

**LEXINGTON OAKS PLAZA
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 7238**

Master Development Plans

1. Development shall be in accordance with the plans and information submitted November 4, 2016; February 23, 2017; the Land Development Code (LDC); and the Comprehensive Plan unless otherwise stipulated or modified herein.
2. The portion of the subject property that lies north of Lexington Oaks Boulevard and is approximately 22.81 acres (the “**North Parcel**”) is part of an approved common plan of development called “Lexington Oaks Plaza North.” The common plan of development and construction site plans for the North Parcel were approved by the Pasco County Board of County Commissioners on March 23, 2004, pursuant to Pasco County File No. DV04-075 (Project No. 2PR03-025) (collectively, the “**North Parcel Plans**”). The North Parcel Plans are hereby deemed consistent with this MPUD and shall continue to govern development within the area that is subject to the North Parcel Plans. The term “North Parcel Plans” shall also include any non-substantial modifications to the same, as may be approved by the County from time to time.

Environmental

3. The County Biologist shall review and finalize wetland categories at the time of preliminary development plan (PDP)/preliminary site plan (PSP) approval.
4. No construction activities including: clearing, grading, grubbing shall occur within the Wetland Upland Buffer as depicted on the North Parcel Plans unless the same are amended with County approval.
5. For each phase of development, the applicant/master developer or parcel developer shall complete a Gopher Tortoise Survey in accordance with the Florida Fish and Wildlife Conservation Commission (FFWCC) survey guidelines. A copy of the surveys shall be sent to the Planning and Development Department (PDD) for further review and approval by the County Biologist and the FFWCC. A copy of the issued FFWCC relocation permit and After Action Report shall be submitted prior to issuance of the hard copy site development permit.
6. If during construction activities any evidence of the presence of State or Federally protected plant and/or animal species is discovered that would result in a take, work in the affected area shall come to an immediate stop, and Pasco County shall be notified within two working days. Work may resume if construction activities are consistent with state and/or federal rules, guidelines or all pertinent permits have been obtained.

Open Space/Buffering

7. The developer(s) shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association(s) in the form of a nonprofit corporation registered with the State of Florida, Secretary of State, or, if approved, by the BCC, a Community Development District (CDD). These association(s) or District(s) shall, when considered collectively, encompass the entire boundaries of the MPUD except for any real property to be conveyed to the County. Subject to the provision of the following paragraph, the developer shall convey in fee simple to the association(s) or the CDD(s), for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Subject to the provision of the following paragraph, recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such CDD has been granted special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances (if any) shall be for a value that does not exceed the fair market value of the land. If applicable, prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the State of Florida, Secretary of State, restrictive covenants, and all exhibits shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.

Notwithstanding such requirements for the mandatory homeowners'/property owners'/condominium owners'/merchants' association(s) and open space, the County acknowledges that the road, landscape buffers, and ponds that serve the North Parcel and the other real property that are subject to the North Parcel Plans are included within the developer's real property and developer is not required to convey the same in fee simple to any other entity, including an association or a CDD. Likewise, any parcel within the MPUD that lies south of Lexington Oaks Boulevard that is developed for multi-family may include retention/detention ponds, landscape buffers, and recreation areas within such parcel boundary and such ponds and recreation areas are not required to be conveyed as a separate parcel(s) to an association or a CDD.

8. Neighborhood parks' green space greater than or equal to one-half acre may be counted toward the neighborhood park acreage requirement. This does not alleviate the developer from providing the required neighborhood park total acreage, or other requirements from the LDC Section 905.1, Neighborhood Parks. In addition, for multi-family development the clubhouse may be counted as an allowable use within the neighborhood park area. The developer may apply for an alternative use, subject to review and approval by the County Administrator or designee, to reduce the neighborhood park acreage upon showing that the open space shall contain gathering and use areas such as toddler play areas, outdoor picnic areas, walking trails, benches/seating/hammocks, gazebo, etc.
9. Any tree surveys shall only be required to include qualifying trees that are 10-inches diameter at breast height or larger on any PDP/PSP/construction plans, mass grading plans, land excavation plans (if applicable) or other similar plans submitted to the County for review.

