

HILLSBOROUGH COUNTY, FLORIDA

ZONING REQUEST PD TO PD

PETITION FILE NUMBER: PRS 09-0765 ABP (PD 05-1951)

ZHM HEARING DATE: N/A

BOCC MEETING DATE: JULY 21, 2009

This is to certify that this Site Development Plan has been reviewed by the Board of County Commissioners and the following action taken:

X APPROVED WITH CONDITIONS AS NOTED: and attached to certified site plan.

12/18/09  
DATE

12/18/09  
DATE



Ken Allen  
CHAIRMAN/VICE CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

Michael K. