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February 19, 2009

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

Re: Bexley Ranch Development of Regional Impact (DRI) #255
Notice of Proposed Change
Application Date 1-23-09

Dear Mr. Meyer:

We have reviewed the Notice of Proposed Change Application (NOPC) for Bexley Ranch DRI, received on January 23, 2009 and offer the following comments:

1. The applicant shall clarify the comment regarding tree removal and shall identify the location of such tree removal.
2. In the applicant's substantial deviation determination chart, the developer states "subject to equivalency matrix" next to the residential and commercial increases. Is the developer asking for a land use exchange as part of this NOPC? Please have the developer clarify if they are asking for outright increases in 553 dwelling units and 4,950 square feet of commercial as part of this NOPC application. If a land use exchange is not being requested, the developer shall remove the reference to the land use exchange on the chart and include the revised chart as part of the next response.
3. In the event the increases to the residential dwelling units and commercial square footage are outright increases (in other words, not part of a land use exchange), a corresponding comprehensive plan amendment to amend the subarea is required pursuant to Section 380.06(6)(b). Additionally, pursuant to Section 380.06(6)(b)1, if a developer seeks a comprehensive plan amendment related to a DRI, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than...the submission of the proposed change under subsection (19).
4. On page 5, staff does not support deletion of the build-out date language as recommended by the developer in new Section 5d(2). Staff supports revising it to the latest standard language as follows: Any delay in the build-out date beyond _____, may require a new transportation analysis, in accordance with applicable law, as the basis for a DO amendment which may include re-evaluation of required transportation mitigation. The Administrator or BCC may waive any applicable transportation analysis requirement for any entitlements within the Project that satisfy the Limited Exemption criteria of Section 402.7 of the County's Concurrency Management Ordinance; however, build-out date extensions for such entitlements are still subject to applicable statutory requirements in Section 380.06(19), F.S., as may be amended from time to time.

5. Based on the developer's request to extend the build-out date from 2015 to 2023, which is 8 years from the Phase 2 build-out date and 13 years from the Phase 1 build-out date, please confirm if a transportation methodology and a regional transportation analysis will be required by the TBRPC.
6. Under subsection (d) on Page 9, "Town Center," staff reserves the right to comment further on the timing deadline request. Staff may require the earlier of the existing approved deadline or the new proposed deadline by the developer whichever occurs first. Furthermore, staff requests that the following be added at the end of the 3rd to last sentence "in accordance with Section 303.2B and 522.5, LDC as amended.
7. Staff reserves the right to comment further on the changes to the transportation section of the DO (Section 5.m, Exhibit H, and Exhibit I) pending the transportation analysis.
8. The developer has presumed that a portion of Bexley Ranch DRI would qualify as a Limited Exemption Project pursuant to Section 402.7, Land Development Code (LDC) and has thus assumed a TND proportionate share credit and an EC proportionate share credit in the revised DO language (Page 23). In accordance with Section 402.7, LDC, any such Limited Exemption Projects are subject to approval by the Board of County Commissioners or the County Administrator or his designee. Additionally, the criteria to qualify for such credits are listed in Section 402.7, LDC and include "Corporate Business Park, Targeted Primary Business or Industrial Use portion of an Employment Center Future Land Use Designation, or the Corporate Business Park, Targeted Primary Business or Industrial Use portion of another land use designation, which are developed in accordance with the County's EC-MPUD requirements. These include the Preferred Uses listed in Section 522.8.D. 1 of the LDC. Accessory and ancillary uses allowed within EC-MPUD shall not be considered Limited Exemption uses, unless such uses are specifically determined by the County Administrator or Board of County Commissioners to be an integral part of the Preferred Uses. The County may impose additional zoning restrictions and/or private deed restriction requirements to ensure that Preferred EC Uses remain Preferred EC uses."
 - a. Staff is concerned with the potential loss of revenue proposed by the developer as a result of the requested proportionate share credits. As a result, staff may recommend to the BCC or the County Administrator, a surcharge on any development outside of the office/EC park and the Town Center to compensate for lost revenue.
 - b. Although staff supports employment generating development and land area set aside for such employment generating development, Bexley Ranch DRI is heavily dependent on a neighboring DRI, Ashley Glen, to meet its housing-to-jobs ratio. Therefore, staff is sensitive to ensuring the economic viability of Ashley Glen DRI and therefore, reserves the right to comment further on the proposed proportionate share credits by Bexley Ranch DRI.
 - c. In order to further evaluate the proportionate share credit request for the EC entitlements, please have the applicant demonstrate if the office park meets the location criteria for Employment Center pursuant to the Comprehensive Plan.
 - d. As a result of the proposed changes to the DO, a corresponding amendment to the MPUD conditions of approval may be required to revise the development standards in the Office Park to ensure development occurs in accordance with the criteria set forth in Section 402.7, LDC.
9. The applicant shall clarify why it wishes to remove Lake Patience from the transportation mitigation requirements (deletion on Exhibit H). At this time, the County does not have a commitment for this segment and staff does not support removal of this obligation from the developer's transportation mitigation at this time.
10. If as a result of the County approved transportation analysis, the County determines that 4 lanes are not needed for Ashley Glen/Tower Road from Sunlake Blvd to SR 54, it is staff's recommendation

that the mitigation requirement be reduced to two (2) lanes as opposed to granting impact fee credits for 2 lanes as proposed by the developer in their revised Exhibit H.

