(f), F.S., as amended.

2. The Clerk of the Circuit Court, Secretarial Services, for the Board shall return eight (8) signed and certified copies of this DO and Notice of Adoption to the Pasco County Development Services Branch. The Pasco County Development Services Branch shall then send out the copies of each document to FDCA, TBRPC, and to the attorneys of record of these proceedings.

D. Severability:

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

DONE AND RESOLVED this 18th day of June, 2002



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ANN HILDEBRAND, CHAIRMAN

JED PITTMAN, CLERK

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

ATTORNEY

APPROVED
JUN 18 2002

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 THE COUNT-
Y'S OFFICIAL SEAL THIS June 19, 2002

JED PITTMAN, CLERK TO THE BOARD

Sandra Meidel, D.C.

EXHIBITS

- A. ADA*; Sufficiency Responses*
- B. TBRPC DRI Final Report*
- C. Legal Description
- D. Land Use Equivalency Matrix
- E. Applicant's/Developer's Commitments
- F. Map H
- G. Transportation Impact Summary
- H. Traffic Monitoring Volumes

* Incorporated by Reference

EXHIBIT A

ADA; SUFFICIENCY RESPONSES

Incorporated by reference copies are currently on file with Pasco County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

EXHIBIT B

TBRPC DRI FINAL REPORT

Incorporated by reference copies are currently on file with Pasco County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

EXHIBIT C

LEGAL DESCRIPTION

That part of Section 26, Township 26 South, Range 19 East, lying East of the right-of-way Interstate 75 Highway as now established, less the northern 900 feet of said Section 26, and less and except the road right-of-way for State Road 56, all lying and being in Pasco County, Florida. (410 Acres MOL).

EXHIBIT D

LAND USE EQUIVALENCY MATRIX

TABLE 1
(Revised 12/28/01)

CYPRESS CREEK DRI
LAND USE TRADE-OFFS

LAND USE TRADE-OFF RATES				
CHANGE TO →	Commercial	Multi-Family	Office	Hotel
CHANGE FROM ↓	(1,000 S.F.)	(DU)	(1,000 S.F.)	(Room)
Commercial (1,000 S.F.)	--	8.6574	3.5754	8.4167
Multi-Family (DU)	0.1155	--	0.4130	0.9722
Office (1,000 S.F.)	0.2797	2.4214	--	2.3540
Hotel (Room)	0.1188	1.0286	0.4248	--

MINIMUM AND MAXIMUM TRADE-OFF LIMITS			
Land Use	Minimum	Maximum	Measure
Commercial	350	750	1,000 S.F.
Multi-Family	370	800	DU
Office	524	780	1,000 S.F.
Hotel	0	500	Room

TRADE-OFF EXAMPLES

EXAMPLE 1: TRADE FROM COMMERCIAL TO OFFICE

Trade 5,000 S.F. of Commercial for ? (1,000) S.F. of Office
 $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 3.5754 \times (1,000) \text{ S.F. of Office}$
 $= 17.877 \times (1,000) \text{ S.F. Office}$
 $= 17,877 \text{ S.F. of Office}$

EXAMPLE 2: TRADE FROM COMMERCIAL TO MULTI-FAMILY

Trade 5,000 S.F. of Commercial for ? Multi-Family dwelling units
 $= (5,000 \text{ S.F.} / 1,000) \text{ Commercial} \times 8.6574 = 43 \text{ Multi-Family dwelling units}$

EXAMPLE 3: TRADE FROM MULTI-FAMILY TO HOTEL

Trade 300 Multi-Family dwelling units for ? Hotel rooms
 $= 300 \text{ Multi-Family dwelling units} \times 0.9722 = 292 \text{ Hotel rooms}$

SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES

Land Use	Total of North and South Sides [1]	Total Gross External Trips [1]	Trips / Measure
Commercial	656 (1,000 S.F.)	2,571	3.9192 Trips per 1,000 S.F.
Multi-Family	740 (DUs)	335	0.4527 Trips per DU
Office	624 (1,000 S.F.)	684	1.0962 Trips per 1,000 S.F.
Hotel	393 (Rooms)	183	0.4656 Trips per Room
	Total Gross External Trips =	3,773	

[1]: Cypress Creek DRI, Second Response to Request for Additional Information Report, Table 21.3B, Page TA-3; total of North and South sides.

