



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

May 23, 2006

Reference: MM 05-0791 LU

BOARD OF COUNTY COMMISSIONERS

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Larry Brindley
607 South Brevard Avenue
Tampa, FL 33606

Dear Applicant:

At the regularly scheduled public meeting on May 23, 2006, the Board of County Commissioners granted your request for a Major Modification to PD-C, with the attached amended final conditions.

A condition of approval is that the applicant submit a revised General Site Plan reflecting all conditions, within 90 days of 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 E. Kennedy. For information concerning the certification process, please contact Diane Gavitt 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 our office at 272-5920.

Sincerely,

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

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AMENDED
FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: MM 05-0791 LU (88-142)
BOCC MEETING DATE: May 23, 2006
DATE TYPED: June 1, 2006

Approval - Approval, subject to the conditions listed below, is based on site plan received March 3, 2005.

1. The development shall include a maximum of 45,999 square feet of neighborhood commercial uses, including any outparcel development, and 7 one acre residential lots. The commercial portion of the project shall be development in accordance with the CG zoning district standards and the residential portion of the project shall be development in accordance with the ASC-1 zoning district standards, unless otherwise specified herein, and the Lutz Rural Area Development Standards, unless otherwise specified herein..

The minimum front yard setback for the residential lots shall be 25 feet.

2. If warranted by the County, the developer shall pay for the design, purchase and installation of a traffic signal located at the intersection of Livingston Avenue and Sunset Lane, including interconnecting the signal to adjacent intersections. The installations shall comply with Hillsborough County standards and specifications.
3. The rear of the shopping center shall be architecturally finished, (i.e. stucco and paint).
4. All mechanical equipment including roof-top equipment, shall be screened from the surrounding properties.
5. The developer shall provide a minimum 15 foot wide landscape buffer strip between the road right-of-way and the parking area/single-family lots along Livingston Avenue. The developer shall provide a 20 foot buffer around the existing single-family residence in the residential portion of the project as shown on the general site plan. Said buffer area shall not be platted as part of the individual lots. The developer shall be permitted to provide access through the project for the adjacent single-family residence. No buffer shall be required between the residential and the commercial portions of the project. However, screening shall be provided in accordance with the LDC.
6. The developer shall provide a minimum 15 foot wide landscape buffer strip between the road right-of-way and the parking area along Sunset Lane. The buffer shall extend from the intersection of Livingston Avenue East to the project entry.
7. The developer shall provide a minimum 100 foot building setback from the eastern boundary line, except as provided below.
8. In areas where the building encroaches into the 100 foot setback along the eastern boundary, the trees planted shall be increased to a height of 10 feet.
9. Retention, mitigation, parking, service drives, covered loading areas, and dumpsters, if screened, may be constructed within the 100 foot setback along the eastern boundary.

10. Prior to Construction Plan approval, the Developer shall dedicate one-half (1/2) of the right-of-way along Sinclair Hills Road to bring the substandard right-of-way up to Transportation Technical Manual Standards for a 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.
11. The Developer shall construct sidewalks within the right-of-way along all roadways adjacent to the property boundaries and 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.
12. 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 to: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.
13. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
14. 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.
15. Based on the projected trip generation to the site, access onto the public road would be via "Type II", Minor Roadway Connection (50 - 1500 trip ends per day), LDC 6.04.01.E . Accordingly, the Land Development Code requires (see LDC 6.04.03 G) that all internal access (the "throat") to the driveways must be a minimum of 50 feet from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces which 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 50 feet is appropriate and will result in no adverse impact to the public roadway system.
16. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the left and right turn lanes needed to serve development traffic. Where applicable, the developer will need to construct a right turn lane (deceleration) into the site, an acceleration lane out of the site, and a left turn lane into the project's driveway. Pending the results of a transportation analysis, other improvements may include building/extending turn lanes at the adjacent intersections. If it is determined by the

results of the left turn lane 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. The only exceptions to access related roadway improvements shall be based on documented safety or environmental concerns. The Planning and Growth Management and Public Works Departments shall approve all exceptions.