11. Tower Road was recently added to the County's 15 year Long Term Concurrency. Staff is interested in looking into extending Tower Road over the Suncoast Pkwy. This may factor into any future decision regarding transportation mitigation revisions and negotiations as a result of this NOPC.

12. Staff is also interested in further evaluating the potential to reduce the S.R. 54 pipeline project obligation by Bexley Ranch DRI, such as removing the segment under the Suncoast Parkway. This may factor into any future decision regarding transportation mitigation revisions and negotiations as a result of this NOPC.

13. The revisions to the DO and transportation mitigation trigger a corresponding amendment to the Development Agreement (DA). The applicant shall submit a revised amended and restated DA to the County. Staff recommends that the revisions to the DA be heard by the Development Review Committee and the Board of County Commissioners concurrently with this NOPC application. Such DA shall include the payment proposed by the developer under Section 5m(5), Substandard Roads.

14. The applicant shall revise Section 5m(2) to reflect that the amended and restated DA was approved by the BCC on 3/25/08.

15. Please have the applicant clarify why Section 5n of the DO was added with the notation "This section intentionally left blank".

16. Staff is not in support of the changes to the DO language for parks and schools at this time and reserves the right to comment further after additional coordination with the Pasco County District School Board and the Parks Department.

17. Please have the applicant clarify the new requested use of "Active Adult" in their proposed revisions to the Land Use Equivalency Matrix. Where is the developer proposing to add age restricted housing? If this proposed land use were to be supported by staff, staff will recommend further amendments to the DO requiring the County's standard age restricted DO language. Staff is also concerned with the large deviation requested by the proposed maximum of 1,442 dus. Generally, staff does not support deviations of more than 10% via the land use equivalency matrix. The addition of a new land use may also trigger an amendment to the corresponding subarea policies and MPUD conditions of approval.

18. The applicant shall respond to and/or acknowledge the attached comments from
a. The County's transportation consultant, URS, dated February 19, 2009.

Additional comments may be forthcoming. Should you have any questions, please contact this office at (727) 847-8193.

Sincerely,



Cynthia D. Spidell, MBA
Senior Planner

Enclosure

cc: Kent Fast, Florida Department of Transportation

J. Ben Harrill, Figurski & Harrill
Rhea Law, Fowler White
Megan McKinney, URS Corporation
Georgianne Ratliff, WilsonMiller, Inc.
Chris Williams, Director of Planning, District School Board of Pasco County
Richard Tonello, Supervisor of Planning, District School Board of Pasco County
Michele Baker, Chief Assistant County Administrator
David Goldstein, Chief Assistant County Attorney
Frederick J. Buckman, Parks and Recreation Director
Cynthia M. Jolly, P.E. Development Director
Samuel P. Steffey II, Growth Management Administrator
Debra M. Zampetti, Zoning/Code Compliance Administrator
Deborah Bolduc, Program Administrator for Engineering Services
Elizabeth Blair, Senior Assistant County Attorney
Ali Atefi, P.E., Engineer III, MPO
Kevin Sumner, Project Manager
Corelynn Burns, Planner I



**Bexley Ranch DRI
Review Comments for NOPC
February 19, 2009**

URS has been retained by FDOT and Pasco County to review the Bexley Ranch DRI NOPC prepared by Wilson Miller. Additionally, this memo addresses the transportation/traffic information entitled, “*Transportation Analysis Assumptions & Methodology*” submitted by the applicant’s consultant in a meeting held on December 1, 2008 between the applicant, Pasco County Staff and the review consultant (URS). However, it is important to note that specific methodology/transportation analysis discussions were not conducted in this meeting and that the document was provided to County Staff and URS with no previous knowledge that it was being performed. Attached for your consideration are our comments.

Transportation Analysis Assumptions & Methodology (Submitted at 12/01/2008 Meeting)

1. Please note that the analysis submitted has a build-out date of 2020, while the request as part of the NOPC is for a build-out date of 2023.
2. In general, this analysis was submitted to support the claim that additional roadway impacts and adjustments to the improvements and Proportionate Share Table would not be needed if the build-out date were extended for this project. However, based upon a cursory review of the analysis, there appear to be issues with several items. Some examples are listed below.