EXHIBIT E

DEVELOPER'S COMMITMENTS

SECTION III - DEVELOPER COMMITMENTS DRI #244 - CYPRESS CREEK PASCO COUNTY

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

GENERAL

1. The wetlands associated with Cabbage Swamp on the north side of the project and those associated with Cypress Creek on the south side of the project will not be impacted. (Developer clarification - "effect for small areas as shown on revised Map H-1, dated January 26, 2001 and attached as Map 2 of this Report"). (ADA/Page 10-2/Response 10.B)
2. All isolated wetlands will have a buffer from development and appropriate protective measures will be used during construction to guard against pollution (SR1/Page 47/Response 10)
3. The project will use "reuse" water from Pasco County for non-potable (irrigation) purposes. (SR1/Page 48/Response 10)
4. Water saving devices, irrigation systems and low volume plumbing fixtures will be used throughout the development. (SR1/Page 48/Response 10)
5. Regionally significant natural resources will be protected by wetlands buffering, provision of open space and treatment of stormwater runoff. (SR1/Page 50/Response 10)
6. During construction appropriate steps will be used to prevent erosion. These steps will include the use of silt barriers and hay bales. (SR1/Page 50/Response 10)

VEGETATION, WILDLIFE AND WETLANDS

1. Additional buffer (for wetlands, in addition to that required by applicable regulations of Pasco County, SWFWMD and the FDEP) is being provided in the floodplain compensation areas and wetland mitigation areas. (ADA/Page 13-5)
2. Forested wetlands will be designed to compensate for losses to existing forested wetlands. (ADA/Page 13-8)
3. All isolated wetlands will be have a buffer from development and protective measures will be used during construction to guard against pollution. (SR1/Page 47)

4. All regionally-significant natural resources located on the project's site will be protected and/or preserved, as appropriate. (SR1/Page 49)
5. Regionally significant natural resources will be protected by wetlands buffering, provision of open space, and treatment of stormwater runoff. (SR1/Page 50)
6. If necessary, appropriate passive controls (such as walk-through-only gates) and signs will be used to control access to preserved areas and eliminate undesirable uses. (SR1/Page 71)
7. The applicant will maintain the existing connection between (the wetland amid parcels 5-8) and Cypress Creek. (SR2/Page 3).

WATER QUALITY AND STORMWATER MANAGEMENT

1. The drainage system will be designed to provide protection of the surface water quality through the use of grass swale systems for treatment of runoff, detention ponds to allow for sedimentation of suspended solids, and stormwater attenuation ponds prior to discharging to existing surface water drainage system. The design will incorporate on site retention of the first one half inch of runoff or runoff from the first inch of rainfall. The wetland areas on site will be incorporated into the construction designs for retention and treatment purposes. (ADA/Page 14-16)
2. Lake Control water levels will be established at the seasonal high water level of existing wetlands and verified by SWFWMD during the permitting process. (ADA/Page 19-3)
3. Wetland hydroperiods will be maintained in the post developed conditions. (ADA/Page 19-7)
4. All of the project's stormwater facilities will be regularly inspected and appropriately maintained. (SR1/Page 49)
5. To prevent any adverse effects to the ground water quality during construction, no excavation into the confining clay layer or the underlying limestone is proposed. Surface water quality will be maintained through the use of conventional engineering practices such as diversion swales, temporary sediment stumps, silt fences, and storm inlet protection. The sediment and erosion control methods will prevent sediment from entering Cypress Creek and Cabbage Swamp. (SR1/Page 55).
6. Some of the stormwater ponds in more visible area will be enhanced with aesthetic amenities, such as aeration fountains and littoral shelf plantings to improve their appearance and function. (SR1/Page 57)
7. Hydrology of the wetland areas will be monitored to prevent the wetland systems from being adversely affected. (SR1/Page 94)

SOILS

Silt barriers and hay bales will be used to control runoff. Silt barriers will be used to limit wind-driven erosion of fine-grain soils. At the completion of each workday, all areas will be graded to reduce erosion. Grading will be done in such a manner as to reduce the velocity of runoff. All runoff will be directed to the site settling ponds before water is discharged from the site. Hay bales will be used extensively to reduce and control the velocity of runoff (ADA/Pages 15-2 through 15-3).