Transportation/Circulation

Access Management

10. The Developers have provided a Timing and Phasing Analysis for the external site access points/intersections. Based on the analysis, prior to approval of the first record plat containing any of the following improvements, or where platting is not required, prior to approval of the construction plan for the associated parcel or phase containing or necessitating any of the following improvements, the developer shall construct or bond the following site-access improvements (collectively, the “**External Site Access Improvements**”) unless determined otherwise at the time of PDP/PSP review based on an access management analysis for the specific parcel or phase:
 - a. Wesley Chapel Boulevard and Project Access A: The developer shall construct a right-in/right-out connection to Wesley Chapel Boulevard for Project Access A. The connection shall include a southbound right turn lane as shown in Exhibit “A-1”.
 - b. Wesley Chapel Boulevard and Progress Parkway: The developer shall construct the eastbound approach to the intersection. The connection shall include a northbound left turn lane, southbound right turn lane, eastbound left-turn lane and an eastbound through/right-turn lane as shown in Exhibit “A-2”.
 - c. Wesley Chapel Boulevard and Project Access B: The developer shall construct a right-in/right-out connection to Wesley Chapel Boulevard for Project Access B. The connection shall include a southbound right turn lane as shown in Exhibit “A-3”.
 - d. Old Pasco Road and Post Oak Boulevard: The developer shall modify the subject intersection to be left-in/right-in/right-out only, subject to approval by the County Engineer. The County has the right to further modify the median within Old Pasco Road due to safety and operational problem(s).

The construction of the External Site Access Improvements shall vest the MPUD against further required external site access related improvements through December 31, 2030, subject to the following conditions:

Trip Generation Monitoring.

- a. Twelve (12) months following construction plan approval for vertical construction of forty percent (40%) of the MPUD entitlements in terms of the gross p.m. peak-hour Project trip generation (based on the Trip Generation Monitoring Table attached hereto as Exhibit “B”), or prior to construction plan approval for vertical construction of fifty percent (50%) of the MPUD entitlements in terms of gross p.m. peak-hour Project trip generation (based on the Trip Generation Monitoring Table attached hereto as Exhibit “B”), the Developer or its designated CDD (a CDD only for the MPUD that is distinct from the Lexington Oaks CDD) or association shall institute a monitoring program to compare current traffic counts with total future traffic projections

(also shown on Exhibit "B") from the approving Timing and Phasing Analysis.

- b. Monitoring shall continue on a biennial basis until Project build-out and shall be submitted to the Planning and Development Department biennially from the date of commencement. Should the County Engineer or his/her designee determine (in between biennial reporting dates) that storage bay queues entering the Project from CR 54 or Old Pasco Road are spilling into thru lanes on CR 54 or Old Pasco Road, the County Engineer or his/her designee may request an interim monitoring evaluation to evaluate and confirm if there is such a deficiency in storage lengths (to accommodate the queues) and the Developer or its designated commercial CDD (a CDD only for the MPUD that is distinct from the Lexington Oaks CDD) or association propose possible site access improvements to cure such deficiency at no cost to the County. Each monitoring event shall be conducted within a sixty (60) day period from the due date of each event to ensure that the counts are relatively current and shall be conducted when Pasco County schools are in session.
- c. The monitoring program shall consist of weekday, p.m. peak-hour directional counts from 4:00 p.m. to 6:00 p.m., with subtotals at fifteen (15) minute increments at all of the Project's external access points on CR 54. The trips at all external access points will be compared to the total future traffic forecasts identified in Exhibit "B". In the event of a charter school, a.m. peak-hour counts may also be required.
- d. The monitoring program shall also monitor the storage bays entering the site at the project accesses on CR 54 or Old Pasco Road to ensure that the queues do not spill out into thru traffic on CR 54 or Old Pasco Road.
- e. The results of each monitoring event shall be submitted to the County's Planning and Development Department.
- f. If monitoring results demonstrate that the traffic exceeds the projected traffic volumes identified in Exhibit "B" or if the storage bays along CR 54 or Old Pasco Road are inadequate to accommodate queues, the County may require an Access Management Study and additional site access improvements may be required, both of which shall be the obligation of the Developer or its designated CDD (a CDD only for the MPUD that is distinct from the Lexington Oaks CDD) or association. Improvements shall be determined in accordance with the LDC and Access Management Standards, as amended.

Further Access Analysis.

