



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

April 16, 2007

Reference: PRS 07-0526 ABP

BOARD OF COUNTY COMMISSIONERS

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Elizabeth Abernathy
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2205 N. 20th Street
Tampa, FL 33605

Dear Applicant:

At the regularly scheduled public meeting on April 10, 2007, the Board of County Commissioners approved your request for a minor modification to PD (98-1513), with the attached amended final conditions.

A condition of approval is that the applicant submit a revised General Site Plan reflecting all changes, within 90 days of approval. Failure to submit the site plans within the time period will place your property in violation.

To comply with this condition, please complete and submit to the Planning and Zoning Division, 20th floor of the County Center, 601 E. Kennedy Boulevard, the enclosed application for General Site Plan Review / Certification. (See instructions sheet). 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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AMENDED
FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: PRS 07-0526 ABP (98-1513)
BOCC MEETING DATE: April 10, 2007
DATE TYPED: April 13, 2007

Approval - Approval, subject to the conditions listed below, is based on site plan received January 12, 2007.

1. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order for the DRI, the Site Plan, the zoning conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
2. The maximum amount of each development type shall be as indicated on the Certified General Site Development Plan.
3. Each parcel within the site is permitted two development scenarios with the following permitted uses except as further conditioned elsewhere in these zoning conditions:
 - 3.1 Development of each of the parcels in a conventional parcel development configuration with conventional standards, buffers and screening as specified on the general site plan; OR,
 - 3.2 Development of each of the parcels in a Florida Traditional Development concept (FTD) configuration with uses as depicted on the general site plan and standards as specified in Alternate # 1 on the above referenced site plan, except as amended below.
4. Upon construction of a residential dwelling unit in a development parcel, a precedent is established for such parcel for either conventional parcel development or TND development and, therefore, only that type of development may be constructed in that development parcel. However, the developer shall have the option of modifying the size and dimensions of each pod including further pod division prior to approval of construction site plans. The developer shall be required to amend the certified general site plan to reflect modifications in pod sizes and dimensions. The developer shall be responsible for preparing and enforcing the parcels architectural control guidelines.

THE FOLLOWING CONDITIONS APPLY IF THE PROJECT IS DEVELOPED IN A
CONVENTIONAL POD DEVELOPMENT

5. Land uses, setbacks, and other development standards within parcels designated "Town Center" (parcels 1, 2, 3, 4, 5, and 6) shall be restricted to those permitted within the C-G and B-PO and RMC-20 zoning district. The maximum FAR shall be 0.25. The maximum residential density shall be 20 dwelling units per acre.
6. Land uses, setbacks, and other development standards within parcels designated for multi-family shall be restricted to those permitted within the RMC-20 zoning district. The maximum density shall be 20 dwelling units per gross acre.

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7. Land uses, setbacks, and other development standards within parcels designated single-family residential shall be restricted to those permitted within the RSC-9 zoning district. (With the exception of an allowable 15' front and 8' rear setbacks on canal lots). The maximum density shall be 9 dwelling units per gross acre.
8. External access points shall be as indicated on the approved general site plan, subject to final approval by Hillsborough County and the Florida Department of Transportation.

THE FOLLOWING CONDITIONS APPLY IF THE PROJECT IS DEVELOPED IN A FLORIDA TRADITIONAL DEVELOPMENT (FTD).

9. Setbacks and other development standards for specific uses within each of the parcels shall be as indicated in Alternate #1 on the General Site Development Plan as attached, except as amended below.
 - 9.1 Within Mirabay, part of the Harbor Bay Planned Development as shown on the general site plan received February 90, 2005 for PRS 05-0710, the minimum Front Yard setback for front-loading garages shall be 20 feet; and the minimum Front Yard setback for side-loading garages (garages in which the garage entrance does not face the street entrance to the lot) shall be 15 feet.
10. Each owner occupied dwelling unit is permitted one detached accessory dwelling unit on the same lot with standards as defined and regulated by the LDC. Because of their accessory nature, these units shall not be deducted from the overall number of units permitted for the project.
11. Sidewalks, a minimum of 4 feet wide, shall be required on both sides of the street.
12. Alleyways shall be permitted.
13. Land uses within the parcels designated "Town Center" (Parcels 1, 2, 3, 4, 5, and 6) shall be permitted to mix retail, office, recreational and residential uses as permitted within the C-G, B-PO, and RMC-20 zoning districts. Churches and other religious institutions, Child Care facilities, Adult Care facilities, Community meeting facilities, Community Residential Homes type A, B, and C, and individual craft or rural home industries employing no more than 5 employees each shall also be permitted without additional special use review. For purposes of determining size and bulk, the maximum FAR of the non-residential portion of any structure shall be 0.25 and the residential portion shall have a density of 20 dwellings per acre.
14. Land uses within parcels designated "Town Center" shall be of a unified design scheme exhibiting the following design criteria:
 - 14.1 Interconnected pedestrian system with the surrounding project.

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- 14.2 Provision of pedestrian facilities (i.e.: shade trees, tables, chairs, benches, trash receptacles).
- 14.3 Other amenities including awnings and other outdoor overhead structures providing shade, public art, water features and drinking fountains.
- 14.4 On-street parking is encouraged.
- 14.5 There shall be no front yard setback.
- 14.6 To the greatest extent possible, other than on-street parking, all additional parking shall be located in the rear yard of all structures.
- 14.7 A mix of residential and non-residential development within the same structure is encouraged.
- 15. On street parking shall be permitted within each of the parcels and shall count as part of any required parking. The developer shall have the right to submit alternative parking plans and shared parking plans to satisfy required parking. Excessive parking spaces shall be discouraged.

THE FOLLOWING CONDITIONS APPLY REGARDLESS OF WHICH OPTION IS CHOSEN

- 16. Public and private recreational uses and public assembly uses including meeting halls, club houses, religious institutions, child day care centers, and lighted tot lots, ball fields and courts are specifically approved in any parcel designated for Town Center.
- 17. Private recreational uses shall be permitted within parcels 15 and 20 where adjacent to the boat lift and within parcel 8 at the location as indicated on the certified general site plan. Accessory pedestrian, bicycle, canoe, wind surfing, paddle boats, fishing, and nature walk facilities including restrooms and showers, bike racks, interpretive kiosks, snack bars, bait stands, and information centers, and necessary vehicular parking to serve such uses shall also be permitted within these areas. The location and size of such accessory facilities including the exact dimensions of recreational facility parcels shall be determined at Preliminary Plat or Site Plan approval for that parcel, with the exception that any proposed building shall be limited to a maximum of 600 square feet, and any related rental storage shall be limited to a height of 15 feet. No more than one facility shall be permitted on each parcel.
- 18. General office and permissible commercial uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents and workers.
- 19. The developer shall designate the "Preserve" protection area in accordance with the requirements contained within the companion DRI Development Order.

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20. Boat, RV, camper trailers (but not mobile homes) and other similar uses shall be considered ancillary uses to a residential land use. The open storage of boats, RV's and similar uses owned by the residents of the project is specifically permitted in parcel 23 provided this facility is completely screened from view by either a masonry wall or opaque fence six feet in height and adequately maintained by the developer or its assigns. If such group can no longer or is unwilling to assume maintenance responsibilities, the private open storage area may be redeveloped with uses and lots similar to the adjacent residential development pattern provided there is no additional residential units beyond those previously approved.
21. Boat lifts, in accordance with and in the general location as indicated on the general site plan shall be permitted subject to approval by all applicable agencies. Approval of this zoning petition in no way warrants approval of the boat lift or resultant boat traffic by other agencies.
22. The large interior lake (AKA Lagoon), in accordance with and in the general location as indicated on the general site plan submitted on September 8, 2000 shall be permitted subject to approval by all applicable agencies. Approval of this zoning petition in no way warrants approval of the size, dimensions, or use of the lagoon or potential boat traffic by other agencies.
23. A sales center shall be permitted in any parcel designated for Town Center (parcels 1, 2, 3, 4, 5, and 6).
24. Accessory structures not limited to decks, docks, pools and patios shall be allowed with a 3' side and rear setback, except canal lots which shall have a 0' rear yard setback.
25. Single family uses may be permitted within any multi-family parcel to the extent that the total number of units do not exceed the maximum permitted by the DRI.
26. An interim agricultural use of cattle grazing, citrus groves, and other low scale agricultural uses shall be permitted. This agricultural operation shall not result in the destruction of the natural plant community vegetation on the property. Any application to conduct land alteration activities on the property must be submitted to the Natural Resources Team of the Planning and Growth Management Department for review and approval. Use of the agricultural exemption provision to the Land Alteration regulations is prohibited.
27. The developer shall prepare and submit a sea grass protection plan including all related local commitments to the Hillsborough County Environmental Protection Commission as part of required local approvals and environmental permitting.

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28. The developer may provide parks in the locations as generally depicted on the approved General Development Site Plan and/or within any parcel designated for Town Center (Parcels 1, 2, 3, 4, 5, and 6). These parks shall be maintained and be the perpetual responsibility of the developer or subsequent homeowner group or other similar association. If neither group can no longer or is unwilling to assume maintenance responsibilities, the park(s) may be redeveloped with uses and lots similar to the adjacent residential development pattern provided there are no additional residential units beyond those previously approved.
29. To promote connectivity and to ensure completion of the extension of Golf and Sea Boulevard, the developer shall use best efforts with the assistance and support of Hillsborough County to design and commence construction to county standards, and dedicate to the county the applicable Golf and Sea Boulevard extension prior to or commensurate with 400 dwelling units of residential development. The completion of this segment shall occur within one year of the commencement date. No additional permits shall be issued after the completion date without completion of the road.
30. The developer shall be permitted to transfer dwelling units between parcels designated for such use subject to no increase in the overall number of units approved for the project. The developer shall be required to submit a revised general site plan for certification to reflect any change/transfer in dwelling units between pods.
31. As part of any approval of Parcel 22, the developer shall provide an acceptable access via Villemaire Road to the project for Sheriff and Fire Departments access for purposes of safety, and for the County Parks Dept for purposes of maintenance of adjacent County owned ELAP lands.
32. Prior to Preliminary site plan approval for parcel (Parcel 22), the developer shall provide a traffic analysis signed by a Professional Engineer, showing the length of the left turn lane required to serve the project's traffic. The developer shall construct, at their expense, a westbound left turn lane at the projects driveway. The improvement shall be constructed to Hillsborough County standards.

THE FOLLOWING CONDITIONS SHALL APPLY TO THE PLANNED DEVELOPMENT AND
SUBSEQUENT MODIFICATIONS:

33. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
34. Approval of this zoning 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 impact to wetlands, and does not grant any implied or vested right to environmental approvals.

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35. 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.
36. Within 90 days of approval of PRS 07-0526 by the Hillsborough County Board of County Commissioners, the developer shall submit to the Planning and Growth Management Department a revised General Development Site Plan for certification reflecting all the conditions outlined above.