



# PASCO COUNTY, FLORIDA

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

May 15, 1995

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

RE: Summertree Development of Regional Impact Abandonment

Dear Mr. Butts:

On May 2, 1995, the Pasco County Board of County Commissioners approved the abandonment of the Summertree Development of Regional Impact (DRI) by Resolution No. 95-180. A certified copy of the resolution and the Conditions of Approval have been enclosed for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah J. Bolduc".

Deborah J. Bolduc  
Planner II

DJB/b051104:ltr

Enclosures

cc: Mr. J. Thomas Beck, Chief Bureau of State Planning, Florida Dept. of Community Affairs, 2470 Centerview Drive, Tallahassee, FL 32399  
Mr. P. J. Shah, P.E., Cumbey & Fair, Inc., 2463 Enterprise Road, Clearwater, FL 34623-1790



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Mr. P. J. Shah, P.E.  
Cumbey & Fair, Inc.  
2463 Enterprise Road  
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Deborah J. Bolduc  
Planner II

DJB/b051106:1tr

Enclosures

cc: Mr. Tim Butts, AICP, DRI Coordinator, Tampa Bay Regional Planning Council,  
9455 Koger Boulevard, St. Petersburg, FL 33702  
Mr. P. J. Shah, P.E., Cumbey & Fair, Inc., 2463 Enterprise Road, Clearwater,  
FL 34623-1790

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

WHEREAS, Pasco County previously approved a development order (Resolution No. 81-59) pursuant to Chapter 380, Florida Statutes (F.S.), on February 17, 1981, for the Summertree Development of Regional Impact (hereinafter called "the DRI"), which authorized the development of certain properties on the south side of S.R. 52, west of Moon Lake Road, and consisting of approximately 467 acres; and,

WHEREAS, the original owners, Pointe West Recreation Facility, have constructed 714 units of the 1,760 approved units; and,

WHEREAS, the property of the DRI is being sold to Tam Bay Developers, Inc., by the original owners; and,

WHEREAS, Tam Bay Developers, Inc., plans to reduce the total number of units within the development to 1,294 (which includes the existing 714 units); and,

WHEREAS, the proposed reduction in density falls substantially below any DRI threshold; and,

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

WHEREAS, Pointe West Recreation Facility, Inc., and Tam Bay Developers, Inc., have submitted an application to Pasco County requesting approval of the abandonment of the DRI; and,

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

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

1. The primary reason for abandonment of the DRI is the fact that the reduction in density from the original plan of development changes the development plan to the extent that the development is now below the eighty (80) percent threshold for a DRI.

2. To date, the development consists of 289 single-family detached lots and 424 duplex units known as Arborwood at Summertree and Pointe West Condominiums, respectively, and one model center on a single-family lot. Other existing improvements include a treatment plant site (now abandoned), a recreational area, the main entrance road, and a

nine-hole golf course with clubhouse. The residential development represents 40 percent of the originally approved 1,760 residential units.

3. The postabandonment plan of development will have considerably less impact than the original DRI plan of development. The remaining property will be developed as a Planned Unit Development (PUD) and multifamily development subject to the current Comprehensive Plan and Land Development Regulations for Pasco County, including concurrency. In addition, all development will be done in compliance with all applicable Federal, State, local, and regional agency permitting requirements. All impacts will be dealt with within the context of permitting each new phase of the postabandonment development.

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

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

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

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

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

"EXHIBIT A"

Conditions of Approval for Abandonment  
Summertree Development of Regional Impact

A. The developers/owners shall comply with the PUD Planned Unit Development conditions approved by the Pasco County Board of County Commissioners on November 25, 1986 (Rezoning Petition No. 3474), and January 27, 1987 (Rezoning Petition No. 3546), and any subsequent amendments. Any future rezoning will be subject to the regulations in effect at the time of rezoning.

B. The developers/owners (Pointe West Recreational Facilities, Inc., and Tam Bay Developers, Inc.) agree to waive, relinquish, and release any vested rights under Subsection 163.3167(8), Florida Statutes, which may have arisen by virtue of the approved DRI. Future development will be subject to the goals, objectives, and policies in the Pasco County Comprehensive Plan, and all regulations within the Pasco County Land Development Code.

C. Future development on this property will not exceed 80 percent of any DRI threshold or guideline.

D. All development on this property will be done in compliance with the applicable Federal, State, local, and regional agency permitting requirements.

E. The developer will enter into a development agreement with Pasco County for the construction of a major road from the east property line to the proposed Colony Road Extension prior to the recording of the first record plat following abandonment.

F. The developer shall donate \$50.00 per dwelling unit to the County prior to each record plat approval, or where no record plat is required, prior to each Building Permit for each increment, for public education facilities.

G. The developer shall donate \$25.00 per dwelling unit to the County prior to each record plat approval, or where no record plat is required, prior to each Building Permit for each increment, for public safety facilities and equipment.

H. The developer shall donate \$100.00 per dwelling unit (unless modified by ordinance) recreation fee to the County prior to each record plat approval, or where no record plat is required, prior to each Building Permit for each increment. The developer shall also provide to the County a \$50.00 per unit (unless modified by ordinance) park service fee prior to each record plat approval for each increment, or where no record plat is required, prior to each Building Permit for each increment.

I. Prior to the recording of the record plat for the 1,201st unit, or where no record plat is required prior to the 1,201st Building Permit, the developer must provide a fully functional secondary access to service the subject property.

## EXHIBIT 'A'

PARCEL 1: A parcel of land located in Section 5 and 8, Township 25 South, Range 17 East, Pasco County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of the plat of ARBORWOOD AT SUMMERTREE, as recorded in Plat Book 22, Pages 50 through 63, Public Records of Pasco County, Florida; thence along the North line of said plat the following fourteen (14) courses; (1) S. 62° 32' 46" W., 1,110.00 feet; (2) N. 35° 11' 12" W., 609.06 feet; (3) S. 55° 27' 01" W., 125.72 feet; (4) N. 89° 24' 20" W., 113.72 feet; (5) S. 47° 56' 18" W., 65.80 feet; (6) S. 88° 12' 07" W., 84.21 feet; (7) S. 15° 06' 44" E., 146.34 feet; (8) S. 52° 13' 48" W., 60.09 feet; (9) N. 50° 16' 11" W., 162.23 feet; (10) S. 79° 00' 00" W., 127.70 feet; (11) S. 11° 00' 00" E., 248.30 feet; (12) S. 79° 00' 00" W., 420.00 feet to a point on the arc of a non-tangent curve concave to the East (from which a radial line bears N. 83° 21' 44" E.); (13) Northerly along the arc of said curve having for its elements a radius of 2,150.00 feet, a central angle of 06° 38' 16", an arc length of 249.07 feet and a chord bearing and distance of N. 03° 19' 08" W., 248.94 feet to the point of tangency; (14) North, 232.55 feet to a point on an ingress/egress easement as recorded in Official Records Book 993, Page 230, Public Records of Pasco County, Florida; thence along the East line of said ingress/egress easement the following two (2) courses; (1) continue North, 200.00 feet to the point of curvature of a curve concave to the Southwest; (2) northwesterly along the arc of said curve having for its elements a radius of 625.00 feet, a central angle of 41° 34' 03", an arc length of 453.43 feet and a chord bearing and distance of N. 20° 47' 02" W., 443.55 feet; thence along the proposed East right-of-way line of Paradise Point Way the following nine (9) courses; (1) continue along the arc of said curve having for its elements a radius of 625.00 feet, a central angle of 00° 55' 01", an arc length of 10.18 feet and a chord bearing and distance of N. 42° 00' 37" W., 10.18 feet to the point tangency; (2) N. 42° 30' 04" W., 15.00 feet to the point of curvature of a curve concave to the East; (3) northerly along the arc of said curve having for its elements a radius of 192.50 feet, a central angle of 61° 02' 36", an arc length of 205.09 feet and a chord bearing and distance of N. 11° 58' 46" W., 195.53 feet to the point of tangency; (4) N. 18° 32' 32" E., for 325.00 feet to the point of curvature of a curve concave to the Southeast; (5) northeasterly along the arc of said curve having for its elements a radius of 400.00 feet, a central angle of 20° 44' 21", an arc length of 144.79 feet and a chord bearing and distance of N. 28° 54' 42" E., 144.00 feet to the point of compound curvature of a curve concave to the Southeast; (6) northeasterly along the arc of said curve having for its elements a radius of 628.00 feet, a central angle of 15° 03' 49", an arc length of 165.11 feet and a chord bearing and distance of N. 46° 48' 48" E., 164.63 feet to the point of tangency; (7) N. 54° 20' 42" E., 821.19 feet to the point of curvature of a curve concave to the West; (8) northerly along the arc of said curve having for its elements a radius of 350.00 feet, a central angle of 90° 03' 09", an arc length of 550.10 feet and a chord bearing and distance of N. 09° 19' 08" E., 495.20 feet to the point of tangency; (9) N. 35° 42' 27" W., 250.00 feet to a point on the southerly right-of-way line of State Road No. 52 as shown on a right-of-way map provided by the Florida Department of Transportation (Project 1050 Road (210) dated 12/5/41); thence N. 54° 17' 33" E., along said southerly right-of-way line, 349.55 feet to the Northwest corner of Parcel "D", as described on Page 49 of the Condominium Document for POINT WEST CONDOMINIUM as recorded in Plat Book 12, Pages 9 through 11, Pages 25 through 27, Pages 40 through 43, Pages 87 through 90, and Plat Book 13, Pages 19 through 21, Pages 50, 51, 68 and 69, Public Records of Pasco County, Florida; thence along the boundary of said POINTE WEST CONDOMINIUM the following four (4) courses; (1) S. 02° 32' 46" W., 636.72 feet; (2) N. 54° 17' 33" E., 717.72 feet to the point of curvature of a curve concave to the Southeast; (3) northeasterly along the arc of said curve having for its elements a radius of 1,360.11 feet, a central angle of 24° 10' 29", an arc length of 573.87 feet and a chord bearing and distance of N. 66° 22' 48" E., 569.62 feet; (4) N. 09° 25' 19" W., 500.25 feet to a point on the aforescribe southerly right-of-way line of State

Road No 52, being a point on the arc of a non-tangent curve concave to the South (from which a radial line bears S.10°57'53"E.); thence along said southerly right-of-way line, Easterly along the arc of said curve having its elements a radius of 1,860.11 feet, a central angle of 04°21'01", an arc length of 141.23 feet and a chord bearing and distance of N.81°12'37"E., 141.20 feet to a point on the boundary of land described in Official Records Book 950, Page 1488, Public Records of Pasco County, Florida; along said boundary the following three (3) courses; (1) S.09°25'19"E., 500.25 feet; (2) N.84°25'33"E., 283.60 feet; (3) S.02°32'46"W., 2,712.99 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

A parcel of land lying within Sections 5 and 8, Township 25 South, Range 17 East, Pasco County, Florida, being more particularly described as follows:

BEGIN at the intersection of the Northerly right-of-way line of PAMPAS DRIVE and the Easterly right-of-way line of PARADISE POINT WAY as shown on Sheet 5 of 14 of the plat of ARBORWOOD AT SUMMERTREE, recorded in Plat Book 22, Page 50 of the Public Records of Pasco County, Florida. said point lying on the arc of a non-tangent curve (radial line through said point bears N.83°21'44"E.); thence along said Easterly right-of-way line of PARADISE POINT WAY the following five (5) courses; (1) Northerly along the arc of said curve, concave Easterly, having a radius of 2150.00 feet, a central angle of 06°38'16", an arc length of 249.08 feet and a chord bearing and distance of N.03°19'08"W. for 248.94 feet to a point of tangency; (2) North for 432.55 feet to a point of curvature; (3) Northerly along the arc of a curve, concave Westerly, having a radius of 625.00 feet, a central angle of 42°30'04", and arc length of 463.62 feet and a chord bearing and distance of N.21°15'02"W. for 453.06 feet to a point of tangency; (4) N.42°30'04"W., for 15.00 feet to a point of curvature; (5) Northwesterly along the arc of a curve, concave Northeasterly, having a radius of 192.50 feet, a central angle of 27°12'29", and arc length of 91.41 feet and a chord bearing and distance of N.23°53'50"W. for 90.56 feet to a point of non-tangency; thence leaving said Easterly right-of-way line of PARADISE POINT WAY, S.71°02'19"E for 133.41 feet; thence N.21°54'41"E. for 187.77 feet; thence N.75°41'05"E. for 163.16 feet; thence N.12°15'52"W. for 245.39 feet; thence N.21°15'06"E. for 100.02 feet; thence N.74°51'35"E. for 153.25 feet; thence N.08°09'51"E. for 42.78 feet; thence N.22°41'18"E. for 151.36 feet; thence S.33°48'52"E. for 80.00 feet; thence S.24°16'13"E. for 149.22 feet; thence S.21°47'53"E. for 380.07 feet; thence N.67°46'53"E. for 526.25 feet; thence N.15°28'38"E. for 494.67 feet; thence N.24°56'42"E. for 305.98 feet; thence S.65°03'18"E. for 90.37 feet; thence N.51°47'11"E. for 99.77 feet; thence N.64°26'14"E. for 819.29 feet; thence S.79°47'46"E. for 209.58 feet; thence S.02°32'47"W. for 78.46 feet; thence S.28°02'20"W. for 569.15 feet; thence S.31°47'40"W. for 199.57 feet; thence S.33°40'12"W. for 457.24 feet; thence S.27°58'42"W. for 134.38 feet; thence N.53°20'36"W. for 141.75 feet; thence S.09°34'45"W. for 74.66 feet; thence S.62°41'26"W. for 28.15 feet; thence S.49°54'35"W. for 69.99 feet; thence N.40°05'25"W. for 176.55 feet; thence S.82°32'57"W. for 267.28 feet; thence S.51°23'43"W. for 240.27 feet; thence S.10°56'50"E. for 97.03 feet; thence S.35°30'56"W. for 331.24 feet; thence S.46°56'55"E. for 259.12 feet; thence N.70°14'43"E. for 194.94 feet; thence N.66°44'38"E. for 505.76 feet; thence N.04°47'09"E. for 293.60 feet; thence N.48°01'38"E. for 35.43 feet; thence N.79°53'08"E. for 31.31 feet; thence S.49°25'26"E. for 39.32 feet; thence S.09°51'42"E. for 567.66 feet; thence S.43°20'37"W. for 46.40 feet; thence S.74°42'20"W. for 563.87 feet; thence N.47°21'55"W. for 9.11 feet thence N.80°35'45"W. for 37.01 feet; thence S.79°45'19"W. for 221.39 feet to a point on the Northerly boundary of said ARBORWOOD AT SUMMERTREE; thence along said Northerly boundary the following ten (10) courses; (1) S.55°27'01"W. for 125.72 feet; (2) N.89°24'20"W. for 113.72 feet; (3) S.47°56'18"W. for 65.80 feet; (4) S.88°12'07"W. for 84.21 feet; (5) S.15°06'44"E. for 146.34 feet; (6) S.52°13'48"W. for 60.09 feet; (7) N.60°16'11"W. for 162.23 feet; (8) S.79°00'00"W. for 127.70 feet; (9) S.11°00'00"E. for 248.30 feet; (10) S.79°00'00"W. for 420.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 2. A parcel of land located in the Northwest 1/4 of Section 8, Township 25 South, Range 17 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 8; thence N.22°25'09"E., 4,947.13 feet to the Southwest corner of POINTE WEST CONDOMINIUM, as

recorded in Official Records Book 993, Page 230 of the Public Records of Pasco County, Florida, said point being the POINT OF BEGINNING; thence S.89°28'46"E., 282.39 feet to a point on the West right-of-way line of PARADISE POINT WAY, as shown on the plat of ARBORWOOD AT SUMMERTREE, as recorded in Plat Book 22, Pages 50 through 63 of the Public Records of Pasco County, Florida; thence along said West right-of-way line the following two (2) courses; (1) South, 155.50 feet to a point of curvature of a curve concave to the Northeast; (2) Southerly along the arc of said curve having for its elements a radius of 2,250.00 feet, a central angle of 08°41'16", an arc length of 341.16 feet and a chord bearing and distance of S.04°20'39"E., 340.84 feet to the Easterly extension of the North boundary of P.P.W. Sewer Company, Inc., as recorded in Official Records Book 843, Page 296 of the Public Records of Pasco County, Florida; thence S.73°00'00"W., along said north boundary and its Easterly extension 447.05 feet; thence N.15°26'00"W., 23.16 feet; thence S.82°53'00"W., 26.23 feet; thence N.75°27'54"W., 44.55 feet; thence N.39°19'44"W., 47.20 feet; thence N.59°13'02"W., 91.55 feet to a point on the East boundary of POINTE WEST CONDOMINIUM, as recorded in Plat Book 12, Pages 9 through 11, 25 through 27, 40 through 43 and 87 through 90, and Plat Book 13, Pages 19 through 21, 50, 51, 68 and 69 of the Public Records of Pasco County, Florida; thence along said East boundary the following four (4) courses; (1) N.27°42'33"E., 200.03 feet; (2) N.29°25'37"E., 200.02 feet; (3) N.30°52'51"E., 62.82 feet; (4) thence N.05°16'17"E., 110.88 feet; thence S.89°28'47"E., 69.48 feet to the POINT OF BEGINNING.

PARCEL 3. A parcel of land located in Section 8, Township 25 South, Range 17 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 8; thence N.89°28'48"W., along the South line of said Section 8, 2,432.65 feet to the POINT OF BEGINNING; thence continue along said South line of Section 8 the following two (2) courses; (1) N.89°28'48"W., 234.93 feet; (2) N.89°31'42"W., 1,667.58 feet to the Southeast corner of BEAR CREEK ESTATES UNIT 3, being an unrecorded plat of Pasco County, Florida; thence N.00°51'28"E., along the East line of said BEAR CREEK ESTATES, 3,468.92 feet to the Southwest corner of POINTE WEST CONDOMINIUM, as recorded in Plat Book 12, Pages 9 through 11, 25 through 27, 40 through 43 and 87 through 90, and Plat Book 13, Pages 19 through 21, 50, 51, 68 and 69 of the Public Records of Pasco County, Florida; thence along the boundary of said POINTE WEST CONDOMINIUM the following six (6) courses; (1) N.69°55'58"E., 33.95 feet; (2) S.20°01'20"E., 420.00 feet; (3) S.63°45'33"E., 102.98 feet; (4) S.88°12'36"E., 320.16 feet; (5) N.56°18'36"E., 162.23 feet; (6) N.23°56'33"W., 201.70 feet; thence N.66°03'27"E., 266.71 feet; thence N.85°02'23"E., 454.89 feet to a point on the arc of a non-tangent curve concave to the Northeast (from which a radial line bears N.64°23'52"E.), said point being on the Southwesterly boundary of ARBORWOOD AT SUMMERTREE, as recorded in Plat Book 22, Pages 50 through 63 of the Public Records of Pasco County, Florida; thence along said boundary the following five (5) courses; (1) Southeasterly along the arc of said curve having for its elements a radius of 2,250.00 feet, a central angle of 06°52'47", an arc length of 270.16 feet and a chord bearing and distance of S.29°02'32"E., 270.00 feet; (2) S.38°04'33"E., along a non-tangent line from said curve, 205.16 feet to a point on the arc of a non-tangent curve concave to the Northeast (from which a radial line bears S.57°31'06"W.); (3) Southerly along the arc of said curve having for its elements a radius of 350.00 feet, a central angle of 47°59'58", an arc length of 293.21 feet and a chord bearing and distance of S.08°28'55"E., 284.71 feet; (4) S.74°28'56"E., along a radial line of said curve, 60.00 feet; (5) S.56°21'48"E., 324.61 feet; thence S.02°32'46"W., 1,209.42 feet; thence N.88°48'14"W., 239.01 feet; thence S.45°07'24"W., 291.37 feet; thence S.07°32'16"W., 508.90 feet; thence S.63°19'20"W., 238.90 feet; thence S.55°18'41"W., 333.15 feet; thence S.25°24'03"E., 267.21 feet; thence N.78°12'38"E., 473.30 feet; thence N.52°15'18"E., 484.97 feet; thence S.02°32'46"W., 541.03 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 4. A portion of Section 5, Township 25 South, Range 17 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 8, Township 25 South, Range 17 East, said Southwest corner being on the South boundary of BEAR CREEK ESTATES UNIT THREE, an unrecorded Plat, thence S.89°31'42"E., 1,000.00 feet along the South boundary of said Section 8 to the Southeast corner of said BEAR CREEK ESTATES UNIT THREE; thence N.00°51'28"E., (assumed

bearing) 5,277.70 feet along the East boundary of BEAR CREEK ESTATES UNITS ONE, TWO AND THREE, all being unrecorded plats, and along the boundary of POINTE WEST CONDOMINIUM, as recorded in Plat Book 12, Pages 9, 10, 11, 25, 26, 27, 40, 41, 42, 43, 87, 88, 89 and 90, Plat Book 13, Pages 19, 20, 21, 50, 51, 68 and 69 of the Public Records of said County to the South boundary of said Section 5; thence N.00°29'36"E., 599.78 feet along the East boundary of said BEAR CREEK ESTATES UNIT ONE and the West boundary of said POINTE WEST CONDOMINIUMS and the West boundary of P.P.W. Water Company, Inc. as described in O.R. Book 843, Page 294, Public Records of said County to the POINT OF BEGINNING; thence N.00°29'36"E., 79.75 feet along the East boundary of said BEAR CREEK ESTATES UNIT ONE to the Southerly right-of-way line of State Road No. 52, as shown on a right-of-way map provided by the Florida Department of Transportation (Project 1050 Road (210) dated 12-5-41); thence along said Southerly right-of-way line the following courses and curve: N.51°34'00"E., 380.95 feet to the beginning of a curve to the Northwest having a radius of 3,869.70 feet; thence Northeasterly, 491.35 feet along said curve through a central angle of 07°16'30", thence N.54°17'33"E., 1,270.45 feet to the Westerly line of a proposed 100.00 foot easement for ingress and egress; thence leaving said Southerly right-of-way line, along the Westerly and Northerly line of said proposed easement for ingress and egress the following courses and curves: S.35°42'27"E., 250.00 feet to the beginning of a curve concave to the West having a radius of 250.00 feet; thence Southerly, 392.93 feet through a central angle of 90°03'09"; thence S.54°20'42"W., 821.19 feet to the beginning of a curve concave to the Southeast having a radius of 728.00 feet; thence Southwesterly, 0.67 feet through a central angle of 00°03'09" (chord bearing S.54°19'08"W., 0.67 feet) to the boundary of a recreation area as described in O.R. Book 1142, Page 912, Public Records of said County; thence leaving said easement for ingress and egress, along the boundary of said recreation area the following course and curve: non-tangent to said curve, S.54°17'33"W., 198.00 feet to the beginning of a curve concave to the Northwest, having a radius of 4,369.72 feet; thence Southwesterly, 565.91 feet through a central angle of 08°43'53" to the East boundary of said POINTE WEST CONDOMINIUM; thence leaving the boundary of said recreation area, along the boundary of said POINTE WEST CONDOMINIUM the following courses: N.01°25'22"W., 278.54 feet; thence N.89°03'32"W., 102.23 feet; thence S.61°36'13"W., 209.16 feet; thence N.69°20'08"W., 137.16 feet; thence N.89°30'24"W., 53.80 feet the POINT OF BEGINNING.

