#38

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

June 26, 2003

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St, Petersburg, FL 32399-2100

RE: Pine Ridge at Sugar Creek – Impact/Notice of Proposed Change/Development Order

Dear Mr. Meyer:

Enclosed please find a certified copy of the Pine Ridge at Sugar Creek Notice of Proposed Change, Development Order (Resolution No. 03-180), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. This development order approved by the Pasco County Board of County Commissioners on June 17, 2003.

Please feel free to contact this office if you have any questions.

Sincerely,

Deversray L. Garner
Planner II

DLG/dlg
Enclosure

cc: Samuel P. Steffey II, Growth Management Administrator
Michael LaSala, AICP, Planner II

(GM03-1090)

BY COMMISSIONER _____ RESOLUTION NO. 03-180

SUGAR CREEK DEVELOPMENT OF REGIONAL IMPACT/ DEVELOPMENT ORDER AMENDMENT

RESOLUTION AMENDING RESOLUTION NO. 99-286, BY REVISING MAP "H" TO PROVIDE FOR THE ESTABLISHMENT OF A RESIDENTIAL UNIT CONVERSION MATRIX BETWEEN APPROVED MULTIFAMILY DWELLING UNITS AND SINGLE-FAMILY DWELLING UNITS; PROVIDING FOR NECESSARY CHANGES TO THE MASTER PLAN AND MAP "H"; AND PROVIDING FOR THE ESTABLISHMENT OF A BUILD-OUT DATE.

WHEREAS, on October 22, 1974, Pasco County approved a development order (DO) for a 613-acre Development of Regional Impact (DRI) known as Sugar Creek, which included 3,583 dwelling units (single-family, cluster, and multifamily), 325,000 square feet of commercial area, a nine (9) hole golf course, nature trails, and a 184-acre nature preserve. Pasco County placed a PUD Planned Unit Development zoning designation on the 613-acre Sugar Creek DRI in 1976 with the adoption of the Pasco County Zoning Ordinance. Development of the proposed and approved Sugar Creek DRI did not occur. In 1977, portions of the Sugar Creek DRI were sold and rezoned. This resulted in three (3) separate subdivisions known as Sugar Creek Subdivision, Shadow Ridge Subdivision, and Hollynne Woods Subdivision; and,

WHEREAS, on July 7, 1981, Pasco County adopted Resolution No. 81-130, which revised the 1974 Sugar Creek DRI/DO to reflect the changes in the land uses, the development plan, and the ownership of the DRI property. Pasco County also determined that the revision of the Sugar Creek DRI was not a substantial deviation from the Sugar Creek DRI. On July 7, 1981, Pasco County approved a rezoning of Hollynne Woods Subdivision, creating a PUD Planned Unit Development. Pursuant to Section 380.06, Florida Statutes (F.S.), Resolution No. 81-130 was submitted to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (FDCA). The 1981 DO was not appealed; and,

WHEREAS, in 1985, K. Hovnanian at Pasco I, Inc. (Hovnanian), purchased the Hollynne Woods Subdivision and submitted a revised plan of development to Pasco County. The revised plan proposed the following in the master plan dated July 22, 1985: 1) rename the Hollynne Woods Subdivision to the Pine Ridge Subdivision; 2) the development of 918 multifamily dwelling units of one (1), two (2), and three (3) stories with private streets; and 3) approximately 14.6 acres of commercial development. On October 1, 1985, Pasco County approved the revised development plan for the Pine Ridge Subdivision (PL85-923) and determined that the revision was not a substantial deviation from the Sugar Creek DRI (PL85-924). On October 28, 1985, Pasco County sent Memorandum Nos. PL85-923 and PL85-924 to TBRPC. Based upon Pasco County's approval of the 1985 revised development plan, Hovnanian commenced development of the Pine Ridge Subdivision; and,

WHEREAS, in 1990, Pasco County submitted documentation to FDCA illustrating the rezoning of another parcel within the Sugar Creek DRI. On November 6, 1990, a Notice of Proposed Change (NOPC) to the Sugar Creek DRI was submitted to FDCA proposing a change to Shadow Run, Unit Three. Upon receiving this information, FDCA notified Pasco County that the 1981 DO amendment, authorized by Resolution No. 81-130, was the last approved development for the Sugar Creek DRI. On January 8, 1991, Pasco County submitted to FDCA copies of the action taken on the Sugar Creek DRI, including copies of the 1985 Interoffice Memorandum Nos. PL85-923 and PL85-924. On March 8, 1991, FDCA notified Pasco County that the 1985 development

approvals authorizing the development of the Pine Ridge Subdivision were not DRI/DO amendments and were not properly rendered to FDCA. FDCA took the position that future development of the Pine Ridge Subdivision could not occur until there was an amendment to the 1981 DRI/DO approved by Resolution No. 81-130. FDCA did not recognize the 1985 Pasco County action authorizing the development of the Pine Ridge Subdivision as an amendment to the 1981 DRI/DO; and,

WHEREAS, on March 19, 1992, Hovnanian, unclear of his legal rights given the position taken by FDCA, filed a complaint for a Declaratory Judgment in Pasco County Circuit Court listing both Pasco County and FDCA as defendants. Hovnanian, Pasco County, and FDCA negotiated a settlement resulting in the September 1999 Agreement and Resolution No. 99-286. The agreement of the parties, in part, was as follows:

1. Pasco County agreed to amend the Sugar Creek DRI/DO to accurately reflect the cumulative changes to the project and the current status of development as it specifically relates to the Pine Ridge Subdivision.

2. The development plan of the remainder of DRI was the 1981 Revised Master Plan and the approved development for Pine Ridge at Sugar Creek, formerly Hollynne Woods, consisted of 273 acres and 918 multifamily dwelling units. Any additional changes would be subject to the requirements of Chapter 380.06(19), F.S.; and,

WHEREAS, on September 19, 2002, K. Hovnanian at Pasco I, Inc., filed NOPC to an approved DO, pursuant to Section 380.06(19), F.S.; and,

WHEREAS, NOPC requested the establishment of a Residential Unit Conversion Matrix between approved multifamily dwelling units and single-family dwelling units; and,

GENERAL FINDINGS OF FACT

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

1. Resolution No. 99-286 allowed development of 918 multifamily residential units within the 273 acres of Pine Ridge at Sugar Creek.

2. Hovnanian has filed NOPC to a previously approved DRI/DO on FDCA Form No. RPM-BSP-PROPOCHNGE-1.

3. The proposed change would establish a residential density exchange matrix between approved multifamily dwelling units and single-family dwelling units and modify Map "H" accordingly.

4. The Pasco County Growth Management Department has received an Environmental Assessment submitted by the developer on February 21, 2003.

5. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of the said DRI in accordance with Section 380.06, F.S.

6. The proposed change would correctly identify the approved alternative densities on revised Map "H."

7. The Pasco County Board of County Commissioners has considered the above-referenced request at a public hearing on May 20, 2003.

8. The Board of County Commissioners has received and considered the recommendations of the Pasco County Development Review Committee; and,

CONCLUSIONS OF LAW

WHEREAS, the Pasco County Board of County Commissioners, having made the above findings of fact, reached the following conclusions of law:

1. The proposed changes will not unreasonably interfere with the achievement of the adopted State Comprehensive Plan.

2. The proposed changes are consistent with the adopted Pasco County Comprehensive Plan.

3. The proposed changes do not create additional impacts to the public facilities or any type of regional impact over those treated under DO.

4. The proposed changes, although presumed to be, do not constitute a substantial deviation from DO, pursuant to Section 380.06, F.S., inasmuch as the developer has provided satisfactory rebuttal to the presumption in NOPC.

5. Nothing herein shall limit or modify the rights originally approved by DO or the protection afforded under Section 163.3167(8), F.S.

6. The proposed changes are consistent with the provisions of Section 402, Pasco County Land Development Code.

7. These proceedings have been duly conducted pursuant to applicable laws and regulations; and based upon the record and these proceedings, the various departments of Pasco County and the developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

8. The review by Pasco County, TBRPC, FDCA, and 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 previously reviewed in the Application for Approval.

ORDER

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

1. The above-referenced proposed change to the Sugar Creek DRI is not a substantial deviation and, therefore, does not require further DRI review pursuant to Chapter 380.06(19), F.S., as amended.

2. The proposed change to the Sugar Creek DRI is approved and Resolution No. 99-286 is hereby amended by incorporating the revised Map "H," attached hereto, as the current master plan for the Sugar Creek DRI.

3. The trade-off mechanism establishing the Residential Unit Conversion Matrix of one (1) multifamily unit equals .535 single-family detached unit for Pine Ridge at Sugar Creek is approved allowing the developer the alternative to build either single-family detached units or multifamily units.

4. The Pine Ridge at Sugar Creek Substantial Deviation Determination Chart is approved and attached hereto as Exhibit "C."

5. DO (Resolution No. 99-286) is amended to add the additional following condition:

The developer shall submit and obtain Pasco County approval of a full and complete environmental/habitat study prepared by a qualified, professional biologist prior to submittal of the first preliminary plan/preliminary site plan for Pine Ridge at Sugar Creek. The Pasco County Development Review Committee may require additional conditions at the time of the preliminary plan approval.

6. Build-out of Project: The build-out date of the Pine Ridge at Sugar Creek portion of DRI shall be December 31, 2011. Any delay in the build-out date shall require a new transportation analysis in accordance with Chapter 380.06, F.S., as the basis for a DO amendment.

EFFECTIVE DATE

This resolution shall take effect immediately upon the expiration of the appeal period provided in Section 380.07, F.S., as amended.

NOTICE OF ADOPTION

Upon approval of this resolution by the Pasco County Board of County Commissioners, 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), F.S., as amended.

CERTIFIED COPIES

The Clerk of the Pasco County Board of County Commissioners shall return five (5) certified copies of this resolution to the Pasco County Growth Management Department, which shall send copies of each document to FDCA and TBRPC, and to the attorneys of record in these proceedings.

DONE AND RESOLVED THIS 17th DAY OF June, 2003.

COUNTY COMMISSIONERS ORGANIZED JUNE 2nd 1887 PASCO COUNTY, FLORIDA

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

Kelley A Collins DC
JED PITTMAN, CLERK

THEODORE J. SCHRADER, CHAIRMAN

APPROVED
JUN 17 2003

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

ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND THE COUNTY'S OFFICIAL SEAL THIS June 20 2003
JED PITTMAN, CLERK TO THE BOARD
BY Kelley A Collins D.C.

#38

PASCO COUNTY, FLORIDA

GROWTH MANAGEMENT/ZONING DEPT.
WEST PASCO GOVERNMENT CENTER, S-320
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(727) 847-8140

October 15, 1999

John Meyer
DRI Coordinator
Tampa Bay Reg. Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, FL 33702-2419

RE: Sugar Creek Development of Regional Impact/K. Hovnanian
at Pasco I, Inc.
File No. AGM-99-059; ADA 875-007

Dear Mr. Meyer:

Attached is a fully executed, original, Agreement between the Florida Department of Community Affairs (DCA), K. Hovnanian at Pasco I, Inc. and Pasco County. The Agreement identifies the development rights for the Pine Ridge subdivision at Sugar Creek Development of Regional Impact (DRI).

Should you have any questions, please contact me.

Sincerely,

Samuel P. Steffey II

Samuel P. Steffey II
Growth Management Administrator

SPS/ca

Attachment

cc: Michael LaSala, AICP, Planner II
File copy

AGREEMENT

THIS AGREEMENT is made and entered into by and between PASCO COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter called "COUNTY," the FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, hereinafter called "DEPARTMENT," and K. HOVNANIAN AT PASCO I, INC., hereinafter called "HOVNANIAN." In entering into this agreement, the parties desire to avoid the further expense, delay, and uncertainty of litigation regarding the Sugar Creek Development of Regional Impact (DRI). The grounds for this agreement are as follows:

W I T N E S S E T H:

On October 22, 1974, COUNTY approved a development order (DO) for a 613-acre DRI known as Sugar Creek.

The approved Sugar Creek DRI included 3,583 dwelling units (single-family, cluster, and multifamily), 325,000 square feet of commercial area, a nine-hole golf course, nature trails, and a 184-acre nature preserve.

With the adoption of the Pasco County zoning ordinance in 1976, a PUD Planned Unit Development zoning designation was placed on the 613-acre Sugar Creek DRI property.

Development of the Sugar Creek DRI, as originally proposed, never commenced. In 1977, portions of DRI were sold and rezoned, resulting in the original DRI being separated into three separate subdivisions known as Sugar Creek Subdivision, Shadow Ridge Subdivision, and Hollynne Woods Subdivision.

On July 7, 1981, COUNTY adopted Resolution No. 81-130, which revised the 1974 Sugar Creek DRI/DO to reflect the changes in the land uses, the development plan, and the ownership of the DRI property. COUNTY also determined that the revision to the Sugar Creek DRI was not a substantial deviation from the Sugar Creek DRI. On July 7, 1981, COUNTY approved a rezoning of the Hollynne Woods Subdivision, creating a PUD Planned Unit Development.

Pursuant to Section 380.06, Florida Statutes, Resolution No. 81-130 was rendered to the Tampa Bay Regional Planning Council (TBRPC) and DEPARTMENT. The 1981 DO was not appealed.

In 1985, HOVNANIAN purchased the Hollynne Woods Subdivision and submitted a revised plan of development to COUNTY. The revised plan proposed to rename the Hollynne Woods Subdivision as the Pine Ridge Subdivision and included the proposed development of 918 multifamily dwelling units of one, two, and three stories with private streets and approximately 14.6 acres of commercial development on 273 acres, as indicated in the master plan dated July 22, 1985.

On October 1, 1985, COUNTY approved the revised development plan for the Pine Ridge Subdivision (PL85-923) and also determined the revision not to be a substantial deviation from the Sugar Creek DRI (PL85-924).

On October 28, 1985, COUNTY transmitted Memorandums PL85-923 and PL85-924 to TBRPC.

There is a dispute among the parties as to whether COUNTY properly adopted any ordinance or resolution approving the 1985 amendment to the Sugar Creek DRI/DO and whether such amendment was ever rendered to DEPARTMENT for review pursuant to Section 380.06, Florida Statutes.

Based on the approval by COUNTY of the 1985 revised development plan, HOVNANIAN commenced development of the Pine Ridge Subdivision.

In 1990, COUNTY submitted documentation to DEPARTMENT illustrating the rezoning of another parcel of property within the Sugar Creek DRI. On November 6, 1990, a Notice of Proposed Change to the Sugar Creek DRI was submitted to DEPARTMENT proposing a change to Shadow Run, Unit Three. Subsequent to the receipt of the information, DEPARTMENT notified COUNTY that the 1981 DO amendment authorized by Resolution No. 81-130 constituted the last approved development for the Sugar Creek DRI.

On January 8, 1991, COUNTY submitted to DEPARTMENT copies of action take on the Sugar Creek DRI, including copies of the 1985 Interoffice Memorandums PL85-923 and PL85-924.

On March 5, 1991, DEPARTMENT notified COUNTY that the 1985 development approvals authorizing development of the Pine Ridge Subdivision were not DRI/DO amendments and were not properly rendered. DEPARTMENT'S position was that the action taken by COUNTY approving the proposed development in 1985 was null and void because it did not result in an amendment to DRI/DO properly rendered to DEPARTMENT, and that an amendment to the DRI 1981 DO approved by Resolution No. 81-130 was necessary before any further development could occur at the Pine Ridge Subdivision.

On March 19, 1992, having proceeded in good faith with development plans which were approved by COUNTY, HOVNANIAN, not sure of its legal rights given the position of DEPARTMENT, filed a complaint for Declaratory Judgment in Pasco County Circuit Court which listed both DEPARTMENT and COUNTY as defendants.

On July 24, 1992, DEPARTMENT filed an answer and counterclaim against HOVNANIAN, and a cross-claim against COUNTY.

The parties wish to avoid the expense, further delay, and uncertainty of litigation concerning the Sugar Creek DRI development issues. Accordingly, the parties have negotiated this agreement which seeks to resolve all issues raised.

Pursuant to Section 380.032(3), Florida Statutes, DEPARTMENT is authorized to enter into agreements with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes, or any rule promulgated thereunder.

NOW, THEREFORE:

1. COUNTY agrees to amend the Sugar Creek DRI/DO to accurately reflect the cumulative changes to the project and the current status of development as it specifically relates to the Pine Ridge Subdivision. The parties hereby agree that the current status of development of the Sugar Creek DRI for the Pine Ridge Subdivision portion of DRI (formerly Hollynne Woods Subdivision) is reflected in the resolution attached to this agreement as Exhibit 1.

2. The parties agree that COUNTY'S adoption of the attached being in settlement of litigation and not the manner of charge contemplated by Section 380.06(19), Florida Statutes, shall not require a formal DRI modification set forth in that subsection. Accordingly, all that shall be required to adopt the resolution is an advertised pubic hearing before COUNTY. Further, DEPARTMENT agrees that if the attached resolution is adopted by COUNTY, DEPARTMENT will not appeal pursuant to Section 380.07, Florida Statutes.

3. The development plan for the remainder of DRI is the 1981 Revised Master Plan (see attachment) and the development approved below:

Subdivision	Acreage	Dwelling Units
Sugar Creek	70.00	48
Shadow Ridge	38.44	126
I	11.59	48
II	17.27	58
III	10.27	80
Shadow Lakes Estates	32.00	65
Unit I	5.48	11
Shadow Lakes I	50.00	150
II	40.19	129
West Coast Communities		
Multifamily	54.00 (approx.)	316
Commercial	11.00 (approx.)	
Pine Ridge at Sugar Creek		
(formerly Hollynne Woods)	273.00	918
TOTAL	613.24	1,949

Any changes to the development plans for the remainder of the Sugar Creek DRI shall be subject to the requirements of Chapter 380.06(19), Florida Statutes.