17. The applicant shall convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ05-1232), whichever comes first, up to 62 feet of right-of-way from the existing center line of right-of-way on Livingston Avenue, to accommodate for the right-of-way as needed for a four lane collector. This shall be up to 29 feet from the existing right-of-way.
18. The driveway on Sunset Lane shall be located a minimum of 115 feet east of Livingston Avenue. This distance is measured from the near edge of pavement on Livingston Avenue to the near edge of pavement of the drive.
19. Prior to Issuance of commercial site plan approval, the developer shall agree, in writing, to provide the Hillsborough Area Regional Transit Authority (HART) with reasonably located and dimensioned free access and pickup and dropoff points within the project boundaries.
20. Access to and internal road geometries for the pickup and dropoff points in the parcel shall accommodate a 96 inch wide by 40 foot long advance design coach.
21. The developer shall provide a reasonably located transit schedule information display. The display location and specifications as well as locations of pickup and dropoff points shall be reviewed by HART prior to detailed site plan approval and any disputes as to appropriate location shall be resolved by the Department of Development Review,
22. A maximum height of 35 feet or 2 stories, whichever is more restrictive, shall be permitted.
23. Along the project boundaries, for the commercial portion of the project, all structures shall be set back two feet for every one foot of structure height over 20 feet. This distance shall be measured from the property boundary or added to the minimum yards and minimum buffers required elsewhere in the Hillsborough County Land Development Code and these conditions, whichever is greater.
24. An area equal to at least .20 times the land area of the district shall be reserved for landscaping and permeable open areas, and shall be Improved and maintained accordingly. One or a combination of the following shall be provided landscaped buffers, open vegetated yards, retention areas, landscaped islands, mulched or vegetated play or seating areas, or areas paved with permeable blocks. No more than 25 percent of the required landscaped area shall be composed of permeable paving blocks.

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25. The developer shall provide, prior to Construction Plan Approval, sidewalks external to the project in the right-of-way area of the major roadway(s) bordering that portion of the project (i.e., Livingston Avenue and Sunset Lane). The exact location of said sidewalks shall be determined during Detailed Site Development review.
26. Prior to the issuance of any building permits or land alteration permits or other development, the wetlands line must be field delineated by EPC staff and the wetland line surveyed. The survey must then be submitted to EPC staff for approval. After survey approval, the wetland line must appear on all site plans and must be labeled as "EPC Wetland Line". The wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code.
27. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the EPC approval/permits necessary for the development as proposed will be issued, does not serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental permits. The design of the residential portion of the project shall be permitted to be modified if required by EPC to avoid wetland impacts.
28. All new structures and/or impervious area on site shall be set back a minimum of 30 feet from the boundaries of the on-site conservation areas and any adjacent conservation areas contiguous to any property boundary of the site, except as specifically approved as provided for in the Hillsborough County Land Development Code.
29. During construction, hay bales or other erosion-prevention control devices must be staked within the setback areas around each wet-land to prevent soil erosion into the wetlands.
30. Drainage plans and calculations must be submitted to Hillsborough County Environmental Protection Commission through Department of Development Review prior to final approval, or commercial site plan approval. The developer must submit to the Environmental Protection Commission a copy of the Southwest Florida Water Management District stormwater permit or exemption for the project.
31. Prior to commercial site plan approval, the hydroperiods of the wetlands must be established by the EPC, and maintained by the developer during and after construction. This is required early so that the natural hydroperiod elevations will be incorporated into the drainage plans.
32. The required front yard shall be 30 feet in the PD-C project proposed.
33. Buffering and screening shall be provided in accordance with the Hillsborough County Land Development Code, except as provided herein along the eastern boundary.
34. The development in the PD-C project shall be limited to the use list under PD-C(N).
35. All outparcels shall have internal access only.

36. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
37. 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.
38. 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.

39. 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.
40. 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 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.

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41. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. 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.