In the event that development occurs (issuance of the first hard copy site development permit) prior to the start of construction of six-lanes for Wesley Chapel Boulevard from Old Pasco Road to Old County 54, the County may require an Access Management Study and additional site access improvements may be required, both of which shall be the obligation of the Developer or its designated CDD (a CDD only for the MPUD that is distinct from the Lexington Oaks CDD) or association. Improvements shall be determined in accordance with the LDC and Access Management Standards, as amended.

11. The internal access points shown on the master plan are conceptual only. Permanent placement of each internal access point shall be determined at the time of review with the corresponding PDP/PSP and shall meet established access-management criteria, or other alternative standards approved by the County. An access management study may be required with each PSP/PDP for the development served by such access. Based on the results of the study, the County may impose additional improvements, alternative accesses or locations.
12. Unless otherwise determined at the time of PSP review through the alternative standards review process pursuant to the LDC, access to any commercial out-parcels shall be provided from internal drives or parking areas.

Dedication of Right-of-Way

13. Street connections and rights-of-way to adjoining areas are not required. The abutting properties are built-out with no interconnection provided, or the property abuts wetlands.
14. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than the County. Pasco County will not be responsible for the maintenance of any private streets.
15. Subject to the provisions of the LDC, Section 901.2.J. (Transportation-Corridor Management; Dedication-Rough Proportionality), the developer shall convey, at no cost to the County, right-of-way:
 - a. For Wesley Chapel Boulevard in accordance with Pasco County final construction plans or most updated version for C.R. 54 (Wesley Chapel Boulevard) (from Magnolia Boulevard to Oakley Boulevard) Project No. C-1640.00 and any additional right-of-way indicated on Pasco County final construction plans or most updated version for C.R. 54 (from north of S.R. 56 to north of Magnolia Boulevard) Project No. C-9956.0, to include wetland mitigation site 7B, unless otherwise indicated on the final construction plans.
 - b. For Old Pasco Road in accordance with the King Engineering Associates, Inc Old Pasco Road plans (from S.R. 54 to Quail Hollow Boulevard) dated 05/13/2003 or most updated version.

Except as required by this paragraph concerning floodplain compensation, the County acknowledges that developer has already conveyed the right-of-way required for Old

Pasco Road, Wesley Chapel Boulevard, including any drainage/retention, wetland, or floodplain mitigation facilities. Prior to developer applying for PSP approval for the portion of the subject property lying south of Lexington Oaks Boulevard (the "**South Parcel**"), but in no event sooner than three (3) months after the initial approval of this MPUD by the BCC, the County shall notify developer if the County requires floodplain compensation/mitigation within the South Parcel as part of the County's construction of intended improvements within the C.R. 54 right-of-way in the area of the MPUD. If the County notifies the developer that the County does require such floodplain compensation/mitigation within the South Parcel, then, subject to the receipt (and terms and conditions) of all applicable permits: (a) upon developer's construction of the floodplain mitigation area depicted on Exhibit "D" (the "**Floodplain Area**"), developer shall excavate up to 2.3 acre/feet of additional storage within the Floodplain Area for the C.R. 54 improvements, but only to the extent excess floodplain compensation/mitigation is available within the Floodplain Area beyond the needs of developer for the MPUD and only to the extent the County notifies the developer that such excess floodplain compensation/mitigation is needed for the C.R. 54 improvements (the "C.R. 54 Floodplain Mitigation"); (b) upon developer's completion of construction of the Floodplain Area, developer shall grant the County a drainage easement over the Floodplain Area; and (c) the County shall provide developer roadway (not SIS) and bicycle/pedestrian mobility fee credits in the amount of \$7.44 per square foot for the additional land required to provide the C.R. 54 Floodplain Mitigation as compensation for the drainage easement and the use of the Floodplain Area. If the County notifies the developer that the County does NOT require such floodplain compensation/mitigation within the South Parcel or otherwise fails to notify developer within the notification timeframe set forth above, then developer shall not be required to provide the County with any floodplain compensation/mitigation, use of the Floodplain Area or related drainage easement and developer shall be deemed to have satisfied all obligations to the County for the dedication of right-of-way for Old Pasco Road, Wesley Chapel Boulevard, including any drainage/retention, wetland, or floodplain mitigation facilities. In either event, (aa) the County shall, within ninety (90) days of request from developer, provide developer with an ingress-egress easement or license, in a form reasonably acceptable to the County, to allow developer to access the Floodplain Area through the top of the pond banks that exist on Pasco County Property Appraiser Parcel ID No. 11-26-19-0000-49900-101A to construct the Floodplain Area and to perform maintenance and monitoring of the same as long as required by the Southwest Florida Water Management District or the County; and (bb) developer shall own all fill that is excavated from the Floodplain Area. In the event the County timely notifies the developer of the need for the C.R. 54 Floodplain Mitigation, and the County requires that the C.R. 54 Floodplain Mitigation be created before the developer is ready to commence excavation of the Floodplain Area for the MPUD, the developer shall, within 90 days of the County's request, either (a) excavate the C.R. 54 Floodplain Mitigation, or (b) grant the County an easement allowing the County to excavate the C.R. 54 Floodplain Mitigation (and to place the fill in a developer designated location within the MPUD). Upon completion of such excavation, or conveyance of such easement, the developer shall be entitled to the mobility fee credits set forth above. If any permitting agency requires the developer's written approval to utilize the Floodplain Area for any permit application submitted for the C.R. 54 improvements, developer agrees to promptly provide such written approval, in a form acceptable to the permitting agency; provided, however, the developer shall not have any obligation to consent to use of the Floodplain Area for any amount in excess of the C.R. 54 Floodplain Mitigation.