4. The parties acknowledge their disagreement over whether the subject development approval actions taken by COUNTY are consistent with the provisions of Chapter 380, Florida Statutes, relating to DRI'S and the administrative rules promulgated thereunder and have entered into this agreement solely in the spirit of compromise. This agreement shall not be deemed to constitute a waiver of any party's position with regard to the proper interpretation and implementation of statutory and regulatory provisions relating to DRI'S, and shall not be given precedential effect with regard to any other DRI/DO for other projects.

5. Upon completion of the tasks found in this agreement, the parties agree to release each other party from any and all claims of whatever nature which arises or may arise out of the above-styled complaint, counterclaim, and cross-claim concerning the Sugar Creek DRI. Each party shall bear its own costs and attorney's fees incurred in this proceeding.

6. This agreement affects the rights and obligations of the parties under the provisions of Chapter 380, Florida Statutes, relating to DRI'S. It is not intended to influence or determine the authority or decisions of any other State or local government or agency in issuance of any other permits or approvals that might be required by State law or local ordinance for any development authorized by this agreement.

7. This agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

8. This agreement shall be binding on the parties, their heirs, successors, and assigns.

9. This agreement constitutes the entire agreement of the parties. This agreement may be modified or amended only by a separate writing signed by all parties hereto.

10. The effective date of this agreement is the date the last party signs this agreement.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing agreement on this _____ day of _____, 19____.

(SEAL)
ATTEST:

BY: _____
JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: _____
ANN HILDEBRAND, CHAIRMAN

APPROVED
SEP 08 1999

WITNESSES:

_____

_____

BY: _____

(SEAL)

Beth A. Elrod
MY COMMISSION # CC810818 EXPIRES
March 1, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

ATTEST:

BY: Beth A. Elrod

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

BY: J. Thomas Beck

WITNESSES:

_____

_____

BY: J. Thomas Beck

(SEAL)

ATTEST:

BY: Diane J. Bellard, Asst. Sec.

K. HOVNANIAN AT PASCO I, INC.

BY: Jon Rapaport, President

WITNESSES:

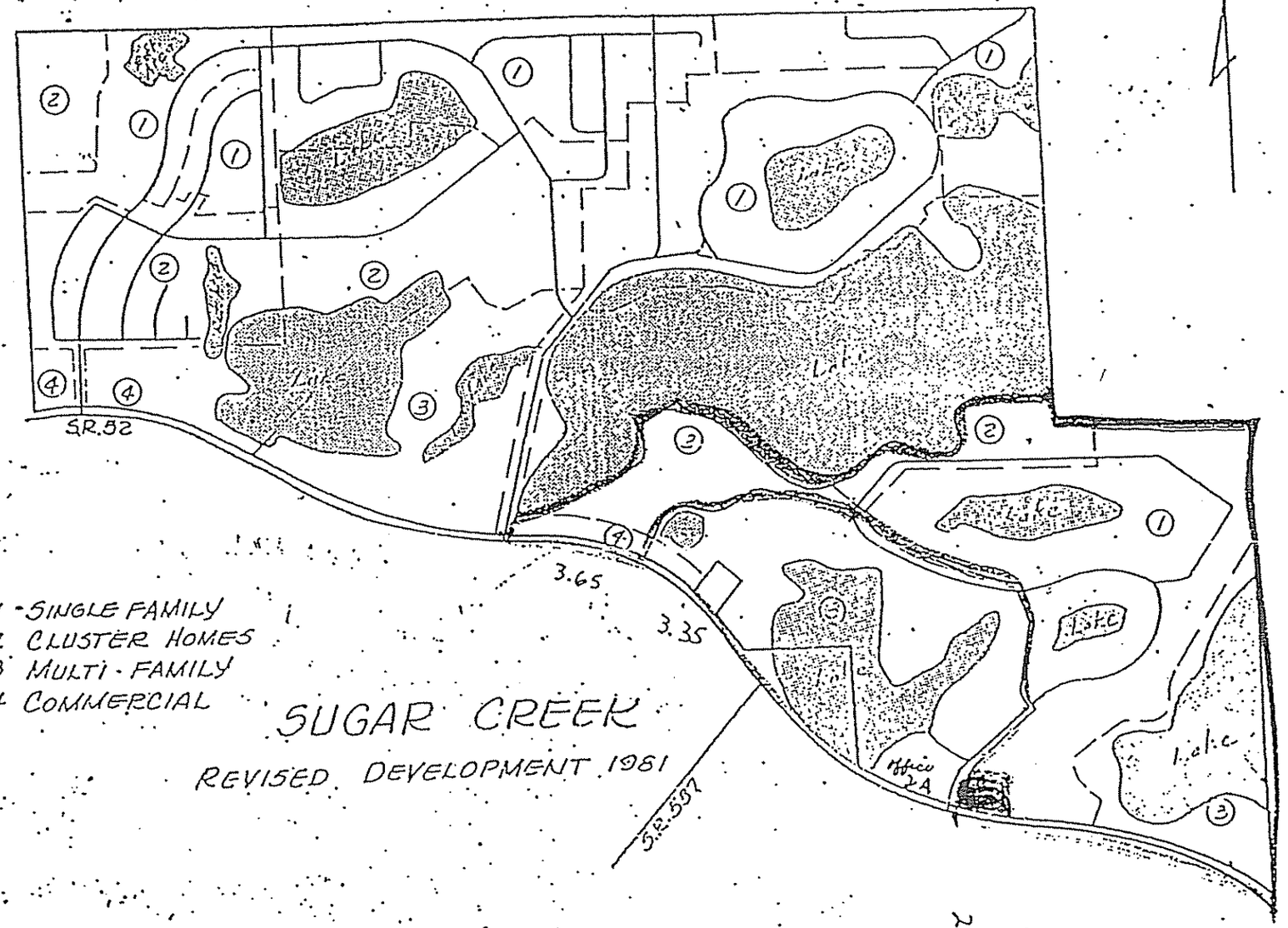
Patti Mucci

G. Steven Brannock

BY: _____

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

BY: _____
ATTORNEY



1 - SINGLE FAMILY
2 CLUSTER HOMES
3 MULTI - FAMILY
4 COMMERCIAL

SUGAR CREEK

REVISED DEVELOPMENT 1981

Attachment

BY COMMISSIONER _____ RESOLUTION NO. 99-286

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, CLARIFYING AND REAPPROVING DEVELOPMENT OF PINE RIDGE SUBDIVISION WHICH IS PART OF THE SUGAR CREEK DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on October 22, 1974, the Board of County Commissioners of Pasco County approved a development order (DO) for a 613-acre Development of Regional Impact (DRI) known as Sugar Creek (see Attachment A); and,

WHEREAS, the approved Sugar Creek DRI included 3,583 dwelling units (single-family, cluster, and multifamily), 325,000 square feet of commercial area, a nine-hole golf course, nature trails, and a 184-acre nature preserve; and,

WHEREAS, with the adoption of the Pasco County Zoning Ordinance in 1976, a PUD Planned Unit Development zoning designation was placed on the 613-acre property; and,

WHEREAS, development of the Sugar Creek DRI originally proposed never commenced. In 1977, portions of DRI were sold and rezoned, resulting in the original DRI being separated into three separate developments known as Sugar Creek Subdivision, Shadow Ridge Subdivision, and Hollynne Woods Subdivision; and,

WHEREAS, on July 7, 1981, the Board adopted Resolution No. 81-130 which revised the 1974 Sugar Creek DRI DO to reflect the changes in the land uses, the development plan, and the ownership of the DRI property (see Attachment B). The Board also determined that the revision to the Sugar Creek DRI was not a substantial deviation (Memorandum PL81-173). On July 7, 1981, the Board approved a rezoning of the Hollynne Woods Subdivision, creating a PUD Planned Unit Development (Petition Nos. 1635 and 1584); and,

WHEREAS, Resolution No. 81-130, pursuant to Section 380.06, Florida Statutes, was rendered to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (FDCA). The 1981 DO was not appealed; and,

WHEREAS, in 1985, K. Hovnanian purchased the Hollynne Woods Subdivision and submitted a revised plan of development to Pasco County. The revised plan renamed the Hollynne Woods Subdivision as the Pine Ridge Subdivision and included the proposed development of 918 multifamily dwelling units of one, two, and three stories with private streets and commercial development of 273 acres as indicated in the master plan dated July 22, 1985; and,

WHEREAS, on October 1, 1985, the Board approved the revised development plan (Memorandum PL85-923) (see Attachment C) for the Pine Ridge Subdivision and also determined the revision is not a substantial deviation from the Sugar Creek DRI (Memorandum PL85-924) (see Attachment D); and,

WHEREAS, on October 28, 1985, Pasco County transmitted Memorandums PL85-923 and PL85-924 to TBRPC (see Attachment E) and FDCA (see Attachment F); and,

EXHIBIT 1.

WHEREAS, in proceeding with the development of the Pine Ridge Subdivision, subsequent to the 1985 approval, K. Hovnanian, at Pasco I, Inc., took the following actions:

1. On January 7, 1986, entered into a Utilities Service Agreement with Pasco County.

2. On July 1, 1987, paid $29,100.00 in park service impact fees for Pine Ridge, Village 1.

3. In 1987, requested a modification of the preliminary site plan approval conditions for Pine Ridge, Village 1, Phase 1, which was approved by the Development Review Committee (DRC) (DPR File No. 86-139) (see Attachment G). In addition, DRC determined that certain revisions to the Pine Ridge master phasing plan concerning drainage and flood control at Village 1, Phase 2, were nonsubstantial modifications to the preliminary master phasing plan (File No. DR87-501, DPR File No. 86-286) (see Attachment H). These revisions modified the conditions found in the 1985 development approval for the Pine Ridge Subdivision, as indicated in Attachment H.

4. In 1987, requested a revision to the PUD conditions of approval based on the fact that there would be no fee simple lots within Pine Ridge Subdivision. This request was approved by DRC (DR87-691) (see Attachment I).

5. In 1988, requested a modification of the Pine Ridge, Village 1, Phase 2, preliminary site plan which was approved by DRC on May 24, 1988 (Petition No. 3844) (see Attachment J); and,

WHEREAS, in 1990, as a result of a rezoning request by another owner and developer on another portion of the Sugar Creek DRI, the Board submitted documentation illustrating the rezoning to FDCA. Subsequent to the receipt of the information, FDCA notified Pasco County that the 1981 DO amendment authorized by Resolution No. 81-130 constituted the last approved development for the Sugar Creek DRI. FDCA further notified the County that the 1985 development approvals authorizing development of the Pine Ridge Subdivision, reflected by Memorandums PL85-923 and PL85-924 were not DO'S properly rendered and, therefore, the action taken by the County in approving proposed development was null and void. In addition, FDCA took the position that an amendment to the 1981 DO approved by Resolution No. 81-130 was necessary before further development could occur at the Pine Ridge Subdivision; and,

WHEREAS, on March 19, 1992, having proceeded in good faith with development plans which were approved by the County, K. Hovnanian, not sure of its legal rights given the position of FDCA, filed a Complaint for Declaratory Judgment in Pasco County Circuit Court which listed both FDCA and Pasco County as defendants; and,

WHEREAS, on July 24, 1992, FDCA filed an Answer and Counterclaim against K. Hovnanian, and a Cross-Claim against Pasco County; and,

WHEREAS, the parties now wish to avoid the expense, further delay, and uncertainty of litigation concerning the Sugar Creek DRI development issues. Accordingly, the parties have negotiated an agreement which resolves all issues raised; and,

WHEREAS, as a condition of the aforementioned agreement, the Board agreed to amend the Sugar Creek DRI DO to accurately reflect the current status of development as it specifically relates to the Pine Ridge Subdivision.

NOW, THEREFORE, based on the foregoing, the Board hereby makes the following findings:

FINDINGS OF FACT

1. The Sugar Creek DRI is hereby amended to include the attached master plan showing approved development for Pine Ridge Subdivision. This master plan illustrates the current development plan for Pine Ridge Subdivision, subject to the conditions set forth below.

2. Based on the foregoing, the Board hereby reaffirms and readopts its previous determinations that there is no substantial deviation to the Sugar Creek DRI that will result from the changes to the Pine Ridge Subdivision portion of the Sugar Creek DRI.

3. All conditions of the Sugar Creek DRI, associated conditions of the master phasing plan approval, and amendments to the preliminary site plan approval conditions remain in full force and effect.

4. The County Attorney's office, within three days of the adoption of the resolution, shall provide copies to TBRPC, the attorney for K. Hovnanian, and the attorney for FDCA.

5. Within 45 days of adoption of this resolution, K. Hovnanian shall be responsible for recording a notice of amendment of DRI pursuant to the requirements of Section 380.06(19), Florida Statutes, and providing copies of such recorded notice to the County, TBRPC, and FDCA.

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

1. Exhibit K, which is the revised master plan for the Pine Ridge Subdivision portion of the Sugar Creek DRI, is hereby adopted as the DRI plan of development for that property.

2. All other requirements of the Sugar Creek DRI, as amended, not modified by Attachment A remain in full force and effect.

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

DONE AND RESOLVED this 8 day of September, 1999.

(SEAL)

ATTEST:

BY: _____
JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: _____
CHAIRMAN

APPROVED
SEP 08 1999

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

BY: _____
ATTORNEY

D. R. I. DEVELOPMENT ORDER

Let it be known that pursuant to Section 380.06 (7), Florida Statutes the Pasco County Board of County Commissioners has heard at a public hearing held on October 22, 1974, the application for development approval for Sugar Creek, a development of 3,583 units to be located in Pasco County on October 22, 1974.

Pursuant to Section 380.06 and after due consideration of the consistency of this development with regulations, and the regional report, this body took the following action:

Approval with conditions (see attached memo).

Copies of this order are to be sent immediately to the Division of State Planning, to Tampa Bay Regional Planning Council, and to Metro Communities Corporation, Post Office Box 147, Tarpon Springs, Florida, 33589.

PASSED AND ADOPTED THIS 22nd day of October, 1974.

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

BY: Walter H. Voorhees
Walter H. Voorhees, Chairman

ATTEST:

Miller Newton
Miller Newton, Clerk of Circuit Court

EXHIBIT
A

0065
OCT 22 1974

Pasco County BOARD OF COMMISSIONERS

October 22, 1974

MEMORANDUM

TO: THE BOARD OF COUNTY COMMISSIONERS

FROM: WILLIAM O. WILEY, JR., PLANNING DIRECTOR

RE: DEVELOPMENT OF REGIONAL IMPACT APPLICATION

Sugar Creek by Metro Communities Corporation

The Planning Department recommends approval of the Sugar Creek application with the following conditions:

1. That the developer agrees to comply with the recommendations of Tampa Bay Regional Planning Council as approved by the Executive Committee of September 9, 1974.

2. That the developer agrees to comply with the requirements of the National Flood Insurance Program for Pasco County with first floor elevations above the one hundred (100) year flood frequency level for all structures on the site.

3. The developer agrees to coordinate with the Florida Department of Transportation in the construction of the following transportation facility improvements which will be constructed in accordance with the following schedule:

A. When the most westernly access road intersection State Road 52 is completed, the following improvements will be required:

1. Right turn lane and acceleration lane from access road west on State Road 52.

2. Deceleration lane on State Road 52 to access road.

3. Passing lane at intersection on south side of State Road 52.

OCT 2

0056

Walter M. Voorhees (Chairman) District No. 4 Rt. 2, Box 2133 New Port Richey, Fla.
Mathew J. Prohasky (Vice-Chairman) District No. 5 P.O. Box 656 New Port Richey, Fla.
Bill Hamilton District No. 1 San Antonio, Fla.
Louis Hoff District No. 2 Box 1776 Zephyrhills, Fla.
Dan Chambers, Jr. District No. 3 County Building New Port Richey, Fla.
George V. Knoblock County Administrator
Miller Newton Clerk to Board
Peter F. Dunbar County Attorney

B. When the easternly access road intersecting State Road 52 is completed, the following improvements will be required:

1. Right turn lane and acceleration lane from access road west on State Road 52.

2. Deceleration lane on State Road 52 to access road.

3. Passing lane at intersection on south side of State Road 52.

C. When the access road which intersects Colony Road is completed, the following improvements will be required:

1. Right turn lane and acceleration lane west from Colony Road on State Road 52.

2. Deceleration lane on State Road 52 along entire commercial frontage to Colony Road.

3. Access lane on Colony Road's eastern side from intersection.

4. Passing lane at intersection on south side of State Road 52.

D. When any one of the three above access roads are completed, a passing lane will be required on the north side of State Road 52 at the intersection of State Road 387 and the necessary widening of State Road 587 at the intersection.

4. The developer agrees that the main access road through the development will be of collector status and that it will extend to the north as shown on the revised site plan.

5. The developer agrees to dedicate an additional ten (10) feet of right-of-way along State Road 52.

6. The developer agrees to provide a one (1) acre site for a fire station located on the west side of the present utility substation and no further improvements shall be required.

7. The developer agrees to donate four (4) acres to the Board of County Commissioners of Pasco

OCT 22 1974

County Florida for whatever use the Board decides with option to purchase six (6) acres at appraised value and with the stipulation that the property be in a corner for expansion purposes.

8. For the two most easternly commercial areas access will only be to the local subdivision street and State Road 52. For the two most westernly commercial areas access will be limited to one (1) entrance and exit on State Road 52.