LESS AND EXCEPT:

A portion of Section 5, Township 25 South, Range 17 East, Pasco County, Florida, 50.00 feet wide Southeasterly and parallel with the Southeasterly right-of-way line of State Road No. 52 more particularly described as follows:

From the Southwest corner of Section 8, Township 25 South, Range 17 East; thence S.89°31'42"E., 1000.00 feet; thence N.00°51'28"E., 5277.70 feet to a point on the South line of said Section 5; thence N.00°29'36"E., 622.40 feet to the POINT OF BEGINNING; thence 50.00 feet from and parallel with said Southeast right-of-way line of State Road No. 52, the following three courses: N.61°34'03"E., 404.58 feet to a point of curvature; thence along the arc of a curve to the left 497.69 feet, radius 3,919.70 feet, chord 497.36 feet, chord bearing N.57°55'48"E.; thence N.54°17'33"E., 1270.45 feet to a point on the West line of an ingress/egress easement; thence along said line N.35°42'27"W., 50.00 feet to said Southeast right-of-way of State Road No. 52; thence along said right-of-way the following three courses: S.54°17'33"W., 1,270.45 feet to a point of curvature; thence along the arc of a curve to the right 491.35 feet, radius 3,869.70 feet, chord 491.02 feet, chord bearing S.57°55'48"W., thence S.61°34'03"W., 380.95 feet; thence leaving said right-of-way S.00°29'36"W., 57.13 feet to the POINT OF BEGINNING.

TOGETHER WITH:

Parcel 5. That portion of the South 1/2 of section 8, Township 25 South, Range 17 East, Pasco County, Florida being further described as follows:

Commence at the Southwest corner of said Section 8, thence along the South line of Section, S.89°31'42"E., 1667.58 feet to the South 1/4 corner of said Section 8; thence along the South line of the Southeast 1/4 of said Section, S.89°28'48"E., 234.93 feet; thence leaving said line, N.02°32'46"E., 541.03 feet to the POINT OF BEGINNING; thence S.52°15'18"W., 484.97 feet; thence S.78°12'38"W., 473.30 feet; thence N.26°24'03"W., 267.21 feet; thence N.55°18'41"E., 333.16 feet; thence N.63°19'20"E., 238.90 feet; thence N.07°32'16"E., 508.90 feet;

thence N.46°07'24"E., 291.37 feet; thence S.88°48'14"E., 239.01 feet; thence S.02°32'46"W., 844.93 feet to the POINT OF BEGINNING.

SUBJECT TO:

Parcel 6: Non-exclusive easement for the benefit of Parcels 1 through 5, as created by that certain Easement Agreement dated December 18, 1990 and recorded February 28, 1991 in Official Records Book 1988, Page 1754 of the Public Records of Pasco County, Florida, for the purpose of ingress and egress over and across the land described as follows:

Those portions of Sections 5 and 8, Township 25 South, Range 17 East, Pasco County, Florida being further described as follows:

Begin at the Northeast corner of PARADISE POINT WAY (100' private road) as shown on the Plat of ARBORWOOD AT SUMMERTREE as recorded in Plat Book 22, Pages 50 through 63 of the Public Records of Pasco County, Florida; thence along the North line of said PARADISE POINT WAY, West, 100.00 feet to the East line of POINTE WEST CONDOMINIUM as recorded in O.R. Book 993, Page 230, of the Public Records of Pasco County, Florida; thence along said East line and line extended, North 200.00 feet to a curve concave Westerly and having a radius of 525.00 feet; thence Northerly along said curve 328.01 feet through a central angle of 35°47'52" (C.B. N.17°53'56"W., 322.70 feet); thence non-tangent, S.46°53'19"W., 48.90 feet to a curve concave Southeasterly and having a radius of 114.00 feet; thence Southwesterly along said curve 89.87 feet through a central angle of 45°10'00" (C.B. S.24°18'19"W., 87.56 feet); thence S.01°43'19"W., 36.31 feet to a curve concave Northwesterly and having a radius of 155.00 feet; thence Southwesterly along said curve, 243.47 feet through a central angle of 90°00'00" (C.B. S.46°43'19"W., 219.20 feet); thence N.88°16'41"W., 14.00 feet to the East line of POINTE WEST CONDOMINIUM as recorded in Plat Book 12, Pages 9 through 11, Pages 25 through 27, Pages 40 through 43, Pages 87 through 90 and Plat Book 13, Pages 19 through 21, Pages 50, 51, 68, and 69 of the Public Records of Pasco County, Florida; thence along said plat boundary, N.01°43'19"E., 50.00 feet; thence leaving said boundary along the boundary of a recreation area as recorded in O.R. Book 1142, Page 912 of the Public Records of Pasco County, Florida the following: S.88°16'41"E., 14.00 feet to a curve concave Northwesterly and having a radius of 105.00 feet; thence Northeasterly along said curve 164.93 feet through a central angle of 90°00'00" (C.B. N.48°43'19"E., 148.49 feet); thence N.01°43'19"E., 36.31 feet to a curve concave Southeasterly and having a radius of 164.00 feet; thence Northeasterly along said curve 129.28 feet through a central angle of 45°10'00" (C.B. N.24°18'19"E., 125.96 feet); thence N.46°53'19"E., 52.90 feet to a non-tangent concave Southwesterly and having a radius of 525.00 feet; thence Northwesterly along said curve 11.24 feet through a central angle of 01°13'38" (C.B. N.41°53'15"W., 11.24 feet); thence N.42°30'04"W., 15.00 feet to a curve concave Easterly and having a radius of 292.50 feet; thence Northerly along said curve 311.63 feet through a central angle of 61°02'36" (C.B. N.11°58'46"W., 297.10 feet); thence N.18°32'32"E., 325.00 feet to a curve concave Southeasterly and having a radius of 500.00 feet; thence Northeasterly along said curve, 180.98 feet through a central angle of 20°44'21" (C.B. N.28°54'43"E., 180.00 feet) to a compound curve concave Southeasterly and having a radius of 728.00 feet; thence Northeasterly along said curve 191.40 feet through a central angle of 15°03'49" (C.B. N.46°48'48"E., 190.85 feet); thence leaving said recreation area boundary, N.54°20'42"E., 821.19 feet to a curve concave Westerly and having a radius of 250.00 feet; thence Northerly along said curve, 392.93 feet through a central angle of 90°03'09" (C.B. N.09°19'08"E., 353.72 feet); thence N.35°42'27"W., 250.00 feet to the South right-of-way line of State Road No. 52 (50 1/2 right-of-way); thence along said line N.54°17'33"E., 100.00 feet; thence leaving said line, S.35°42'27"E., 250.00 feet to a curve concave Westerly and having a radius of 350.00 feet; thence Southerly along said curve 550.10 feet through a central angle of 90°03'09" (C.B. S.09°19'08"W., 495.20 feet); thence S.54°20'42"W., 821.19 feet to a curve concave Southeasterly and having a radius of 628.00 feet; thence Southwesterly along said curve 165.11 feet through a central angle of 15°03'49" (C.B. S.46°48'48"W., 164.63 feet) to a compound curve concave Southeasterly and having a radius of 400.00 feet; thence Southwesterly along said curve 144.79 feet through a central angle of 20°44'21" (C.B. S.28°54'42"W., 144.00 feet); thence S.18°32'32"W., 325.00 feet to a curve concave Easterly and having a radius of 192.50 feet; thence Southerly along said curve 205.09 feet through a central angle of 61°02'36" (C.B. S.11°58'46"E., 195.53 feet); thence S.42°30'04"E., 15.00 feet to a curve concave Westerly and having a radius of 625.00 feet; thence Southerly along said curve 463.52 feet through a central angle of 42°30'04" (C.B. S.21°15'02"E., 453.06 feet); thence South 200.00 feet to the POINT OF BEGINNING.

DEVELOPMENT ORDER AMENDMENT

DRI #90

SUMMERTREE (POINTE WEST)

PASCO COUNTY

On February 2, 1987 the Council staff received a copy of a Resolution amending the Development Order for DRI #67 - Pointe West (Summertree), a residential development which was originally approved on February 17, 1981. In accordance with Section 380.07, Florida Statutes, this Development Order Amendment has been reviewed for consistency with the Council's report and recommendations on DRI #90 - Summertree, approved November 10, 1986.

This Resolution (#87-88) amends the original Development Order (Resolution #81-59) to include specific conditions resulting from the review of development proposals for Phases IV and V (a total of 704 units) as well as the review of the impacts of Phase I, II and III (a total of 966 units) in the areas of drainage and transportation.

Specifically, in the area of drainage, the Amendment requires incorporation of the adopted Master Drainage Plan and supportive report prepared by the applicant, a stormwater management system designed for 25-year storm retention/detention, and no increase in stormwater runoff rates greater than predevelopment rates.

In the transportation section, the developer is given the choice of implementing one or a combination of all of the options available under adopted Council policy for mitigating the project's impact on the regional roadways, consistent with the Council's report and recommendations.

It is therefore recommended that the Tampa Bay Regional Planning Council concur with this Amendment to the Development Order for Summertree (Pointe West), as issued by Pasco County.

SUMMERTREE DEVELOPMENT ORDER AMENDMENT

#90

Underlining indicates insertions  
~~Strike-Through~~ indicates deletions

BY COMMISSIONER \_\_\_\_\_

RESOLUTION NO. 87-217

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, AMENDING RESOLUTION NO. 81-59 AS AMENDED BY RESOLUTION NO. 87-88, REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL PERTAINING TO MITIGATION OF TRANSPORTATION IMPACTS IN THE DEVELOPMENT ORDER FOR SUMMERTREE (FORMERLY POINTE WEST) DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the Board of County Commissioners of Pasco County adopted by Resolution Nos. 81-59 and 87-88, a DRI Development Order approving, with conditions, the Summertree (formerly Pointe West) Development of Regional Impact which consists of 1,760 residential units; and

WHEREAS, the Department of Community Affairs formally appealed Resolution No. 87-88 on March 16, 1987, based upon alleged potential adverse impacts on regionally significant transportation facilities; and

WHEREAS, subsequent to that date, settlement meetings were held between the parties at which time certain language was proposed by the Department of Community Affairs in order to settle the appeal.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida in regular session duly assembled that the following language is to be added to the end of Paragraph C.1., Alternative III (Pipelining), in the Summertree Development Order:

In the event that this option is selected by the developer to mitigate the transportation impacts of the Summertree Development, this section of the Development Order will be amended prior to any construction in Increments IV or V, to reflect the amount of the developer's fair share pipeline contribution and the roadway improvement(s) for which the funds will be applied.

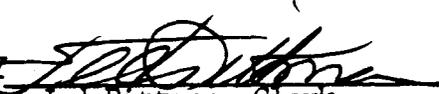
BE IT FURTHER RESOLVED that Resolution 81-59 as subsequently amended, shall constitute a final Development Order for the Summertree (previously Pointe West) DRI.

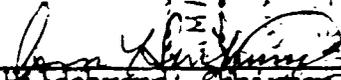
DONE AND RESOLVED this 23<sup>rd</sup> day of June, 1987.

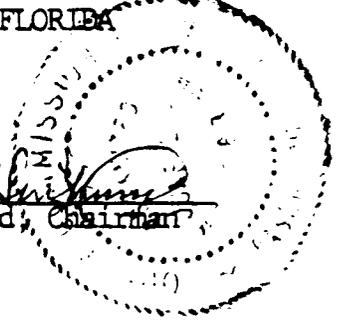
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST

BY   
Jed Pittman, Clerk

BY   
Ann Hildebrand, Chairman



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

BY   
Attorney

## SUMMERTREE DEVELOPMENT ORDER AMENDMENT

Underlining indicates insertions  
~~Strike-Through~~ indicates deletions

BY COMMISSIONER \_\_\_\_\_ RESOLUTION NO. 87-88

RESOLUTION AMENDING RESOLUTION NO. 81-59, AS AMENDED REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL PERTINENT TO TRANSPORTATION, DRAINAGE, ECONOMICS AND DURATION OF THE DEVELOPMENT ORDER FOR SUMMERTREE (FORMERLY POINTE WEST) DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on February 17, 1981, the Board of County Commissioners of Pasco County adopted by Resolution No. 81-59 a DRI Development Order approving, with conditions, the Pointe West Development of Regional Impact consisting of 1,760 residential units to be developed as Phase I (425 units), Phase II (298 units), Phase III (347 units), Phase IV (345 units) and Phase V (345 units); and

WHEREAS, on July 29, 1982, the Developer of the Pointe West DRI - Radice Corporation - opted to proceed under an incremental DRI review process pursuant to Chapter 380.06(20)(b), Florida Statutes, and entered into an agreement (Tri-Lateral Agreement) with Pasco County and the Tampa Bay Regional Council which would allow for incremental review of Phases III, IV and V and for completion of Phase III (347 units) prior to fully ascertaining, addressing and resolving the full transportation, drainage and economic impact of the overall DRI; and

WHEREAS, said agreement required the developer to submit an Application for Master Development Approval (AMDA) for the overall development and an Application for Incremental Development Approval (AIDA) for the 347 units, which said requirements have been satisfied by the Developer's submittal and County's approval in November, 1982 of the Pointe West DRI Master Site Plan, Master Drainage Plan and PUD rezoning conditions, all of which adequately address and resolve through conditions the impacts of the 649 existing units (Phases I and II) as well as the impacts of the 347 units (Phase III); and

WHEREAS, based on review of the project summary narrative submitted by the applicant to the TBRPC in March, 1982, Local Government Comprehensive Plans, regional plans, studies and reports, other Developments of Regional Impact (DRIs) in the area, the TBRPC's adopted Regional Issues List, "The Future of the Region", the TBRPC identified in its April 26, 1982 DRI #90 pre-application conference the following regional issues for this project:

1. Transportation - The revised regional review will require identification of the impact of previously identified Phases III, IV and V on regional roadways and the roadway improvements which will be necessary on those roadways to maintain a level of service consistent with adopted Council policy.

The impact area, specific roadways and intersections to be analyzed shall be those which were addressed in the original ADA and the Council's final report.

2. Drainage - A revised drainage plan which has been developed to be more compatible with the existing environmental conditions shall be assessed during the review.

cw:PLAN8:B/1

3. Economics - The economic impact of the proposed development shall be revised to reflect an increase in the sales price of the units.

WHEREAS, the anticipated regional impacts relating to drainage, economics and transportation have previously been adequately addressed for previously identified Phase I and II; and

WHEREAS, Master Development/Conceptual Approval has been granted pursuant to approval of the Master Site Plan subject to subsequent review by the County and the TBRPC of the Application for Development Approval (ADA) for the unresolved issues related to regional transportation, drainage and economic impacts of previously identified Phases III, IV and V; and

WHEREAS, via Resolution 85-176, the Board of County Commissioners amended Resolution 81-59 (Pointe West Development Order) by revising the conditions of development approval pertinent to transportation; and

WHEREAS, on May 30, 1986, Radice - Pasco, Inc., filed an Application for Amended Master Development Approval (AAMDA) addressing the specified unresolved issues pursuant to the provisions of Section 380.06, Florida Statutes and provisions of the Tri-Lateral Agreement, dated July 29, 1982; and

WHEREAS, the AAMDA indicates that proposed phasing for the project's total 1,760 units consists of two chronological periods for analysis purposes. The first analysis period (Phase 1) includes all existing and proposed development for Increment I (425 units), Increment II (289 units), and Increment III (252 units). The Phase 2 analysis period includes Increment IV (233 units) and Increment V (571 units); and

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

1. Radice - Pasco, Inc., in accordance with Section 380.06, Florida Statutes, has filed with Pasco County an Application for Amended Master Development Approval (AAMDA), a response to AAMDA sufficiency review (dated August 25, 1986), which are attached hereto as Exhibit "A" & "B" respectively and are incorporated herein as reference.
2. The Board of County Commissioners of Pasco County is the local government governing body having jurisdiction over the review and approval of said DRI in accordance with Section 380.06, Florida Statutes.
3. The Board of County Commissioners of Pasco County is in receipt of a sufficiency notification from the Tampa Bay Regional Planning Council (TBRPC), dated September 23, 1986.
4. The Board of County Commissioners has scheduled public hearings on the above referenced AAMDA before the Pasco County Planning Commission and before the Board.
5. Notice of such notice has been published at least 60 days prior to the date set for the Board hearing.
6. Both the Pasco County Planning Commission and the Board of County Commissioners have held public hearings on the above referenced AAMDA on January 14, 1987 and January 27, 1987 respectively.
7. At said public hearings, all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence.

8. Additionally, at said public hearings, any member of the general public requesting to do so was given the opportunity to present written or oral communications.
9. The Board of County Commissioners has received and considered the TBRPC report on the above referenced AAMDA.
10. The Board of County Commissioners has received and considered the recommendation of the Pasco County Planning Commission and various other reports and information, including but not limited to, the recommendation of the Pasco County Planning and Zoning staffs.
11. The real property involved in this proposed DRI is owned by Radice-Pasco, Inc., and a description of said real property is attached hereto as Exhibit "C" and made a part hereof by reference.
12. The nature, type, scope, intensity, density, costs, and general impact of the proposed DRI is that which is summarized on Exhibit "D" attached hereto and incorporated by reference herein. (TBRPC Project Summary)
13. The land use designation for the area subject to the AAMDA is residential, recreational, and open space
14. Developer commitments are as identified on Exhibit "D" attached hereto and incorporated by reference herein.
15. Zoning on the property is Planned Unit Development (PUD) and Multi-family medium density (MF-1).
16. The proposed development is not in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

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

- L. Section B.2. "Water quality, drainage, wetlands and floodplains" of Resolution 81-59, as amended (known as Pointe West Master Development Order) is hereby amended as follows:

#### CONDITIONS

- 1- A Master Drainage Plan must be approved by the County, FBER, and SWFWMD, in conjunction with the Master Site Plan, before any site plan, preliminary plan, construction improvements for land clearing will be approved for any individual phase or increment. The Master Drainage Plan shall include as a minimum the following:
  - A- A detailed analysis of the capability of the area's soils to transmit flow under high water table conditions. The findings of this analysis and the developer's appropriate alleviations shall meet with FBER approval. Rate of flow through berms and the detention capacity and area required before flow through berms shall be discussed.
  - B- Major drainage channels/structures and maintenance responsibilities.
  - C- General location of retention ponds (if ponds are required).
  - D- Typical preconstruction storm water facilities.
  - E- A water quality monitoring program for Bear Creek
    - 1) The responsibility of this monitoring shall be that of the developer, unless officially accepted by the County or FBER.
  - F- Method of disallowing any increased storm water runoff into Bear and Buckhorn Creeks.

1. The Master Drainage Plan and supportive report prepared by PBS&J, dated October, 1982 and approved by Pasco County shall constitute the master drainage plan for Summertree. All development activity shall be in substantial conformance with the intent of the master drainage plan as approved or as may be amended and subsequently approved by Pasco County.
2. There shall be no direct storm water discharge into Bear Creek, Buckhorn Creek or any interior wetlands as provided for in the ADA. Direct discharge shall not mean discharge of stormwater following treatment in accordance with SWFWMD and FDER approved methods.
3. Storm water discharge rates shall be maintained at predevelopment levels, as referenced in the ADA.
  - A. Design shall be for 25-year storm retention/detention. ✓
  - B. No increased above predevelopment runoff rate shall be allowed into Bear Creek.
- ~~4.~~ Drainage structures as described in the ADA Addendum shall be utilized unless specifically altered by the County in agreement with SWFWMD and FDER:
  - ~~A:~~ Each site plan shall show the location and the storm water retention capability of the drainage structures and retention areas:
  - ~~B:~~ The storm water dissipation structures shall not be built within the 100-year flood elevation and shall not have a slope greater than 4:1.
- ~~4.~~ 5. All wetlands identified in the ADA shall be retained in their present state, as referenced in the ADA. Wetlands identified on the master drainage plan (1982) as "existing wetlands to be conserved" shall be retained in their present state, to the extent reasonably practical. Encroachment into wetland areas shall be subject to obtaining the necessary approvals from the appropriate regulatory agencies. The designation of these areas as conservation areas (or similar designation) and the maintenance responsibilities shall be assigned prior to the issuance of building permits in the adjoining phase adjacent site. Conservation areas shall be record platted as tracts and/or easements and shall be deeded to a mandatory homeowners'/property owners' association. Maintenance responsibility will be that of the association.
- ~~6.~~ 6. The developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.
- ~~7.~~ 6. All first floor elevations shall be placed above the 100-year flood elevation. The elevations as stated in the ADA shall be used until which time as the Federal Flood Insurance Program establishes base flood elevations for this area.
- ~~8.~~ 7. Upon approval by all reviewing entities, the Master Drainage Plan shall be deemed to be incorporated in this development order and shall have the same effect as all other restrictions, requirements, and conditions set forth in this Development Order.

II. Section B.12 "Transportation" is hereby amended as follows:

#### CONDITIONS

- ~~A:~~ An interim transportation improvements plan for the west central Pasco County area shall be developed by Pasco County's Metropolitan Planning Organization (MPO) in cooperation with the Florida Department of Transportation, FBRPC, and the developers in the study area prior to site plan approval of Phase Three of Pointe West. The plan shall consider all approved developments in the area as well as large-scale developments approved in south Pasco and north Pinellas Counties impacting the area's transportation facilities. The primary intent of the interim transportation improvements plan for the west central Pasco area is

to maintain (or upgrade) a transportation level of service "C" during normal hours and level of service "D" during peak hours. Commitments and time scheduling for implementation of the improvements shall also be determined by this interim study. Upon adoption, the policies set forth in the interim transportation improvements plan shall be applied against or in favor of the subject DRF in the same manner as said policies are applied to any other affected developer or development. The plan shall address the following roadway improvements at a minimum:

- 1- Widen U.S. 19 (S.R. 55) to six lanes from Ridge Road (C-587-A) to Schrader Memorial Highway (S.R. 52). Intersection improvements shall be required at Ridge Road and S.R. 52.
  - 2- Widen S.R. 52 from two to four lanes from U.S. 19 east to the Pointe West development.
  - 3- Construction of intersection improvements at the Pointe West development entrance onto S.R. 52. On the eastbound approach, a right turn lane shall be provided, and left and right turn lanes shall be provided on the northbound approach.
  - 4- Widen Ridge Road (C-587-A) from two lanes to four lanes from U.S. 19 (S.R. 55) to Congress Street.
  - 5- Widen Plaza Drive from two lanes to four lanes from Ridge Road (C-587-A) to Schrader Memorial Highway (S.R. 52).
  - 6- Construction of intersection improvements at Embassy Boulevard and Plaza Drive consisting of the addition of left turn lanes on the eastbound and northbound approaches and a right turn lane on the southbound approach. The intersection should also be signalized.
  - 7- Determine if a traffic signal is warranted at the intersection of Pointe West and S.R. 52.
- B- All intersections within the project and intersections at all entrance roads shall be adequately designed for projected traffic volumes, prior to Master Site Plan approval. Common Florida engineering standards, such as FDOT standards and the Manual on Uniform Traffic Control Devices, shall be used as guidelines in design. In order to adequately handle projected volumes, the required improvements shall be installed (or the cost donated to the County) by the developer, in correspondence with a County-approved phasing plan of the Master Site Plan. The County has the authority to determine when these improvements will be installed. Such improvements may include at a minimum Case H intersection improvements, left and right turn lanes, stack lanes and traffic signalization.
- C- The County has determined that pursuant to condition of master site plan approval that a major road to be constructed from the east property line to Moon Lake Road (C.R. 578) is desirable and feasible. It is the developer's responsibility to construct such improvements prior to any site or preliminary plan approvals within Phase IV, unless modified by revision to the master development order or unless right-of-way for such road is not available at that time. If this road is not constructed for the reasons set forth herein, the developer agrees to coordinate with the County on a major revision of the interior transportation network including relocation of entrance roads."
- B- All major roads, within the project as designated by the County on the Master Site Plan, shall be constructed to County Subdivision Regulation standards. These major roads shall be of limited access with appropriate landscape berming along residential areas. Individual driveway cuts shall not be allowed unless specifically approved by the Pasco County Development Review Committee (DRC). The construction of these roads shall be coordinated with the phasing schedule in the Master Site Plan.

- G. The developer shall dedicate or donate to the County (or the State) 100' of right-of-way from the center line of S.R. 52. The interim transportation improvements plan may require donation of more right-of-way.
- H. The developer shall, when traffic warrants are met, contribute to Pasco County the full cost of traffic signalization at the intersection of Paradise Point Way and S.R. 52. Further, prior to approval of site or preliminary plans within Phase IV, the developer shall construct a major road from its eastern property line to Moon Lake Road (S.R. 578), provided that the necessary right-of-way is available. Further, the developer shall pay to Pasco County a Two Hundred Dollar (\$200.00) transportation impact fee for each residential unit within Phase III at the time of issuance of building permits for each such unit."

- A. The developer shall prepare and implement a Transportation Systems Management (TSM) Program intended to divert a number of vehicle trips from the PM peak hour, which is consistent with the assumptions used to prepare the AAMDA. The plan shall be reviewed by Pasco County, the TBRPC and the FDOT.

Each annual report for the development shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure.

If the annual report indicates that the total trip diversions are not being met, Pasco County may conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S. and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.

- B. To assure that the transportation impacts of this development have been accurately projected by the AAMDA traffic analysis field surveys, and a report of findings shall be conducted to determine actual vehicle and transit trips generated by Summertree every year, through project build-out as part of the annual report. This survey and report shall be conducted by the applicant and shall be approved by the staff of Pasco County and the staff of TBRPC. After review of the survey and report findings, the reviewing agencies or developer may require that the Development Order be revised accordingly.
- C. Transportation Impact Mitigation - one of the following three alternatives (or appropriate combinations of each) must be implemented by the developer.

#### ALTERNATIVE I

1. Funding commitments for the following roadway improvements shall be made by responsible entities before local development approval beyond 966 units (Phase I) shall be issued by the County:
- (A) At the intersection of S.R. 52 and Paradise Point way signalize when warranted by the Manual of Uniform Traffic Control Devices (MUTCD). This improvement will be of primary benefit to project traffic.
- (B) At the intersection of S.R. 52 and Hicks Road signalize when warranted by MUTCD. Project traffic will contribute in excess of 5 percent of existing LOS D peak-hour capacity at the end of Phase I and 23 percent at buildout.
- (C) At the intersection of S.R. 52 and Illinois Road signalize when warranted by MUTCD. Project traffic will contribute in excess of 5 percent of existing LOS D peak-hour capacity at the end of Phase I.
- (D) At the intersection of S.R. 52 and Little Road construct a second through lane for northbound, southbound, eastbound, and westbound traffic, and

independent right-turn lane for northbound traffic, and a second left-turn lane for westbound traffic. Project traffic will contribute 9 percent of existing LOS D capacity at the end of Phase I.

(E) Construct a 4-lane divided arterial on S.R. 52 between Hicks Road and Illinois Avenue. Project traffic will contribute 14.7 percent of existing LOS D peak-hour capacity at the end of Phase I and 21 percent at buildout.

(F) Construct a 4-lane divided arterial on S.R. 52 between Illinois Avenue and Little Road. Project traffic will contribute 11 percent of existing LOS D peak-hour capacity at the end of Phase I and 16.3 percent at buildout.

(G) Construct a 4-lane divided arterial on S.R. 52 between Little Avenue and U.S. 19. Project traffic will contribute 5.4 percent of existing LOS D peak-hour capacity at the end of Phase I and 8.4 percent at buildout.

Funding commitments for all of the roadway improvements listed above (Phase I) are in place.

2. Funding commitments for the following roadway improvements shall be made by responsible entities, in addition to those required in Phase I, before local construction plan approvals for the remaining 794 units (Phase II) shall be issued by the County:

(A) At the intersection of S.R 52 and Illinois Road construct independent left-turn lanes for eastbound and westbound traffic. Project traffic will contribute 15.4 percent of existing LOS D peak-hour capacity at buildout.

(B) At the intersection of S.R 52 and Little Road add right-turn lanes for southbound, eastbound, and westbound traffic. Project traffic will contribute 16.6 percent of existing LOS D peak-hour capacity at buildout.

(C) Construct a 4-lane divided arterial on S.R. 52 between the project entrance and Hicks Road. Project traffic will contribute 31.3 percent of existing LOS D peak-hour capacity at buildout.

(D) Construct a 4-lane divided arterial on Little Road between S.R. 52 and Moon Lake Road. Project traffic will contribute 6.8 percent of existing LOS D peak-hour capacity to buildout.

Funding commitments for all of the roadway improvements listed above (Phase II), except 2C., are in place.

3. TBRPC acknowledges the concept of subphasing which identifies and ties specific amounts of project development (within a phase) to specific regional roadway improvements. This concept is acceptable if TBRPC and Pasco County concur with the defined amount of development to be specifically allowed, and provided that funding commitments for roadway improvements would be required when the regional roadway operates below LOS C daily and D at peak hour and the development contributes 5 percent or more of the existing LOS C daily and D at peak hour existing capacity of the facility.

#### ALTERNATIVE II

1. In the event that commitments for transportation improvements are adequate to permit only partial approval of this development, the capacity and loading of transportation facilities in the Summertree transportation area, including, but not limited to, the regional roadways and intersections referenced in Alternative I, shall be limiting factors in any subsequent approvals. Accordingly, the developer will generate and provide Pasco County the west Pasco County MPO, the FDOT, and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction, plus that to be generated by the next portion of which the developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this

report in Alternative I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Alternative I at a satisfactory Level of Service, daily LOS C and D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, Pasco County or its designee shall ensure, in written findings of fact, that the above roadways are operating at or above an average daily LOS C and D at peak hours, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily LOS C and D at peak hours.

### ALTERNATIVE III (Pipelining)

1. In the event that commitments for transportation improvements as identified in Alternative I are adequate to permit only partial approval of this development, the developer is allowed to mitigate the project's transportation impacts by the construction of one or more major improvements listed as being substantially affected by the development. Roadway improvements to be pipelined shall be selected from the list of existing or proposed regional transportation facilities substantially affected by the development identified by TBRPC during DRI review, be preferably consistent with the west Pasco County MPO and FDOT long range plans, and receive concurrence from Pasco county and TBRPC with review and comment by the west Pasco County MPO and FDOT. The developer's fair share pipeline contribution shall be equal to or exceed an amount calculated pursuant to DCA transportation policy. The developer shall receive 100% credit against previously paid and future transportation impact fees.
  
- D. The streets, if not dedicated to the public, shall be owned by the homeowners/condominium association with provisions for public service and safety vehicle usage.
  
- E. Access rights along S.R. 52 ~~may~~ shall be restricted by donated or dedicated to the County.
  
- F. It is the developer's responsibility to construct roadway improvements from the project's east property line to Moon Lake Road, provided that the County has acquired all necessary roadway right-of-way. The developer's obligation to construct said roadway will terminate 60 days following submission of construction plans for the first unit in Increment V (1190th unit), provided the County has not acquired all necessary right-of-way and notified the developer of its intent to require the roadway improvements.

### **III. Section E. "Monitoring Procedures" is hereby amended as follows:**

- ~~1.~~ ~~The local official responsible for monitoring the Pointe West Development of Regional Impact shall be the Director of Community Development.~~
  
1. Monitoring of this development shall be at the time of the Annual Report submittal and during review of the development approvals. The local official responsible for monitoring the Summertree DRI shall be the County Administrator or his designee.

### **IV. Section F. "Duration" is hereby amended as follows:**

2. The duration of the Development Order shall be a period of 6 15 years. The Development Order shall terminate on February 17, ~~1987~~ 1996.

### **V. Section G. "Annual Report" is hereby amended as follows:**

1. The developer shall provide an annual report to the official responsible for monitoring the DRI on February ~~17th~~ January 27th of each year during the term of the development order. The report shall include, at a minimum, the following information:

- (a) Any changes in the proposed plan of development;
- (b) Description of the development activities which have occurred over the previous year including a summary of the number, type, and location of residential units and commercial structures;
- (c) A description of development activity proposed for the next year;
- (d) The following information with regard to the implementation of conditions established in the development order:

~~(1) P.P.W., Inc. shall notify the Pasco County Director of Community Development in writing thirty (30) days prior to submittal of Phase III preliminary/site plan of such an intent to submit.~~

(1) The documentation of the developer's utilization of TSM as required in Condition 12.A.

(2) The traffic analysis, field surveys, and report of findings as required in Condition 12.B.

**VI. Section L "Effect of Development Order/ADA" is hereby amended as follows:**

- 2. All development of the property subject to this development order shall substantially conform to the ADA filed by P.P.W. as amended by Radice-Pasco, Inc. via their application for Amended Master Development Approval, (AAMDA), and response to AAMDA sufficiency review unless otherwise modified by the provisions or conditions of this development order. Said ADA is attached hereto as Exhibit "C". Said AAMDA and response to AAMDA sufficiency review are attached hereto as Exhibits "A" and "B".

**VII. Section 8. "Education Facilities" is hereby amended as follows:**

Conditions

~~Donation of \$50 per dwelling unit for public education facilities. This rate shall remain until such time as the County establishes such impact fees. These funds shall be donated prior to record plat or issuance of a multi-family building permit.~~

None

BE IT FURTHER RESOLVED that Resolution 81-176 and the Tri-lateral Agreement are hereby nullified.

BE IT FURTHER RESOLVED that Resolution 81-59, as amended, shall constitute a final Development Order for the Summertree (previously Pointe West) DRI.

DATE AND RESOLVED THIS 27<sup>th</sup> DAY OF January, 1987.

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA.

ATTEST:

BY: Jed Pittman  
By: Elaine D. Mitchell, Jr  
Jed Pittman, Clerk

BY: Ann Hildebrand  
Ann Hildebrand, Chairman

APPROVED AS TO LEGAL FORM AND CONTENT  
OFFICE OF THE COUNTY ATTORNEY

BY: [Signature]  
Attorney

A portion of Section 8, Tow. 25 South, Range 17 East, Pa. County, Florida, more fully described as follows:

COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East, and run South  $89^{\circ}28'57''$  East a distance of 1,000 feet to the Point of Beginning; thence run North  $0^{\circ}51'28''$  East a distance of 3038.59 feet; thence run South  $89^{\circ}09'28''$  East a distance of 1991.78 feet; thence run South  $02^{\circ}32'46''$  West a distance of 3029.15 feet; thence run North  $89^{\circ}28'57''$  West a distance of 1902.57 feet to the Point of Beginning.

Tract No. 1: COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East, thence run North  $19^{\circ}02'41''$  East a distance of 3204.37 feet to the Point of Beginning #1; thence run South  $89^{\circ}09'28''$  East a distance of 1991.78 feet; thence run North  $2^{\circ}32'46''$  East, a distance of 3762.02 feet; thence run South  $54^{\circ}17'33''$  West a distance of 1325.78 feet to a Point of Curvature; thence by a curve to the right having a radius of 4369.72 feet; having a chord bearing of South  $58^{\circ}38'39''$  West a distance of 665.36 feet run an arc distance of 666.00 feet; thence run North  $1^{\circ}25'22''$  West a distance of 279.31 feet; thence by a curve to the left having a radius of 4119.46 feet having a chord bearing of North  $59^{\circ}33'07''$  East a distance of 258.55 feet; run an arc distance of 258.59 feet; thence run North  $32^{\circ}14'51''$  West a distance of 249.58 feet; to the Southerly right-of-way of State Road #52; thence along said right-of-way line by a curve to the right, having a radius of 3869.72 feet; having a chord bearing of South  $59^{\circ}39'38''$  West a distance of 257.62 feet run an arc distance of 257.66 feet to a Point of Tangency; thence run South  $61^{\circ}34'03''$  West a distance of 380.33 feet; thence run South  $0^{\circ}32'41''$  West a distance of 679.83 feet; thence run South  $0^{\circ}51'28''$  West a distance of 2239.11 feet to a Point of Beginning #1, including the sanitary sewer treatment plant, and LESS Cypress Creek Mobile Home Village Unit One, as recorded in Plat Book 11, Pages 47, 48 and 49 of the Public Records of Pasco County, Florida.

Tract No. 2: COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East and run North  $25^{\circ}22'10''$  East a distance of 7478.68 feet to the Point of Beginning #4; thence run South  $54^{\circ}17'33''$  West a distance of 1325.78 feet to a Point of Curvature; thence by a curve to the right having a radius of 4369.72 feet; having a chord bearing of South  $58^{\circ}38'39''$  West a distance of 665.36 feet run an arc distance of 666.00 feet; thence run North  $1^{\circ}25'22''$  West a distance of 279.31 feet; thence by a curve to the left having a radius of 4119.46 feet; having a chord bearing of North  $59^{\circ}33'07''$  East a distance of 258.55 feet; run an arc distance of 258.59 feet; thence run North  $32^{\circ}14'51''$  West a distance of 249.68 feet to the Southerly right-of-way of State Road #52; thence along said right-of-way line by a curve to the left having a radius of 3869.72 feet; having a chord bearing of North  $55^{\circ}56'32''$  East a distance of 233.68 feet; run an arc distance of 233.72 feet to a Point of Tangency; thence run North  $54^{\circ}17'33''$  East a distance of 1720.00 feet; thence run South  $2^{\circ}32'46''$  West a distance of 636.72 feet to Point of Beginning #4.

Tract No. 3: CYPRESS CREEK MOBILE HOME VILLAGE UNIT ONE, as recorded in Plat Book 11, Pages 47, 48 and 49 of the Public Records of Pasco County, Florida.

LESS all of the following:

Paradise Pointe West, Group No. 1, a condominium, according to Condominium Plat Book 12, Pages 9-10, Pasco County Records.

Paradise Pointe West Group No. 2, according to Condominium Plat Book 12, Pages 40-43, Pasco County Records.

Paradise Pointe West Group No. 3, according to Condominium Plat Book 12, Pages 87-90, Pasco County Records.

Paradise Pointe West Group No. 4, according to Condominium Plat Book 13, Pages 19-21, Pasco County Records.

Paradise Pointe West Group No. 5, according to Condominium Plat Book 13, Pages 50-51, Pasco County Records.

Paradise Pointe West Group No. 6, according to Condominium Plat Book 13, Pages 68-69, Pasco County Records.

AND INCLUDING the following condominium units and undivided share in the common elements appurtenant to each unit;

PARADISE POINTE WEST GROUP NO. 1:

Units 3B, 4A, 4B, 7B, 12A, 12B, 13B, 14B, 21A, 21B, 22B, 23B, 24B, 25B, 26B, 29B and 36B, all from the condominium plat of Paradise Pointe West Group No. 1, according to Condominium Plat Book 12, Pages 9-11 and being further described in that certain Declaration of Condominium filed July 31, 1973 in O.R. Book 700, Page 319 as Clerk's Instrument No. 356089, Public Records of Pasco County, Florida.

PARADISE POINTE WEST ( )UP NO. 2:

Units 42A, 43A, 44A, 44B, 45A, 46B, 47B, 48A, 48B, 49B, 52B, 53B, 54A, 54B, 55B, 56B, 57B, 58B, 59A, 59B, 60A, 60B, 61A, 61B, 62A, 62B, 63A, 73A, 63B, 64B, 69B, 70A, 70B, 71B, 73A, and 73B, all from the condominium plat of Paradise Pointe West Group No. 2, according to Condominium Plat Book 12, Pages 40-43 and being further described in that certain Amendment to Declaration of Condominium filed September 17, 1973 in O.R. Book 710, Page 131 as Clerk's Instrument No. 361411, Public Records of Pasco County, Florida.