WATER SUPPLY

1. No water irrigation wells exist on the site or are proposed (ADA/Page 17-6/Response 7.c).
2. In the event reclaimed water is available, as solely determined by Pasco County, for nonpotable water uses, the developer intends to utilize and extend Pasco County's reuse water system by tapping into the nearest available source and distributing reuse mains throughout the project. . . . (ADA/Page 17-6/Response 17.D).

WASTEWATER MANAGEMENT

No septic tanks are proposed for this development (ADA/Page 18-7/Response 18.D).

AIR QUALITY

Fugitive dust will be controlled by moistening exposed soil on a regular basis during site preparation and construction activities (ADA/Page 22-1).

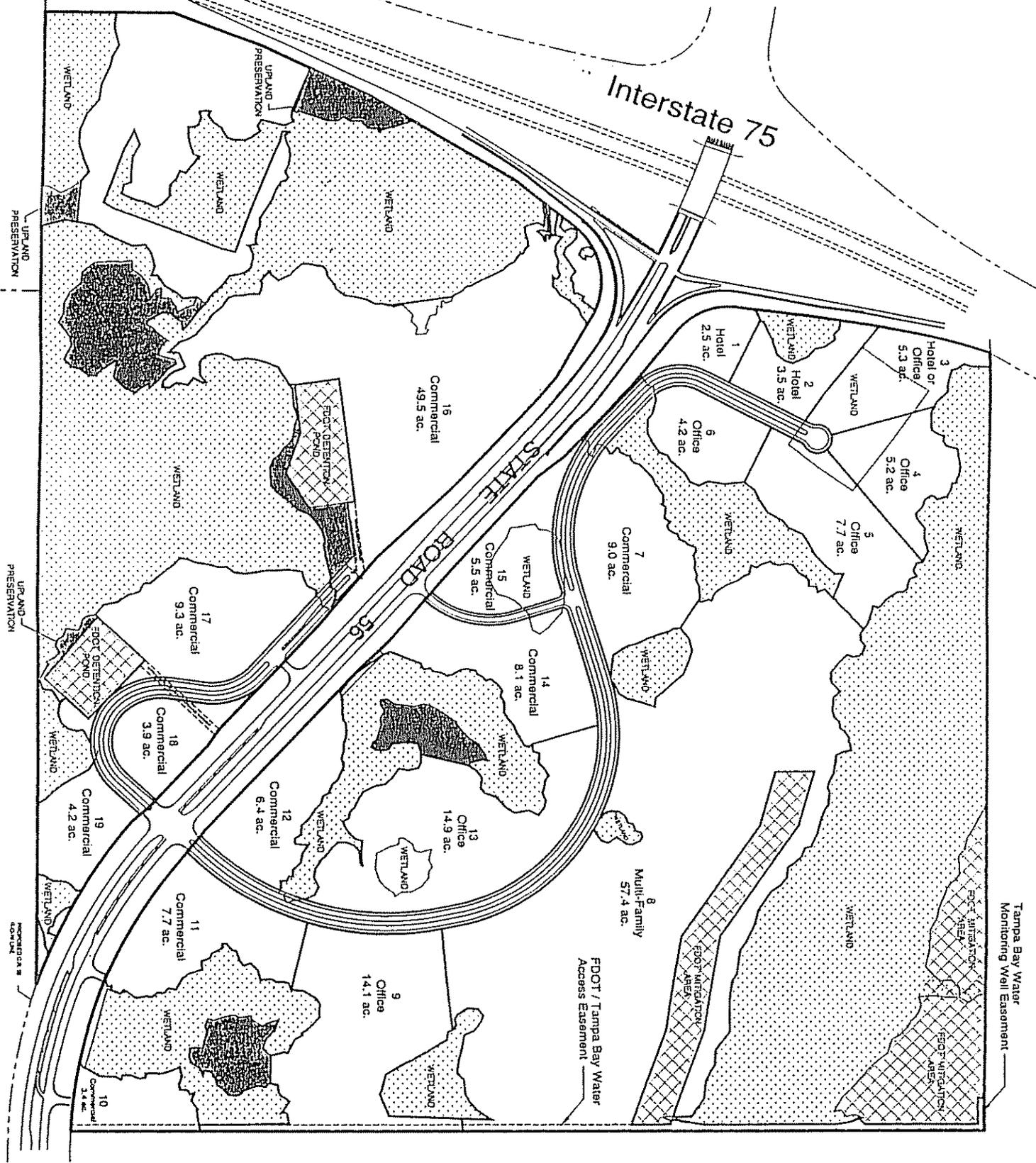
EXHIBIT F

MAP H

Map H as revised, is currently on file in Pasco County. Additional copies will be delivered to you upon your request.

Interstate 75

STATE ROAD 35

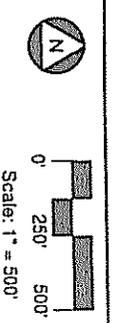


Tampa Bay Water
Monitoring Well Easement

LEGEND

- CYPRESS CREEK DRI BOUNDARY
- DEVELOPMENT FOD BOUNDARY
- WETLANDS
- IMPACTED WETLANDS
- AREA OWNED BY FDOT
- UPLAND PRESERVATION

NOTE:
Acreages shown in each development parcel represent gross developable acreage.



REVISED MAP H - 1
(December 10, 2001)
MASTER DEVELOPMENT PLAN
CYPRESS CREEK DRI

ENGELHARDT HAMMER & ASSOCIATE S
Urban Planning Services