Upon calling on the question on the Motion, the vote was: Ayes: Hamilton, Holt, Chambers, Prahasky and Voorhees. Nays: None.

Whereupon the Chairman declared the Motion adopted.

Mr. Holt moved that the Board recess for lunch.

Upon calling on the question on the Motion, the vote was: Ayes: Hamilton, Holt, Chambers, Prahasky and Voorhees. Nays: None.

Whereupon the Chairman declared the Meeting recessed at 12:25 p.m.

* * * * * * * * * *

The Board reconvened at 2:00 p.m. with all members present with the exception of Mr. Hamilton and Mr. Prahasky.

#4C Mr. Robert Sumner, requested the Board approve the Resolutions for Crews Lake Water and Sewer Districts and Crews Lake Road and Bridge District. He included a Special Bond Election for Lake Padgett East. He presented the following consent for holding the Special Elections for the three Districts on December 3, 1974, to-wit.

CONSENT OF SUPERVISOR OF ELECTIONS

I HEREBY CONSENT AND CONCUR IN THE ELECTION FOR THE LAKE PADGETT ESTATES EAST ROAD AND BRIDGE DISTRICT, PASCO COUNTY, FLORIDA, BEING HELD ON TUESDAY, DECEMBER 3, 1974.

DATED this 21st day of October, 1974.

Mary E. Morgan
MARY E. MORGAN, Supervisor of Elections, Pasco County, Florida.

CONSENT OF SUPERVISOR OF ELECTIONS

I HEREBY CONSENT AND CONCUR IN THE ELECTION FOR THE CREWS LAKE WATER & SEWER DISTRICT, PASCO COUNTY, FLORIDA, BEING HELD ON TUESDAY, DECEMBER 3, 1974.

DATED THIS 21st DAY OF OCTOBER, 1974.

Mary E. Morgan
MARY E. MORGAN, Supervisor of Elections, Pasco County, Florida.

The Board reconvened at 11:15 a.m. with all members present.

#48 Mr. Martin, Attorney, informed the Board that the Tampa Bay Regional Planning Council recommended approval of the Sugar Creek DRI, with six stipulations. He asked that the Board approve the Developmental Order as outlined by the Planning Council.

Mr. Wiley, Planning Director, presented the following material, to-wit:

THE WEST PASCO CHRONICLE

Published Weekly
NEW PORT RICHEY
PASCO COUNTY, FLORIDA

STATE OF FLORIDA)
COUNTY OF PASCO)

Before the undersigned authority personally appeared James H. Dryden, who on oath says that he is Editor and Publisher of THE WEST PASCO CHRONICLE, a weekly newspaper, published at New Port Richey, in Pasco County, Florida; that the attached copy of advertisement, being

a Notice of Public Hearing

in the matter Development Impact - Section 380.06

in the _____

Court, was published in said newspaper in the issues of

August 15, 1974

Affiant further states that the said WEST PASCO CHRONICLE is a newspaper published at New Port Richey, in said Pasco County, Florida, and that the said newspaper has heretofore been continuously published in said Pasco County, Florida each week and has been entered as second class mail matter in the post office in New Port Richey, in said Pasco County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

James H. Dryden

Sworn to and subscribed before me this 23rd day of August 1974

Caryl Nelson

Notary Public

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

To whom it may concern:

Notice is hereby given that Pasco County Board of County Commissioners has received an application for Development approval for a Development of Regional Impact pursuant to Section 380.06, Florida Statutes, from Equity Impact Services (Authorized agent).

If approved, the applicant wishes to develop the following:

1. Type of Development: Retirement Residential/Commercial

2. Size of Project: 613 Acres

Location of Project Site: (Include street address or other description of the location of the site. If property has no street address describe location in relation to major highways, landmarks. Do not include legal description.) North East corner of Colony Road and S.R. 52.

4. General description of the proposed development: at Sugar Creek is a 613 acre tract of land on SR 52 and Colony Road in Pasco County which the owners propose to develop into a relatively self-sustained residential community. At completion (scheduled for early 1980's), Sugar Creek will contain 3,583 dwelling units with a variety of residential types from single family detached to condominium units. Also, commercial areas, a nine-hole golf course, nature trails, clubhouses and a 184-acre natural preserve.

A Public hearing concerning this project will be held by Pasco County Board of County Commissioners.

1. Date: October 22, 1974

2. Time: 10:00 a.m.

Port Richey City Hall

Further information pertaining to this application may be obtained from: Pasco County Planning Dept. Dade City, Fla.

THE APPLICANT ASSUMES RESPONSIBILITY FOR ACCURACY OF THE INFORMATION PROVIDED.

Equity Impact Services
9700 Gandy Blvd.
Suite 204
St. Petersburg, Florida 33702

August 15, 1974

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OCT 22 1974

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Larry Ross, Chairman
Pasco County Planning Commission

VIA: Walter Klymenko, Director
Community Development

FROM: Doug Uden
Senior Planner

DATE: 5/4/81

FILE: PL-81-173

SUBJECT: Sugar Creek DRI - Substantial Deviation Determination

REFERENCES: Florida Statute Chap. 380, Subsection (17)

BACKGROUND

On October 22, 1974 the Pasco County Board of County Commissioners approved a Development Order (D.O.) for a Development of Regional Impact (DRI) known as Sugar Creek. This development proposal included 3,583 dwelling units (single-family, cluster, and multi-family), 325,000 sq.ft. of commercial area, a 9-hole golf course, nature trails, and a 184-acre natural preserve. In 1976 the Pasco County Zoning Ordinance was adopted and, at that time, a Planned Unit Development (PUD) zoning designation was placed on the 613-acre property with its proposed varied land uses.

The Sugar Creek DRI project was never started as proposed. In February 1977 the center portion of the project was rezoned from PUD to E-R (Estate Residential). In December 1977 a 48-lot subdivision was platted by Metro Communities of Pasco, Inc. on the center 70 acres of land. The southeast 273 acres was brought under control of Century 1st National Bank. The remaining acreage in the western and northern portion was later sold to West Coast Communities.

In September 1977 Metro Communities requested a rezoning for the western 77 acres, now known as Shadow Ridge, from PUD to R-4 (Single-Family High Density). The request was denied, and thus the PUD zoning remained; however, the Board of County Commissioners approved R-4 type development in the Sugar Creek PUD and also determined that this type of development was not a substantial deviation.

Since that time, West Coast Communities purchased and developed this property. R-4 lots and cluster lots have been developed on the 77 acres (312 dwelling units or d.u.'s) Shadow Ridge parcel. In addition, this company has developed the 127 acres surrounding the Sugar Creek (E-R) subdivision into 355 R-4 type lots which are in the developments known as Shadow Lakes and Shadow Lakes Estates. The area north of S.R. 52 and south of Shadow Ridge and Shadow Lakes is vacant, though it is proposed to be used for multi-family and commercial.

BY COMMISSIONER _____ RESOLUTION NO. 81-130

any Community Development

RESOLUTION DETERMINING NO SUBSTANTIAL DEVIATION TO EXIST WITH REGARD TO CHANGES PROPOSED FOR THE SUGAR CREEK DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on October 22, 1974, the Board of County Commissioners of Pasco County approved a Development Order for a Development of Regional Impact known as Sugar Creek; and,

WHEREAS, the Sugar Creek DRI project was never started as proposed; and,

WHEREAS, the original DRI property has now been split into three separate developments known as Sugar Creek, Shadow Ridge, and Hollynne Woods; and,

WHEREAS, this split has resulted in proposed and actual changes in the original approved development; and,

WHEREAS, in accordance with Section 380.06, Florida Statutes, it is necessary for the Board of County Commissioners to determine whether a substantial deviation exists, with regard to the Sugar Creek Development of Regional Impact as a result of such proposed and actual changes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled this 7th day of July, 1981, as follows:

FINDINGS OF FACT

1. The attached memorandum dated May 4, 1981, to the Pasco County Planning Commission from the Planning Staff is adopted as the Findings of Fact of the Board of County Commissioners and incorporated by reference herein as though the same were set forth in full.

2. Based upon the foregoing Findings of Fact as adopted by the Board of County Commissioners, the Board hereby determines that there is no substantial deviation as a result of proposed and actual changes to the Development of Regional Impact known as the Sugar Creek DRI.

CONDITIONS

3. The original Development Order dated October 22, 1974, as adopted by the Board of County Commissioners, is hereby readopted and

EXHIBIT B

Cindy-BCC

incorporated by reference herein with the exception of Condition 7 of that Development Order which is hereby modified to read as follows:

> "The Developer shall donate or dedicate an additional ten feet along S.R. 52 and additional land around the one acre fire station site in accordance with the recommendations of staff set forth in the memorandum attached hereto and dated May 4, 1981."

DONE AND ORDERED this 7th day of July, 1981.

(SEAL)

ATTEST:

By: Jed Pittman
by: Cindy Williams D.C.
JED PITTMAN, Clerk

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: Barry M. Doyle
BARRY M. DOYLE, Chairman

APPROVED AS TO FORM AND LEGALITY
Office of the County Attorney

By: _____
Attorney

RECORD VERIFIED
JED PITTMAN
CLERK CIRCUIT COURT PASCO COUNTY
BY: S. Bozeman

8 0 1 0 3 0
RECORD VERIFIED
FILED FOR RECORD
CLK. CIR CT-PASCO COUNTY FLA.
JUL 16 11 28 AM '81

The remaining vacant land of the original Sugar Creek DRI is the eastern 273 acres, known as the Century Bank property. This parcel is east of Sugar Creek Boulevard and southeast of the Sugar Creek subdivision. U.S. Homes Corporation haspurchased the property and has submitted an amendment to the PUD (Hollynne Woods) for R-4 type single-family lots, cluster lots, and multi-family units.

In summation, the original DRI property has been split to form three separate developments:

1. Sugar Creek (Metro Communities)
2. Shadow Ridge, Shadow Lakes, and Shadow Lakes Estates (West Coast Communities) and
3. Hollynne Woods (U.S. Homes).

Due to the changes in development, the County should determine whether the revised plans substantially deviate from the original development order.

Florida Statutes, Chapter 380 (DRI), set forth criteria in determining whether a DRI is a substantial deviation and requires further review. The Statute states "'substantial deviation' means any change to the previously approved development of regional impact which creates a reasonable likelihood of additional adverse regional impact or any other regional impact created by the change not previously reviewed by the regional planning agency."

ANALYSIS

Subsection (17)(b) states seven criteria which are not presumed to be substantial deviations requiring further review. Using the criteria, the following should be considered:

1. "An increase in the number of dwelling units of not more than 5 percent or 200 dwelling units, whichever is less."

The original plan proposed 3,583 dwelling units. Combining the three developments, the total number of dwelling units will not exceed 2,000 (see Attachment #1). There is no increase in the number of dwelling units.

Finding - No deviation.

2. "A decrease in the number of the dwelling units which does not require a major redistribution of density."

The original overall density was 5.85 d.u.'s per acre (3,853 d.u./613 acres). The revised overall density would not exceed 3.26 (2,000 d.u./613 acres).

The revised development is a decrease in the number of dwelling units; however, staff feels that this decrease is not a major redistribution of density. The single-family area proposed on the original plan has remained single family. The areas proposed for multi-family and cluster have either remained as such or have been reduced to single family. The reduction appears to be more or less uniform throughout the property and not a major redistribution.

Finding - No deviation.

3. "A decrease in the area set aside for common open space of not more than 5 percent or 50 acres, whichever is less"

The original plan indicated 185.5 acres for "Green Belts and Preserve." This acreage was largely made up of wetlands (See Attachment #2 - Original Master Site Plan; land use designated as 'O'). The revised developments have retained these areas as wetlands or open space (See Attachment #3 - shadow areas).

A 32-acre 9-hole golf course, along with a 5.5-acre club site, was proposed on the Shadow Ridge property. The golf course and club site were never constructed; however, in September 1977 the Board of County Commissioners approved R-4 type development in this area and said it was not a substantial deviation. In addition, West Coast Communities has been paying a parks fee to the County in lieu of park land. In the Hollynne Woods project, 5 acres of park land are proposed.

Finding - No deviation.

4. "An increase in the area set aside for common open space."

As discussed in Item #3 above, the revised development does not set aside any additional open space.

Finding - No deviation.

5. "An increase in the floor area proposed for non-residential use of not more than 5 percent or 10,000 sq.ft., whichever is less."

The revised development will have approximately 20 acres of property for commercial purposes, as compared with the 39.5 acres in the original plan.

Finding - No deviation.

6. "A decrease in the regional impact of the development."

The revised development will have less than 2,000 dwelling units, as compared with the approved 3,583 dwelling units. Consequently, public facilities, such as roads, sewers and water lines, and police protection will feel less of an impact than would have been the case with the original plan. The wetlands and preservation areas have remained the same.

Finding - No deviation.

7. "A change required by permits, conditions, or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by S.373.069 or any of their successor agencies or by any appropriate federal regulatory agency."

This determination is not basing its findings upon any changes of permit conditions or requirements imposed by the above-mentioned agencies.

Finding - No deviation.

In conclusion, the original DRI plan has been split into three separate parcels with lower densities and fewer dwelling units actually built or planned than were originally allowed. There have been changes from the original concept; however, it is staff's opinion that these changes do not create any additional adverse impacts as outlined by the state statutes. In addition, the development activity of Sugar Creek and of Shadow Ridge/Lakes received County approval before this activity began as the Sugar Creek subdivision was rezoned from PUD to E-R and Shadow Ridge received County approval for R-4 type lots. In September 1977 the County also stated that the R-4 type lots in Shadow Ridge would not be a substantial deviation.

The Development Order was written for one developer, not three. Attachment #4 is the adopted 1974 Development Order for the Sugar Creek DRI. The County has attempted to distribute the responsibilities of the Development Order equitably among each phase of development. As a preliminary plan was approved, one or more of the Development Order conditions were included in the preliminary plan stipulations. It has been intended that these individual plan stipulations would eventually and collectively satisfy the Development Order conditions. However, Condition #7 has yet to be earmarked in any preliminary plan stipulations, mainly due to the nature of its inequity to one of the developers and the County's indecision of its usage. Condition #7 reads:

"The developer agrees to donate four (4) acres to the Board of County Commissioners of Pasco County, Florida for whatever use the Board decides with an option to purchase six (6) acres at an appraised value and with the stipulation that the property be in a corner for expansion purposes."

RECOMMENDATIONS

1. It is recommended that the Planning Commission determine that the revised/existing plans are not a substantial deviation.

2. It is also recommended that the Planning Commission amend Development Order Condition #7 to allow the requirement of donation/dedication of additional land around the one-acre fire station site and the additional 10' along S.R. 52 in lieu of the four-acre land donation with an option to purchase six acres.

DU/cam
Att.

To require only one developer to make such a land donation without the other two providing any land was seen as not being fair. In addition, there is some question as to the possible uses of such land if donated to the County.

Staff recommends that as an alternative to this original condition, the Development Order be amended to have the property around the required one-acre fire station site at the Sugar Creek Boulevard entrance (approximately 2.93 acres) and an additional 10' along S.R. 52 (1.72 acres) dedicated/donated to the County or public. Attachment #5 displays this area. In this way both West Coast Communities and U.S. Homes would share the responsibilities of this dedication. The amount of land to be given is as follows:

	U. S. Homes	West Coast
Area around fire station site	1.87 acres[1]	1.06 acres[2]
10' along S.R. 52[3]	.99 "	.74 "
Subtotal	2.86 acres	1.80 acres
Total	4.66 acres[1]	

[1] Includes 1.0 acres± of cypress wetlands

[2] West Coast Communities is to donate the one-acre fire station site under Shadow Lakes III preliminary plan stipulation. The 1.06 acres + 1.0 acre fire station site = 2.06 acres

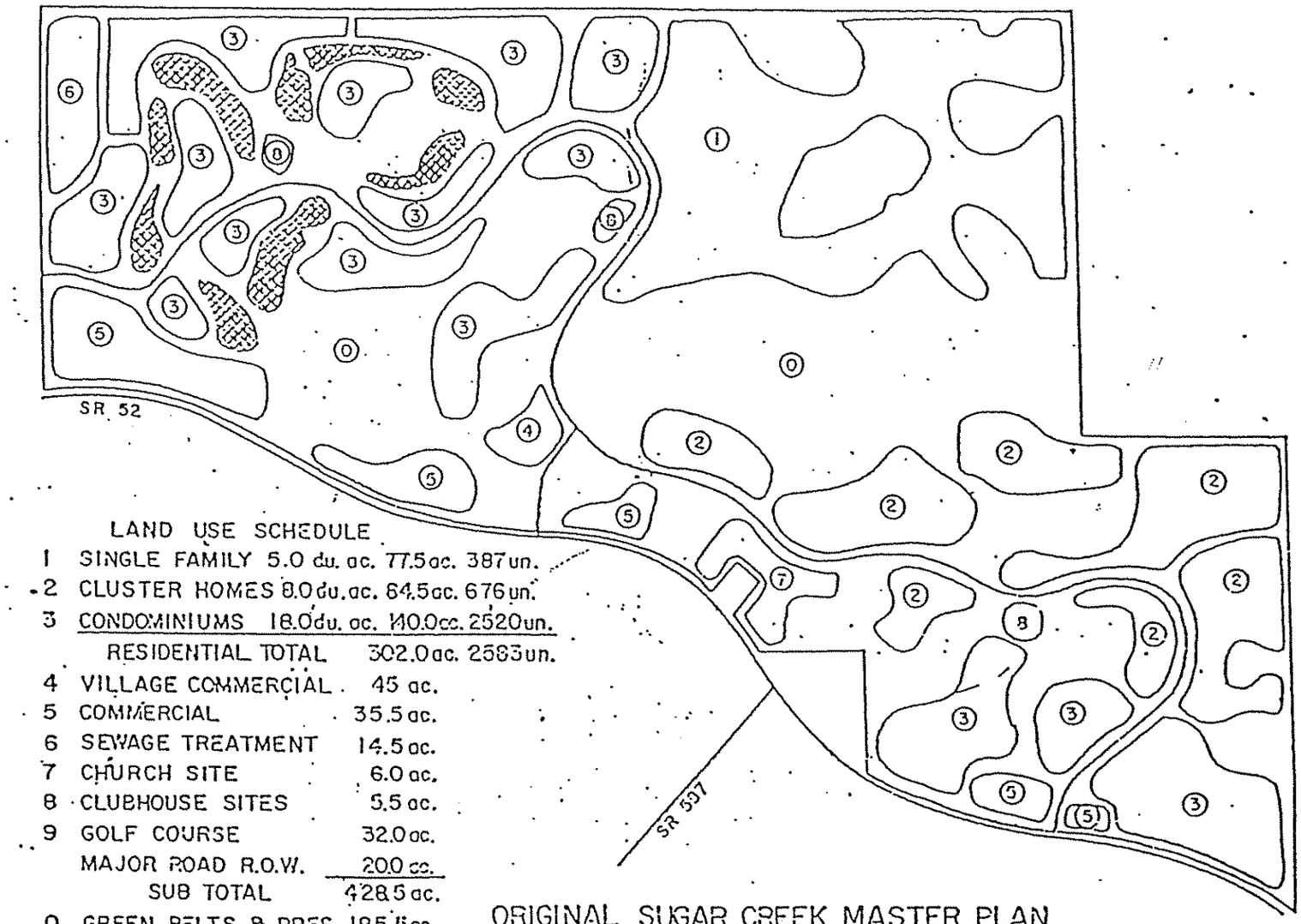
[3] This 10' strip is over and above the 10' strip required in condition #5 of the Sugar Creek development order. Consequently the existing 100' right-of-way on S.R. 52 (50' from centerline) will change to 120' of right-of-way along the Sugar Creek property (70' north and 50' south of centerline).
U.S. Home 10' x 4,351' = 43,510 sq.ft. or .99 acres
West Coast 10' x 3,209' = 32,090 sq.ft. or .74 acres

By amending the Development Order to adhere to this land donation, the four (4) acres of land will be used to obtain both more right-of-way along S.R. 52 and a large site for fire and related public facilities, all of which are needed in this area.

