



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

October 27, 2006

Reference: RZ 06-0491 RV

BOARD OF COUNTY COMMISSIONERS

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Richard S. Higgins
Sunset Cove Investments
946 Bunker View Dr.
Apollo Beach, FL 33572

Dear Applicant:

At the regularly scheduled public meeting on October 24, 2006, the Board of County Commissioners granted your request for rezoning of the tract of land described in your application from AS-1 to PD, with the attached conditions.

The approval of a planned development rezoning requires the developer submit a revised General Site Plan reflecting all conditions, within 90 days of zoning approval. Failure to submit the site plans within the time period will place your rezoning in violation.

To comply with this requirement, please complete and submit the enclosed application for General Site Plan Review/Certification, to the Planning and Zoning Division, 20th floor of the County Center, 601 East Kennedy Boulevard. For information concerning the certification process, please contact our office at 272-5920.

Please keep this letter for your records. If we may be of service to you in the future, feel free to contact me at 272-5920.

Sincerely,

Paula M. Harvey, AICP, Director
Planning and Zoning Division

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enc

Post Office Box 1110 · Tampa, Florida 33601

Web Site: www.hillsboroughcounty.org

An Affirmative Action/Equal Opportunity Employer

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted June 23, 2006.

1. The multi-use development shall be limited as follows:
 - 1.1. The project shall be permitted a maximum of 20,940 square feet of building area for Commercial Neighborhood (CN) zoning district uses and development standards, except as referenced herein. Convenience store, fast food restaurant (either with or without drive through windows), high turnover restaurant, bank (either with or without drive through windows) shall not be permitted.
 - 1.2. The project shall be permitted a maximum 2,000 square feet of child day care uses with a maximum of 38 children/students.
 - 1.3. The project shall be permitted a maximum of 46 multi-family residential units (inclusive of 2 qualifying commercial apartments meeting the requirements of the Land Development Code Section 6.11.16); and shall be subject to the Residential Multi-family Conventional-12 (RMC-12) zoning district development standards, except as referenced herein. The residential component shall be limited to private ownership, town homes/condo dwelling units. Rental unit development shall not be permitted.

Minimum Set-back: 20 feet from northern property boundary
20 feet from eastern property boundary
28 feet from southern property boundary
30 feet from western property boundary
The 2:1 additional set back for buildings over 20 feet in height shall not apply.
2. The project may be permitted a maximum of 46 multi-family conventional dwelling units, 20,940 square feet of Commercial Neighborhood and 2,000 square feet of child day care uses, subject to formal delineation of on-site conservation areas, preservation areas and water bodies and final calculation of maximum density/intensity (FAR) permitted by the Comprehensive Plan in accordance with the Environmentally Sensitive Lands Credits requirement of the Comprehensive Plan. If the maximum number of units and/or maximum square footage for the project as permitted herein exceeds the maximum density/intensity (FAR) permitted by the Comprehensive Plan, per the Environmentally Sensitive Lands Credits requirement, the number of dwelling units and/or square footage allowed in the project shall decrease as necessary to conform to the Comprehensive Plan.
3. Buffering and screening shall be consistent with the requirements in the Land Development Code (LDC) unless otherwise stated herein. A twenty (20) foot buffer with "B" screening shall extend the entire length of the eastern property boundary. A five (5) foot buffer with "A" screening shall extend the entire length of the southern property boundary.

4. The general design, number and location of the access point(s) shall be regulated by the Hillsborough County Access Management regulations as found in the Land Development Code (Land Development Code Section 6.04). The design and construction of curb cuts are subject to approval by the Hillsborough County Planning and Growth Management Department. Final design, if approved by Hillsborough County Planning and Growth Management Department may include, but is not limited too: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.
5. Prior to Concurrency approval, the Developer shall provide review staff with a written methodology of the transportation analysis to be submitted. The methodology shall be approved prior to the initiation of the traffic analysis. At a minimum, the analysis, signed by a Professional Engineer, shall show the length of the left and right turn lanes needed to serve development traffic at the project driveway(s) and applicable intersections. The turn lane(s) shall be constructed to FDOT and/or Hillsborough County standards using FDOT standard Index 301 & 526 and an asphalt overlay shall be applied over the entire portion of roadway where a turn lane is provided. If it is determined by the results of the analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing the maximum development that could occur to still enable the needed improvements to be constructed. The development will be limited to the size as shown in the submitted analysis.
6. Based on staff's projected trip generation to the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day), LDC 6.04.01.F. The Land Development Code requires that all internal access (the "throat") to the driveways must be a minimum of 100 feet from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site. The applicant has the option of submitting an analysis showing that for his particular site, a throat of less than 100 feet is appropriate and will result in no adverse impact to the public roadway system.
7. Prior to Construction Plan approval, the Developer shall be required to dedicate one-half of the right-of-way on Duncan Road to meet Hillsborough County standards. The right-of-way shall be dedicated to bring the substandard right-of-way up to Transportation Technical Manual Standards for a two lane collector roadway. Right-of-way shall be measured from the centerline of the roadway. No right-of-way data was provided on the General Development Plan, therefore Staff could not determine the amount of additional right-of-way would be required of the project.
8. As is noted in the Land Development Code, one of the major reasons for diminished capacity of public roads is an increase in access points along roadways which increases the potential conflict points. Because of this, the applicant shall show the ability to provide cross access to adjacent parcels of like land uses. If any of the adjacent properties are developed under the same developer/owner, then cross access must be provided. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.

9. During construction of the site, the Developer shall maintain the existing sidewalks within the right-of-way. Unless otherwise approved, the developer shall construct sidewalks along both sides of all internal roadways. The sidewalks shall be a minimum width of five (5) feet. Pedestrian interconnectivity shall be provided between uses and adjacent parcels.
10. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
11. As shown in the submitted transportation analysis, this site may be permitted up to 20,940 square feet of specialty retail uses. Convenience stores, fast food restaurants (either with or without drive through windows), high turnover restaurants, banks (either with or without drive through windows) shall not be permitted. The site shall also be permitted up to 46 home ownership, town homes/condo dwelling units. Rental unit development may not be permitted.
12. Policy C-36.6 of the Future Land Use Element of the Comprehensive Plan provides that the timing of new development should be coordinated with adequate school capacity as determined by the School District of Hillsborough County. Approval of the final Construction Plans for any portion of the residential development shall not occur until documentation is provided from the School District of Hillsborough County indicating that either:
 - a. Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County;
 - or
 - b. Adequate school capacity is planned and funded to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County;
 - or
 - c. The applicant has provided adequate mitigation to offset inadequacies in school capacity, as identified/determined by the School District of Hillsborough County.The aforementioned documentation shall include a time period during which the School District of Hillsborough County determination shall be valid.
13. A field evaluation of the property identified a number of existing trees qualifying as Grand Oaks as defined by the Land Development Code. The existence of these trees shall require identification of their location on the resubmitted PD plan. Design efforts are to be displayed on the resubmitted plan avoiding adverse impacts to these trees.
14. The Developer shall include the site/offsite infrastructure improvements of construction of a ditch bottom inlet (DBI) on the east side of Duncan Road at the intersection with Bloomingdale Avenue. The DBI construction shall include an 18" RCP cross drain.
15. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.

FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: RZ 06-0491 RV
MEETING DATE: October 24, 2006
DATE TYPED: October 24, 2006

16. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
17. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
18. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
19. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.
20. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Florida Statutes Chapter 163, Part II. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.