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August 18, 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
Additional Information Provided July 20, 2009

Dear Mr. Meyer:

We have reviewed the Amendment to Previous Request and Response to Comments for the Notice of Proposed Change Application (NOPC) for Bexley Ranch DRI, received on July 20, 2009 and offer the following comments:

1. Without additional transportation analysis, the County has serious reservations about all of the proposed changes to:
 - a. the build-out date;
 - b. the transportation mitigation improvements; and
 - c. the changes to timing of such mitigation requirements.

The Applicant has not submitted a traffic analysis in accordance with the County's TIS. In order to further process this NOPC application, the applicant must submit a traffic study in accordance with the County's TIS guidelines. The study must analyze the concurrency build-out date requested less any extensions granted under the County's concurrency management ordinance. Staff highly recommends a methodology meeting for such study.

The fees for such study must be paid concurrently with the submittal of the study.

Additionally, there is the concern regarding whether a regional/380.06 study is required. The County shall defer to the TBRPC's determination on this issue; however, even if the TBRPC were to determine that a 380.06/regional analysis is not required, this does not waive the applicant from the County's TIS Guidelines. If the applicant is seeking a variance from the TIS guidelines, then a variance application with a justification statement is required to be filed with the County.

2. Based on No. 1 above, staff cannot comment on any of the changes to Exhibit H and I. Therefore, additional comments are forthcoming and the developer is encouraged to meet with the County after submittal of the transportation analysis/traffic study to further discuss the proposed changes to the transportation mitigation program for Bexley Ranch DRI. Additionally, the applicant responded to one of the TBRPC's comments (see SR1-13 #27) that "The County has not objected to this change." In

the light of the County's previous comments and the comments herein, this is not an accurate response to the TBRPC comment. Additionally, it shall be noted that that the County does not support the proposed changes by the applicant (delete within 90 days of County request) with respect to the conveyance of Sunlake Boulevard right-of-way.

3. It appears that the applicant is requesting a different build-out date for regional review purposes (2022) from transportation concurrency (2023). Please have the applicant clarify if the difference is intentional or a typo.

4. Staff repeats comment No. 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." To expand on this comment, if in the event the County constructs a portion of the S.R. 54 pipeline improvement (such as from Suncoast to Meadowbrook), then staff will revise the pipeline to exclude this portion and the applicant will have to do another project/alternative mitigation.

5. In the light of the applicant's confirmation that, revisions to the subarea policy for Bexley Ranch DRI are required, a comprehensive plan amendment application is required. Staff encourages the applicant to file this expeditiously in order to avoid any further delays to the processing of this NOPC application. The applicant shall acknowledge that adoption of this NOPC cannot occur until the comprehensive plan amendment has been filed, transmitted, ORC report issued, etc. pursuant to Chapter 380.06(6)6, both the DOA/NOPC and the comprehensive plan amendment must be heard at the same adoption hearing.

6. Where is the revised Development Agreement reference on SR1-22 No. 13?

7. Staff repeats prior comment No. 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.

8. Staff recommends that the Family Cemetery referenced in Table 1 (page A-8) be recorded in the public records with easement and access.

9. Staff does not recommend deletion of the word "annual" from the HMP requirement under subparagraph (i) on Page A-20. Staff reserves the right to comment on all proposed DO changes. A lack of comment herein does not constitute County support of such change.

10. The applicant shall respond to the attached comments from the County's transportation consultant, URS.

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: Brian Pessaro, Florida Department of Transportation
Dan Santos, Florida Department of Transportation
Megan McKinney, URS Corporation
Chris Williams, Director of Planning, District School Board of Pasco County
Richard Tonello, Supervisor of Planning, District School Board of Pasco County
David Goldstein, Chief Assistant County Attorney
Frederick J. Buckman, Parks and Recreation Director
Cynthia M. Jolly, P.E. Development Director
Deborah Bolduc, Program Administrator for Engineering Services
Elizabeth Blair, Senior Assistant County Attorney
Ali Atefi, P.E., Engineer III, MPO



**Bexley Ranch DRI
Review Comments for NOPC Sufficiency
August 14, 2009**

URS has been retained by FDOT and Pasco County to review the Bexley Ranch DRI NOPC Sufficiency Response to Comments prepared by Wilson Miller. As stated previously, this memo also 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.