SUGAR CREEK DRI

1981 Proposed or Developed Land Use

SUBDIVISION	ACREAGE	DWELLING UNITS
Sugar Creek	70.00	48
Shadow Ridge	38.44	126
I	11.59	48
II	17.27	58
III	10.27	80
Shadow Lakes Estates	32.00	65
Unit I	5.48	11
Shadow Lakes I	50.00	150
II	40.19	129
West Coast Communities Multi-Family	54.00 (approx.)	316
Commercial	11.00 (approx.)	
Hollynne Woods	273.00	918
Total	613.24 Acres	1,949 Dwelling Units

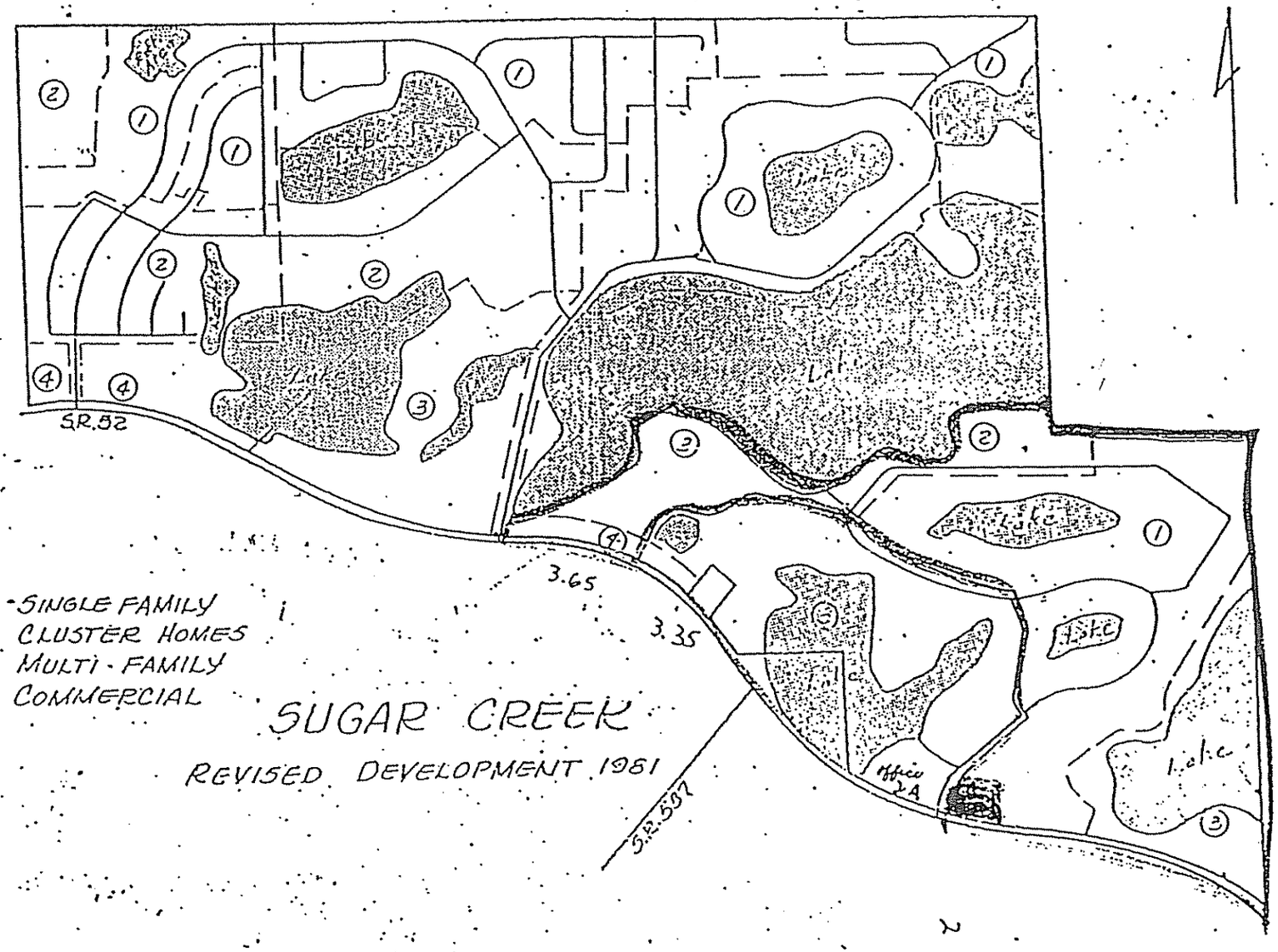


LAND USE SCHEDULE

1	SINGLE FAMILY 5.0 du. ac.	77.5 ac. 387 un.
2	CLUSTER HOMES 8.0 du. ac.	84.5 ac. 676 un.
3	CONDOMINIUMS 18.0 du. ac.	140.0 ac. 2520 un.
	RESIDENTIAL TOTAL	302.0 ac. 2583 un.
4	VILLAGE COMMERCIAL	45 ac.
5	COMMERCIAL	35.5 ac.
6	SEWAGE TREATMENT	14.5 ac.
7	CHURCH SITE	6.0 ac.
8	CLUBHOUSE SITES	5.5 ac.
9	GOLF COURSE	32.0 ac.
	MAJOR ROAD R.O.W.	20.0 ac.
	SUB TOTAL	428.5 ac.
0	GREEN BELTS & PRES.	185.5 ac.
	TOTAL	613.0 ac.

ORIGINAL SUGAR CREEK MASTER PLAN

Attachment #2



1 - SINGLE FAMILY
2 CLUSTER HOMES
3 MULTI - FAMILY
4 COMMERCIAL

SUGAR CREEK

REVISED DEVELOPMENT 1981

Attachment #3

TO: Honorable Chairman and Members of the Board of County Commissioners

DATE: 9/17/85

FILE: PL85-923

SUBJECT: Sugar Creek PUD/Hollynne Woods Revised Plan

FROM: Samuel P. Steffey, II
Chairman, Development Review Committee

REFERENCES: Subdivision Ordinance; PL81-173
Commission District 2

It is recommended that the data herein presented be given formal consideration by the County Commission.

Commission District:	Honorable Curtis L. Law
Subdivision Name:	Pine Ridge at Sugar Creek PUD
Developer's Name:	Hovnanian Company
Location:	North and abutting S.R. 52, approximately 6 miles east of the intersection of U.S. 19 and S.R. 52, Sections 3, 4, and 10, Township 25 South, Range 17 East
Zoning District:	PUD (Planned Unit Development)
Acreage:	273 acres of a 673-acre PUD
No. of dwelling units:	918 d.u. of an approved 1,638 d.u. PUD
Type of dwelling units:	Multiple Family Medium Density (MF-1)
Water/Sewage:	Central Water/Central Sewer
Streets/Drainage:	Private/Collector Road - Open Swale Drainage, Interior Parking Drives - Inverted Crown Drainage

BACKGROUND:

On October 22, 1974, the Board of County Commissioners approved a Development Order for a Development of Regional Impact (DRI) known as Sugar Creek. This 613-acre development was proposed to include 3,583 dwelling units (single family, single family cluster, and multifamily), 39.5 acres of commercial, nature trails, a 184-acre natural preserve, and a 9-hole golf course. When the Zoning Ordinance was adopted in 1975, a PUD designation was placed on the 613-acre property.

The original proposal for Sugar Creek has been amended over the years. In February of 1977, the center 70 acres of the property was rezoned from PUD to E-R (Estate-Residential). This area is now known as Sugar Creek Subdivision (48 lots). In September of 1977, a request to rezone the west 77 acres of the PUD to R-4 (Single Family High Density) was denied by the Board of County Commissioners. However, it was determined that R-4 type development could be constructed within the PUD as a nonsubstantial deviation to the original plan. Consequently, 312 R-4 and R-4 cluster lots have been developed. This area is known as Shadow Ridge. R-4 lots have also been developed in the area surrounding the Sugar Creek Subdivision. These developments include Shadow Lake and Shadow Lake Estates, which have 355 R-4 type lots. The area north and abutting S.R. 52 and west of Sugar Creek Boulevard is planned for 88 multifamily units and commercial development. The remaining 273-acre tract east of Sugar Creek Boulevard north and abutting S.R. 52 (Hollynne Woods) was amended in May of 1981 to include 918 single family, single family cluster, and multifamily townhouse units and was determined to be a nonsubstantial deviation to the original plan based on the facts that the project overall would have a decrease in dwelling units (from 3,583 to 2,000), lower densities (from 5.85 to 3.26 dwelling units per gross acre), and a reduction in commercial (from 38.5 acres to 20 acres).

The 273-acre parcel of the PUD known as Hollynne Woods was never developed. At this time, Hovnanian Company is proposing to revise the existing plans for the Hollynne Woods Project to be known as Pine Ridge, which shall include 918 multifamily units of one, two, and three stories with private streets.

FINDINGS

1. The revised plan does not constitute a substantial deviation from the approved Development of Regional Impact as reviewed under Subsection (17)(b), Chapter 380, of the State Statutes (see attached document PL85-924).

EXHIBIT
C

2. The revised plan does constitute a substantial modification [illegible] Substantial Modification of the Development Review Procedures Ordinance, and has been reviewed in compliance with this section.

RECOMMENDATION:

The Development Review Committee recommends approval of the revised plan with the following conditions:

1. The developer acknowledges that any provisions of the Pasco County Subdivision Ordinance, Zoning Ordinance, and Sugar Creek Development Order not specifically waived by these stipulations shall be in full force and effect.

2. The developer shall comply with the National Flood Insurance Program for Pasco County. The Federal Register, Vol. 41, No. 207, subsection 1910.3(b)3 states: "Require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data." This will be required prior to approval of the construction drawings. Further, the developer shall provide an Engineer's Certificate of Elevation of all structures within the 100-year flood zone prior to the issuance of any Certificate of Occupancy.

3. The developer shall provide a concrete sidewalk four feet (4') in width along one side of all local streets within the development. The six inches (6") from right-of-way line setback policy may be waived with the approval of the Traffic Operations Section where public safety would not be jeopardized. All sidewalks shall be constructed prior to the issuance of a Certificate of Occupancy to its corresponding dwelling unit.

4. The developer shall provide one concrete sidewalk four feet (4') in width and one concrete bikeway six feet (6') in width along the collector road. The required sidewalk and bikeway shall be constructed at the time the collector road is constructed.

5. The developer shall, prior to the recording of the first unit, phase, or condominium document within the development, deed to Pasco County sufficient additional right-of-way along the entire southern boundary of the development abutting S.R. 52 to total sixty feet (60') from the centerline of S.R. 52.

6. Prior to construction drawing approval, the developer shall submit a Master Drainage Plan for the entire project. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within "Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County."

7. Prior to construction, the developer shall receive dredge and fill permits from the Department of Environmental Regulation, stormwater and storm discharge permits from the Southwest Florida Water Management District, and other necessary permits from appropriate agencies.

8. The developer shall create a condominium association in the form of a nonprofit or for profit corporation registered with the Secretary of State, State of Florida, and shall provide for the maintenance of all common areas, drainage areas, open space, recreational areas, preservation areas, and other special purpose tracts by said condominium association. Said documents shall be submitted to the Planning Department for review prior to the issuance of the first certificate of occupancy within the development.

9. There shall be no construction, clearing, filling, or improvements of any kind within those areas designated as cypress reserve, except for drainage purposes as approved on the construction drawings.

10. The developer shall provide a buffer tract with screen along both sides of the collector road and along areas proposed for commercial use. A buffer plan shall be submitted to the Development Review Committee for review and approval prior to construction drawing approval.

11. Individual site plans submitted to the County for review shall include the limits of the predevelopment and postdevelopment tree canopy, as well as trees to remain and to be removed. The intent of this condition is to maintain the existing tree canopy. Therefore, any requests to alter the existing tree canopy shall be reviewed and approved by the Development Review Committee.

agreement with the Pa \County Public Works & Utilities Department. Prior to construction, said utilities shall be reviewed by the Pasco County Public Works & Utilities Department and approved by the Department of Environmental Regulation.

13. All streets shall be constructed to current Pasco County engineering standards unless specifically waived by these stipulations. The collector road shall be constructed with open swale drainage.

14. Prior to construction, the developer shall receive all necessary permits from the State Department of Transportation for both intersections along S.R. 52.

15. The developer shall provide Case IV intersection improvements at both entrances to the development on S.R. 52.

16. The developer shall provide all funding for signalization at the intersection of C.R. 587 and S.R. 52 when, by the determination of the County Engineer, warrants are anticipated to be met as specified in the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration and adopted by the State of Florida. Said funds shall be provided within sixty (60) days of notification by the County Engineer.

17. Access to the areas designated as commercial use shall be restricted to the collector road. No cuts shall be allowed on S.R. 52, except for the two entrance cuts.

18. The developer agrees that those areas designated for development as model/sales centers, multifamily, recreational sites, and commercial will require individual site plans to be submitted to the Development Review Committee for review and approval prior to construction.

.9. All structures shall adhere to the MF-1 zoning standards. Further, the structures shall be constructed with the following setbacks:

a. Two and Three Story Structures:

1. Front - a minimum of twenty feet (20') from edge of pavement.

2. Side - a minimum of thirty feet (30') between structures.

3. Rear - a minimum of twenty feet (20') from property line.

b. One Story Structures:

1. Front - a minimum of twenty feet (20') from edge of pavement. Garage structures shall be setback a minimum of twenty feet (20') from edge of pavement.

2. Side - a minimum of twenty feet (20') between structures.

3. Rear - a minimum of twenty feet (20') from property line.

). The area designated for office/commercial use on the revised plan shall be integrated into the multifamily area for residential use. Access to the area shall be from the local development streets. Said office use shall be relocated to the east entrance area in Village 1, Phase 1, of Village 1, Phase 2. Access shall be limited to the collector road.

. The developer agrees to provide a local street stub-out to the northeast from Village 2 to the Plantation Oaks Master PUD site abutting the property.

. The developer shall provide 9.2 acres of public parkland within the development or, in lieu of this requirement, the developer shall provide one hundred dollars ($100) per dwelling unit. If parkland is to be dedicated, it shall be located on one site. Further, a fifty dollar ($50) per unit park service fee is required. Said fees shall be collected at the issuance of each building permit.

In lieu of one-half of the four-acre land donation of the original Sugar Creek Development Order, Condition No. 7, the developer agrees to donate to the County 1.87 acres of land (.87-acre dry, 1.0-acre wetlands) adjoining the proposed fire station site on Sugar Creek Boulevard and an additional ten feet (10') of right-of-way along S.R. 52. This donation shall be given within ninety (90) days at the request of the County.

Prior to the issuance of the 201st building permit, the collector road shall be constructed through the development.

25. Prior to the issuance of the 201st building permit, the developer shall upgrade the intersection of S.R. 52 and C.R. 587 to include a passing lane on the north side of S.R. 52. The type of intersection improvements shall be determined by the Engineering Services Department.

26. The developer acknowledges that approval of this preliminary plan does not guarantee approval of the proposed street names.

27. No modifications or changes to the foregoing stipulations shall be made or allowed except in conformity with Section 6 of the Development Review Procedures Ordinance. Additionally, no changes or modifications shall be made to any approved site plan, construction plan, or preliminary plan unless the County Administrator or his specifically designated representative determines, in writing, that a requested change does not constitute a "substantial modification" from the approved plan.

ATTACHMENT:

1. PL85-924

SPS/JK/g9/12/13:9

APPROVED AGENDA ITEM

FOR_____

BY_____

INTER-OFFICE MEMORANDU

TO: Honorable Chairman and Members of the Board of County Commissioners

DATE: 9/17/85

FILE: PL85-924

SUBJECT: Sugar Creek PUD/DRI No. 35 - Substantial Deviation Determination

FROM: Samuel P. Steffey, II
Planning Director

REFERENCES: PL85-923; PL81-173

It is recommended that the data herein presented be given formal consideration by the County Commission.

DESCRIPTION AND CONDITIONS:

On October 22, 1974, the Board of County Commissioners approved a Development Order for a Development of Regional Impact (DRI) known as Sugar Creek. This 613-acre development was proposed to include 3,583 dwelling units (single family, single family cluster, and multifamily), 39.5 acres of commercial, nature trails, a 184-acre natural preserve, and a 9-hole golf course. When the Zoning Ordinance was adopted in 1975, a PUD designation was placed on the 613-acre property.

The original proposal for Sugar Creek has been amended over the years. In February of 1977, the center 70 acres of the property was rezoned from PUD to E-R (Estate-Residential). This area is now known as Sugar Creek Subdivision (48 lots). In September of 1977, a request to rezone the west 77 acres of the PUD to R-4 (Single Family High Density) was denied by the Board of County Commissioners. However, it was determined that R-4 type development could be constructed within the PUD as a nonsubstantial deviation to the original plan. Consequently, 312 R-4 and R-4 cluster lots have been developed. This area is known as Shadow Ridge. R-4 lots have also been developed in the area surrounding the Sugar Creek Subdivision. These developments include Shadow Lake and Shadow Lake Estates, which have 355 R-4 type lots. The area north and abutting S.R. 52 and west of Sugar Creek Boulevard is planned for 88 multifamily units and commercial development. The remaining 273-acre tract east of Sugar Creek Boulevard, north and abutting S.R. 52 (Hollynne Woods) was amended in May of 1981 to include 918 single family, single family cluster, and multifamily townhouse units and was determined to be a nonsubstantial deviation to the original plan based on the facts that the overall project would have a decrease in dwelling units (from 3,583 to 2,000), lower densities (from 5.85 to 3.26 dwelling units per gross acre), and a reduction in commercial (from 38.5 acres to 20 acres).

The 273-acre parcel of the PUD known as Hollynne Woods was never developed. At this time, Hovnanian Company is proposing to revise the existing plans for the Hollynne Woods Project to be known as Pine Ridge, which shall include 918 multifamily units of one, two, and three stories with private streets.

Florida Statutes, Chapter 380 (DRI), sets forth criteria which may be used in determining whether a change is a substantial change requiring additional review. As the statute states, "'Substantial deviation means any change to the previously approved Development of Regional Impact which creates a reasonable likelihood of additional adverse regional impact, or any other regional impact created by the change not previously reviewed by the regional planning agency."

ALTERNATIVES AND ANALYSIS:

Subsection (17)(b) of Chapter 380 states, "In determining whether a Development of Regional Impact previously approved . . . is subject to further review pursuant to this section, the local government shall consider the following changes which shall be presumed not to be substantial deviations requiring further review" and lists seven criteria. Using the criteria, the following should be considered:

1. "An increase in the number of dwelling units of not more than 5 percent or 200 dwelling units, whichever is less."

   The revised plan for Sugar Creek includes 1,721 dwelling units. The original plan in 1974 was approved for 3,583 dwelling units. The revised plan in 1981 was approved for 2,000 dwelling units. Therefore, there is no increase in the number of dwelling units.

   Finding: No substantial deviation.

EXHIBIT

EXHIBIT "D"

of density."

The original overall density in 1974 was 5.85 d.u. per acre (3,853 d.u./613 acres). In 1981 the overall density was revised to 3.26 d.u. per acre (2,000 d.u./613 acres). The present request would allow a further reduction in density to 2.8 d.u. per acre (1,721 d.u./613 acres). However, staff feels that this decrease is not a major redistribution of density.

Finding: No substantial deviation.

3. "A decrease in the area set aside for common open space of not more than 5% or 50 acres, whichever is less."

The original plan was approved for 221.5 acres of open space (184 acres of nature preserve, 32 acres of golf course, and 5.5 acres of recreation). The revised plan in 1981 was approved for 189 acres of open space (184 acres of nature preserve and 5 acres of parkland). The present request would allow 200 acres of open space (199 acres of nature preserve and 1 acre of parkland). Therefore, there is no decrease in the areas set aside for open space.

Finding: No substantial deviation.

4. "An increase in the area set aside for common open space."

The revised plan does increase the area set aside for open space when reviewed against the approved plan in 1981. In 1981 the open space revisions were determined to be a nonsubstantial deviation to the original plan. These revisions included the elimination of the 32-acre, 9-hole golf course and 5.5-acre club site, with the addition of a 5 acre park site in Hollynne Woods and a collection of park fees in other sections of the PUD. Therefore, the open space was reduced to 189 acres of open space (184 acres of nature preserve and 5 acres of parkland).

The present request increases the open space by 5.5% through the addition of approximately 15 acres of nature preserve and reduces the park area to 1 acre. Therefore, the open space has been increased to 200 acres (199 acres of nature preserve and 1 acre of park site).

While the increase in nature preserve would not have an adverse impact on the development, the reduction in park area may. However, the Planning staff is recommending that a total of 9.18 acres of public parkland be donated to the County for the revised plan Conditions of Approval. This would appear to satisfy the open space area requirements.

Finding: No substantial deviation.

5. "An increase in the floor area proposed for nonresidential use of not more than 5 percent or 10,000 square feet, whichever is less."

The original plan in 1974 was approved for 39.5 acres of commerical area. The revised plan in 1981 was approved for 20 acres of commercial area. The present request would allow 14.6 acres of commercial area within the PUD or a 27% reduction in area proposed for commercial use. Therefore, the revised plan does not increase the floor area proposed for nonresidential use.

Finding: No substantial deviation.

6. "A decrease in the regional impact of the development."

The revised plan does not alter the need for or amount of facilities such as roads, water, sewer, and police protection.

Finding: No substantial deviation.

7. "A change required by permits, conditions, or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by S. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency."

This determination is not basing its findings upon any changes of permit conditions or requirements imposed by the above-mentioned agencies.

Finding: No deviation.

RECOMMENDATION:

It is recommended that the Board of County Commissioners determine that the proposed change is not a substantial deviation provided that the following conditions are met:

1. The developer shall comply with the Conditions of the Development Order for Sugar Creek DRI.

2. The developer shall submit additional area for parkland as requested per the revised plan Conditions of Approval for Sugar Creek PUD.

SPS/JK/g9/13/4:10

'PROVED AGENDA ITEM

)R_____

_____

PASCO COUNTY, FLORIDA

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

PLANNING DEPARTMENT
PASCO COUNTY GOVERNMENT CENTER
7530 LITTLE ROAD
NEW PORT RICHEY, FL 33553

October 2, 1985

Ms. Sheila Benz, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, FL 33702

RE: Sugar Creek DRI No. 35
Substantial Deviation Determination

Dear Ms. Benz:

On October 1, 1985, the Pasco County Board of County Commissioners reviewed the revised plan for that portion of the Sugar Creek DRI property previously approved as Hollynne Woods. The Board of County Commissioners approved the revised plan known as: Pine Ridge with conditions (please see enclosed document, Memorandum PL85-923). The changes to the Sugar Creek DRI were approved as a nonsubstantial deviation to the approved Development Order (please see enclosed document, Memorandum PL85-924). The Board also approved this document per staff recommendation at their October 1, 1985, meeting.

If you have any questions or need further information concerning the above, please contact me.

Very truly yours,

Jeri Kidde

Jeri Kidde
Planner II

JK/v10/2/7

Enclosures

EXHIBIT
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RECEIVED
OCT 30 1985

PASCO COUNTY, FLORIDA

PLANNING DEPARTMENT
PASCO COUNTY GOVERNMENT CENTER
7530 LITTLE ROAD
NEW PORT RICHEY, FL 33553

DADE CITY (904) 521-4274
NEW PORT RICHEY (813) 847-2411

October 28, 1985

Mr. James Murley, Chief
ATTN: Edward Lehman
Department of Community Affairs
Division of Local Resource Mgmt.
2571 Executive Center Circle, East
Tallahassee, FL 32301

RE: Sugar Creek DRI No. 35
Substantial Deviation Determination

Dear Mr. Murley:

On October 1, 1985, the Pasco County Board of County Commissioners approved a revised plan for that portion of the Sugar Creek DRI property previously approved as Hollynne Woods. The Board of County Commissioners approved the revised plan known as Pine Ridge with conditions (please see enclosed document, Memorandum PL85-923). Further, the revised plan was approved as a nonsubstantial deviation to the approved Development Order (please see enclosed document, Memorandum PL85-924).

If you have any questions or need further information concerning the above, please contact me.

Very truly yours,

Jerri Kidde

Jerri Kidde
Planner II

JK/g10/25/13

Enclosures

EXHIBIT
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RECEIVED
OCT 30 1985

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

353

TO: DRC

DATE: 4/7/86 FILE: PL86-520

SUBJECT: Pine Ridge at Sugar Creek

REFERENCES: DR86-443

VIA: Kenneth W. Baginski
Zoning Administrator

FROM: Douglas R. Udan
Senior Planner

A revised site plan (Labeled Master Surface Water Management Plan) for Pine Ridge at Sugar Creek, has been reviewed by the Planning Department. This property is zoned PUD with conditions of approval. Those conditions required the relocation of the office commercial area; which is correctly shown on the revised plan. The road system in the northeast corner has been redesigned to allow for a stub-out; as was required. The interim sewage treatment plant location is shown in the Alternate A location. Some of the buildings and retention ponds have been moved around in order to accomodate DER and SWFWMD requests. These appear to be minor changes. The changes made on the revised plan have been due to governmental requests and do not appear to be substantial modifications.

The revised plan that was submitted is a Master Surface Water Management Plan, not a Master Site Plan; for it lacks information normally shown on Master Site Plans. In order to avoid looking up both the original plan and this revised plan for later review, the Planning Staff suggests that this plan be submitted as a Master Site Plan with the required information (per site plan checklist).

Recommendation:

It is recommended that the DRC find the revised plan not a substantial modification contigent upon a re-submittal of the plan showing those items required of a Master Site Plan (ie Phasing Plan).

DRU/fa

EXHIBIT

PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
LAND O' LAKES (813) 996-2203
NEW PORT RICHEY (813) 847-8142

DEVELOPMENT REVIEW DIVISION
PASCO COUNTY GOVT. CENTER
7530 LITTLE ROAD
NEW PORT RICHEY, FL 33553

April 10, 1986

K. Hovnanian Companies of Florida, Inc.
6801 Lake Worth Road, Suite 201
Lake Worth, FL 33463

RE: Pine Ridge at Sugar Creek, Village I, Phase I
(Site Plan File Number DPR #86-139)

Dear Sirs:

Your combined preliminary and construction site plan review package received February 27, 1986, has been evaluated for Division engineering-related requirements with the following results:

1. Sod need only be applied to banks down to the design low water line (D.R.C. policy).

2. F.I.R.M. indicates "C" zone. Conference with the Flood Plain Administrator reveals surrounding "A" zone B.F.E.'s of 40.0 feet. Provide design high water for the one hundred (100) year storm for comparison with finished floor elevations (Section 4-144(a), Paragraph 4, Section 4-147, and PL85-923, #2).

3. Subbase to be nine inches (9") thick under six-inch (6") limerock base in interior roadways (D.R.C. policy).

4. Complete Master Drainage Plan approval process, incorporating this area into the plan (PL85-923, #6).

Please appropriately address the above items, as well as the Division zoning review results (transmitted separately) before you resubmit.

Provide two copies of any revised site plans for review; however, a total of five site plans, minimum, will usually be required for distribution upon approval.

If you contest any of the results, contact this office immediately so that docketing of a hearing on the next Development Review Committee meeting agenda for resolution of the conflicts can be done without delay.

If I can be of any further assistance, please do not hesitate to call this office.

Very truly yours,

Thomas E. Fears

Thomas E. Fears, P.E.
Senior Plans Examiner

TEF/p04/09/02d

cc: Ms. Nancy Madley
Waitz & Frye Consulting Engineers, Inc.
802 North Belcher Road

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

#353

TO: Development Review Committee

DATE: 4/7/87

FILE: DR87-501

THRU: Robert C. Marsh
Acting Code Enforcement Director

SUBJECT: Determination of Nonsubstantial Modification and Master Phasing Plan Approval
Class II Development

FROM: Bipin Parikh, P.E.
Development Review Manager

REFERENCES: Section 6, Development Review Procedures Ordinance; PL86-520
File Number DPR 86-286

OJECT SYNOPSIS:

Project Name:	Pine Ridge at Sugar Creek
Location:	North side of S.R. 52, at Moon Lake Road intersection.
Section, Township & Range:	Sections 3, 4, and 10, Township 25 South, Range 17 East
Number/Type of Units:	918/"Nonfee Simple" Condominiums
Zoning District/Flood Zone:	PUD/"C" and "A"
Acreage/Tree Cover:	273 acres/Heavily wooded
Water Supply:	Central (Pasco County)
Sewage Disposal:	Central (Pasco County)
Storm Drainage:	On-Site Detention
Access:	Two accesses from S.R. 52 with an emergency access stub-out to Plantation Oaks at the northeast corner of Pine Ridge.
Commissioner/District:	Honorable Curtis L. Law/2
Traffic Impact Fee Zone:	1
Present Land Use:	Vacant
Developer:	K. Hovnanian Companies of Florida, Inc.

ALYSIS:

1. On October 22, 1974, the original Development of Regional Impact application was approved by the Board of County Commissioners with conditions.
2. On July 7, 1981, the Board of County Commissioners approved with stipulations Applications 1635 and 1584 for rezoning from undeveloped land to PUD and Resolution 81-130 determining no substantial deviation to exist with a regard to changes proposed for the Sugar Creek Development of Regional Impact with conditions.
3. On October 1, 1985, the Board of County Commissioners approved determinations of nonsubstantial deviation to the approved DRI (Memorandum PL85-924) with conditions, and substantial modification to the approved PUD (Memorandum PL85-923), and approved the preliminary plan with conditions (PL85-923). Condition No. 27 of PL85-923 reads, "No modifications or changes to the foregoing stipulations shall be made or allowed except in conformity with Section 6 of the Development Review Procedures Ordinance. Additionally, no changes or modifications shall be made to any approved site plan, construction plan, or preliminary plan, unless the County Administrator or his specifically designated representative determines, in writing, that a requested change does not constitute a 'substantial modification' from the approved plan."
4. On April 10, 1986, the Development Review Committee approved, in regard to a submitted master plan (a revision of the approved preliminary plan), a staff recommendation of nonsubstantial modification to the Pine Ridge at Sugar Creek Preliminary Plan (Memorandum PL86-520) with the condition, "It is recommended that the DRC find the revised plan not a substantial modification contingent upon a resubmittal of the plan showing those items required of a master site plan (i.e., phasing plan)."
5. On February 26, 1987, a Master Phasing Plan was submitted to the Development Review Division of the Code Enforcement Department instead of to the Planning Department.

ECOMMENDATION:

he Development Review Division staff has reviewed the Master Phasing Plan and supporting data ubmitted through February 9, 1987, as revisions of the approved preliminary plan, and recommends a etermination of nonsubstantial modification to the approved preliminary plan, and approval of the laster Phasing Plan as an amendment of the approved preliminary plan, with the following supersedent odifications to the Conditions of Approval of PL85-923.

ECOMMENDED CONDITIONS OF APPROVAL:

1. See attached letter.

EXHIBIT
H

353

1887 PASCO COUNTY FLORIDA 1987

★CENTENNIAL★

DADE CITY (904) 521-4274
LAND O' LAKES (813) 996-2203
NEW PORT RICHEY (813) 847-8142

DEVELOPMENT REVIEW DIVISION
PASCO COUNTY GOVT. CENTER
7530 LITTLE ROAD
NEW PORT RICHEY, FL 33553

April 6, 1987

K. Hovnanian Companies of Florida, Inc.
5801 Lake Worth Road, Suite 201
Lake Worth, FL 33463

RE: Pine Ridge at Sugar Creek - Master Phasing Plan (File Number DPR 86-286)

Dear Sirs:

Please be advised that the referenced has been considered by the Development Review Committee on March 26, and April 9, 1987, has been found to be a nonsubstantial modification to the approved preliminary plan, and has received approval with the following supersedent modifications and additions to the conditions of approval of PL85-923:

1. The developer acknowledges that any provisions of the Pasco County ~~Subdivision~~ Ordinances, ~~Zoning Ordinance,~~ and ~~Sugar Creek Development Order~~ not specifically waived by ~~these stipulations~~ shall be in full force and effect.

   All conditions of the Sugar Creek Development of Regional Impact Development Order, associated conditions of nonsubstantial deviation determinations PL81-173 and PL85-924 are likewise in full force and effect.

   (The Conditions of Approval of Rezoning Petitions 1635 and 1584 have been determined to be superseded by the conditions of PL85-923 by the Zoning Administrator at the Development Review Committee meeting of March 26, 1987.)

2. The developer shall comply with the National Flood Insurance Program for Pasco County. The Federal Register, Volume 41, No. 207, Subsection 1910.3(b)3 states "Require that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data." This will be required prior to approval of the construction drawings. Further, the developer shall provide an Engineer's Certificate of Elevation of all structures within the 100-year flood zone prior to the issuance of any Certificate of Occupancy.

3. The developer shall provide a ~~concrete side~~ paved walk four feet (4') in width ~~along one side of all local streets~~ to connect all buildings, parking spaces, recreation areas, etc., within the development. ~~The six inches (6") from right-of-way line setback policy may be waived with the approval of the Traffic Operations Section where public safety would not be jeopardized.~~ All sidewalks shall be constructed prior to the issuance of a Certificate of Occupancy to ~~its corresponding dwelling unit.~~ for the last residential unit in that phase.

4. The developer acknowledges that he may ~~shall~~ provide one ~~concrete~~ paved sidewalk ~~four feet (4') in width~~ and one ~~concrete~~ paved bikeway ~~six feet (6') in width~~ along the collector road route.

5. The developer shall, prior to ~~the recording of the first unit, phase, or condominium document~~ issuance of the first Certificate of Occupancy within the development, deed to Pasco County sufficient additional right-of-way along the entire southern boundary of the development abutting S.R. 52 to total sixty feet (60') from the centerline of S.R. 52.

6. ~~Prior to construction drawing approval,~~ the The developer shall submit a Master Drainage Plan for the entire project. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within "Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County." Stormwater management facilities for the project shall meet the drainage design specifications contained in Section 9.6 of the Subdivision Ordinance as a minimum. Said Master Drainage Plan must be approved by the Develooment Review Division prior to approval of any construction plan for any phase, when such construction plan depends upon facilities proposed in the Master Plan to meet County criteria.

7. Prior to ~~construction~~ the issuance of a Certificate of Occupancy, the developer shall ~~receive~~ submit all necessary Dredge and Fill Permits from the Florida Department of Environmental Regulation, Stormwater Discharge and surface water management Permits from the Southwest Florida Water Management District, and all other necessary state and federal permits from the appropriate agencies. The developer acknowledges that he is proceeding at his own risk before he receives all other necessary government permits.

8. The developer shall create a mandatory condominium association in the form of a non-profit or for profit corporation registered with the Secretary of State, State of Florida, and shall provide for the maintenance of all sidewalks, common areas, buffer areas, drainage areas, open space, recreational areas, preservation areas, and other special purpose tracts by said condominium association. ~~Said documents shall be submitted to the Planning Department for review prior to the issuance of the first certificate of occupancy within the development.~~ The developer shall, at the time of filing with the state, provide the Pasco County Property Appraiser's Office with the copies of condominium plats along with the condominium documents with all exhibits and subsequent amendments. The developer shall also furnish the Development Review Division with copies of the documents, exhibits, and amendments, condominium plats, per Development Review Procedures Ordinance, Section 2.8, and assurance that the condominium documents and plats have been submitted to the Property Appraiser's Office prior to the first Certificate of Occupancy within the affected phase.

9. There shall be no construction, clearing, filling, or improvements of any kind within those areas designated as cypress reserve, except for drainage purposes as approved on the construction drawings.

10. ~~The developer shall provide a buffer tract with screen along both sides of the collector road and along areas proposed for commercial use.~~ A buffer plan shall be submitted to the Development Review ~~Committee~~ Division for review and approval prior to construction drawing approval. Project must be buffered per Code. If landscape buffers are proposed, they must be six feet (6') high at the time of planting and at least seventy-five percent (75%) opaque within one year as required by the Zoning Ordinance with watering facilities for irrigation.

11. Individual site plans submitted to the County for review shall include the limits of clearing, grubbing, and/or construction ~~the predevelopment and postdevelopment tree canopy~~, as well as trees to remain and to be removed and all other data required by Ordinance No. 87-02, the revised tree protection ordinance. and shall be reviewed and approved by the Development Review Committee.

12. The developer shall provide sewer and water within the development in accordance with an agreement with the Pasco County Public Works & Utilities Department. Prior to construction, said utilities shall be reviewed by the Pasco County Public Works & Utilities Department and approved by the Department of Environmental Regulation. The developer shall provide a letter of commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to construction plan approval.

13. All streets shall be have pavement structure constructed to current Pasco County ~~engineering~~ standards as approved by the Development Review Committee ~~unless specifically waived by these stipulations. The collector road shall be constructed with open swale drainage.~~

14. Prior to construction, the developer shall receive and transmit copies of all necessary permits from the ~~State~~ Florida Department of Transportation, for both intersections along S.R. 52, to the Development Review Division.

15. The developer shall provide Case IV intersection improvements at both entrances to the development on S.R. 52.

16. The developer shall provide all funding for signalization at the intersection of C.R. 587 and S.R. 52 when, by the determination of the County Engineer, warrants are anticipated to be met as specified in the manual of Uniform Traffic Control Devices as published by the Federal Highway Administration and adopted by the State of Florida. Said funds shall be provided within sixty (60) days of notification by the County Engineer.

17. Access to the areas designating as commercial use shall be restricted to the collector road. No cuts shall be allowed on S.R. 52, except for the two (2) entrance cuts.

18. The developer agrees that those areas designated for development as model/sales centers, multifamily, recreational sites, and commercial will require individual site plans to be submitted to ~~the Development Review Committee~~ for review and approval, as required by the Development Review Procedures Ordinances, prior to construction.

19. All structures shall adhere to the MF-1 zoning standards. Further, the structures shall be constructed with the following setbacks:

    a. Two and Three Story Structures:

        1. Front - a minimum of twenty feet (20') from edge of road pavement (i.e., thirty-two feet (32') from the centerline of a twenty-four foot (24') road, for instance).

2. Side - a minimum of thirty feet (30') between structures.

3. Rear - a minimum of twenty feet (20') from property line.

b. One Story Structures:

1. Front - a minimum of twenty feet (20') from edge of road pavement i.e., thirty-two feet (32') from the centerline of a twenty-four foot (24') road, for instance). Garage structures shall be setback a minimum of twenty feet (20') from edge of road pavement.

2. Side - a minimum of twenty feet (20') between structures.

3. Rear - a minimum of twenty feet (20') from property line.

20. The area designated for office/commercial use on the revised plan shall be located at the east entrance area in Village 1, Phase 2, ~~integrated into the multifamily area for residential use.~~ Access to the area shall be from the ~~local development streets~~ collector road. ~~Said office use shall be relocated to the east entrance area in Village 1, Phase 1, of Village 1, Phase 2. Access shall be limited to the collector road.~~

21. ~~The~~ Prior to the issuance of the first Certificate of Occupancy in Phase 2, the developer agrees to ~~provide a local street stub-out~~ extend an emergency twenty-four foot (24') wide ingress/egress easement through Village 2 and provide a stub-out, emergency access road, gated at the property line, to the northeast from Village 2 to the Plantation Oaks Master PUD side abutting the property.

22. The developer shall provide 9.2 acres of public parkland within the development or, in lieu of this requirement, the developer shall provide one hundred dollars ($100) per dwelling unit. If parkland is to be dedicated, it shall be located on one site. Further, a fifty dollar ($50) per unit park service fee is required. Said fees for each entire Phase shall be ~~collected~~ provided at the time of issuance of each the first building permit in each Phase.

23. In lieu of one-half (½) of the four (4) acre land donation of the original Sugar Creek Development Order, Condition 7, the developer agrees to donate to the County 1.87 acres of land (0.87 acres dry, 1.0 acres wetlands) adjoining the proposed fire station site on Sugar Creek Boulevard and an additional ten feet (10') of right-of-way along S.R. 52. This donation shall be given within ninety (90) days at the request of the County.

24. ~~Prior to the issuance of the 201st building permit, the~~ The proposed collector road shall be constructed through the development in progression with the condominium Phases.

25. Prior to the issuance of the 201st building permit, the developer shall upgrade the intersection of S.R. 52 and C.R. 587 to include a passing lane on the north side of S.R. 52. The type of intersection improvements shall be determined by the Engineering Services Department. A permit for said construction shall be obtained from the FDOT prior to construction.

26. The developer acknowledges that approval of this ~~preliminary~~ plan does not guarantee approval of the proposed street names.

27. No modifications or changes to the foregoing ~~stipulations~~ conditions, or the approved preliminary plan revisions, shall be made or allowed except in conformity with Section 6 of the Development Review Procedures Ordinance. ~~Additionally, no changes or modifications shall be made to any approved site plan or construction plan, or preliminary plan unless the County Administrator or his specifically designated representative determines, in writing, that a requested change does not constitute a "substantial modification" from the approved plan.~~

f you require any more information, please do not hesitate to contact this office.

/ery truly yours,

Approved by:

Bipin Parikh, P.E.
Development Review Manager

Walter J. Jones
Chairman, Development
Review Committee

BP/TEF/d03/10/02:5c

c: Mr. Gary A. Boucher, P.E.
Vice President - Project Management
George F. Young, Inc.
1301 U.S. Highway 19 North
Palm Harbor, FL 33563

7. Subordination of Encumbrance - First Union National Bank of Florida, New Port Richey Force Main Project ($100.00); Comm. Dist. 4
(Memorandum RE87-169)
RECOMMENDATION: Approve.

APPROVED, CONSENT.

D. PLANNING

HAYLEEN

1. Addendum to Order to Exception for Existing Development - Pasco Trails Subdivision, Unit One, Portion of Lots 116 and 117; Comm. Dist. 1
(Memorandum PL87-615)
RECOMMENDATION: Approve and authorize Chairman's signature.

APPROVED, CONSENT.

E. CODE ENFORCEMENT

Code Compliance

1. Lien Resolutions
(Memorandum CC87-278)
RECOMMENDATION: Approve and direct Clerk to record.

APPROVED, CONSENT.

Development Review

HAYLEEN

2. Subdivision Development Review Preliminary Plan Amendment - Heritage Lake, Tracts 3 and 8, U.S. Home Corporation, Developer; Comm. Dist. 2
(Memorandum DR87-683)
RECOMMENDATION: Approve with conditions as listed.

APPROVED, CONSENT.

HAYLEEN

3. Commercial [redacted] Conditions of Approval - Pine [redacted] Sugar Creek PUD - Formerly Hollyne [redacted] 2
(Memorandum DR87-691)
RECOMMENDATION: Approve [redacted] as listed.

APPROVED, CONSENT.

F. COMMUNITY SERVICES

Parks and Recreation

1. Cost Sharing Agreement - United States of America; Hudson River (Review of Deferred Project); Comm. Dist. 5
(Memorandum PR87-441)
RECOMMENDATION: Approve and authorize Chairman's signature.

WITHDRAWN FROM CONSENT BY THE CLERK - HAS RECEIVED DOCUMENTATION THAT HE HAD NOT HAD A CHANCE TO REVIEW PRIOR TO MEETING. REQUESTED BCC APPROVE CONTINGENT UPON CLERK'S REVIEW OF SAID DOCUMENTATION. APPROVED.

EXHIBIT

EXHIBIT "E"

I

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

DATE: 5/19/87

FILE: DR87-691

THRU: Walter J. Green
Chairman, Development Review Committee

SUBJECT: Commercial Development Review - Pine Ridge at Sugar Creek (In Sugar Creek PUD - Formerly Hollyne Woods) - Amendment of Revised Plan Conditions of Approval

FROM: Bipin Parikh, P.E.
Development Review Manager

REFERENCES: Development Review Procedures Ordinance Section 6, Substantial Modifications; PL85-923, Commission District 2

It is recommended that the data herein presented be given formal consideration by the County Commission.

Commission District:	The Honorable Curtis L. Law
Development Name:	Pine Ridge at Sugar Creek
Developer's Name	K. Hovnanian Companies of Florida, Inc.
Location:	On the north side of S.R. 52, at the Moon Lake Road (S.R. 587) intersection, Sections 3, 4, and 10, Township 25 South, Range 17 East.
Zoning District/Flood Zone:	PUD/"A" and "C"
Acreage/Tree Coverage:	273 Acres/Heavily Wooded
No. of Dwelling Units:	918
Type of Dwelling Units:	Nonfee Simple Condominiums
Water/Sewage:	Central/Central (Pasco County)
Streets/Drainage:	Privately Maintained/On-Site Detention
Traffic Impact Fee Zone:	1
Present Land Use:	Vacant Woodland and Wetlands

BACKGROUND:

Based upon meetings held with the developer and plans submitted to date, it has become apparent that no fee simple units are planned for any of the villages or phases of Pine Ridge at Sugar Creek. Need for Amendment of the Conditions of Approval of the determination of substantial modification, generated by the evolution of Hollyne Woods into Pine Ridge at Sugar Creek (PL85-923), therefore, became evident during review and approval processing of the Master Phasing Plan.

FINDINGS OF FACT:

1. On October 22, 1974, the original Development of Regional Impact application was approved by the Board of County Commissioners with conditions.

2. On July 7, 1981, the Board of County Commissioners approved with stipulations Applications 1635 and 1584 for rezoning from undeveloped land to PUD and Resolution 81-130 determining no substantial deviation to exist with a regard to changes proposed for the Sugar Creek Development of Regional Impact with conditions.

3. On October 1, 1985, the Board of County Commissioners approved determinations of nonsubstantial deviation to the approved DRI (Memorandum PL85-924) with conditions, and substantial modification to the approved PUD (Memorandum PL85-923), and approved the preliminary plan with conditions (Memorandum PL85-923). Condition No. 27 of PL85-923 reads, "No modifications or changes to the foregoing stipulations shall be made or allowed except in conformity with Section 6 of the Development Review Procedures Ordinance. Additionally, no changes or modifications shall be made to any approved site plan, construction plan, or preliminary plan, unless the County Administrator or his specifically designated representative determines, in writing, that a requested change does not constitute a 'substantial modification' from the approved plan."

4. On April 10, 1986, the Development Review Committee approved, in regard to a submitted master plan (a revision of the approved preliminary plan), a staff recommendation of nonsubstantial modification to the Pine Ridge at Sugar Creek Preliminary Plan (Memorandum PL86-520) with the condition, "It is recommended that the DRC find the revised plan not a substantial modification contingent upon a resubmittal of the plan showing those items required of a master site plan (i.e., phasing plan)."

5. On March 12, 1987, (Memorandum DR87-466), the Development Review Committee determined the plans for Village I, Phase I, of Pine Ridge at Sugar Creek to be a nonsubstantial modification to the approved preliminary plan and approved the preliminary site plan with conditions, pursuant to Condition #27 of PL85-923, (quoted in #3, above).

6. On April 9, 1987, (Memorandum DR87-501), the Development Review Committee determined the Master Phasing Plan, for Pine Ridge at Sugar Creek, to be a nonsubstantial modification to the approved preliminary plan, and approved amendment of the conditions of PL85-923, pursuant to Condition #27 of PL85-923 (quoted in #3, above).

3E3

7. Also on April 9, 1987 (Memorandum DR87-553), the Development Review Committee reconsidered the preliminary site plan for Village I, Phase I, of Pine Ridge at Sugar Creek and approved it with amended conditions of preliminary site plan approval, pursuant to Section 2.4(4)(B), Development Review Procedures Ordinance.

8. On May 14, 1987 (Memorandum DR87-650), the Development Review Committee considered the construction plan for Village I, Phase I, of Pine Ridge at Sugar Creek and approved it with conditions, pursuant to Section 2.5(4), Development Review Procedures Ordinance.

ANALYSIS:

In accordance with Section 6, Substantial Modifications, of the Development Review Procedures Ordinance, the amended plans must be reviewed to determine if the proposed changes are substantial. A substantial modification of development shall include:

1. "A substantial increase or decrease in the intensity of developments."

   No substantial modification.

2. "A substantial increase or decrease in the acreage or area being developed."

   No substantial modification.

3. "A substantial increase or decrease of the density in a development."

   No substantial modification.

4. "A modification which would substantially increase or decrease the extent of, or need for, improvements or support facilities including roads, easements, utilities and drainage facilities."

   No substantial modification.

5. "A change of any aspect, attribute or feature of the development which might substantially impact the development site or surrounding area in a manner which would be inconsistent with the goals, objectives, policies, recommendations or general standards for development approval set forth in the zoning ordinance and the comprehensive plan or a relevant elemer thereof."

   No substantial modification.

RECOMMENDATION:

Based on the above analysis, the Development Review Committee recommends that the revised plan does not constitute a substantial modification to the approved (PL85-923) preliminary plan. Further, the Development Review Committee recommends approval of the amended plan subject to the following amended conditions of approval of PL85-923, as approved by the Development Review Committee, via Memorandum DR87-501:

1. The developer acknowledges that any provisions of the Pasco County Subdivision Ordinances, Zoning Ordinance, and Sugar Creek Development Order not specifically waived by these stipulations shall be in full force and effect.

   All conditions of the Sugar Creek Development of Regional Impact Development Order, associated conditions of nonsubstantial deviation determinations PL81-173 and PL85-924 are likewise in full force and effect.

   (The Conditions of Approval of Rezoning Petitions 1635 and 1584 have been determined to be superseded by the conditions of PL85-923 by the Zoning Administrator at the Development Review Committee meeting of March 26, 1987.)

2. The developer shall comply with the National Flood Insurance Program for Pasco County. The Federal Register, Volume 41, No. 207, Subsection 1910.3(b)3 states "Require that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data." This will be required prior to approval of the construction drawings. Further, the developer shall provide an Engineer's Certificate of Elevation of all structures within the 100-year flood zone prior to the issuance of any Certificate of Occupancy.