PARADISE POINTE WEST GROUP NO. 3:

Units 74B, 75A, 75B, 76B, 77A, 77B, 79A, 79B, 80A, 80B, 81A, 81B, 82A, 82B, 83A, 83B, 84A, 84B, 85A, 86A, 86B, 87A, 87B, 88A, 88B, 89A, 89B, 91A, 91B, 92B, 93B, 94A, 94B, 95A, 95B, 96B, 97A, 97B, 98A, 98B, 102A, 102B, 103B, 104B, 105A, 106B, 107A, 108A and 109A, all from the Condominium Plat of Paradise Pointe West Group No. 3, according to Condominium Plat Book 12, Pages 87-90 and being further described in that certain Amendment to Declaration of Condominium filed January 11, 1974 in O.R. Book 734, Page 1307 as Clerk's Instrument No. 376558, Public Records of Pasco County, Florida.

PARADISE POINTE WEST GROUP NO. 4:

Units 110A, 110B, 111A, 112A, 112B, 113B, 114A, 114B, 115A, 115B, 116A, 116B, 117B, 119A, 119B, 120B, 121A, 122A, 122B, 123A, 123B, 124B, 125A, 126B, 130B, 131A, 132B, 134B, 127A and 127B, all from the Condominium Plat of Paradise Pointe West Group No. 4, according to Condominium Plat Book 13, Pages 19-21 and being further described in that certain Amendment to Declaration of Condominium filed May 15, 1974 in O.R. Book 749, Page 1633 as Clerk's Instrument No. 394040, Public Records of Pasco County, Florida.

PARADISE POINTE WEST GROUP NO. 5:

Units 4GA, 4GB, 5GA, 5GB, 6GA, 6GB, 7GA, 7GB, 8GB, 10GB, 13GB, 15GB, 18GA, 18GB, 19GA, 22GB, 23GA, 23GB, 29GB, 32GB, 34GA, 34GB, 36GB, and 37GB, all from the Condominium Plat of Paradise Pointe West Group No. 5, according to Condominium Plat Book 13, Pages 50-51 and being further described in that certain Amendment to Declaration of Condominium filed June 28, 1974 in O.R. Book 756, Page 211 as Clerk's Instrument No. 401188, Public Records of Pasco County, Florida.

PARADISE POINTE WEST GROUP NO. 6:

Units 136B, 137A, 137B, 138A, 140A, 140B, 141A, 141B, 142A, 142B, 143B, 144B, 145A, 146A, 146B, 147B, 148B, 150B, 152A, 152B, 153B, 154A, 155B, 156B, 157B, 159B, 161B, 162A, 162B, 163A-1, 163A-2, 164A-1, 164A-2, 165A-1, 165A-2, 166A-1, 166A-2, 39GA, 39GB, 41GB, 42GA, 42GB, 43GA, 43GB, 44GA, 44GB and 46GB, all from the Condominium Plat of Paradise Pointe West Group No. 6, according to Condominium Plat Book 13, Pages 68-69 and being further described in that certain Amendment to Declaration of Condominium filed September 10, 1974 in O.R. Book 767, Page 1500 as Clerk's Instrument No. 414566, Public Records of Pasco County, Florida.

PARCEL II

COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East, Pasco County, Florida and run North  $49^{\circ}38'43''$  East a distance of 3962.27 feet to the Point of Beginning #2; thence run South  $89^{\circ}08'32''$  East a distance of 1495.00 feet; thence run North  $2^{\circ}32'46''$  East a distance of 4912.99 feet; thence run South  $84^{\circ}25'33''$  West a distance of 283.60 feet to a Point of Curvature; thence by a curve to the left having a radius of 1360.11 feet, a chord bearing of South  $69^{\circ}21'33''$  West a distance of 707.10 feet, run an arc distance of 715.32 feet to a point of tangency; thence run South  $54^{\circ}17'33''$  West a distance of 717.72 feet; thence run South  $2^{\circ}32'46''$  West a distance of 4194.20 feet to Point of Beginning No. 2.

COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East and run North  $30^{\circ}11'49''$  East a distance of 3567.16 feet to Point of Beginning #3; thence run North  $09^{\circ}25'19''$  West a distance of 500.25 feet to the southerly right-of-way of State Road #52; thence run along said right-of-way line by a curve to the right having a radius of 1860.11 feet, having a chord bearing of North  $80^{\circ}34'41''$  East a distance of 100 feet; run an arc distance of 100.01 feet; thence run South  $09^{\circ}25'19''$  East a distance of 500.25 feet; thence by a curve to the left having a radius of 1360.11 feet, having a chord bearing of South  $80^{\circ}34'41''$  West a distance of 100 feet run an arc distance of 100.02 feet; to Point of Beginning #3.

SB =

STATE OF FLORIDA  
LAND AND WATER ADJUDICATORY COMMISSION

IN RE: SUMMERTREE DEVELOPMENT ORDER )  
AMENDMENT, RESOLUTION NO. 87-88, ISSUED )  
BY PASCO COUNTY, FLORIDA, APPROVING A )  
CHANGE TO A DEVELOPMENT OR REGIONAL )  
IMPACT KNOWN AS SUMMERTREE. )

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PETITION OF THE FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

COMES NOW the Florida Department of Community Affairs, by and through the undersigned attorney, and files its Petition pursuant to Rule 42-2.002, Florida Administrative Code, initiating an appeal to the Florida Land and Water Adjudicatory Commission (FLAWAC), as authorized by Section 380.07, Florida Statutes, of Resolution No. 87-88, the Summertree Development Order Amendment, issued by Pasco County approving a change to the Summertree Development of Regional Impact (DRI). As grounds for said appeal the Department states the following:

1. Petitioner, the Florida Department of Community Affairs, is the designated state land planning agency having the authority to enforce and administer Chapter 380, Florida Statutes, (The Florida Environmental Land and Water Management Act of 1972) and to appeal development orders to the FLAWAC pursuant to Section 380.07, Florida Statutes.

2. Radice-Pasco, Inc. is the owner and Radice Development Corporation is the developer (hereinafter referred to as Radice) of a DRI known as Summertree located in Pasco County, Florida. On or about May 28, 1986, Radice filed a DRI Application for Development Approval (ADA) with Pasco County pursuant to Section 380.06, Florida Statutes (1985).

3. The proposed Summertree DRI is a partially completed residential development that will consist of 1,760 dwelling units at project buildout. The Summertree DRI is located on State Road 52 between Fivay Road and Moon Lake Road, as generally shown on the map attached to this Petition as Exhibit A.

4. The original development order for the Summertree

DRI (then known as Pointe West), was issued on February 17, 1981. On July 29, 1982, a tri-lateral agreement was executed between Pasco County, the Tampa Bay Regional Planning Council and Radice. Said tri-lateral agreement provided that the original development order would constitute a Master Development Order, and required an incremental development order for the transportation, drainage, and economic impacts of the Summertree DRI.

5. On January 27, 1987, the Board of Commissioners of Pasco County approved and adopted Resolution 87-88, the Summertree Development Order Amendment. Said Resolution amends the original development order with regard to the transportation, drainage and economic impacts of the Summertree DRI. A copy of said Summertree Development Order Amendment is attached to this Petition and incorporated by reference as Exhibit B. On January 30, 1987, the Summertree Development Order Amendment was rendered by Pasco County by mailing a copy to the Department of Community Affairs (DCA).

6. The Summertree Development Order Amendment fails to comply with the provisions of Section 380.06, Florida Statutes, because it allows the Summertree DRI to cause improper and unnecessary adverse impacts on regionally significant transportation facilities. The development order is deficient and violative of the law in the following respects:

- A. The Summertree DRI will generate traffic which will have a substantial impact upon State Road 52 between the Summertree entrance and Little Road and the major intersections on that segment. State Road 52 is a regionally significant roadway and is a part of the regional transportation system. Said portion of State Road 52, if not improved, will operate at an unacceptable Level of Service (LOS E or worse) and the Summertree DRI will utilize a substantial portion of the LOS D service volume of said portion of State Road 52 by project buildout.
- B. The Summertree D.O. fails to make an adequate

provision for the public transportation facilities needed to accommodate the impacts of the Summertree DRI on State Road 52. The Summertree D. O. does not require Radice to stage the Summertree DRI concurrently with the construction of the necessary improvements to State Road 52, or require Radice to pay an adequate proportionate share contribution at the appropriate time for the necessary improvements which would be expeditiously applied to construct one or more improvements to State Road 52. The Summertree D. O. does not reasonably assure that any of the required improvements to State Road 52 will be constructed and made available to accommodate the impacts of the Summertree DRI.

- C. The Summertree D. O. fails to meet the minimum transportation conditions for DRI development orders as set forth in Rule 9J-2.0255, Florida Administrative Code.

7. Pasco County is not an "agency" as defined by the Administrative Procedure Act, Chapter 120, Florida Statutes, and is not required to conduct hearings in the manner prescribed by Chapter 120. The record created during the proceeding below, including the public hearing conducted by Pasco County prior to the issuance of the development order appealed, is not full and complete regarding the issues raised by this Petitioner and does not comply with the requirements insuring procedural due process specified in Chapter 120. The Petitioner was not a party or formal participant in any proceeding conducted by Pasco County in regard to the issuance of the Summertree Development Order Amendment.

WHEREFORE, the Department of Community Affairs requests

that FLAWAC accept jurisdiction over this appeal and grant such relief as may be necessary and appropriate to effectuate the intent and provisions of Chapter 380, Florida Statutes, including, but not limited to the following:

- A. That this cause be referred to the Division of Administrative Hearings for a formal de novo hearing so that the Department may present expert testimony and evidence to establish the facts asserted in its Petition; and
- B. That Pasco County Resolution 87-88, the Summertree Development Order Amendment, to the extent that it approves development as described herein that is illegal and violative of the provision of Section 380.06, Florida Statutes, be reversed and that the Commission issue a final development order that approves only development found to be in accordance with the law and the intent of Chapter 380, Florida Statutes..

Respectfully submitted,



David L. Jordan, Sr. Attorney  
C. Laurence Keeseey, General Counsel  
Department of Community Affairs  
2571 Executive Center Circle, E.  
Tallahassee, Florida 32399  
(904) 488-1900

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to the parties below this 16th day of MARCH, 1987.

  
David L. Jordan

Honorable Bob Martinez  
Governor  
The Capitol  
Tallahassee, Fl 32399

Honorable Betty Castor  
Commissioner of Education  
The Capitol  
Tallahassee, Fl 32399

Honorable Bill Gunter  
Insurance Commissioner  
The Capitol  
Tallahassee, Fl 32399

Honorable Gerald Lewis  
Comptroller  
The Capitol  
Tallahassee, Fl 32399

Honorable Doyle Conner  
Commissioner of Agriculture  
The Capitol  
Tallahassee, Fl 32399

Honorable Robert Butterworth  
Attorney General  
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Honorable George Firestone  
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Charles F. Radice, and  
Gary Jahraus authorized  
representatives of Radice  
Development Corporation and  
Radice-Pasco, Inc.  
600 Corporate Drive  
Fort Lauderdale, Fl 33334

The Honorable Ann Hildebrand  
Chairman, Pasco County  
Board of County Commissioners  
7530 Little Road  
New Port Richey, Fl 33553

Radice-Pasco, Inc.  
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New Port Richey, Fl 33553

Steve Booth, Esq.  
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Cook, P.A.  
7510 Ridge Road  
Port Richey, Fl 33568

STATE OF FLORIDA  
LAND AND WATER ADJUDICATORY COMMISSION

IN RE: SUMMERTREE DEVELOPMENT ORDER )  
AMENDMENT, RESOLUTION NO. 87-88, ISSUED )  
BY PASCO COUNTY, FLORIDA, APPROVING A )  
CHANGE TO A DEVELOPMENT OR REGIONAL )  
IMPACT KNOWN AS SUMMERTREE. )

---

PETITION OF THE FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

COMES NOW the Florida Department of Community Affairs, by and through the undersigned attorney, and files its Petition pursuant to Rule 42-2.002, Florida Administrative Code, initiating an appeal to the Florida Land and Water Adjudicatory Commission (FLAWAC), as authorized by Section 380.07, Florida Statutes, of Resolution No. 87-88, the Summertree Development Order Amendment, issued by Pasco County approving a change to the Summertree Development of Regional Impact (DRI). As grounds for said appeal the Department states the following:

1. Petitioner, the Florida Department of Community Affairs, is the designated state land planning agency having the authority to enforce and administer Chapter 380, Florida Statutes, (The Florida Environmental Land and Water Management Act of 1972) and to appeal development orders to the FLAWAC pursuant to Section 380.07, Florida Statutes.

2. Radice-Pasco, Inc. is the owner and Radice Development Corporation is the developer (hereinafter referred to as Radice) of a DRI known as Summertree located in Pasco County, Florida. On or about May 28, 1986, Radice filed a DRI Application for Development Approval (ADA) with Pasco County pursuant to Section 380.06, Florida Statutes (1985).

3. The proposed Summertree DRI is a partially completed residential development that will consist of 1,760 dwelling units at project buildout. The Summertree DRI is located on State Road 52 between Fivay Road and Moon Lake Road, as generally shown on the map attached to this Petition as Exhibit A.

4. The original development order for the Summertree

DRI (then known as Pointe West), was issued on February 17, 1981. On July 29, 1982, a tri-lateral agreement was executed between Pasco County, the Tampa Bay Regional Planning Council and Radice. Said tri-lateral agreement provided that the original development order would constitute a Master Development Order, and required an incremental development order for the transportation, drainage, and economic impacts of the Summertree DRI.

5. On January 27, 1987, the Board of Commissioners of Pasco County approved and adopted Resolution 87-88, the Summertree Development Order Amendment. Said Resolution amends the original development order with regard to the transportation, drainage and economic impacts of the Summertree DRI. A copy of said Summertree Development Order Amendment is attached to this Petition and incorporated by reference as Exhibit B. On January 30, 1987, the Summertree Development Order Amendment was rendered by Pasco County by mailing a copy to the Department of Community Affairs (DCA).

6. The Summertree Development Order Amendment fails to comply with the provisions of Section 380.06, Florida Statutes, because it allows the Summertree DRI to cause improper and unnecessary adverse impacts on regionally significant transportation facilities. The development order is deficient and violative of the law in the following respects:

- A. The Summertree DRI will generate traffic which will have a substantial impact upon State Road 52 between the Summertree entrance and Little Road and the major intersections on that segment. State Road 52 is a regionally significant roadway and is a part of the regional transportation system. Said portion of State Road 52, if not improved, will operate at an unacceptable Level of Service (LOS E or worse) and the Summertree DRI will utilize a substantial portion of the LOS D service volume of said portion of State Road 52 by project buildout.
- B. The Summertree D.O. fails to make an adequate

provision for the public transportation facilities needed to accommodate the impacts of the Summertree DRI on State Road 52. The Summertree D. O. does not require Radice to stage the Summertree DRI concurrently with the construction of the necessary improvements to State Road 52, or require Radice to pay an adequate proportionate share contribution at the appropriate time for the necessary improvements which would be expeditiously applied to construct one or more improvements to State Road 52. The Summertree D. O. does not reasonably assure that any of the required improvements to State Road 52 will be constructed and made available to accommodate the impacts of the Summertree DRI.

- C. The Summertree D. O. fails to meet the minimum transportation conditions for DRI development orders as set forth in Rule 9J-2.0255, Florida Administrative Code.

7. Pasco County is not an "agency" as defined by the Administrative Procedure Act, Chapter 120, Florida Statutes, and is not required to conduct hearings in the manner prescribed by Chapter 120. The record created during the proceeding below, including the public hearing conducted by Pasco County prior to the issuance of the development order appealed, is not full and complete regarding the issues raised by this Petitioner and does not comply with the requirements insuring procedural due process specified in Chapter 120. The Petitioner was not a party or formal participant in any proceeding conducted by Pasco County in regard to the issuance of the Summertree Development Order

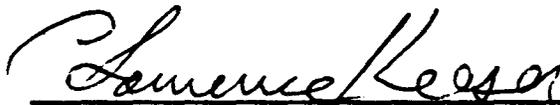
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WHEREFORE, the Department of Community Affairs requests

that FLAWAC accept jurisdiction over this appeal and grant such relief as may be necessary and appropriate to effectuate the intent and provisions of Chapter 380, Florida Statutes, including, but not limited to the following:

- A. That this cause be referred to the Division of Administrative Hearings for a formal de novo hearing so that the Department may present expert testimony and evidence to establish the facts asserted in its Petition; and
- B. That Pasco County Resolution 87-88, the Summertree Development Order Amendment, to the extent that it approves development as described herein that is illegal and violative of the provision of Section 380.06, Florida Statutes, be reversed and that the Commission issue a final development order that approves only development found to be in accordance with the law and the intent of Chapter 380, Florida Statutes..

Respectfully submitted,



David L. Jordan, Sr. Attorney  
C. Laurence Keeseey, General Counsel  
Department of Community Affairs  
2571 Executive Center Circle, E.  
Tallahassee, Florida 32399  
(904) 488-1900

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to the parties below this 16th day of MARCH, 1987.

  
David L. Jordan

Honorable Bob Martinez  
Governor  
The Capitol  
Tallahassee, Fl 32399

Honorable Betty Castor  
Commissioner of Education  
The Capitol  
Tallahassee, Fl 32399

Honorable Bill Gunter  
Insurance Commissioner  
The Capitol  
Tallahassee, Fl 32399

Honorable Gerald Lewis  
Comptroller  
The Capitol  
Tallahassee, Fl 32399

Honorable Doyle Conner  
Commissioner of Agriculture  
The Capitol  
Tallahassee, Fl 32399

Honorable Robert Butterworth  
Attorney General  
The Capitol  
Tallahassee, Fl 32399

Honorable George Firestone  
Secretary of State  
The Capitol  
Tallahassee, Fl 32399

Paul R. Bradshaw, Esq.  
Assistant General Counsel  
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Tallahassee, Fl 32399

Julia Greene, Executive  
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Tampa Bay Regional Planning  
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9455 Koger Boulevard  
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J. Ben Harrill, Esq.  
Karla A. Steller, Esq.  
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7530 Little Road  
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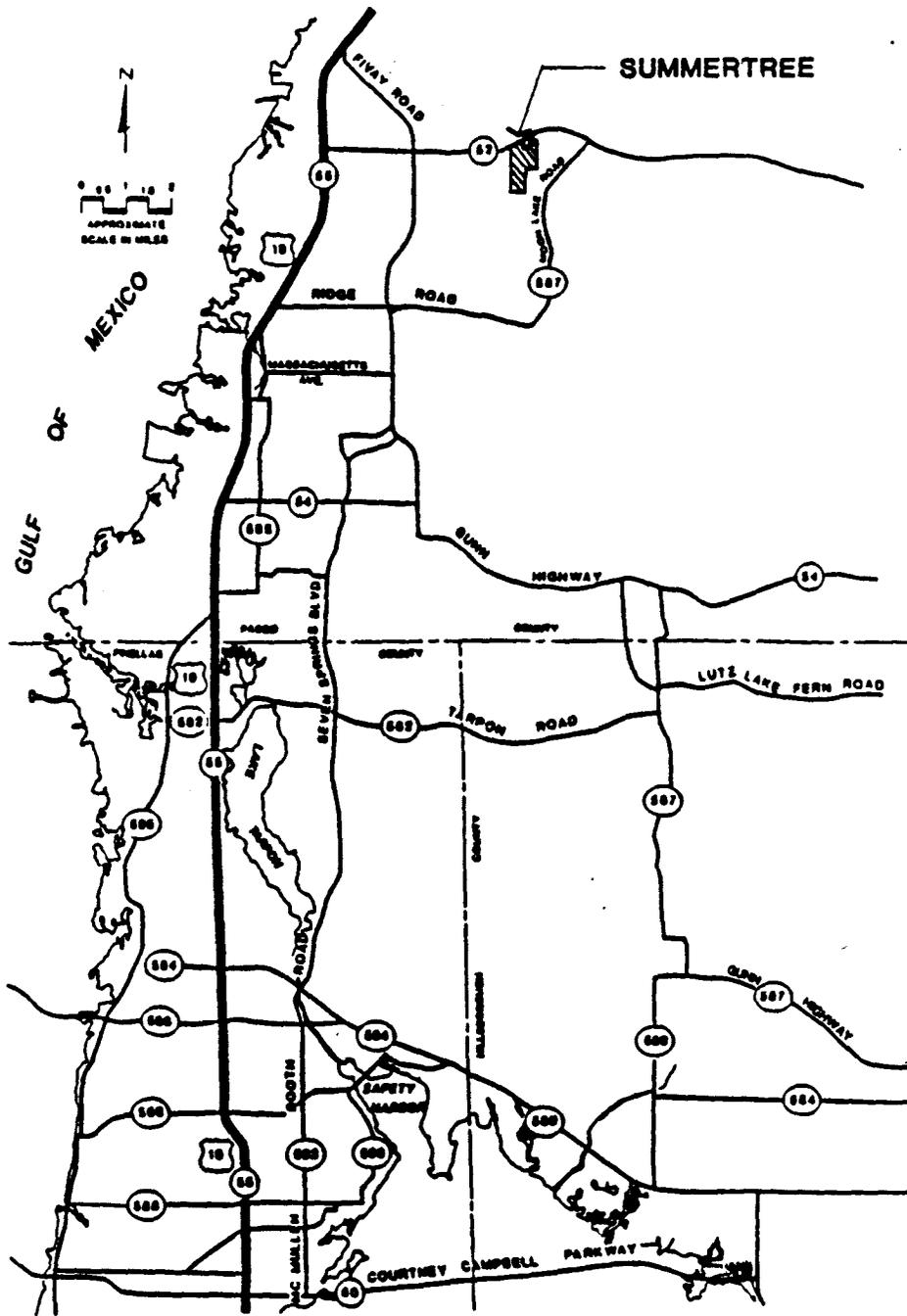
Roger Tucker, Esq.  
9455 Koger Boulevard  
St. Petersburg, Fl 33702

Charles F. Radice, and  
Gary Jahraus authorized  
representatives of Radice  
Development Corporation and  
Radice-Pasco, Inc.  
600 Corporate Drive  
Fort Lauderdale, Fl 33334

The Honorable Ann Hildebrand  
Chairman, Pasco County  
Board of County Commissioners  
7530 Little Road  
New Port Richey, Fl 33553

Radice-Pasco, Inc.  
4445 Paradise Point Way  
New Port Richey, Fl 33553

Steve Booth, Esq.  
Richmond, Booth and  
Cook, P.A.  
7510 Ridge Road  
Port Richey, Fl 33568



MAP A

LOCATION MAP





# PASCO COUNTY, FLORIDA

## OFFICE OF THE COUNTY ATTORNEY

7530 Little Road  
New Port Richey, Florida 33553  
PHONE (813) 847-8120

January 30, 1987

J. Ben Harrill, Esq.  
County Attorney

Lisa C. Bennett, Esq.  
Karla A. Stetter, Esq.  
Edward B. Helvenston, Esq.

**RECEIVED**  
FEB 2 1987

Bureau of Resource Management  
DRI Section

Mr. James Mirley, Chief  
Attention: Mr. Ed Lehman  
Department of Community Affairs  
2571 Executive Center Circle, East  
Tallahassee, Florida 32301

Re: Summertree DRI Revised  
Master Development Order

Dear Sirs:

On January 27, 1987, the Pasco County Board of County Commissioners held a public hearing on the Summertree (formerly Pointe West) DRI. Please find enclosed copy of the Resolution signed by the Board at that meeting approving the revised Master Development Order.

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

Sincerely yours,

Karla A. Stetter  
Assistant County Attorney

KAS/eem  
Enclosure  
cc: Douglas R. Uden

# SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET, BROOKSVILLE, FLORIDA 33512-9712  
PHONE (904) 796-7211 SUNCOM 634-0111

MICHAEL ZAGORAC, JR., Chairman, Belleair; WM. D. STUBBS, JR., Vice Chairman, Dade City  
MARY A. KUMPE, Secretary, Sarasota; WALTER H. MARKALA, Treasurer, Plant City  
HORACE F. HERNDON, Esq., James Roy G. Harrell, Jr., St. Petersburg  
ROBERT T. BRAMSON, M.D., Tampa; WILLIAM H. WILCOX, Ph.D., Pratt, Charlotte

GARY W. KUHL, Executive Director; DANIEL P. FERNANDEZ, General Counsel  
WILLIAM K. HENNESSEY, Deputy Executive Director; PETER G. HUBBELL, Deputy Executive Director



October 23, 1986

Ms. Suzanne T. Cooper  
DRI Coordinator  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard, Suite 219  
St. Petersburg, FL 33702-2491

RE: SUMMERTREE ADA/DRI FINAL REVIEW  
Pasco County, Coastal Rivers Basin

Dear Ms. Cooper:

The staff of the Southwest Florida Water Management District (SWFWMD) has completed its final review of the Application for Development Approval for the Summertree Development of Regional Impact. Based on the information provided, the following comments and recommendations are hereby submitted to assist the Tampa Bay Regional Planning Council (TBRPC) in the assessment of the potential water and related land impacts.

#### PROJECT DESCRIPTION SUMMARY

The Radice Development Corporation has proposed to revise the existing Summertree Development Order (formerly Pointe West) with respect to drainage, economic and transportation impacts of the project, located in Pasco County, Section 8, Township 25 South, Range 17 East.

The project site is located within the Bear Creek watershed. There are two streams that intersect the Summertree development. Bear Creek, flows east to west and is located in the southerly portion of the property. Buckhorn Creek, a tributary of Bear Creek, enters at the northeasterly portion of the site and flows in a southwesterly direction until it connects to Bear Creek on-site.

#### DRAINAGE

Before commencement of construction, a responsible entity whom is acceptable to the District should be established in order to maintain and operate the water management systems. Verification of a responsible entity shall be by a submittal of satisfactory

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evidence to the District.

The District staff recommends that the typical swale for conveyance of the overland flow have a 6H:1V minimum slope and the typical retention ponds/lakes have a 4H:1V minimum slope.

During the construction period the developer should undertake all necessary measures to protect and preserve the water quality on and abutting the site.

As District staff has previously noted, the Summertree development must be shown to meet water quality standards, as specified within Chapter 17-25, Florida Administrative Code (F.A.C.), at the point of discharge into Waters of the State. In those instances where wetlands are utilized for stormwater treatment, the Florida Department of Environmental Regulation (FDER) will be the agency responsible for reviewing the permit application for Chapter 17-25, F.A.C. Thus, District staff recommends that a copy of all Chapter 17-25, F.A.C. applications be forwarded to the SWFWMD Planning staff in order to ensure that the drainage plans for each phase or increment are consistent with the master drainage plan.

The Summertree project (formerly Pointe West) has obtained exemption status under Subsection 40D-40.51 (6), F.A.C. The staff has determined that the Summertree substantial deviation project, as presented, is still exempt from the requirements of Chapter 400-4, F.A.C. However, as specified within Subsection 40D-4.054, F.A.C., "a permit may be required for alteration of a previously exempt surface water management system." Therefore, staff recommends that prior to the commencement of construction of each future tract or increment of the Summertree development, the developer submit to the District Planning staff the respective drainage design for verification.

If the project does meet the requirements of Subsection 40D-4.05 (6), F.A.C., a Works of the District PERmit under Chapter 40D-6, F.A.C., may be required.

#### **WATER QUANTITY**

In regard to the overall drainage scheme, the developer should ensure all elevations, storage quantities, and discharge rates are properly supported by data and employ acceptable methodologies.

Discharge rates should be based on the pre-development versus post-development conditions for the 25-year/24-hour storm event. Post-development drainage basin and discharge points should not be significantly altered from the pre-development basins and points of discharge. All outfall points should limit peak discharge through non-operable gravity structures.

Prior to dewatering any portion of the site, plans shall be submitted to the District. Information regarding the plans shall include at a minimum: pump sizes, locations and hours of operation for each pump. If off-site discharge is proposed, or if off-site adverse impacts are evident, an individual water use permit may be required.

A water quantity monitoring program should be established prior to and during construction to ensure that the water table is not adversely impacted.

#### GENERAL COMMENTS

The Summertree DRI project is not located adjacent to District-owned lands, nor is the project in an area currently proposed for land acquisition. The development project would therefore appear to have no impact on compatibility with District-owned lands or land acquisition plans.

The staff recommendations and comments stated above have not been presented to the District Governing Board. This review has been performed by the staff of the SWFWMD to provide the Tampa Bay Regional Planning Council with a regional assessment of potential water resource related impacts regarding the proposed St. Petersburg DRI project.

It should be noted that this review does not stand in lieu of normal permitting procedures, nor does it necessarily represent the position or opinion of the Governing Board.

The staff of the District appreciates this opportunity to comment. Should you have any questions regarding the above comments or recommendations, please contact the undersigned.

Sincerely,



STEVEN A. MINNIS  
Water Resource Planner  
Planning Department

SAM:cde

cc: Steve Polen, SWFWMD  
Richard Dutter, Post, Buckley, Schuh & Jernigan, Inc.

SUMMERTREE DEVELOPMENT ORDER AMENDMENT

Underlining indicates insertions  
~~Strike-Through~~ indicates deletions

BY COMMISSIONER \_\_\_\_\_ RESOLUTION NO. 87-28

RESOLUTION AMENDING RESOLUTION NO. 81-59, AS AMENDED REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL PERTINENT TO TRANSPORTATION, DRAINAGE, ECONOMICS AND DURATION OF THE DEVELOPMENT ORDER FOR SUMMERTREE (FORMERLY POINTE WEST) DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on February 17, 1981, the Board of County Commissioners of Pasco County adopted by Resolution No. 81-59 a DRI Development Order approving, with conditions, the Pointe West Development of Regional Impact consisting of 1,760 residential units to be developed as Phase I (425 units), Phase II (298 units), Phase III (347 units), Phase IV (345 units) and Phase V (345 units); and

WHEREAS, on July 29, 1982, the Developer of the Pointe West DRI - Radice Corporation - opted to proceed under an incremental DRI review process pursuant to Chapter 380.06(20)(b), Florida Statutes, and entered into an agreement (Tri-Lateral Agreement) with Pasco County and the Tampa Bay Regional Council which would allow for incremental review of Phases III, IV and V and for completion of Phase III (347 units) prior to fully ascertaining, addressing and resolving the full transportation, drainage and economic impact of the overall DRI; and

WHEREAS, said agreement required the developer to submit an Application for Master Development Approval (AMDA) for the overall development and an Application for Incremental Development Approval (AIDA) for the 347 units, which said requirements have been satisfied by the Developer's submittal and County's approval in November, 1982 of the Pointe West DRI Master Site Plan, Master Drainage Plan and PUD rezoning conditions, all of which adequately address and resolve through conditions the impacts of the 649 existing units (Phases I and II) as well as the impacts of the 347 units (Phase III); and

WHEREAS, based on review of the project summary narrative submitted by the applicant to the TBRPC in March, 1982, Local Government Comprehensive Plans, regional plans, studies and reports, other Developments of Regional Impact (DRIs) in the area, the TBRPC's adopted Regional Issues List, "The Future of the Region", the TBRPC identified in its April 26, 1982 DRI #90 pre-application conference the following regional issues for this project:

1. Transportation - The revised regional review will require identification of the impact of previously identified Phases III, IV and V on regional roadways and the roadway improvements which will be necessary on those roadways to maintain a level of service consistent with adopted Council policy.

The impact area, specific roadways and intersections to be analyzed shall be those which were addressed in the original ADA and the Council's final report.

2. Drainage - A revised drainage plan which has been developed to be more compatible with the existing environmental conditions shall be assessed during the review.

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Bureau of Resource Management  
DRI Section

3. Economics - The economic impact of the proposed development shall be revised to reflect an increase in the sales price of the units.

WHEREAS, the anticipated regional impacts relating to drainage, economics and transportation have previously been adequately addressed for previously identified Phase I and II; and

WHEREAS, Master Development/Conceptual Approval has been granted pursuant to approval of the Master Site Plan subject to subsequent review by the County and the TBRPC of the Application for Development Approval (ADA) for the unresolved issues related to regional transportation, drainage and economic impacts of previously identified Phases III, IV and V; and

WHEREAS, via Resolution 85-176, the Board of County Commissioners amended Resolution 81-59 (Pointe West Development Order) by revising the conditions of development approval pertinent to transportation; and

WHEREAS, on May 30, 1986, Radice - Pasco, Inc., filed an Application for Amended Master Development Approval (AAMDA) addressing the specified unresolved issues pursuant to the provisions of Section 380.06, Florida Statutes and provisions of the Tri-Lateral Agreement, dated July 29, 1982; and

WHEREAS, the AAMDA indicates that proposed phasing for the project's total 1,760 units consists of two chronological periods for analysis purposes. The first analysis period (Phase 1) includes all existing and proposed development for Increment I (425 units), Increment II (289 units), and Increment III (252 units). The Phase 2 analysis period includes Increment IV (233 units) and Increment V (571 units); and

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

1. Radice - Pasco, Inc., in accordance with Section 380.06, Florida Statutes, has filed with Pasco County an Application for Amended Master Development Approval (AAMDA), a response to AAMDA sufficiency review (dated August 25, 1986), which are attached hereto as Exhibit "A" & "B" respectively and are incorporated herein as reference.
2. The Board of County Commissioners of Pasco County is the local government governing body having jurisdiction over the review and approval of said DRI in accordance with Section 380.06, Florida Statutes.
3. The Board of County Commissioners of Pasco County is in receipt of a sufficiency notification from the Tampa Bay Regional Planning Council (TBRPC), dated September 23, 1986.
4. The Board of County Commissioners has scheduled public hearings on the above referenced AAMDA before the Pasco County Planning Commission and before the Board.
5. Notice of such notice has been published at least 60 days prior to the date set for the Board hearing.
6. Both the Pasco County Planning Commission and the Board of County Commissioners have held public hearings on the above referenced AAMDA on January 14, 1987 and January 27, 1987 respectively.
7. At said public hearings, all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence.

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1. The Master Drainage Plan and supportive report prepared by PBS&J, dated October, 1982 and approved by Pasco County shall constitute the master drainage plan for Summertree. All development activity shall be in substantial conformance with the intent of the master drainage plan as approved or as may be amended and subsequently approved by Pasco County.
2. There shall be no direct storm water discharge into Bear Creek, Buckhorn Creek or any interior wetlands as provided for in the ADA. Direct discharge shall not mean discharge of stormwater following treatment in accordance with SWFWMD and FDER approved methods.
3. Storm water discharge rates shall be maintained at predevelopment levels, as referenced in the ADA.
  - A. Design shall be for 25-year storm retention/detention.
  - B. No increased above predevelopment runoff rate shall be allowed into Bear Creek.
4. Drainage structures as described in the ADA Addendum shall be utilized unless specifically altered by the County in agreement with SWFWMD and FDER.
  - A. Each site plan shall show the location and the storm water retention capability of the drainage structures and retention areas.
  - B. The storm water dissipation structures shall not be built within the 100-year flood elevation and shall not have a slope greater than 4:1.
4. All wetlands identified in the ADA shall be retained in their present state, as referenced in the ADA. Wetlands identified on the master drainage plan (1982) as "existing wetlands to be conserved" shall be retained in their present state, to the extent reasonably practical. Encroachment into wetland areas shall be subject to obtaining the necessary approvals from the appropriate regulatory agencies. The designation of these areas as conservation areas (or similar designation) and the maintenance responsibilities shall be assigned prior to the issuance of building permits in the adjoining phase adjacent site. Conservation areas shall be record platted as tracts and/or easements and shall be deeded to a mandatory homeowners'/property owners' association. Maintenance responsibility will be that of the association.
6. The developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.
7. All first floor elevations shall be placed above the 100-year flood elevation. The elevations as stated in the ADA shall be used until which time as the Federal Flood Insurance Program establishes base flood elevations for this area.
8. Upon approval by all reviewing entities, the Master Drainage Plan shall be deemed to be incorporated in this development order and shall have the same effect as all other restrictions, requirements, and conditions set forth in this Development Order.

II. Section B.12 "Transportation" is hereby amended as follows:

#### CONDITIONS

- A. An interim transportation improvements plan for the west central Pasco County area shall be developed by Pasco County's Metropolitan Planning Organization (MPO) in cooperation with the Florida Department of Transportation, FBRPC, and the developers in the study area prior to site plan approval of Phase Three of Pointe West. The plan shall consider all approved developments in the area as well as large-scale developments approved in south Pasco and north Pinellas Counties impacting the area's transportation facilities. The primary intent of the interim transportation improvements plan for the west central Pasco area is

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8. Additionally, at said public hearings, any member of the general public requesting to do so was given the opportunity to present written or oral communications.
9. The Board of County Commissioners has received and considered the TBRPC report on the above referenced AAMDA.
10. The Board of County Commissioners has received and considered the recommendation of the Pasco County Planning Commission and various other reports and information, including but not limited to, the recommendation of the Pasco County Planning and Zoning staffs.
11. The real property involved in this proposed DRI is owned by Radice-Pasco, Inc., and a description of said real property is attached hereto as Exhibit "C" and made a part hereof by reference.
12. The nature, type, scope, intensity, density, costs, and general impact of the proposed DRI is that which is summarized on Exhibit "D" attached hereto and incorporated by reference herein. (TBRPC Project Summary)
13. The land use designation for the area subject to the AAMDA is residential, recreational, and open space
14. Developer commitments are as identified on Exhibit "D" attached hereto and incorporated by reference herein.
15. Zoning on the property is Planned Unit Development (PUD) and Multi-family medium density (MF-1).
16. The proposed development is not in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

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

- L. Section B.2. "Water quality, drainage, wetlands and floodplains" of Resolution 81-89, as amended (known as Points West Master Development Order) is hereby amended as follows:

#### CONDITIONS

- A. A Master Drainage Plan must be approved by the County, FDER, and SWFWMD, in conjunction with the Master Site Plan, before any site plan, preliminary plan, construction improvements for land clearing will be approved for any individual phase or increment. The Master Drainage Plan shall include as a minimum the following:
  - A. A detailed analysis of the capability of the area's soils to transmit flow under high water table conditions. The findings of this analysis and the developer's appropriate elevations shall meet with FDER approval. Rate of flow through berms and the detention capacity and area required before flow through berms shall be discussed.
  - B. Major drainage channels/structures and maintenance responsibilities.
  - C. General location of retention ponds (if ponds are required).
  - D. Typical preconstruction storm water facilities.
  - E. A water quality monitoring program for Bear Creek
    - 1) The responsibility of this monitoring shall be that of the developer, unless officially accepted by the County or FDER.
  - F. Method of disallowing any increased storm water runoff into Bear and Buckhorn Creeks.

- G. The developer shall dedicate or donate to the County (or the State) 100' of right-of-way from the center line of S.R. 52. The interim transportation improvements plan may require donation of more right-of-way.
- H. The developer shall, when traffic warrants are met, contribute to Pasco County the full cost of traffic signalization at the intersection of Paradise Point Way and S.R. 52. Further, prior to approval of site or preliminary plans within Phase IV, the developer shall construct a major road from its eastern property line to Moon Lake Road (S.R. 678), provided that the necessary right-of-way is available. Further, the developer shall pay to Pasco County a Two Hundred Dollar (\$200.00) transportation impact fee for each residential unit within Phase III at the time of issuance of building permits for each such unit.

- A. The developer shall prepare and implement a Transportation Systems Management (TSM) Program intended to divert a number of vehicle trips from the PM peak hour, which is consistent with the assumptions used to prepare the AAMDA. The plan shall be reviewed by Pasco County, the TBRPC and the FDOT.

Each annual report for the development shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure.

If the annual report indicates that the total trip diversions are not being met, Pasco County may conduct a substantial deviation determination pursuant to Subsection 380.05 and the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.

- B. To ensure that the transportation impacts of this development have been accurately projected by the AAMDA traffic analysis field surveys, and a report of findings shall be conducted to determine actual vehicle and transit trips generated by Summertree every year, through project build-out as part of the annual report. This survey and report shall be conducted by the applicant and shall be approved by the staff of Pasco County and the staff of TBRPC. After review of the survey and report findings, the reviewing agencies or developer may require that the Development Order be revised accordingly.
- C. Transportation Impact Mitigation - one of the following three alternatives (or appropriate combinations of each) must be implemented by the developer.