344 Bay Center Drive, Suite 122, Tampa, FL 33609
Telephone 813.287.3855, Fax 813.286-2108

EXHIBIT G

TRANSPORTATION IMPACT SUMMARY

TABLE 2

Cypress Creek DRI
 Needed Off-Site Improvements: Proportionate Share Costs
 July 17, 2001

Roadway	Segment	Improvement Cost		Existing Capacity		Improved Capacity		Capacity Increase		Cypress Creek DRI Traffic		Proportionate Share %		Cypress Creek DRI Proportionate Share [2001 Dollars]		Total
		MB/EB	SB/WB	MB/EB	SB/WB	MB/EB	SB/WB	MB/EB	SB/WB	MB/EB	SB/WB	MB/EB	SB/WB	MB/EB	SB/WB	
Highway 75	Fletcher Avenue to Bruce E. Downs Blvd.	\$5,919,418	\$6,919,418	N/A	3,741	N/A	5,639	N/A	1,898	N/A	200	N/A	29.35%	N/A	\$761,938	\$761,931
	i-275 Interchange to SR 56	\$2,785,928	\$2,785,928	4,532	N/A	6,120	N/A	1,588	N/A	486	N/A	19.60%	\$1,498,007	\$1,072,064	\$820,455	\$2,530,522
	SR 56 to SR 54	\$5,471,101	\$5,471,101	2,821	2,821	4,452	4,452	1,631	1,631	408	300	26.25%	N/A	\$356,414	N/A	\$356,414
Bruce E. Downs Blvd. / Foggy Ridge Parkway to SR 56 / SR 54	Countyline Road to SR 56	\$1,266,721	\$1,266,721	1,800	N/A	2,400	N/A	600	N/A	228	N/A	39.14%	N/A	\$496,575	\$496,575	
	Foggy Ridge Parkway to SR 56	\$1,266,721	\$1,266,721	1,850	1,850	2,780	2,780	930	930	267	264	26.71%	N/A	\$496,575	\$496,575	
															Total =	\$4,967,466

N/A: Cypress Creek DRI traffic is not significant in this direction.