16. To the extent that any of the conditions of this approval constitute monetary or property exactions that are subject to *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the applicant/owner, and successors and assigns (a), agrees that there is a nexus and rough proportionality between such conditions and the impacts of this project/development, and that such conditions are necessary to ensure compliance with the criteria of the LDC and Comprehensive Plan that are applicable to this approval, and (b) waives any claims based on such conditions. This agreement/waiver was entered into voluntarily, in good faith, for valuable consideration, and with an opportunity to consult legal counsel, but does not affect the applicant/owner's ability to seek variances, administrative remedies, or modifications of the conditions of this approval through applicable processes in the LDC, and does not affect the applicant/owner's ability to bring an action pursuant to Section 70.45, Florida Statutes.

Design/Construction Specifications

17. The timing and phasing application submitted by the applicant assumes the following land uses: 280,000 square feet of retail and 200 multi-family dwelling units. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated Timing and Phasing Analysis utilizing a methodology approved by the County. The DRC, BCC, or County Administrator or designee, may impose additional conditions on the applicant or developer based on the updated County-approved Timing and Phasing Analysis.
18. The developer may submit an overall pedestrian/bike path plan to the PDD for review and approval prior to approval of the first PDP/PSP, which provides a path circulation in accordance with the Pasco County LDC, as amended, or an alternative method acceptable to the PDD, and in compliance with the handicapped provisions of Section 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.
19. As provided in Chapter 190, Florida Statutes, and subject to the BCC's separate approval, the CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD that are identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the County or School Board (Public Properties) that are located within the boundary of the CDD. All applicable documents pertaining to the undertaking of funding and construction by the CDD shall reflect the following:
- a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.
 - b. No debt or obligation of such CDD shall constitute a burden on any Public Property.

Utilities/Drainage/Water Service/Wastewater Disposal

20. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to or concurrent with submittal of the first construction plan/construction site plan. This utility plan shall show, at a minimum, the following:
 - a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and non-potable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a non-potable water system for irrigation.
 - d. Method of lighting for all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. A Master Utility Plan shall include *AutoCAD* and PDF electronic files and hydraulic analysis for the water, wastewater, and reclaimed water systems and shall be in conformance with the Utilities Services Plan guidelines implemented by the Utilities Services Branch.
21. Prior to the first construction plan/construction site plan approval, the developer(s) and the County shall enter into a Utilities Service Agreement.
22. The developer(s) shall construct all water and wastewater facilities within the development to current County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
23. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer(s)/owner(s) and its successors and assigns, agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, and then only for so long as such a production failure or shortfall exists, the developer(s)/owner(s) shall transfer to the County any and all Water Use Permits or water-use rights the developer(s)/owner(s) may have to use or consume surface or ground water within the subject property, provided that the same are not needed to continue any existing agricultural uses on the subject property, in which case, such transfer shall not be required as long as such agricultural uses are active.
 - b. Prior to the developer(s)/owner(s) selling water, Water Use Permits, or water-use rights, the developer(s)/owner(s) shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