Trip Generation

- Internal Capture – Should be 4.9% overall, instead of 14% (From Retail to Residential should be 12% and To Retail from Residential should be 9%)

Trip Distribution/Model/Land Use

- Table 3 – Sunlake Boulevard from SR 54 to Tower Road percent project traffic should be higher, based on an average along this segment (39.35%). In addition, Sunlake Boulevard south of SR 54 carries 22.9% of the project traffic and needs to be added to the Proportionate Share Table (the County does not have a financial guarantee for this improvement).
- Table 3 – The project traffic percentages on Tower Road from the Project Drive to US 41 do not match the model output (model shows ranges from 9% to 16.1%).
- The model includes roadways that are not considered ‘committed’ and, therefore, the distribution appears to distribute the majority of the project trips via non-committed roadways. It also includes the Lake Patience extension east of Sunlake, which the Developer/Applicant states is being constructed by other parties. Please note that if the Developer/Applicant includes such non-committed roadways in any analysis, these roadways must be included on the Proportionate Share Table.
- The land use amounts assumed do not appear to include the latest development levels for many projects directly in the project vicinity (i.e., Long Lake Ranch, Ashley Glen, etc.). Note that the levels assumed in the model for these projects were much lower than currently approved entitlements.
- In general, the trip distribution in this submittal (which utilizes non-committed roadways) does not appear reasonable. Therefore, further discussion and/or coordination with the agencies will be required to resolve all issues and to determine a logical distribution.



Proportionate Share Table

- Based on comments above, the proportionate share as presented in this analysis may not be representative of the improvements that are needed by 2023 (date consistent with the NOPC). Therefore, the list of improvements and proportionate share table are subject to further discussion and coordination, if necessary.

NOPC

Phasing

3. Currently, the approved build-out date for Phase 1 is 2010 and for Phase 2 is 2015. There is concern that the request to combine Phases 1 and 2 into one Phase with a build-out date of 2023 would essentially be a thirteen-year extension (2010 – 2023) for the Phase 1 entitlements and, therefore, is greater than the allowable extensions based upon statutory regulations. Please thoroughly discuss this item with all agencies involved to determine if this request would warrant a substantial deviation to the previously approved DRI.
4. In addition, request for an eight-year extension of the Phase 2 entitlements (2015 – 2023) is proposed with the justification for the additional three years due to the ‘active construction’ of Sunlake Boulevard. Page five of the revised Development Order states “*the construction of Sunlake Boulevard started on June 29, 2007 and is scheduled for completion by February 28, 2009*”. Please provide further documentation, including a description of which segments/portions of Sunlake Boulevard are being referenced.

Substantial Deviation Chart

5. Note that based on the approved Map H, the retail square footage as provided on the Substantial Deviation Chart should state that the proposed plan is requesting an increase from 203,221 square feet to 208,171 square feet.

Land Uses and Land Use Equivalency Matrix (LUEM)

6. It appears that the Developer/Applicant is requesting to add a new land use (‘Active Adult’) to the LUEM, with the maximum allowable amount of 1,442 dwelling units. Please provide information on how this maximum amount was determined and/or calculated. In addition, note that this land use was not studied as part of any previous traffic analysis or the DRI submittal.
7. The factors presented in the LUEM and the trip generation amounts shown on Table 2 utilize the previously approved conversion rates, which were based upon *ITE 6th Edition* rates and/or equations. However, the proposed additional land use (‘Active Adult’) was calculated based upon the equation from the *ITE 7th Edition*. In addition, Table 2 trip generation appears to use the previously approved land uses and amounts, and not the land use entitlements proposed in this NOPC. Please consult with the agencies to determine what ITE Edition and Land Use(s)/amounts are required to update the LUEM for this NOPC.

TND/EC Credits

8. Please provide information describing how the TND/EC credits of the Proportionate Share were calculated and/or determined for further review.



Substandard Roads

9. The Developer/Applicant is requesting in the NOPC to pay an amount to the County in lieu of the Developer/Applicant resurfacing Tower Road Segment 'C' (Drexel Road to US 41). Please note that this request must be specifically approved by the County.

Exhibit G – Proportionate Share

10. On Table 21-15, for Phases I-II (2023), the footnote for the improvement at SR 54/Tower Road should be number '4'. Please revise.

Exhibit H – Transportation Improvements

11. The notes show a comment for “****”, but the reviewer cannot find what improvement this note is applicable to. Please revise.
12. In general, please note that this table may require further discussion and coordination with the County and/or FDOT.

Exhibit I – Transportation Improvements Timing

13. Based on insufficient technical justification presented in the NOPC, there remains concern regarding the specific requests for time extensions and the multiple alternatives being proposed in this exhibit, especially the request to extend the date of construction commencement of SR 54. The agencies do not feel that to date, reasonable justification has been presented for review that supports delaying this improvement to 12/31/2013, especially given that traffic conditions on this roadway are currently congested in the peak hours. Please provide further information and/or data supporting the requested changes in this table.
14. In general, please note that this table may require further discussion and coordination with the County and/or FDOT.

General

15. Page two of the proposed revised Development Order (item q) states “*The comprehensive review of the impacts generated by the proposed changes has been conducted by the County, TBRPC and the FDCA*”. Note that at this time, it appears that the agencies still have issues and/or concerns, which will require further information pertaining to several items presented in this NOPC submittal.