TABLE 3
CYPRESS CREEK DRI

Proportionate Share Cost of Off-Site Intersection Improvements
July 17, 2001

Roadway	Intersection	Improvement	Right-of-Way [2]	Engineering, Etc., [1]	Constructio	Traffic Signal	Total Cost	Proportionate Percentage	Proportionate Share Cost
CR 581	Countyline Road	NB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.90%	\$8,909
		EB Right turn	\$6,783	\$10,982	\$32,300	\$0	\$50,065	8.90%	\$4,454
SR 54	Coillier Parkway	NB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	9.10%	\$9,116
		NB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		SB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		EB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		WB Left turn	\$13,566	\$21,964	\$64,600	\$0	\$100,130	8.68%	\$8,696
		SB Right turn	\$6,783	\$10,982	\$32,300	\$0	\$50,065	5.11%	\$2,557
	Curley	Signalize	\$0	\$0	\$0	\$150,000	\$150,000	16.91%	\$25,360
	Livingston								
Total =									\$85,180

NOTES [1]: 34 percent of construction cost; 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000
[2]: 21 Percent of construction cost; 1999 Transportation Costs, Office of Policy Planning, FDOT, July 2000

EXHIBIT II

Cypress Creek DRI

Traffic Monitoring Volumes

Project Build-Out: Driveway Vehicle Counts, PM Peak Hour

Driveway Locations	Driveway Vehicle Count		Total Driveway Vehicle Count
	Inbound	Outbound	
North side of SR 56	1,103	1,606	2,709
South side of SR 56	659	713	1,372
Both Sides of SR 56	1,762	2,319	4,081

Total inbound internal capture= 324 trips, total outbound internal capture= 324 trips
Source: Table 21.3B revised 12/21/00, second sufficiency response.

Notes: 1- The numbers above represents counts at S.R. 56. If the development interconnects with other developments then this table may need to be revised.

2- The internal capture is only assumed for the North side of S.R. 56.

NOTICE OF ADOPTION OF THE
DEVELOPMENT ORDER FOR THE CYPRESS CREEK
DEVELOPMENT OF REGIONAL IMPACT

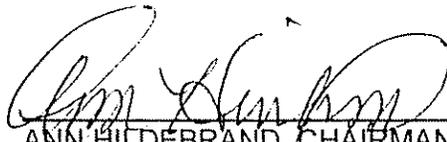
Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 02-181 dated 6-18-02, has adopted the development order for a Development of Regional Impact known as CYPRESS CREEK (Resolution No. _____). The above-reverenced development order constitutes a land development regulation applicable to the property described in Exhibit C of the development order.

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

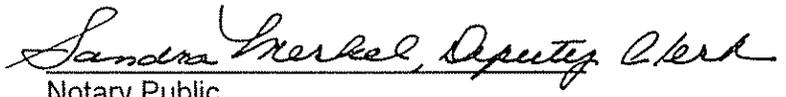
The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "C" nor actual constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.



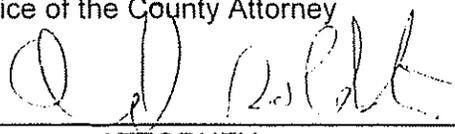
State of Florida)
County of Pasco)