ALTERNATIVE I

- 1. Funding commitments for the following roadway improvements shall be made by responsible entities before local development approval beyond 966 units (Phase I) shall be issued by the County:
  - (A) At the intersection of S.R. 52 and Paradise Point way signalize when warranted by the Manual of Uniform Traffic Control Devices (MUTCD). This improvement will be of primary benefit to project traffic.
  - no (B) At the intersection of S.R. 52 and Hicks Road signalize when warranted by MUTCD. Project traffic will contribute in excess of 5 percent of existing LOS D peak-hour capacity at the end of Phase I and 23 percent at buildout.
  - yes (C) At the intersection of S.R. 52 and Illinois Road signalize when warranted by MUTCD. Project traffic will contribute in excess of 5 percent of existing LOS D peak-hour capacity at the end of Phase I.
  - no (D) At the intersection of S.R. 52 and Little Road construct a second through lane for northbound, southbound, eastbound, and westbound traffic, and

*no but in AAMDA*

to maintain (or upgrade) a transportation level of service "C" during normal hours and level of service "B" during peak hours. Commitments and time scheduling for implementation of the improvements shall also be determined by this interim study. Upon adoption, the policies set forth in the interim transportation improvements plan shall be applied against or in favor of the subject DRI in the same manner as said policies are applied to any other affected developer or development. The plan shall address the following roadway improvements at a minimum:

- 1r Widen U.S. 19 (S.R. 56) to six lanes from Ridge Road (E-587-A) to Schrader Memorial Highway (S.R. 52). Intersection improvements shall be required at Ridge Road and S.R. 52.
  - 2r Widen S.R. 52 from two to four lanes from U.S. 19 east to the Pointe West development.
  - 3r Construction of intersection improvements at the Pointe West development entrance onto S.R. 52. On the eastbound approach, a right turn lane shall be provided, and left and right turn lanes shall be provided on the northbound approach.
  - 4r Widen Ridge Road (E-587-A) from two lanes to four lanes from U.S. 19 (S.R. 56) to Congress Street.
  - 5r Widen Plaza Drive from two lanes to four lanes from Ridge Road (E-587-A) to Schrader Memorial Highway (S.R. 52).
  - 6r Construction of intersection improvements at Embassy Boulevard and Plaza Drive consisting of the addition of left turn lanes on the eastbound and northbound approaches and a right turn lane on the southbound approach. The intersection should also be signalized.
  - 7r Determine if a traffic signal is warranted at the intersection of Pointe West and S.R. 52.
- 8r All intersections within the project and intersections at all entrance roads shall be adequately designed for projected traffic volumes, prior to Master Site Plan approval. Common Florida engineering standards, such as FDOT standards and the Manual on Uniform Traffic Control Devices, shall be used as guidelines in design. In order to adequately handle projected volumes, the required improvements shall be installed (or the cost donated to the County) by the developer, in correspondence with a County-approved phasing plan of the Master Site Plan. The County has the authority to determine when these improvements will be installed. Such improvements may include at a minimum Case II intersection improvements, left and right turn lanes, stack lanes and traffic signalization.
- 9r The County has determined that pursuant to condition of master site plan approval that a major road to be constructed from the east property line to Moon Lake Road (S.R. 578) is desirable and feasible. It is the developer's responsibility to construct such improvements prior to any site or preliminary plan approvals within Phase IV, unless modified by revision to the master development order or unless right-of-way for such road is not available at that time. If this road is not constructed for the reasons set forth herein, the developer agrees to coordinate with the County on a major revision of the interior transportation network including relocation of entrance roads.
- Dr All major roads, within the project as designated by the County on the Master Site Plan, shall be constructed to County Subdivision Regulation standards. These major roads shall be of limited access with appropriate landscape berming along residential areas. Individual driveway cuts shall not be allowed unless specifically approved by the Pasco County Development Review Committee (DRC). The construction of these roads shall be coordinated with the phasing schedule in the Master Site Plan.

report in Alternative I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Alternative I at a satisfactory Level of Service, daily LOS C and D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, Pasco County or its designee shall ensure, in written findings of fact, that the above roadways are operating at or above an average daily LOS C and D at peak hours, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily LOS C and D at peak hours.

#### ALTERNATIVE III (Pipelining)

1. In the event that commitments for transportation improvements as identified in Alternative I are adequate to permit only partial approval of this development, the developer is allowed to mitigate the project's transportation impacts by the construction of one or more major improvements listed as being substantially affected by the development. Roadway improvements to be pipelined shall be selected from the list of existing or proposed regional transportation facilities substantially affected by the development identified by TBRPC during DRI review, be preferably consistent with the west Pasco County MPO and FDOT long range plans, and receive concurrence from Pasco county and TBRPC with review and comment by the west Pasco County MPO and FDOT. The developer's fair share pipeline contribution shall be equal to or exceed an amount calculated pursuant to DCA transportation policy. The developer shall receive 100% credit against previously paid and future transportation impact fees.
- The streets, if not dedicated to the public, shall be owned by the homeowners/condominium association with provisions for public service and safety vehicle usage.
- E. Access rights along S.R. 52 may shall be restricted by donated or dedicated to the County.
- F. It is the developer's responsibility to construct roadway improvements from the project's east property line to Moon Lake Road, provided that the County has acquired all necessary roadway right-of-way. The developer's obligation to construct said roadway will terminate 60 days following submission of construction plans for the first unit in Increment V (1190th unit), provided the County has not acquired all necessary right-of-way and notified the developer of its intent to require the roadway improvements.

#### III. Section E. "Monitoring Procedures" is hereby amended as follows:

1. The local official responsible for monitoring the Pointe West Development of Regional Impact shall be the Director of Community Development:
1. Monitoring of this development shall be at the time of the Annual Report submittal and during review of the development approvals. The local official responsible for monitoring the Summertree DRI shall be the County Administrator or his designee.

#### IV. Section F. "Duration" is hereby amended as follows:

2. The duration of the Development Order shall be a period of 6 ~~15~~ years. The Development Order shall terminate on February 17, ~~1987~~ 1996.

#### V. Section G. "Annual Report" is hereby amended as follows:

1. The developer shall provide an annual report to the official responsible for monitoring the DRI on February ~~17th~~ January 27th of each year during the term of the development order. The report shall include, at a minimum, the following information:

cw:PLAN8:B/8

independent right-turn lane for northbound traffic, and a second left-turn lane for westbound traffic. Project traffic will contribute 9 percent of existing LOS D capacity at the end of Phase I.

- (E) Construct a 4-lane divided arterial on S.R. 52 between Hicks Road and Illinois Avenue. Project traffic will contribute 14.7 percent of existing LOS D peak-hour capacity at the end of Phase I and 21 percent at buildout.
- (F) Construct a 4-lane divided arterial on S.R. 52 between Illinois Avenue and Little Road. Project traffic will contribute 11 percent of existing LOS D peak-hour capacity at the end of Phase I and 18.3 percent at buildout.
- (G) Construct a 4-lane divided arterial on S.R. 52 between Little Avenue and U.S. 19. Project traffic will contribute 5.4 percent of existing LOS D peak-hour capacity at the end of Phase I and 8.4 percent at buildout.

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1990

Funding commitments for all of the roadway improvements listed above (Phase I) are in place.

- 2. Funding commitments for the following roadway improvements shall be made by responsible entities, in addition to those required in Phase I, before local construction plan approvals for the remaining 794 units (Phase II) shall be issued by the County:

- (A) At the intersection of S.R. 52 and Illinois Road construct independent left-turn lanes for eastbound and westbound traffic. Project traffic will contribute 15.4 percent of existing LOS D peak-hour capacity at buildout.
- (B) At the intersection of S.R. 52 and Little Road add right-turn lanes for southbound, eastbound, and westbound traffic. Project traffic will contribute 16.6 percent of existing LOS D peak-hour capacity at buildout.
- (C) Construct a 4-lane divided arterial on S.R. 52 between the project entrance and Hicks Road. Project traffic will contribute 31.3 percent of existing LOS D peak-hour capacity at buildout.
- (D) Construct a 4-lane divided arterial on Little Road between S.R. 52 and Moon Lake Road. Project traffic will contribute 6.8 percent of existing LOS D peak-hour capacity to buildout.

Funding commitments for all of the roadway improvements listed above (Phase II), except 2C., are in place.

- 3. TBRPC acknowledges the concept of subphasing which identifies and ties specific amounts of project development (within a phase) to specific regional roadway improvements. This concept is acceptable if TBRPC and Pasco County concur with the defined amount of development to be specifically allowed, and provided that funding commitments for roadway improvements would be required when the regional roadway operates below LOS C daily and D at peak hour and the development contributes 5 percent or more of the existing LOS C daily and D at peak hour existing capacity of the facility.

#### ALTERNATIVE II

- 1. In the event that commitments for transportation improvements are adequate to permit only partial approval of this development, the capacity and loading of transportation facilities in the Summertree transportation area, including, but not limited to, the regional roadways and intersections referenced in Alternative I, shall be limiting factors in any subsequent approvals. Accordingly, the developer will generate and provide Pasco County the west Pasco County MPO, the FDOT, and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction, plus that to be generated by the next portion of which the developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this

BE IT FURTHER RESOLVED that Resolution 81-176 and the Tri-lateral Agreement are hereby nullified.

BE IT FURTHER RESOLVED that Resolution 81-59, as amended, shall constitute a final Development Order for the Summertree (previously Pointe West) DRI.

DATE AND RESOLVED THIS 27<sup>th</sup> DAY OF January, 1987.

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA.

ATTEST:

BY: Jed Pittman  
By: Elaine H. Mitchell, DC  
Jed Pittman, Clerk

BY: Ann Hildebrand  
Ann Hildebrand, Chairman

APPROVED AS TO LEGAL FORM AND CONTENT  
OFFICE OF THE COUNTY ATTORNEY

BY: [Signature]  
Attorney

- (a) Any changes in the proposed plan of development;
- (b) Description of the development activities which have occurred over the previous year including a summary of the number, type, and location of residential units and commercial structures;
- (c) A description of development activity proposed for the next year;
- (d) The following information with regard to the implementation of conditions established in the development order:

(i) P.P.W., Inc. shall notify the Pasco County Director of Community Development in writing thirty (30) days prior to submittal of Phase III preliminary/site plan of such an intent to submit:

(1) The documentation of the developer's utilization of TSM as required in Condition 12.A.

(2) The traffic analysis, field surveys, and report of findings as required in Condition 12.B.

**VI. Section 1. "Effect of Development Order/ADA" is hereby amended as follows:**

- 2. All development of the property subject to this development order shall substantially conform to the ADA filed by P.P.W. as amended by Radice-Pasco, Inc. via their application for Amended Master Development Approval (AAMDA), and response to AAMDA sufficiency review unless otherwise modified by the provisions or conditions of this development order. Said ADA is attached hereto as Exhibit "C". Said AAMDA and response to AAMDA sufficiency review are attached hereto as Exhibits "A" and "B".

**VII. Section 8. "Education Facilities" is hereby amended as follows:**

**Conditions**

**Donation of \$50 per dwelling unit for public education facilities. This rate shall remain until such time as the County establishes such impact fees. These funds shall be donated prior to record plat or issuance of a multi-family building permit.**

**None**

**PARADISE POINTE WEST GROUP NO. 2:**

Units 42A, 43A, 44A, 44B, 45A, 46B, 47B, 48A, 48B, 49B, 52B, 53B, 54A, 54B, 55B, 56B, 57B, 58B, 59A, 59B, 60A, 60B, 61A, 61B, 62A, 62B, 63A, 73A, 63B, 64B, 69B, 70A, 70B, 71B, 73A, and 73B, all from the condominium plat of Paradise Pointe West Group No. 2, according to Condominium Plat Book 12, Pages 40-43 and being further described in that certain Amendment to Declaration of Condominium filed September 17, 1973 in O.R. Book 710, Page 131 as Clerk's Instrument No. 361411, Public Records of Pasco County, Florida.

**PARADISE POINTE WEST GROUP NO. 3:**

Units 74B, 75A, 75B, 76B, 77A, 77B, 79A, 79B, 80A, 80B, 81A, 81B, 82A, 82B, 83A, 83B, 84A, 84B, 85A, 86A, 86B, 87A, 87B, 88A, 88B, 89A, 89B, 91A, 91B, 92B, 93B, 94A, 94B, 95A, 95B, 96B, 97A, 97B, 98A, 98B, 102A, 102B, 103B, 104B, 105A, 106B, 107A, 108A and 109A, all from the Condominium Plat of Paradise Pointe West Group No. 3, according to Condominium Plat Book 12, Pages 87-90 and being further described in that certain Amendment to Declaration of Condominium filed January 11, 1974 in O.R. Book 734, Page 1307 as Clerk's Instrument No. 376558, Public Records of Pasco County, Florida.

**PARADISE POINTE WEST GROUP NO. 4:**

Units 110A, 110B, 111A, 112A, 112B, 113B, 114A, 114B, 115A, 115B, 116A, 116B, 117B, 119A, 119B, 120B, 121A, 122A, 122B, 123A, 123B, 124B, 125A, 126B, 130B, 131A, 132B, 134B, 127A and 127B, all from the Condominium Plat of Paradise Pointe West Group No. 4, according to Condominium Plat Book 13, Pages 19-21 and being further described in that certain Amendment to Declaration of Condominium filed May 15, 1974 in O.R. Book 749, Page 1633 as Clerk's Instrument No. 394040, Public Records of Pasco County, Florida.

**PARADISE POINTE WEST GROUP NO. 5:**

Units 4GA, 4GB, 5GA, 5GB, 6GA, 6GB, 7GA, 7GB, 8GB, 10GB, 13GB, 15GB, 18GA, 18GB, 19GA, 22GB, 23GA, 23GB, 29GB, 32GB, 34GA, 34GB, 36GB, and 37GB, all from the Condominium Plat of Paradise Pointe West Group No. 5, according to Condominium Plat Book 13, Pages 50-51 and being further described in that certain Amendment to Declaration of Condominium filed June 28, 1974 in O.R. Book 756, Page 211 as Clerk's Instrument No. 401188, Public Records of Pasco County, Florida.

**PARADISE POINTE WEST GROUP NO. 6:**

Units 136B, 137A, 137B, 138A, 140A, 140B, 141A, 141B, 142A, 142B, 143B, 144B, 145A, 146A, 146B, 147B, 148B, 150B, 152A, 152B, 153B, 154A, 155B, 156B, 157B, 159B, 161B, 162A, 162B, 163A-1, 163A-2, 164A-1, 164A-2, 165A-1, 165A-2, 166A-1, 166A-2, 39GA, 39GB, 41GB, 42GA, 42GB, 43GA, 43GB, 44GA, 44GB and 46GB, all from the Condominium Plat of Paradise Pointe West Group No. 6, according to Condominium Plat Book 13, Pages 68-69 and being further described in that certain Amendment to Declaration of Condominium filed September 10, 1974 in O.R. Book 767, Page 1500 as Clerk's Instrument No. 414566, Public Records of Pasco County, Florida.

**PARCEL II**

COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East, Pasco County, Florida and run North 49°36'43" East a distance of 3962.27 feet to the Point of Beginning #2; thence run South 89°08'32" East a distance of 1495.00 feet; thence run North 2°32'46" East a distance of 4912.99 feet; thence run South 84°25'33" West a distance of 283.60 feet to a Point of Curvature; thence by a curve to the left having a radius of 1360.11 feet, a chord bearing of South 69°21'33" West a distance of 707.10 feet, run an arc distance of 715.32 feet to a point of tangency; thence run South 54°17'33" West a distance of 717.72 feet; thence run South 2°32'46" West a distance of 4194.20 feet to Point of Beginning No. 2.

COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East and run North 30°11'49" East a distance of 8567.16 feet to Point of Beginning #3; thence run North 09°25'19" West a distance of 500.25 feet to the southerly right-of-way of State Road #52; thence run along said right-of-way line by a curve to the right having a radius of 1860.11 feet, having a chord bearing of North 80°34'41" East a distance of 100 feet; run an arc distance of 100.01 feet; thence run South 09°25'19" East a distance of 500.25 feet; thence by a curve to the left having a radius of 1360.11 feet, having a chord bearing of South 80°34'41" West a distance of 100 feet run an arc distance of 100.02 feet; to Point of Beginning #3.

LEGAL DESCRIPTION  
A portion Section Township 25 South, Range 17 East, Pasco County, Florida, more fully described as follows:

COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East, and run South 89°28'57" East a distance of 1,000 feet to the Point of Beginning; thence run North 0°51'28" East a distance of 3038.59 feet; thence run South 89°09'28" East a distance of 1991.78 feet; thence run South 07°32'46" West a distance of 3029.15 feet; thence run North 89°28'57" West a distance of 1902.57 feet to the Point of Beginning.

Tract No. 1: COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East, thence run North 19°02'41" East a distance of 3204.37 feet to the Point of Beginning #1; thence run South 89°09'28" East a distance of 1991.78 feet; thence run North 7°32'46" East, a distance of 3762.02 feet; thence run South 54°17'33" West a distance of 1325.78 feet to a Point of Curvature; thence by a curve to the right having a radius of 4369.72 feet; having a chord bearing of South 58°38'39" West a distance of 665.36 feet run an arc distance of 666.00 feet; thence run North 1°25'22" West a distance of 279.31 feet; thence by a curve to the left having a radius of 4119.46 feet having a chord bearing of North 59°33'07" East a distance of 258.55 feet; run an arc distance of 258.59 feet; thence run North 32°14'51" West a distance of 249.58 feet; to the Southerly right-of-way of State Road #52; thence along said right-of-way line by a curve to the right, having a radius of 3869.72 feet; having a chord bearing of South 59°39'38" West a distance of 257.62 feet run an arc distance of 257.66 feet to a Point of Tangency; thence run South 81°34'03" West a distance of 380.33 feet; thence run South 0°32'41" West a distance of 679.83 feet; thence run South 0°51'28" West a distance of 2239.11 feet to a Point of Beginning #1, including the sanitary sewer treatment plant, and LESS Cypress Creek Mobile Home Village Unit One, as recorded in Plat Book 11, Pages 47, 48 and 49 of the Public Records of Pasco County, Florida.

Tract No. 2: COMMENCE at the Southwest corner of Section 8, Township 25 South, Range 17 East and run North 25°22'10" East a distance of 7478.68 feet to the Point of Beginning #4; thence run South 54°17'33" West a distance of 1325.78 feet to a Point of Curvature; thence by a curve to the right having a radius of 4369.72 feet; having a chord bearing of South 58°38'39" West a distance of 665.36 feet run an arc distance of 666.00 feet; thence run North 1°25'22" West a distance of 279.31 feet; thence by a curve to the left having a radius of 4119.46 feet; having a chord bearing of North 59°33'07" East a distance of 258.55 feet; run an arc distance of 258.59 feet; thence run North 32°14'51" West a distance of 249.58 feet to the Southerly right-of-way of State Road #52; thence along said right-of-way line by a curve to the left having a radius of 3869.72 feet; having a chord bearing of North 55°56'32" East a distance of 233.68 feet; run an arc distance of 233.72 feet to a Point of Tangency; thence run North 54°17'33" East a distance of 1720.00 feet; thence run South 7°32'46" West a distance of 636.72 feet to Point of Beginning #4.

Tract No. 3: CYPRESS CREEK MOBILE HOME VILLAGE UNIT ONE, as recorded in Plat Book 11, Pages 47, 48 and 49 of the Public Records of Pasco County, Florida.

LESS all of the following:

Paradise Points West, Group No. 1, a condominium, according to Condominium Plat Book 12, Pages 9-10, Pasco County Records.

Paradise Points West Group No. 2, according to Condominium Plat Book 12, Pages 40-43, Pasco County Records.

Paradise Points West Group No. 3, according to Condominium Plat Book 12, Pages 87-90, Pasco County Records.

Paradise Points West Group No. 4, according to Condominium Plat Book 13, Pages 19-21, Pasco County Records.

Paradise Points West Group No. 5, according to Condominium Plat Book 13, Pages 50-51, Pasco County Records.

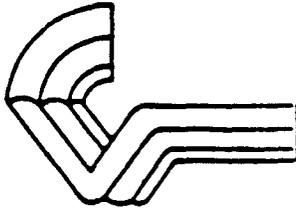
Paradise Points West Group No. 6, according to Condominium Plat Book 13, Pages 68-69, Pasco County Records.

AND INCLUDING the following condominium units and undivided share in the common elements appurtenant to each unit;

**PARADISE POINTE WEST GROUP NO. 1:**

Units 3B, 4A, 4B, 7B, 12A, 12B, 13B, 14B, 21A, 21B, 22B, 23B, 24B, 25B, 26B, 29B and 36B, all from the condominium plat of Paradise Pointe West Group No. 1, according to Condominium Plat Book 12, Pages 9-11 and being further described in that certain Declaration of Condominium filed July 31, 1973 in O.R. Book 700, Page 319 as Clerk's Instrument No. 356089, Public Records of Pasco County, Florida.

EXHIBIT C



Agenda Item #7.B.2  
11/10/86

# DRI FINAL REPORT

DRI #90

SUBCENTER (formerly DRI #67-Points West)

PASCO COUNTY, FLORIDA

This report is prepared in accordance with the Florida Land and Water Management Act, Chapter 380, Florida Statutes (F.S.) and in compliance with this legislation addresses the development's efficient use or undue burdening of the transportation network of the region, as well as the positive and negative impacts of the development on economics and drainage patterns. The report presents the findings and recommendations of the Tampa Bay Regional Planning Council based upon data presented in the Development of Regional Impact (DRI) application as well as upon information obtained from local and state agencies, outside sources and comparisons with local and regional plans. Policies cited in this report are from the Council's adopted policy document, Future of the Region (F.R.) which was revised July 8, 1985.