In addition, note that regardless of whether or not a regional transportation analysis under F.S. 380.06 is determined to be required, a transportation concurrency analysis adhering to the County’s Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis. Attached for your consideration are our comments. Note that many comments are reiterated/expanded upon from the previous submittal until the pertinent issues are agreed upon and resolved to the satisfaction of all review agencies and a clear understanding of the future actions required of the applicant are determined. All clarifications/comments to previous issues are provided in bold italics below.

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.

Note that according to the latest submittal, the applicant appears to be requesting two different build-out dates – one for regional review purposes and another for transportation concurrency. Please clarify.

In any event, note that regardless of whether or not a regional transportation analysis under F.S. 380.06 is determined to be required, a transportation concurrency analysis adhering to the County’s Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.

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%)

The applicant’s response is not accurate. According to the approved trip generation calculations provided in Table 21-5 (Revised 7/04) and also in the monitoring section of the revised DO submitted with this response, the overall percentage of internal capture approved previously was approximately 8.8% (cumulative Phase 1 and 2), not 14% as stated. In addition, the internal capture for Phase 1 was even lower than the cumulative percentage.

In any event, note that regardless of whether or not a regional transportation analysis under F.S. 380.06 is determined to be required, a transportation concurrency analysis adhering to the County's Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.

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.

The reviewer is not aware of any specific permission granted to allow the applicant to consider Sunlake Boulevard south of SR 54 as 'committed' or to keep background traffic development levels the same as the original ADA in 2003. These two items would appear to be a contradiction in that the Long Lake Ranch DRI is responsible for the construction of Sunlake Boulevard south into Hillsborough County and yet the DRI's approved entitlements were not included in the background traffic.

However, note that regardless of whether or not a regional transportation analysis under F.S. 380.06 is determined to be required, a transportation concurrency analysis adhering to the County's Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.

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.

Note that regardless of whether or not a regional transportation analysis under F.S. 380.06 is determined to be required, a transportation concurrency analysis adhering to the County's Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.



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.

According to review of all agency comments, it does not appear that a consensus or final decision has been made as to whether or not the extension request requires a new transportation analysis under F.S. 380.06. While the County and FDOT will defer this decision to the Region, a transportation concurrency analysis adhering to the County's Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.

Land Uses and Land Use Equivalency Matrix (LUEM) & Table 2 (PM Peak Hour Buildout Trip Generation)

4. Footnote Three of Table 2 states that “*Internal and Pass-By Capture Rates Consistent with the Latest Approved Traffic Analysis for the Bexley Ranch DRI*”. The reviewer is uncertain as to which approved analysis this is referring to. According to the approved trip generation calculations provided in Table 21-5 (Revised 7/04) of the ADA and also in the monitoring section of the previously approved and revised DO submitted with this response, the overall percentage of internal capture was approximately 8.8% (cumulative Phase 1 and 2). The revised Table 2 provided in this submittal is assuming an overall internal capture percentage of approximately 13.4%, while Table 2 in the previously approved D.O. assumed an overall internal capture percentage of approximately 7.7%.

It is requested that the internal capture percentage on the revised Table 2 be modified to match the overall percentage assumed in the approved table and the conversion rates and Land Use Equivalency Matrix be revised, accordingly.

5. Note that the LUEM is subject to further review and comment once all other outstanding issues are resolved.

TND/EC Credits

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

Please provide the exact rates/uses and calculations referenced in the response to this comment.

Exhibit H – Transportation Improvements

7. As previously stated, please note that this table may require further discussion and coordination with the County and/or FDOT.



Exhibit I – Transportation Improvements Timing

8. 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.

According to review of all agency comments, it does not appear that a consensus or final decision has been made as to whether or not the extension request requires a new transportation analysis under F.S. 380.06. While the County and FDOT will defer this decision to the Region, a transportation concurrency analysis adhering to the County’s Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.

9. As previously stated, please note that this table may require further discussion and coordination with the County and/or FDOT.

General

10. 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.

According to review of all agency comments, it does not appear that a consensus or final decision has been made as to whether or not the extension request requires a new transportation analysis under F.S. 380.06. While the County and FDOT will defer this decision to the Region, a transportation concurrency analysis adhering to the County’s Concurrency/Traffic Impact Study Guidelines will be required. A Methodology Meeting is strongly recommended with County Staff and their consultant (URS) prior to undertaking this transportation concurrency analysis.

11. Note that the revised Development Agreement referenced on SR1-22 No. 13 was not provided with this submittal. Please provide.