3. The developer shall provide a concrete side paved walk four feet (4') in width along one side of all local streets to connect all buildings, parking spaces, recreation areas, etc., within the development. The six inches (6") from right-of-way line setback policy may be waived with the approval of the Traffic Operations Section where public safety would not be jeopardized. All sidewalks shall be constructed prior to the issuance of a Certificate of Occupancy to its corresponding dwelling unit. for the last residential unit in that phase.

4. The developer acknowledges that he may shall provide one concrete paved sidewalk four feet (4') in width and one concrete paved bikeway six feet (6') in width along the collector road route.

5. The developer shall, prior to the recording of the first unit, phase, or condominium document issuance of the first Certificate of Occupancy within the development, deed to Pasco County sufficient additional right-of-way along the entire southern boundary of the development abutting S.R. 52 to total sixty feet (60') from the centerline of S.R. 52.

6. ~~Prior to construction drawing approval, the~~ The developer shall submit a Master Drainage Plan for the entire project. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within "Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County." Stormwater management facilities for the project shall meet the drainage design specifications contained in Section 9.6 of the Subdivision Ordinance as a minimum. Said Master Drainage Plan must be approved by the Development Review Division prior to approval of any construction plan for any phase, when such construction plan depends upon facilities proposed in the Master Plan to meet County criteria.

7. Prior to ~~construction~~ the issuance of a Certificate of Occupancy, the developer shall ~~receive~~ submit all necessary Dredge and Fill Permits from the Florida Department of Environmental Regulation, Stormwater Discharge and surface water management Permits from the Southwest Florida Water Management District, and all other necessary state and federal permits from the appropriate agencies. The developer acknowledges that he is proceeding at his own risk before he receives all other necessary government permits.

8. The developer shall create a mandatory condominium association in the form of a nonprofit or for profit corporation registered with the Secretary of State, State of Florida, and shall provide for the maintenance of all sidewalks, common areas, buffer areas, drainage areas, open space, recreational areas, preservation areas, and other special purpose tracts by said condominium association. ~~Said documents shall be submitted to the Planning Department for review prior to the issuance of the first certificate of occupancy within the development.~~ The developer shall, at the time of filing with the state, provide the Pasco County Property Appraiser's Office with the copies of condominium plats along with the condominium documents with all exhibits and subsequent amendments. The developer shall also furnish the Development Review Division with copies of the documents, exhibits, and amendments, condominium plats, per Development Review Procedures Ordinance, Section 2.8, and assurance that the condominium documents and plats have been submitted to the Property Appraiser's Office prior to the first Certificate of Occupancy within the affected phase.

9. There shall be no construction, clearing, filling, or improvements of any kind within those areas designated as cypress reserve, except for drainage purposes as approved on the construction drawings.

10. ~~The developer shall provide a buffer tract with screen along both sides of the collector road and along areas proposed for commercial use.~~ A buffer plan shall be submitted to the Development Review ~~Committee~~ Division for review and approval prior to construction drawing approval. Project must be buffered per Code. If landscape buffers are proposed, they must be six feet (6') high at the time of planting and at least seventy-five percent (75%) opaque within one year as required by the Zoning Ordinance with watering facilities for irrigation.

11. Individual site plans submitted to the County for review shall include the limits of clearing, grubbing, and/or construction ~~the predevelopment and postdevelopment tree canopy~~, as well as trees to remain and to be removed and all other data required by Ordinance No. 87-02, the revised tree protection ordinance, and shall be reviewed and approved by the Development Review Committee.

12. The developer shall provide sewer and water within the development in accordance with an agreement with the Pasco County Public Works & Utilities Department. Prior to construction, said utilities shall be reviewed by the Pasco County Public Works & Utilities Department and approved by the Department of Environmental Regulation. The developer shall provide a letter of commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to construction plan approval.

13. All streets shall be have pavement structure constructed to current Pasco County ~~engineering~~ standards as approved by the Development Review Committee ~~unless specifically waived by these stipulations. The collector road shall be constructed with open swale drainage.~~

14. Prior to construction, the developer shall receive and transmit copies of all necessary permits from the ~~State~~ Florida Department of Transportation, for both intersections along S.R. 52, to the Development Review Division.

15. The developer shall provide Case IV intersection improvements at both entrances to the development on S.R. 52.

16. The developer shall provide all funding for signalization at the intersection of C.R. 587 and S.R. 52 when, by the determination of the County Engineer, warrants are anticipated to be met as specified in the manual of Uniform Traffic Control Devices as published by the Federal Highway Administration and adopted by the State of Florida. Said funds shall be provided within sixty (60) days of notification by the County Engineer.

17. Access to the areas designating as commercial use shall be restricted to the collector road. No cuts shall be allowed on S.R. 52, except for the two (2) entrance cuts.

18. The developer agrees that those areas designated for development as model/sales centers, multifamily, recreational sites, and commercial will require individual site plans to be submitted ~~to the Development Review Committee~~ for review and approval, as required by the Development Review Procedures Ordinances, prior to construction.

19. All structures shall adhere to the MF-1 zoning standards. Further, the structures shall be constructed with the following setbacks:

a. Two and Three Story Structures:

1. Front - a minimum of twenty feet (20') from edge of road pavement (i.e., thirty-two feet (32') from the centerline of a twenty-four foot (24') road, for instance).

2. Side - a minimum of thirty feet (30') between structures.

3. Rear - a minimum of twenty feet (20') from property line.

b. One Story Structures:

1. Front - a minimum of twenty feet (20') from edge of road pavement i.e., thirty-two feet (32') from the centerline of a twenty-four foot (24') road, for instance). Garage structures shall be setback a minimum of twenty feet (20') from edge of road pavement.

2. Side - a minimum of twenty feet (20') between structures.

3. Rear - a minimum of twenty feet (20') from property line.

20. The area designated for office/commercial use on the revised plan shall be located at the east entrance area in Village 1, Phase 2, ~~integrated into the multifamily area for residential use.~~ Access to the area shall be from the ~~local development streets~~ collector road. ~~Said office use shall be relocated to the east entrance area in Village 1, Phase 1, of Village 1, Phase 2. Access shall be limited to the collector road.~~

21. ~~The~~ Prior to the issuance of the first Certificate of Occupancy in Phase 2. the developer agrees to ~~provide a local street stub-out~~ extend an emergency twenty-four foot (24') wide ingress/egress easement through Village 2 and provide a stub-out, emergency access road, gated at the property line, to the northeast from Village 2 to the Plantation Oaks Master PUD side abutting the property.

22. The developer shall provide 9.2 acres of public parkland within the development or, in lieu of this requirement, the developer shall provide one hundred dollars ($100) per dwelling unit. If parkland is to be dedicated, it shall be located on one site. Further, a fifty dollar ($50) per unit park service fee is required. Said fees for each entire Phase shall be ~~collected~~ provided at the time of issuance of each the first building permit in each Phase.

23. In lieu of one-half (½) of the four (4) acre land donation of the original Sugar Creek Development Order, Condition 7, the developer agrees to donate to the County 1.87 acres of land (0.87 acres dry, 1.0 acres wetlands) adjoining the proposed fire station site on Sugar Creek Boulevard and an additional ten feet (10') of right-of-way along S.R. 52. This donation shall be given within ninety (90) days at the request of the County.

24. ~~Prior to the issuance of the 201st building permit, the~~ The proposed collector road shall be constructed through the development in progression with the condominium Phases.

25. Prior to the issuance of the 201st building permit, the developer shall upgrade the intersection of S.R. 52 and C.R. 587 to include a passing lane on the north side of S.R. 52. The type of intersection improvements shall be determined by the Engineering Services Department. A permit for said construction shall be obtained from the FDOT prior to construction.

26. The developer acknowledges that approval of this ~~preliminary~~ plan does not guarantee approval of the proposed street names.

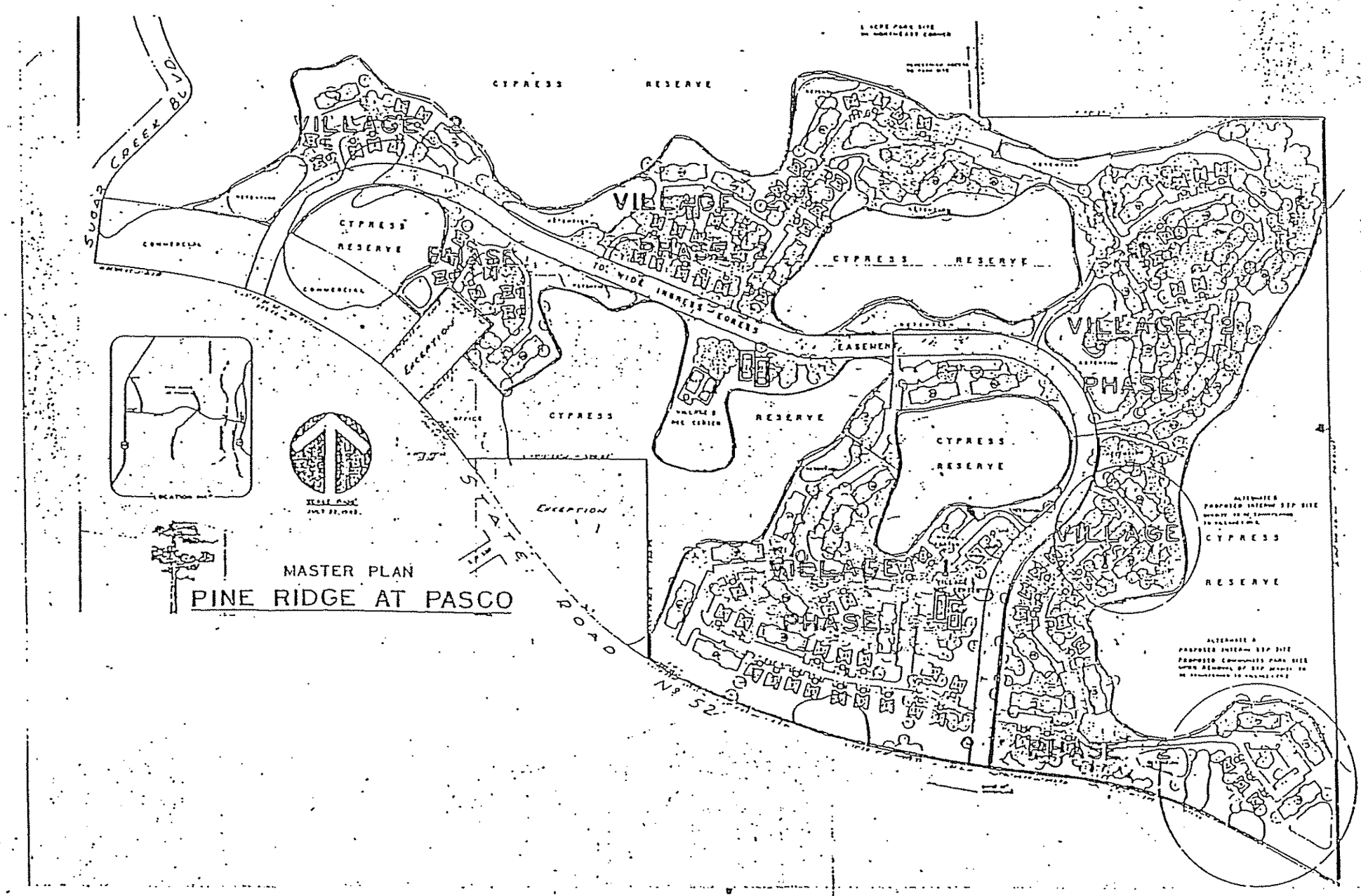
27. No modifications or changes to the foregoing ~~stipulations~~ conditions, or the approved preliminary plan revisions, shall be made or allowed except in conformity with Section 6 of the Development Review Procedures Ordinance. ~~Additionally, no changes or modifications shall be made to any approved site plan or construction plan, or preliminary plan unless the County Administrator or his specifically designated representative determines, in writing, that a requested change does not constitute a "substantial modification" from the approved plan.~~

BP/TEF/n05/18/01

APPROVED AGENDA ITEM

FOR MAY 26 1987

BY [signature]


MASTER PLAN
PINE RIDGE AT PASCO
SUGAR CREEK BLVD
STATE ROAD No 52
CYPRESS RESERVE
VILLAGE 2 PHASE
VILLAGE 1 PHASE
COMMERCIAL
EXCEPTION
EXCEPTION 1
OFFICE
EASEMENT
70' WIDE INGRESS EGRESS
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PASCO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

Sylvia Young
Chairman
Mike Wells
Vice-Chairman
Curtis Law
Ann Hildebrand
Allan G. Salranek, Jr.

May 31, 1988

K. Hovanian,
Pasco I, Inc. 3844
3382 SR 584
Palm Harbor, Fl. 34684

Dear Petitioner(s):

On May 24, 1988, the Board of County Commissioners approved your request as per the attached memorandum.

If you have any questions regarding this matter, please contact Mr. Ken Baginski, Zoning Administrator, at the address or telephone number indicated below.

Sincerely,

Jed Pittman
By: Rebecca S. Dunk

JED PITTMAN,
CLERK TO THE BOARD

JP/rsh

Enclosure

EXHIBIT
J

Reply to:
☐ 705 East Live Oak Avenue — Dade City, Florida 33525 • (904) 521-4274
☒ 7530 Little Road — New Port Richey, Florida 34654 • (813) 847-2411

INSENT AC ENDA

ING PETITION REVIEW REPORT

Pasco County Planning Commission

FROM: Kenneth W. Baginski
Zoning Administrator

SUBJECT: Rezoning Request
(Cont. from 1/13/88, PC)
(Cont. from 1/26/88, BBC)
(Cont. from 2/10/88, PC)
(Cont. from 2/23/88, BCC)

APPLICANT: K. Hovnanian Pasco I, Inc.

PETITION #3844

Commission District #2

Planning Commission
Hearing Date: 5/11/88

Board of County Commissioners
Hearing Date: 5/24/88 (NPR)

Board of Zoning Adjustment
Hearing Date: N/A

PETITION SUMMARY

Petition #3844 in the name of K. Hovnanian Pasco I, Inc., has been filed for a change in zoning from a PUD (Planned Unit Development) District to a C-1 (Neighborhood Commercial) District. The property is located in West Central Pasco County, on the northeast corner of S.R. 52 and Pine Ridge Boulevard (Section 3, Township 25 South, Range 17 East), and contains 2.5 acres, m.o.l. The surrounding zoning districts and land uses are as follows:

	Zoning District		Land Use
North:	PUD (Planned Unit Development)	-	Sales Office; Undeveloped
East:	PUD (Planned Unit Development)	-	Undeveloped (Wooded); Water Treatment Plant
South:	C-2 (General Commercial)	-	S.R. 52; Undeveloped
West:	PUD (Planned Unit Development)	-	Pine Ridge Boulevard; Multifamily Homes

FINDINGS OF FACT

1. Presently, the subject site is undeveloped land, and the applicant proposes to develop the property commercially.

2. Access to the property is from S.R. 52, which has 48 feet of pavement and 100 feet of right-of-way with an additional 20 feet of right-of-way reserved by survey, and/or Pine Ridge Boulevard, which has 70 feet of divided pavement and no dedicated County right-of-way.

3. Minimum development standards for this site would require 200 feet of total right-of-way along S.R. 52 and 50 feet of total right-of-way along Pine Ridge Boulevard.

4. The subject property is partially located in an identified 100-year flood prone area, and development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance 87-11.

5. The site predominately indicates moderate soil limitations requiring modifications prior to development per the U.S.D.A. Soil Conservation Service's Soil Survey of Pasco County, Florida.

6. The surrounding area is characterized by multifamily homes under construction.

7. The subject site lies within the Pine Ridge PUD (Planned Unit Development) which contains approximately seven (7) acres of property reserved for commercial use.

11

The proposed req: t is inconsistent with the Dr ..nage and Conservation/Coastal Zone Protection Elements of the Pasco County Comprehensive Plan and Article XXV, Section 25.2(E)(p), of the Pasco County Zoning Ordinance with regard to development in a flood prone area.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

1. The owner/developer must comply with all requirements of Article XXIII, Section 23.10, of the Zoning Ordinance with regard to Site and Development Plan, and Section 13, Development Review and Regulation, of the Subdivision Ordinance.

2. The commercial site shall be developed in accordance with the Oak Plaza Site Plan dated May 5, 1988.

3. The site may be developed with all C-1 permitted uses, except convenience stores and fast food restaurants.

4. The owner/developer shall provide a minimum of a four-foot berm along S.R. 52 with landscaping and otherwise comply with all buffering and screening requirements.