## APPLICATION INFORMATION

**APPLICANT:** Radice - Pasco, Inc.  
600 Corporate Drive  
Ft. Lauderdale, FL 33334  
(305) 493-5003

**AUTHORIZED AGENT:** Steve Booth  
Richmond, Booth & Cook, P.A.  
7510 Ridge Road  
Fort Richey, FL 33568  
(813) 842-9105

Gary Jahraus  
Radice Development Corp.  
600 Corporate Drive  
Ft. Lauderdale, FL 33334  
(305) 493-5003

## DATES OF INFORMATION/RECEIPT:

Preapplication Conference - November 25, 1985

ADA Submittal - May 30, 1986

Request for Additional Information - June 27, 1986

Receipt of Additional Information - August 26, 1986

Notice to Local Government of Sufficiency - September 23, 1986

Notice from Local Government of Public Hearing Date -  
October 7, 1986

TRPC Final Report - November 10, 1986

Local Government Public Hearing Dates - January 14, 1987,  
January 27, 1987

**tampa bay regional planning council**

9455 Koger Boulevard, St. Petersburg, FL 33702 • (813) 577-5151/Tampa 224-9380

EXHIBIT D

**PROJECT SUMMARY**

**TYPE OF DEVELOPMENT:** Residential

**LOCATION:** South side of SR 52, west of Moon Lake Road in western Pasco County

**TOTAL DEVELOPMENT AREA:** 467 Acres

Residential	
Condominium	266.7 Acres
ACLP	22.2 Acres
Single Family	123.3 Acres
Recreation	54.8 Acres

**PROPOSED PHASING SCHEDULE:**

<u>Years</u>	<u>Condominium</u>	<u>ACLP</u>	<u>Single Family</u>
<b>Phase 1 (1986)</b>			
Increment I	425	-	-
Increment II	-	-	289
Increment III	-	252	-
<b>Phase 2 (1987-1988)</b>			
Increment IV	223	-	-
Increment V	471	-	100
	<hr/>	<hr/>	<hr/>
<b>TOTALS</b>	<b>1119</b>	<b>252</b>	<b>389</b>

**LAND DEVELOPMENT AND CONSTRUCTION EXPENDITURES:**

Estimated Total Construction Expenditures: \$ 48,122,000  
 Within Region: approximately (95 percent)

**AD VALOREM TAX YIELD:**

Estimated Annual Ad Valorem Tax Yield After Build-out: \$ 710,000

**NUMBER OF DWELLING UNITS:** 1,760

**PRIMARY TRANSPORTATION NETWORK:**

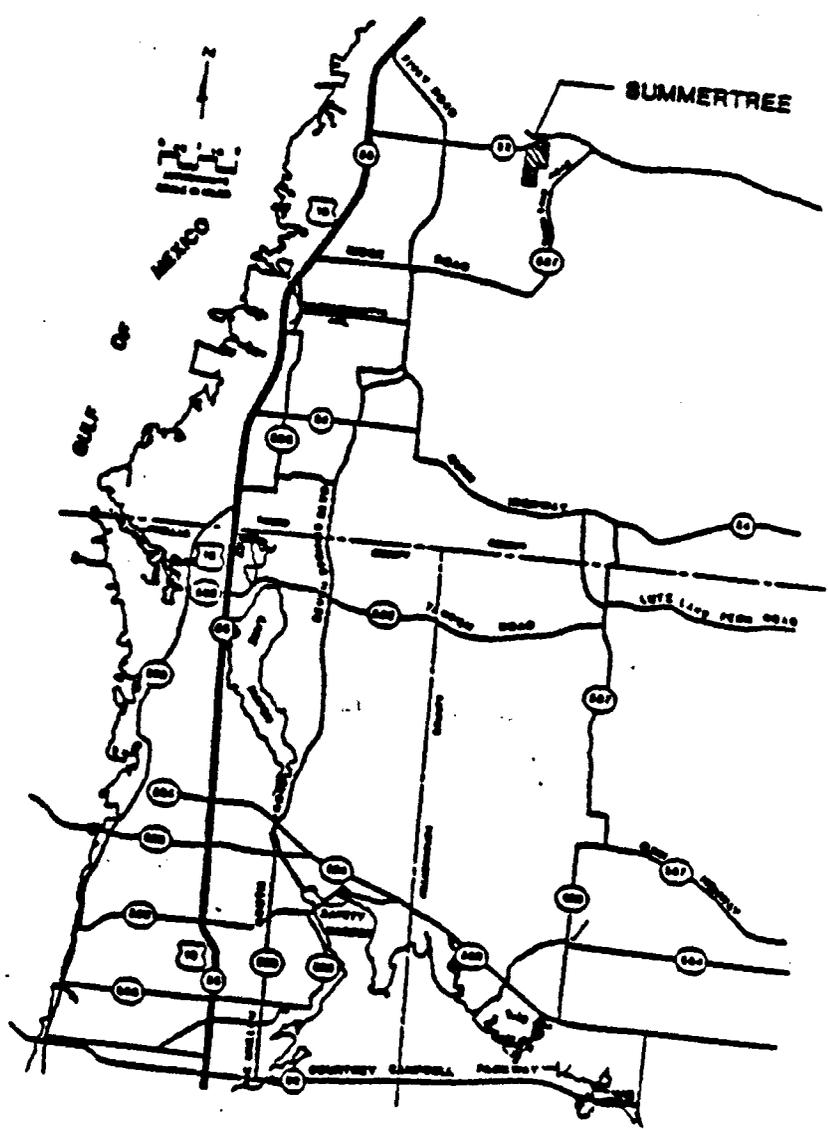
SR 52  
 Little Rd./Fivay Road  
 US 19  
 Moon Lake Road

**TRANSPORTATION:**

Average Daily Trips (ADT): 10,668  
 Peak Hour Trips: 689 (A.M.)

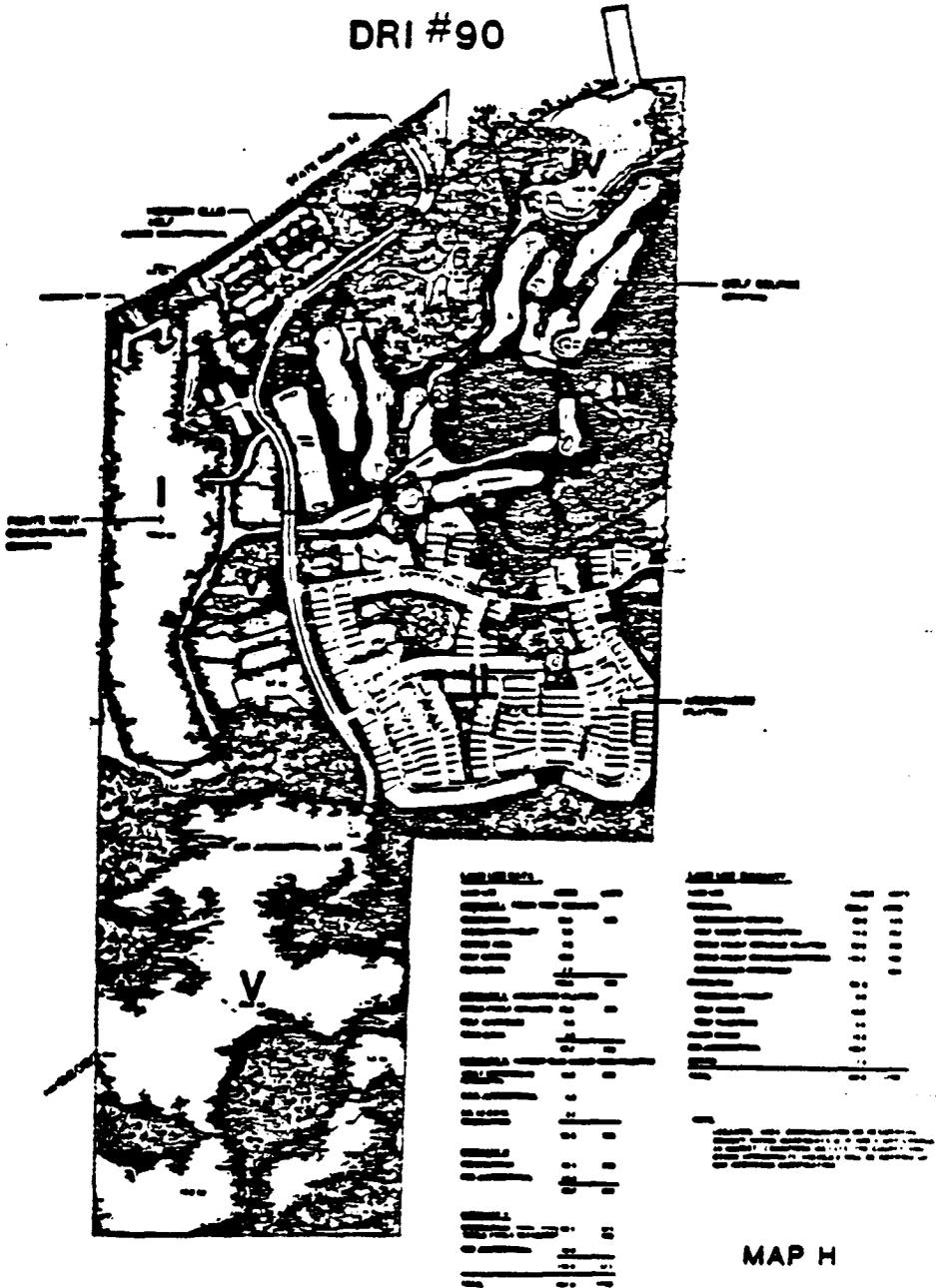
**BUILD-OUT:** 1988

DRI #90



SUMMERTREE PASCO COUNTY  
GENERAL LOCATION MAP

DRI #90



MAP H

**SUMMERTREE PASCO COUNTY  
DEVELOPMENT PLAN**

#### PROJECT DESCRIPTION

Radice-Pasco, Inc. is seeking revised Development of Regional Impact (DRI) approval for Summertree, a residential retirement project of 1,760 units proposed for construction in West Pasco County on SR 52.

On February 17, 1981, the Board of County Commissioners of Pasco County adopted Resolution No. 81-59, a Development of Regional Impact Development Order approving, with conditions, Pointe West-DRI #67. P.P.W. Inc., owned the real property in the Pointe West DRI and subsequently sold the real property to Radice-Pasco Inc. in August of 1982. Radice-Pasco Inc. renamed this 467-acre project Summertree.

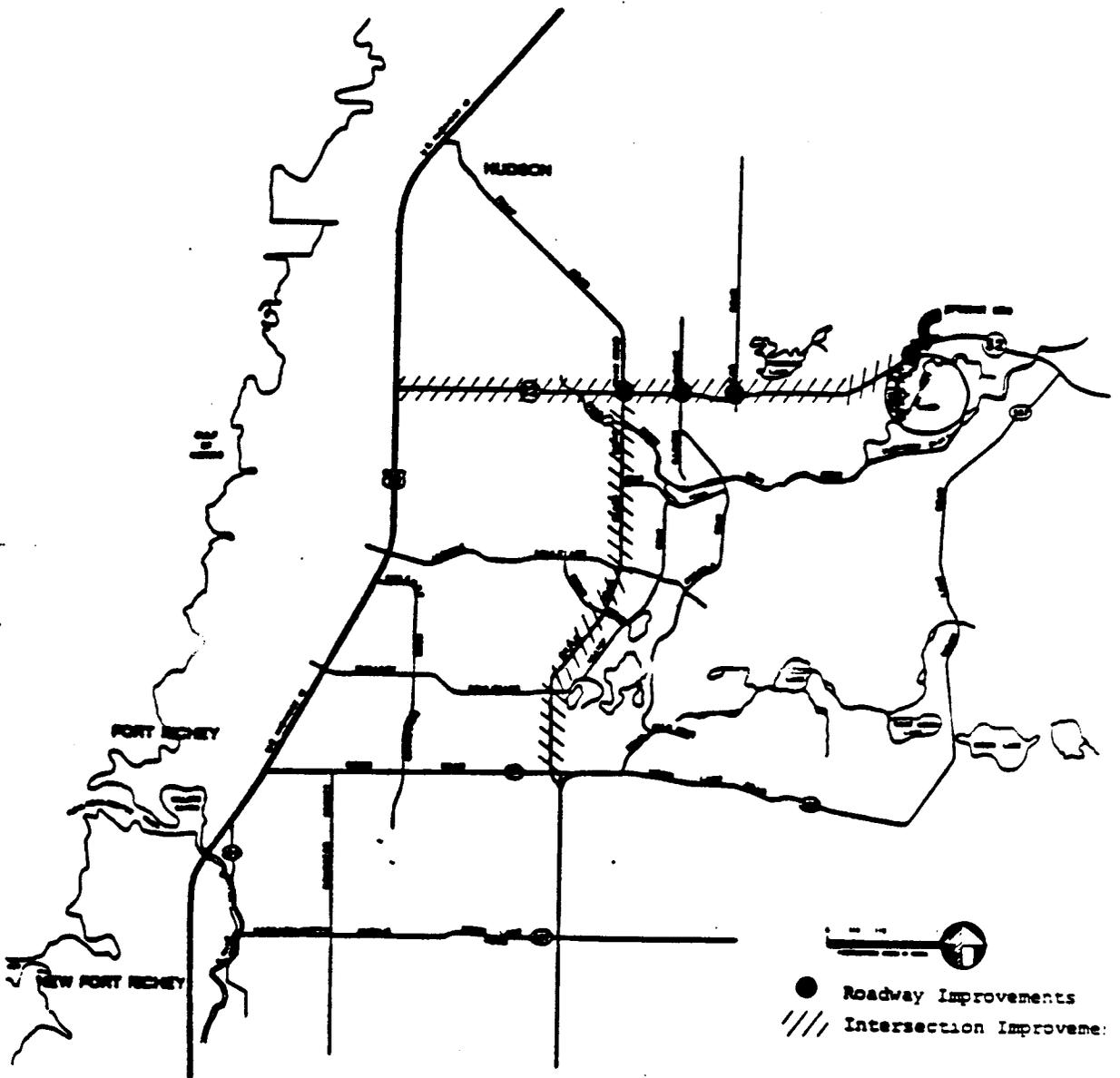
The Pointe West DRI was approved for a total of 1,760 dwelling units of which 425 units (Increment I) existed, with the remaining residential units consisting of Increment II (298 units), Increment III (347 units), Increment IV (345 units), and Increment V (345 units). Since issuance of the Development Order and revision of the phasing schedule, 289 single family units (Increment II) have been platted and 208 of the 252 adult congregate living facility (ACLF) units have been permitted (Increment III).

The proposed phasing consists of two chronological periods for analysis purposes. The first analysis period (Phase 1) includes all existing and proposed development through Increment III (1986). The Phase 2 analysis period includes Increments IV and V (1987-88). Actual development rates may fluctuate according to changing market conditions.

On July 29, 1982, a tri-lateral agreement was executed between Pasco County, the Tampa Bay Regional Planning Council, and Radice Development Corporation. The agreement specified that the initial Development Order issued by Pasco County and the Pointe West Application for Development Approval shall constitute a Master Development Order. The agreement further established a procedure for revising the Master Development Order via the incremental development review procedure. Pursuant to the agreement, Radice Development Corporation agreed to file an Application for Master Development Approval which revises the initial Application for Development Approval with respect to transportation, drainage, and economic impacts of the project. This will result in the issuance of a revised final Development Order.

Total construction expenditures for the Summertree project are expected to be \$48.1 million of which approximately 95 percent will be spent in the region. The project is expected to yield approximately \$710,000 in annual ad valorem taxes at project build-out. During construction of the development, an average of 126 construction jobs per year will be generated. Upon completion, projected for 1988, the development is expected to generate 373 permanent job opportunities with an estimated annual payroll of \$1.9 million. Approximately 95 percent of the permanent employees are expected to be drawn from the local labor market.

DRI #90



**SUMMERTREE PASCO COUNTY  
TRANSPORTATION IMPROVEMENTS**

#### SUMMARY OF BENEFITS

If the remaining increments of Summertree are approved, the Tampa Bay region will derive the following benefits from the proposed residential development.

- Summertree will add 1,760 residential units to the region.
- Summertree will make the following positive contributions to the economy of the region.
  1. A total estimated construction expenditure of \$48.1 million will be spent for development of this project, 95 percent of which will be spent in the Tampa Bay region.
  2. The construction of Summertree will provide employment for an average of 126 construction workers for the two-year build-out period.
  3. Summertree is expected to result in approximately 373 full-time employment opportunities with an estimated annual payroll of approximately \$1.9 million. Approximately 95 percent of the full-time employment positions are expected to be drawn from the local labor market.
  4. The estimated annual ad valorem tax yield from Summertree is expected to be \$710,000.

#### SUMMARY OF NEGATIVE IMPACTS

The positive benefits to be derived from the proposed construction of Summertree must be weighed against any potential adverse impacts which might result from the completion of this development. The primary concern with the completion of Summertree, pursuant to the issues set forth in the July 29, 1982 tri-lateral agreement, will be the transportation network.

Based on the review of drainage, transportation, and economic impacts, the following negative impact has been identified:

- Approximately 10,668 average daily vehicle trips generated on the region's highways.

Summertree

RECOMMENDED REGIONAL CONDITIONS

INTRODUCTION

Subsection 380.06(13), F.S. requires that the local government render a decision on the development proposal within 30 days after a public hearing, and issue a development order containing, at minimum:

- findings of fact
- conclusions of law
- conditions of approval
- monitoring responsibility
- expiration dates for commencing development, compliance with conditions or phasing requirements and termination date of the order
- annual report requirements
- substantial deviation determinations
- legal description of the property

Any approval of Summertree shall include the above-referenced Section 380.06, F.S. requirements and shall address the following recommended regional conditions.

REGIONAL CONDITIONS

BASED ON THE FINDINGS AND THE ISSUES RAISED IN THIS REPORT, IT IS THE RECOMMENDATION OF THE TAMPA BAY REGIONAL PLANNING COUNCIL THAT THE DEVELOPMENT ORDER FOR SUMMERTREE BE AMENDED TO ACCORD APPROVAL OF PHASE 2 (INCREMENT IV AND V), AS PRESENTED IN THE ADA, ONLY AT SUCH TIME AS THE CONDITIONS CITED HEREIN TO MITIGATE PHASE 2 (INCREMENT IV AND V) AS WELL AS ADDITIONAL CONDITIONS TO MITIGATE PHASE 1 (INCREMENTS I, II AND III) OR SUFFICIENT MEASURES TO MITIGATE AND CURE THE ADVERSE IMPACTS TO BE GENERATED BY THIS DEVELOPMENT, CITED HEREIN, ARE COMMITTED TO BY THE APPROPRIATE ENTITIES OR JURISDICTIONS. ANY APPROVAL OF THIS DEVELOPMENT, OR PORTION THEREOF, MUST PROVIDE COMMITMENTS FOR UPGRADING LEVELS OF SERVICE ON REGIONAL FACILITIES AND CURING AND MITIGATING THE ADVERSE IMPACTS LISTED IN THIS REPORT.

1. Transportation Improvements. The Summertree development will have a negative impact on several regionally significant highway facilities within the primary impact area. Transportation system improvements required to mitigate the negative impact of this proposed development have been identified in the ADA and by TERPC in this report. It is unreasonable to expect that necessary roadway improvements, to meet the needs generated by this development, can be implemented within the existing funding and capital improvements programs for this section of the region. Impact fees, coupled with other revenue sources, are appropriate funding sources for capital improvements of this magnitude. To approve this development, the significant transportation system deficiencies (enumerated as Option I) must be cured and mitigated.

- A. It is recommended that Pasco County allow, in its Development Order, that the applicant, his successors, or assigns to prepare and implement a Transportation Systems Management (TSM) program at such future time as mass transit is available to the project site. The plan shall be reviewed by Pasco County, the TERPC and the PDOT.
- B. To assure that the transportation impacts of this development have been accurately projected by the ADA traffic analysis, field surveys and a report of findings shall be conducted to determine actual vehicle trips and any transit trips generated by Summertree every year through project build-out as part of the annual report. This survey and report shall be conducted by the applicant and shall be approved by Pasco County, the Pasco County MPO, the PDOT and the TERPC. After review of the survey and report findings, the reviewing agencies or developer may request that the Development Order be revised accordingly.
- C. Two options are included in this report for consideration by Pasco County. The first option requires funding commitments for the necessary improvements prior to approval of each project phase. The second option requires continued traffic analysis of regionally significant roadways throughout the development period with subsequent approvals conditioned to the maintenance of an adequate Level of Service (LOS C daily, D at peak hours). These options are outlined as follows:

Option I

- A. Any Development Order for this development shall require funding commitments for the following roadway improvements. Without funding commitments for these roadway improvements, no Development Order for development beyond that approved under Phase 1 (Increments I, II & III) shall be granted.
  1. At the intersection of SR 52 and Paradise Point Way signalize when warranted by the Manual of Uniform Traffic Control Devices (MUTCD). This improvement will be of primary benefit to project traffic.
  2. At the intersection of SR 52 and Hicks Road signalize when warranted by MUTCD. Project traffic will contribute in excess of five percent of LOS D peak-hour capacity at the end of Phase 1 and 23 percent at buildout.
  3. At the intersection of SR 52 and Illinois Road signalize when warranted by MUTCD. Project traffic will contribute in excess of five percent of LOS D peak-hour capacity at the end of Phase 1.
  4. At the intersection of SR 52 and Little Road construct a second through lane for northbound, southbound, eastbound, and westbound traffic, an independent right-turn lane for northbound traffic, and a second left-turn lane for westbound traffic. Project traffic will contribute nine percent of LOS D peak-hour capacity at the end of Phase 1.

5. Construct a four-lane divided arterial on SR 52 between Hicks Road and Illinois Avenue. Project traffic will contribute 14.7 percent of existing LOS D peak-hour capacity at the end of Phase 1 and 21 percent at buildout.
  6. Construct a four-lane divided arterial on SR 52 between Illinois Avenue and Little Road. Project traffic will contribute 11 percent of existing LOS D peak-hour capacity at the end of Phase 1 and 16.3 percent at buildout.
  7. Construct a four-lane divided arterial on SR 52 between Little Avenue and U.S. 19. Project traffic will contribute 5.4 percent of existing LOS D peak-hour capacity at the end of Phase 1 and 8.4 percent at buildout.
8. Any approval of Phase 2 (Increments IV & V) of this development shall stipulate that funding commitments from the responsible entities for the following roadway improvements, in addition to those required for Phase 1, have been secured as part of approval. Without funding commitments for these improvements, approvals shall not be issued for Phase 2.
1. At the intersection of SR 52 and Illinois Road construct independent left-turn lanes for eastbound and westbound traffic. Project traffic will contribute 15.4 percent of existing LOS D peak-hour capacity at buildout.
  2. At the intersection of SR 52 and Little Road add right-turn lanes for southbound, eastbound, and westbound traffic. Project traffic will contribute 16.6 percent of existing LOS D peak-hour capacity at buildout.
  3. Construct a four-lane divided arterial on SR 52 between the project entrance and Hicks Road. Project traffic will contribute 31.3 percent of existing LOS D peak-hour capacity at buildout.
  4. Construct a four-lane divided arterial on Little Road between SR 52 and Moon Lake Road. Project traffic will contribute 6.8 percent of existing LOS D peak-hour capacity at buildout.

#### Option II

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the development, the capacity and loading of transportation facilities in the Summertree transportation area, including but not limited to the regional roadways and intersections referenced in Option I, shall be limiting factors in any subsequent approvals. Accordingly, the developer shall generate and provide Pasco County, the Pasco County MPO, the FDOT and the TBRPC pursuant to the provisions of Section 380.06, F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion of which the

developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report as Option I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option I at a satisfactory daily Level of Service C, D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial approval, the County or its designee shall ensure in written findings of fact that the above roadways are operating at or above an average daily Level of Service C, D at peak hours, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily Level of Service C, D at peak hours.

2. In order to protect water quality, the following parameters shall be included in the Summertree drainage plan.
  - A. The developer shall implement a vacuum street cleaning program for the parking and roadway areas within the development.
  - B. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first "flush" of runoff generated from the site. The drainage system shall be designed so that the post-development peak flows shall not exceed pre-development peak flows for the 25-year, 24-hour storm.
  - C. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
  - D. Best Management Practices recommended by Pasco County shall be adhered to.
3. The Development Order shall stipulate the entity to maintain and operate the water management systems.
4. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), P.S. shall constitute a substantial deviation.
5. Any approval of the Summertree shall at minimum, satisfy the provisions of Subsection 380.06(15), P.S.
6. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized at the conclusion of this report, be honored, except as they may be superceded by specific terms of the Development Order.
7. All conditions of the existing Development Order shall remain in effect, except as they may be superceded by these revisions.

Westwood H. Fletcher, Jr., Chairman

ATTEST: \_\_\_\_\_  
Robert G. Prior  
Secretary-Treasurer

These comments and recommendations were approved by a majority vote of the Tampa Bay Regional Planning Council this 10th day of November, 1966.

#### DEVELOPER COMMITMENTS

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

##### General

1. Access will be provided by extending Paradise Point Way southward. Emergency access will be provided by establishing an emergency ingress-egress point along the western property line abutting an existing 50-foot right-of-way. (ADA, pg. 12-6, SR Part I - A(1))\*
2. Wetland areas will be incorporated with sensitivity within future site plans for Increment V with only minor encroachment anticipated as a result of providing site access. (ADA pg. 12-6, SR Part I - A(1))
3. An analysis of market demands and the type, size and value of units appropriate to meet those demands will be performed prior to site plan preparation for Increments IV and V. (ADA pg. 20-8, SR Part I-A (1))
4. The developer will pay on-site drainage costs. (ADA pg. 20-11, SR Part I-A(1)).

##### Drainage

5. Positive outfall is provided for all detention facilities. Design low water and high water levels of the detention facilities are staged to maintain the viability of existing on-site wetland areas planned for conservation and to prevent adverse impact to off-site properties. All control structures will be non-adjustable in order to prevent the artificial fluctuation of surface water levels. (ADA pgs. 22-3 and 22-4)
6. All crossings of Deer Creek and Buckhorn Creek will be designed for the 100-year flood event. (ADA pgs. 22-5)
7. The design of a typical tract will begin with an on-site inspection of the tract with FDER field inspectors and determination by survey of stain lines and other data indicative of existing hydroperiods and seasonal high and low water elevations. Stormwater treatment lakes upstream of wetlands will be provided if required, and the developer will work with FDER staff in determining the control elevations of these lakes.

Typically, the normal water level of the upstream lake would be set a few tenths of a foot below the seasonal high water level (SHWL) of the wetland, with the lake's overflow elevation above the SHWL. Also, treated stormwater runoff will be directed to, rather than around, on-site wetlands, so as to maintain the flow to these. Where necessary to maintain existing hydroperiods, outfall structures will be constructed on the downstream side of on-site wetlands. Wetlands will be barricaded during construction to prevent damage, and flow connections between wetlands and upstream and downstream wetlands will be maintained during construction. Existing wetland habitat will be protected by

the preservation and protection of existing wetlands and by the maintenance of the wetlands' existing hydroperiods. (SR Part II - #3)

Transportation

8. If a public transit system is implemented in Pasco County in the future, the developer would be interested in providing bus information and schedules, and would be interested in working with the transit authority to provide service to Summertree. (ADA, pg. 31-35, SR Part I-A(1))
9. ...the developer will pay his fair share after costs for roadway improvements required because of Summertree. (ADA, pg. 31-35)

- ADA - Application for Development Approval  
SR - Sufficiency Response

## IMPACT ON TRANSPORTATION

It shall be the policy of the Council that the costs of new growth be borne primarily by those responsible for that growth. (7.303, F.R.)

Highways - It shall be the policy of the Council that the region's highway system be planned, developed and maintained to provide and preserve a stable traffic flow (Level of Service C). (4.202, F.R.)

Transportation system planning shall give consideration to reducing the dependency upon the private automobile through the provision of an adequate mass transit system. (4.102, F.R.)

(i) The analysis of improvements for highway links and intersections needed as a result of the impacts of a Development of Regional Impact (DRI) shall address all needed modifications on roadway links and intersections when the daily level of service drops to worse than "C", or when the peak hour level of service drops to worse than "D".

If a proposed project contributes five percent or more of daily level of service "C" capacity, or five percent or more of peak hour level of service "D" capacity of a regionally significant facility, the needed modifications to mitigate the project's impacts shall be contained in the regional report as recommended conditions. (4.202, F.R.)

Summertree is proposed for construction in Pasco County.

The project will generate a total of 10,688 average daily vehicle trips of which 689 will operate during the AM peak hour at buildout in 1988. Primary transportation impacts will occur on SR 52, Little Road/Pivay Road, U.S. 19, Moon Lake Road.

In cases where a roadway facility will require an improvement to bring it to a satisfactory LOS, it is TRPC policy to identify, during regional review, the regional roadway facilities to which the project will contribute five percent or more of the existing LOS C daily capacity for roadway links and LOS D capacity at peak hour for intersections. If the project contributes five percent or more of the existing LOS C capacity daily or LOS D capacity at peak hour and the link or intersection is projected to operate at an unacceptable LOS, then specific improvements are identified and such identification becomes a specific recommendation for project approval. These identified improvements are included in the Recommended Regional Conditions section of this report along with other appropriate transportation conditions and options.

The level of highway link improvements projected for Summertree for the build-out condition, the current and buildout year Level of Service, and the percentages of project traffic contribution to existing LOS D peak hour capacities are set forth in the attached chart.

TRAFFIC IMPACT TABLE I

LOCATION	LOS EXISTING (1986) WITHOUT PROJECT	LOS AT BUILD-OUT WITH PROJECT (PRIOR TO IMPROVEMENT)	AT BUILD-OUT, DEVELOPMENT TRAFFIC AS % OF EXISTING LEVEL OF SERVICE D PEAK HOUR CAPACITY
<b>Links</b>			
SR 52 (Project Entrance to Hicks Road)	D	E	31.3
SR 52 (Hicks Road to Illinois Avenue)	E	E	21.0
SR 52 (Illinois Avenue to Little Road)	E	F	16.3
SR 52 (Little Road to U.S. 19)	E	E	6.4
Little Road (SR 52 to Moon Lake Road)	E	E	6.8

## IMPACT ON NATURAL RESOURCES

### WATER QUALITY AND DRAINAGE

Surface waters shall be protected as economic and recreational resources and as existing and potential sources of potable water supply and aquifer recharge (3.101, P.R.)

Water Quality - Land use planning and development decisions should consider the impact on water quality of all development activities. Comprehensive and functional plans should include mechanisms and procedures to abate and mitigate water quality problems. (3.102, P.R.)

(c) The use of natural drainage systems is encouraged.

(e) Natural wetland systems and drainageways shall be utilized wherever feasible for stormwater treatment and storage to provide maximum retention and percolation before discharge to surface waters.

Stormwater run-off from all new upland development or redevelopment shall not exceed pre-development conditions in quantity and shall equal or exceed pre-development quality conditions. (3.103, P.R.)

The Summertree development is located within the Bear Creek drainage basin. The main channel of Bear Creek flows from east to west through the central-southerly portion of the site. Buckhorn Creek, a tributary of Bear Creek, flows through the northern portion of the site, entering at the site's northeast corner. Buckhorn Creek flows southwesterly and connects to Bear Creek near the center of the site. Portions of Buckhorn Creek within the site have been channelized as a result of previous development.

Surface water runoff from the site is either contained on-site or drains to the Buckhorn or Bear Creek channels. The Bear and Buckhorn Creek floodways and the numerous unconnected low lying land areas (mostly cypress heads) provide a substantial amount of natural storage. A considerable portion of the undeveloped land area drains to these cypress heads which overflow to either Bear or Buckhorn Creek only during severe rainfall events.

South of Bear Creek and adjacent to the east boundary of the site, an off-site ditch hydraulically connects Bear Creek to a large wetland area at the southeast corner of the site. This ditch may have been constructed in conjunction with the existing residential development to the east of the site and has altered natural drainage patterns.

The Master Drainage Plan was prepared in October 1982 and submitted with the Pointe West Master Site Plan to Pasco County in accordance with the Master Development Order. The Master Drainage Plan established criteria for the design of the Summertree drainage system.

The primary objectives of the Master Drainage Plan are to satisfactorily accommodate existing stormwater runoff from lands upstream of the project, to provide means for controlling high water levels within the project and to minimize the drainage impact of development on lands downstream from the project.

It is anticipated that maintenance of the drainage facilities within the site will be the responsibility of the developer/owner, or its successors in interest. It is anticipated that Pasco County could request drainage easements incorporating those facilities into which surface water runoff from public roads will be routed.

It is recommended that the following be development conditions:

1. Conditions on the required parameters of the necessary drainage plan appear in the Recommended Regional Conditions section of this report.
2. The Development Order stipulates the entity to maintain and operate the stormwater management systems.

Karla A. Stetter  
Assistant County Attorney  
County Government Center  
7530 Little Road  
Port Richey, FL 33653

Mr. James Purley, Chief  
Attention: Mr. Ed Lehman  
Department of Community  
Affairs  
2571 Executive Center Circle,  
East  
Tallahassee, FL 32301





21 -

STATE OF FLORIDA  
LAND AND WATER ADJUDICATORY COMMISSION

IN RE: SUMMERTREE DEVELOPMENT ORDER )  
AMENDMENT, RESOLUTION NO. 87-88, ISSUED )  
BY PASCO COUNTY, FLORIDA, APPROVING A )  
CHANGE TO A DEVELOPMENT OF REGIONAL )  
IMPACT KNOWN AS SUMMERTREE. )

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NOTICE OF APPEAL

The Department of Community Affairs by and through its undersigned attorney, hereby gives notice of its appeal to the Florida Land and Water Adjudicatory Commission (FLAWAC), pursuant to Section 380.07, Florida Statutes, of Resolution No. 87-88, approving a change to the Summertree Development of Regional Impact (DRI), adopted by the Board of County Commissioners of Pasco County, Florida, on January 27, 1987, and rendered by mail to the Department on January 30, 1987.

This appeal does not involve any issue within the scope of a permitting program authorized by Chapter 161, Chapter 373 or Chapter 403, Florida Statutes, and for which a permit or conceptual review approval has been obtained prior to the issuance of the development order. The issue which constitutes grounds for this appeal is transportation, and is more specifically described in the Petition which has been filed simultaneously with this Notice.

The development order appealed is an approval of a change to the Summertree DRI, to be developed by Radice Corporation in Pasco County, Florida.

Respectfully submitted,

  
\_\_\_\_\_  
David L. Jordan, Sr. Attorney  
C. Laurence Keesey, General Counsel  
Department of Community Affairs  
2571 Executive Center Circle, E.  
Tallahassee, Florida 32399

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to the parties below this 16 day of March, 1987.

  
David L. Jordan

Honorable Bob Martinez  
Governor  
The Capitol  
Tallahassee, Fl 32399

Honorable Betty Castor  
Commissioner of Education  
The Capitol  
Tallahassee, Fl 32399

Honorable Bill Gunter  
Insurance Commissioner  
The Capitol  
Tallahassee, Fl 32399

Honorable Gerald Lewis  
Comptroller  
The Capitol  
Tallahassee, Fl 32399

Honorable Doyle Conner  
Commissioner of Agriculture  
The Capitol  
Tallahassee, Fl 32399

Honorable Robert Butterworth  
Attorney General  
The Capitol  
Tallahassee, Fl 32399

Honorable George Firestone  
Secretary of State  
The Capitol  
Tallahassee, Fl 32399

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New Port Richey, Fl 33553

Roger Tucker, Esq.  
9455 Koger Boulevard  
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Charles F. Radice, and  
Gary Jahraus authorized  
representatives of Radice  
Development Corporation and  
Radice-Pasco, Inc.  
600 Corporate Drive  
Fort Lauderdale, Fl 33334

The Honorable Ann Hildebrand  
Chairman, Pasco County  
Board of County Commissioners  
7530 Little Road  
New Port Richey, Fl 33553

Radice-Pasco, Inc.  
4445 Paradise Point Way  
New Port Richey, Fl 33553

Steve Booth, Esq.  
Richmond, Booth and  
Cook, P.A.  
7510 Ridge Road  
Port Richey, Fl 33568

A G R E E M E N T

THIS AGREEMENT dated this 29th day of July, 1982, by and between Pasco County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", The Tampa Bay Regional Planning Council, hereinafter referred to as "TBRPC" and RADICE DEVELOPMENT CORPORATION, hereinafter referred to as "DEVELOPER".

WHEREAS, the Developer proposes to undertake a residential Development of Regional Impact (DRI), to be known as the Pointe West DRI, in increments over an extended period of time in accordance with Chapter 380.06, Florida Statutes; and,

WHEREAS, on February 17, 1981, the Board of County Commissioners issued a Development Order for the Pointe West Development of Regional Impact; and,

WHEREAS, the Developer has proposed modifications to the original development approval in the February 17, 1981, Development Order; and,

WHEREAS, parties desire to enter into an Agreement under Section 380.06(20)(b), Florida Statutes, in order to permit the Developer to construct an additional increment of development prior to ascertaining the full transportation impact of the DRI at build-out; and,

WHEREAS, by allowing the Developer to construct an additional increment of development the parties will be able to better assess the transportation impact of the Pointe West DRI through additional studies analyzing the impact of the additional increment of development; and,

WHEREAS, the Master Development Review approach should allow the development of better data base for review and approval of the transportation impact of the DRI as a basis for issuing a final development order for the entire project; and,

WHEREAS, master development and incremental review of an additional increment of development will allow the developer of an initial increment as a means of generating a cash flow to off-set the costs of such compliance; and,

WHEREAS, this Agreement is authorized under Section 380.06(20)(b),

Florida Statutes.

NOW, THEREFORE, in consideration of the following covenants, conditions and promises of the parties hereto, the parties agree as follows:

1. The parties agree that the Development Order issued by the Board of County Commissioners of Pasco County on February 17, 1981, in Resolution No. 81-59, and the Pointe West ADA attached as Exhibit "C" to that Development Order ADA shall hereafter be considered and constitute a Master Development Order which has considered the impact of the 425 existing residential units (Phase I) which have been constructed in the project and an additional 298 residential units (Phase II) anticipated to be built-out by 1984. It is the further intent of the parties that the Developer be allowed to submit an application for Master Development approval revising the initial ADA and an application for Incremental Development approval covering 347 additional residential units for the purposes of obtaining a revised Master Development Order which will allow the Developer to construct those additional units prior to fully addressing and resolving the transportation impact, Master Drainage Plan, and economic impact of the DRI.

2. Developer has planned and proposes to develop the Pointe West DRI, on the property identified in the existing development order, over an extended period of time and hereby elects to file, with the County and TBRPC, an Application for Master Development Approval (AMDA) (conceptual approval), revising the initial approved ADA with regard to the transportation, drainage and economic impacts of the project, which shall result in the issuance of a revised MDO. The Developer agrees to present, to the County and TBRPC for review and approval pursuant to Section 380.06, Florida Statutes, an ADA for all unresolved regional issues of the DRI prior to commencing any development (as defined in F.S. 380.06(4)), beyond the 347 additional residential units (Phase III) which are to be addressed in the revised MDO.

3. The parties agree that Developer shall submit to TBRPC and Pasco County an Application for Incremental Development Approval

(AIDA) for 347 additional units of proposed residential development (Phase III). The AIDA shall include the following incremental site specific information:

A. A site plan conforming to the requirements of Section 23.10 of the West Pasco County Zoning Ordinance.

B. Updated information contained in Pre-Application narrative as submitted on March 29, 1982.

4. The parties agree that the information required in paragraph 3 shall be that information required for review prior to the issuance of a revised MDO. The information required by Questions 20, 22 and 31 of Form Number DSP-BLWM-11-76 and those Questions to be identified in the Master Development Order (MDO) shall be provided by the Developer as part of the subsequent Application for Development Approval (ADA) which shall be reviewed under those policies in existence at the time of review.

5. The parties agree that after appropriate review of the AMDA, and AIDA for the additional 347 units of development (Phase III), any revised Master Development Order (conceptual) approving or approving with conditions the proposed development, shall:

A. Adequately address anticipated regional impacts which were considered in the AMDA:

B. Specify which regional issues have been sufficiently reviewed;

C. Grant master development or conceptual approval of the development subject to subsequent review, by the County and TBRPC, of the ADA for the unresolved issues related to regional transportation, drainage and economic impacts.

D. Define which issues are subject to further review upon submission of the ADA for the balance of the proposed development;

E. Define the information requirements for the subsequent ADA;

F. Identify issues which can result in denial of the subsequent ADA;

G. Grant development approval for an additional 347 units of development based upon adequate review and resolution of the regional impacts of that approved level of development.

6. The parties agree that the issuance of a revised MDO shall not be construed as approval of the subsequent ADA. A final development order must be issued as the formal development approval for the configuration and density of development in the remainder of the DRI, unless otherwise addressed in the MDO.

7. This Agreement shall not be construed to limit or modify the statutory responsibilities of the County or TBRPC under Section 380.06, Florida Statutes.

8. This Agreement shall completely and fully supercede all other prior agreements, both oral and written, between the parties. Neither party shall hereafter have any rights under such prior agreements, but shall look solely to this Agreement for definition and determination of their respective rights, liabilities and responsibilities.

9. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all which shall constitute but one and the same instrument.

10. This Agreement shall insure to the benefit of, and shall be binding upon the County, TBRPC, the Developer and their respective successors and assigns.

11. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision herein.

12. This Agreement is made and entered into under and shall be construed in accordance with the laws of the State of Florida.

13. This Agreement may be amended by mutual written agreement of the parties.

Stephen C. Booth

Joseph Castello  
WITNESSES

RADICE CORPORATION  
by Charles J. Radice  
DEVELOPER  
See VP

Nancy Davis

Lyndia Gander

WITNESSES

X Jan K. Platt  
TAMPA BAY REGIONAL PLANNING  
COUNCIL



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY

BY Jed Pittman  
JED PITTMAN, Clerk

By Sandra Lee Werner  
BARRY M. DOYLE, Chairman

By: Sandra Lee Werner, Vice-Chairman

APPROVED AS TO FORM AND LEGALITY  
Office of the County Attorney

By [Signature]  
Attorney