24. The mix of uses shall include: commercial/retail, restaurants, entertainment (including theaters), support commercial/retail and services, permanent and temporary retail and service kiosks, multi-family, professional services, office (including administrative, medical and professional office and facilities), hospitals, medical facilities and clinics, hotels/motels, vertically mixed-use, institutional uses, such as adult congregate and living

facilities including, without limitation, an assisted living facility and an independent living facility, (but specifically excluding an alcohol or drug rehabilitation center), daycare, churches, civic, cultural, public service and education facilities (public or private schools, including charter schools).

25. As noted above, the timing and phasing analysis submitted by the applicant assumes the following land uses: 280,000 square feet of retail and 200 multi-family dwelling units. However, land uses and entitlements may be exchanged by applicant/developer in accordance with the Land Use Equivalency Matrix (“LUEM”) attached hereto as Exhibit “C”. In the event a permitted land use as approved by the MPUD is not specifically listed in the LUEM, a trip use equivalency may be provided to document the trip generation of the permitted land use is the same (equal to or less than) as an approved land use. The trip generation shall be based on the pm peak hour rates contained in the ITE trip generation manual, 9th ed. Land use exchange requests shall be submitted to the PDD Administrator or designee for verification as to implementation and administrative approval in accordance with the LUEM and shall not constitute an amendment to the MPUD. In the event a charter school or any other use that has significant trip generation characteristics during a.m. peak hour than was assumed in the timing and phasing analysis then additional access analysis may be required.
26. The multi-family dimensional standards shall be in accordance with regulations for MF-1 of the LDC except for the following: *
- (1) Minimum Side-Yard Setback of 10 Feet**
 - (2) Minimum Rear-Yard Setback of the greater of 5 Feet or any required landscape buffer
 - (3) Maximum Height of 60 Feet
 - (4) Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the structure and a minimum of 15 feet from the side of the structure.
 - (5) Applicant shall provide two parking spaces per unit and each parking stall shall only be required to be 18-feet in depth.

*Multi-family setbacks are measured from the perimeter of the overall multi-family parcel and not separate between each building.

** The average distance between structures, for any building containing more than four units, shall be 30 feet, with no point closer than 20 feet.

27. The following dimensional standards shall apply to for non-residential uses:
- (1) Minimum Front-Yard Setback of 10-feet from internal accessways/roadways and 20-feet from external roadways.

- (2) Minimum Side-Yard Setback of 5-feet between residential and non-residential uses/structures and 0-foot between non-residential uses/structures.
 - (3) Minimum Rear-Yard Setback of 10 Feet.
 - (4) Maximum Height of sixty (60) Feet.
 - (5) Maximum lot coverage of sixty percent (60%).
28. At the time of development of each phase abutting the western boundary on the south side of Lexington Oaks Boulevard, except those areas where the only development adjacent to the western boundary is floodplain or retention ponds (and specifically excluding from the term "development" any areas that are existing wetlands), applicant/developer shall install a Type "C" landscape buffer in accordance with the LDC except the width of such landscape buffer area shall be a minimum of 15-feet.
 29. Applicant/developer shall ensure that all lighting installed as part of any development along the western boundary of the MPUD is pointed downward or to the east and not to the west.
 30. Construction traffic shall access the subject property through a means other than Lexington Oaks Blvd.
 31. In order to maximize the development's design and layout, the minimum setbacks listed above can be modified by the County Administrator or designee at the time of the PSP/PDP review without necessitating a modification to the MPUD.
 32. The development shall comply with the applicable provisions of the Subarea Policies for Lexington Oaks Plaza (CPAL17-02).
 33. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
 34. Subject to the LUEM, the total aggregate number of multi-family dwelling units shall not exceed 650.
 35. Any on-street parking along any internal accessways/roadways may, at developer's option, be credited towards parking required by any multi-family projects in the MPUD.
 36. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable County ordinances and resolutions.
 37. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.

Procedures

38. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or the issuance of the first Certificate of Occupancy where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
39. Unless otherwise approved by the Fire Chief, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer(s) shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
40. A PDP/PSP must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. A PSP must also be approved for each multiple-family (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased construction site plan approval.
41. PDP/PSP submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received PDP/PSP approval, construction plan/construction site plan approval, and/or record plat approval.
42. If a PDP/PSP for the entire MPUD is not submitted and approved by December 31, 2030 (subject to any statutory or County-wide extensions issued subsequent to the approval of these revised conditions of approval), the conditions of approval for those portions of the MPUD that do not have (unexpired) PDP or PSP approval shall expire. If the MPUD expires, a new MPUD must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and LDC in effect at that time.
43. An extension of time limit for approval as identified above shall be processed as a substantial modification approved by the BCC.
44. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the **BCC approved document** is completed (including notarization) and received by the PDD after the BCC action.
45. All conditions of this MPUD approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD approval shall be suspended until such time that the BCC modifies the MPUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD mitigation committed to or performed as of the date the determination is

made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD or the MPUD conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD approval under any circumstances.

46. This MPUD shall not be effective until the corresponding PD (Planned Development) Land Use Classification change is effective.

EXHIBITS

- “A” – External Site Access Improvements
- “B” – Trip Generation Monitoring Table
- “C” – LUEM (Land Use Equivalency Matrix)
- “D” – Flood Plain Area

{OWNER/DEVELOPER'S ACKNOWLEDGEMENT TO FOLLOW}

OWNER'S/DEVELOPER'S ACKNOWLEDGMENT:

The owner/developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the BCC results.**

_____ Date

_____ Signature

_____ Print Name

_____ Title

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____
(date), by _____ (name
of corporation acknowledging) a _____
(State or place of incorporation) corporation, on behalf of the corporation. He/she is personally
known to me or who has produced _____ (type of
identification) as identification.

Seal:

NOTARY

EXHIBIT

LAND USE EQUIVALENCY MATRIX

TRADE TO:

<u>TRADE FROM:</u>	Multi-Family <u>(DU's)</u>	Retail <u>(KSF)</u>	Office <u>(KSF)</u>	ALF <u>(Beds)</u>	Hotel <u>(RMS)</u>	Private/Charter School <u>(STD's)</u>
Multi-Family (DU's)	-	0.108	0.305	2.636	0.967	3.412
Retail (KSF)	9.241	-	2.821	24.364	8.933	31.529

(1) Example: Convert Multi-Family to Office

$$1 \text{ DU (Multi-Family)} \times 0.305 = .305 \text{ KSF (Office)}$$

Convert Retail to Multi-Family

$$1 \text{ KSF (Office)} \times 9.241 = 9.241 \text{ Dwelling Units (Multi-Family)}$$

Convert Retail to Office

$$1 \text{ KSF (Retail)} \times 2.821 = 2.821 \text{ KSF (Office)}$$

Convert Retail to ALF

$$1 \text{ KSF (Retail)} \times 24.364 = 24.364 \text{ Beds (ALF)}$$

Convert Retail to Hotel

$$1 \text{ KSF (Retail)} \times 8.933 = 8.933 \text{ RMS (Hotel)}$$

Convert Retail to School

$$1 \text{ KSF (Retail)} \times 31.529 = 31.529 \text{ Students (School)}$$

LUEM Conversion Examples

Approved Uses	Multi Family Units	Retail SF	Hotel Rooms	AL/MC Units	Office S.F.	Charter School Students	User
Alternate Use	200.00	280,000.00					
Conversions							
Retail to Multi Family -LexONorth	53.00	(5,735.31)					Arbour Valley
Remaining	253.00	274,264.69					
Retail to Multi Family-LexOSouth	245.00	(26,512.28)					Picerne - Equity resources
Remaining	498.00	242,017.10					
Retail to Hotel		(13,433.34)	120.00				Hotel
Remaining		228,583.76	120.00				
Retail to AL/MC		(4,104.42)		100.00			AL/MC
Remaining		224,479.34		100.00			
Retail to Office		(35,448.42)			100,000.00		Office
Remaining		189,030.92			100,000.00		
Retail to Charter School		(3,171.68)				100.00	Charter School
Remaining		185,859.24				100.00	
Total Entitled	498.00		120.00	100.00	100,000.00	100.00	Total
Available entitlement for Lex O North and Lex O South Outparcels		185,859.24					Outparcels