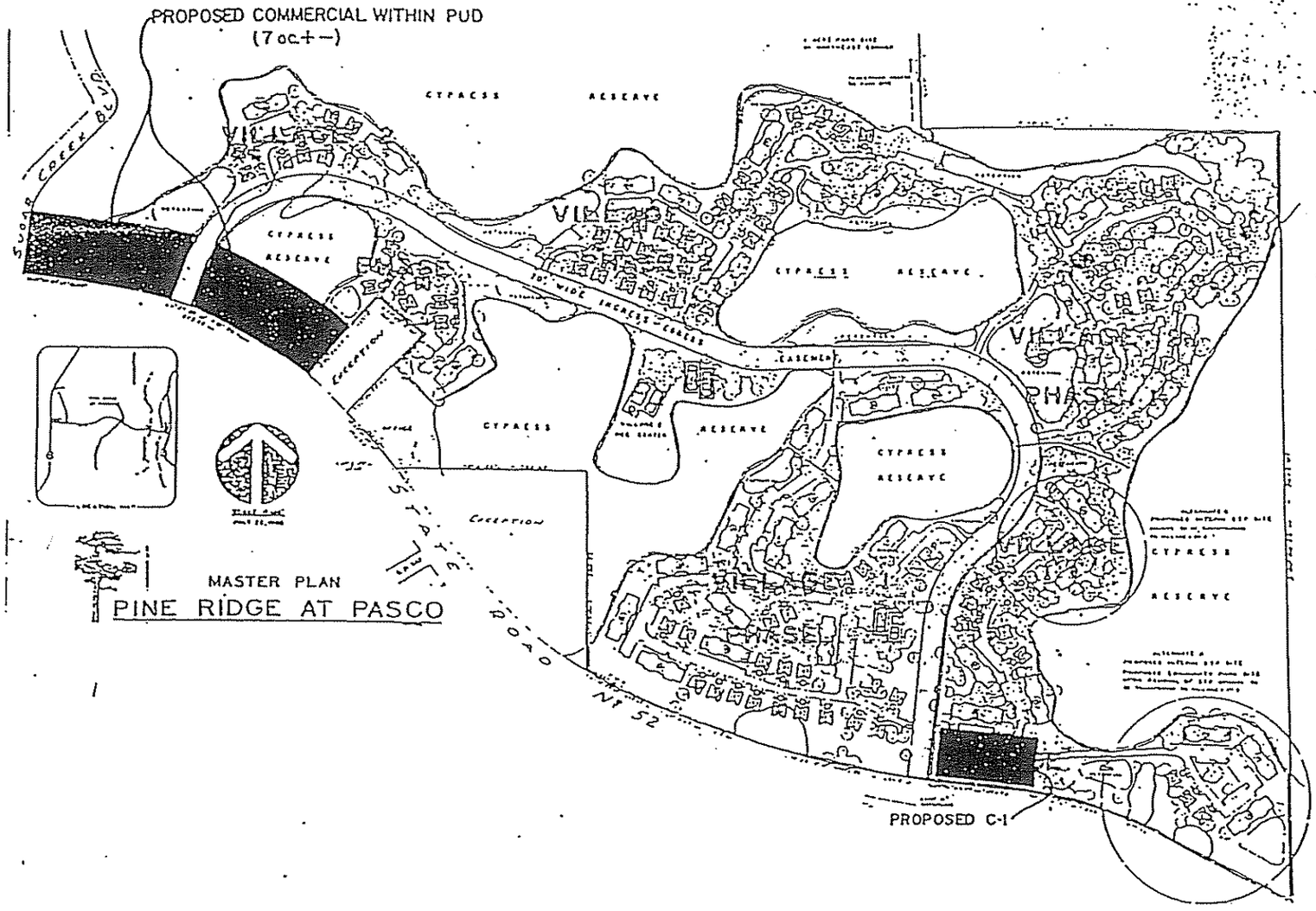
PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 9 Ayes; 0 Nayes
Denial of Staff Recommendation: _____ Ayes; _____ Nayes

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation


PROPOSED COMMERCIAL WITHIN PUD
(7 oc.+ −)
SUGAR CREEK BLVD
CYPRESS RESERVE
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EXCEPTION
EXCEPTION
STATE ROAD NO 52
PROPOSED C-1
MASTER PLAN
PINE RIDGE AT PASCO

DRAWN D.R.

CHECKED

George F. Young, Inc.

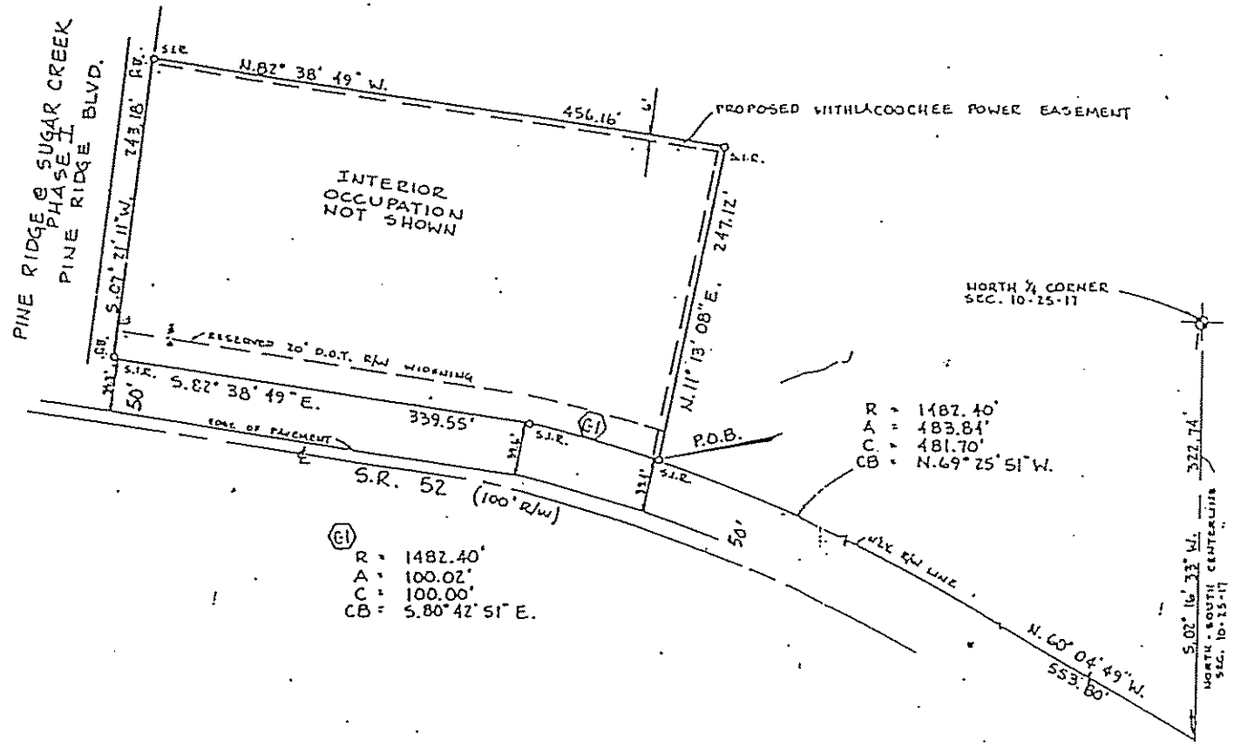
ARCHITECTS • ENGINEERS • PLANNERS • SURVEYORS

SEC. 3 TWP. 25 S., R 17 E.

N
W E
S

SCALE: 1" = 100'

BASIS OF BEARINGS: THE NORTH-SOUTH CENTERLINE OF SEC. 10-25-17, BEING, S.02° 16' 33" W.



BOUNDARY SURVEY

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 25 SOUTH, RANGE 17 EAST IN PASCO COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 10, TOWNSHIP 25 SOUTH, RANGE 17 EAST AS A POINT OF REFERENCE; THENCE S.02°16'33"W. ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 10, 322.74 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 52 (A 100.00 FOOT RIGHT-OF-WAY); THENCE N.60°04'49"W. ALONG SAID NORTHERLY RIGHT-OF-WAY 553.80 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST 483.84 FEET, SAID CURVE HAVING A RADIUS OF 1482.40 FEET, A CHORD OF 481.70 FEET, AND A CHORD BEARING OF N.69°25'51"W. TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY N.11°13'08"E., 247.12 FEET; THENCE N.82°38'49"W., 456.16 FEET; THENCE S.07°21'11"W., 243.18 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY; THENCE S.82°38'49"E. ALONG SAID NORTHERLY RIGHT-OF-WAY TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST 100.02 FEET; SAID CURVE HAVING A RADIUS OF 1482.40 FEET, A CHORD OF 100.00 FEET, AND A CHORD BEARING OF S.80°42'51"E. TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 2.503 ACRES MORE OR LESS.

CERTIFICATE: The survey represented hereon meets the minimum requirements of Chapter 21 HH-6 Florida Administrative Code to the best of my knowledge and belief.

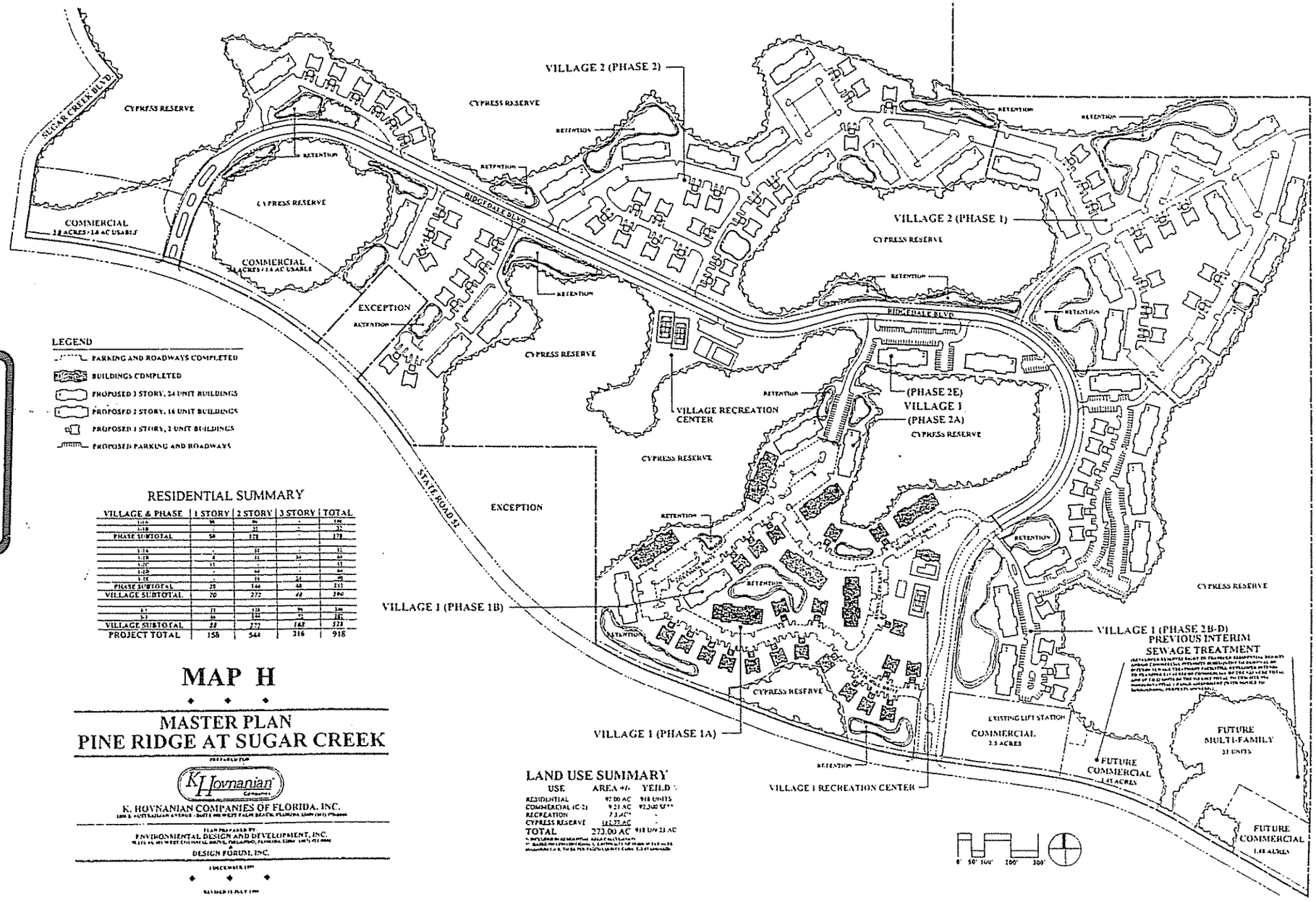
George F. Young, Inc.

Florida Surveyor's Reg'n. No. 3603

■ = FOUND CONCRETE MONUMENT #
□ = SET CONCRETE MONUMENT #
● = FOUND IRON ROD & CAP #
○ = SET IRON ROD & CAP # LB 031
⅄ = FOUND NAIL & DISC #
△ = SET NAIL & DISC # LB 031

SURVEY FOR HOVNANIAN

ORDER NO. 863730601L



EXHIBIT

K

LEGEND

- PARKING AND ROADWAYS COMPLETED
- BUILDINGS COMPLETED
- PROPOSED 3 STORY, 24 UNIT BUILDINGS
- PROPOSED 2 STORY, 16 UNIT BUILDINGS
- PROPOSED 1 STORY, 2 UNIT BUILDINGS
- PROPOSED PARKING AND ROADWAYS

RESIDENTIAL SUMMARY

VILLAGE & PHASE	1 STORY	2 STORY	3 STORY	TOTAL
1-1A	96	96	-	96
1-1B	-	32	-	32
PHASE SUBTOTAL	96	128	-	128
1-2A	-	32	-	32
1-2B	8	32	24	64
1-2C	32	-	-	32
1-2D	-	64	-	64
1-2E	-	16	24	40
PHASE SUBTOTAL	40	144	48	232
VILLAGE SUBTOTAL	40	272	48	360
2-1	32	128	96	256
2-2	96	144	72	312
VILLAGE SUBTOTAL	128	272	168	568
PROJECT TOTAL	158	544	216	918

MAP H

MASTER PLAN
PINE RIDGE AT SUGAR CREEK

PREPARED FOR

K. HOVNANIAN COMPANIES OF FLORIDA, INC.

PLAN PREPARED BY
ENVIRONMENTAL DESIGN AND DEVELOPMENT, INC.
&
DESIGN FORUM, INC.

LAND USE SUMMARY

USE	AREA +/-	YIELD
RESIDENTIAL	92.00 AC	918 UNITS
COMMERCIAL (C-2)	9.23 AC	92,340 SF**
RECREATION	7.3 AC**	-
CYPRESS RESERVE	164.27 AC	-
TOTAL	273.00 AC	918 DW 23 AC

D. R. I. DEVELOPMENT ORDER

Let it be known that pursuant to Section 380.06 (7), Florida Statutes the Pasco County Board of County Commissioners has heard at a public hearing held on October 22, 1974, the application for development approval for Sugar Creek, a development of 3,583 units to be located in Pasco County on October 22, 1974.

Pursuant to Section 380.06 and after due consideration of the consistency of this development with regulations, and the regional report, this body took the following action:

Approval with conditions (see attached memo).

Copies of this order are to be sent immediately to the Division of State Planning, to Tampa Bay Regional Planning Council, and to Metro Communities Corporation, Post Office Box 147, Tarpon Springs, Florida, 33589.

PASSED AND ADOPTED THIS 22nd day of October, 1974.

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

BY: Walter M. Voorhees
Walter M. Voorhees, Chairman

ATTEST:

Miller Newton
Miller Newton, Clerk of Circuit Court

Pasco County
BOARD OF COMMISSIONERS
County Building, 523 Junior Rd., New Port Richey, Florida 33552
Pasco County Courthouse, 410 E. Meridian Ave., Dade City, Florida 33525

October 22, 1974

MEMORANDUM

TO: THE BOARD OF COUNTY COMMISSIONERS

FROM: WILLIAM O. WILEY, JR., PLANNING DIRECTOR

RE: DEVELOPMENT OF REGIONAL IMPACT APPLICATION

Sugar Creek by Metro Communities Corporation

The Planning Department recommends approval of the Sugar Creek application with the following conditions:

1. That the developer agrees to comply with the recommendations of Tampa Bay Regional Planning Council as approved by the Executive Committee of September 9, 1974.

2. That the developer agrees to comply with the requirements of the National Flood Insurance Program for Pasco County with first floor elevations above the one hundred (100) year flood frequency level for all structures on the site.

3. The developer agrees to coordinate with the Florida Department of Transportation in the construction of the following transportation facility improvements which will be constructed in accordance with the following schedule:

A. When the most westernly access road intersection State Road 52 is completed, the following improvements will be required:

1. Right turn lane and acceleration lane from access road west on State Road 52

2. Deceleration lane on State Road 52 to access road.

3. Passing lane at intersection on south side of State Road 52.

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B. When the easternly access road intersecting State Road 52 is completed, the following improvements will be required:

1. Right turn lane and acceleration lane from access road west on State Road 52.

2. Deceleration lane on State Road 52 to access road.

3. Passing lane at intersection on south sic of State Road 52.

C. When the access road which intersects Colony Road is completed, the following improvements will be required:

1. Right turn lane and acceleration lane west from Colony Road on State Road 52.

2. Deceleration lane on State Road 52 along entire commercial frontage to Colony Road.

3. Access lane on Colony Road's eastern side from intersection.

4. Passing lane at intersection on south side of State Road 52.

D. When any one of the three above access roads are completed, a passing lane will be required on the north side of State Road 52 at the intersection of State Road 387 and the necessary widening of State Road 587 at the intersection.

4. The developer agrees that the main access road through the development will be of collector statu and that it will extend to the north as shown on the revised site plan.

5. The developer agrees to dedicate an additional ten (10) feet of right-of-way along State Road 52.

6. The developer agrees to provide a one (1) acre site for a fire station located on the west side of the present utility substation and no further improvements shall be required.

7. The developer agrees to donate four (4) acres to the Board of County Commissioners of Pasco

County, Florida for whatever use the Board decides with an option to purchase six (6) acres at an appraised value and with the stipulation that the property be in a corner for expansion purposes.

8. For the two most easternly commercial areas access will only be to the local subdivision street and State Road 52. For the two most westernly commercial areas access will be limited to one (1) entrance and exit on State Road 52.