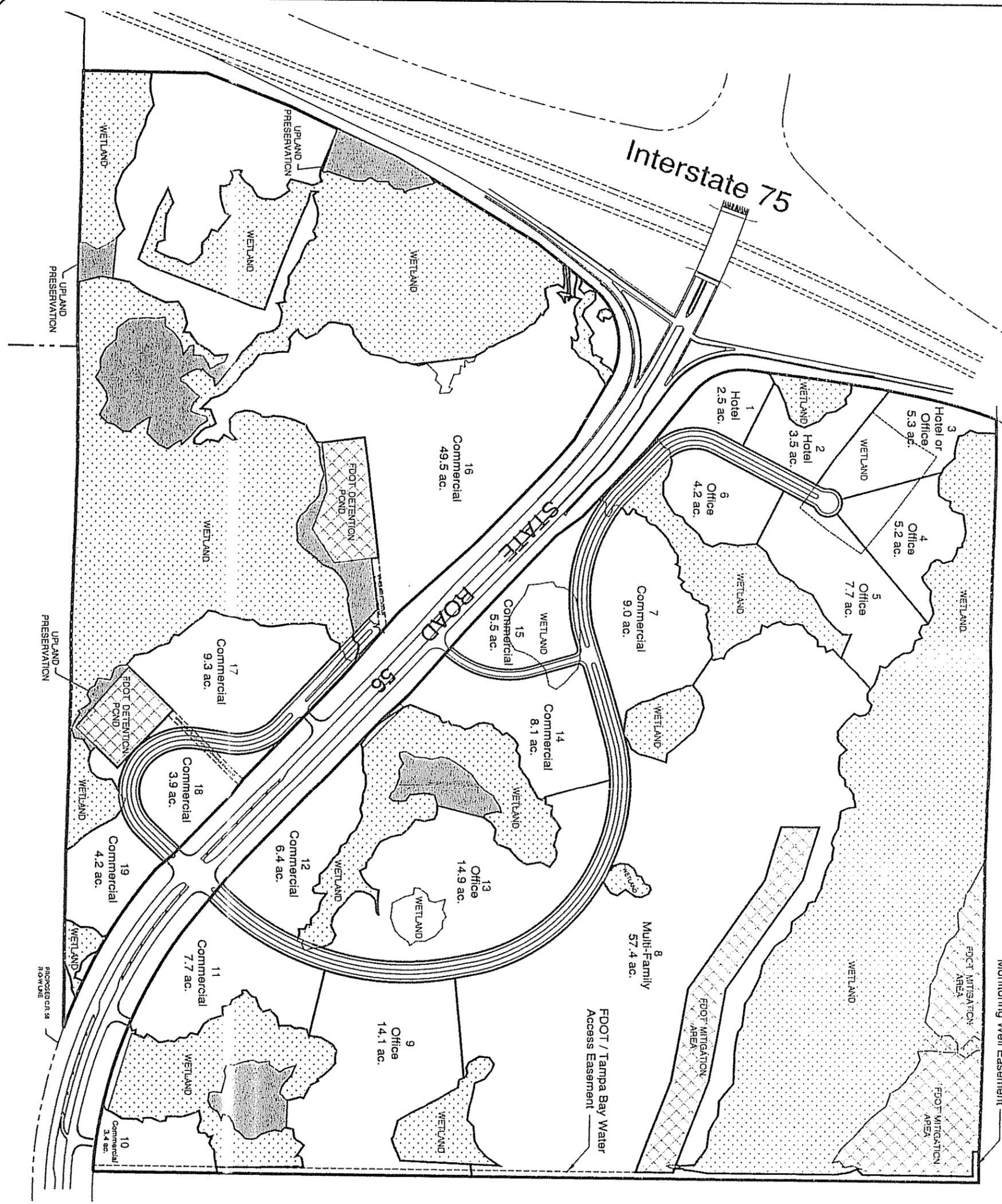

ANN HILDEBRAND, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

The foregoing Notice of Adoption of Development Order was acknowledged before me this 18th day of June, 2002.


Notary Public
State of Florida at Large
My Commission Expires:

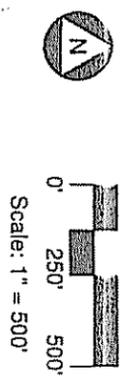
APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the County Attorney

BY: 
ATTORNEY



- LEGEND**
- CYPRESS CREEK DRI BOUNDARY
 - DEVELOPMENT POD BOUNDARY
 - WETLANDS
 - ▨ IMPACTED WETLANDS
 - ▧ AREA OWNED BY FDOT
 - ▩ UPLAND PRESERVATION

NOTE:
 Acres shown in each development parcel represent gross developable acreage.



REVISED MAP H - 1
 (December 10, 2001)
 MASTER DEVELOPMENT PLAN
 CYPRESS CREEK DRI

E. NOELHARDT, HAMMER & ASSOCIATE S
 Urban Planning Services
 5444 Bay Center Drive, Suite 122, Tampa, FL 33609
 Telephone 813 282-3855, Fax 813 286-2308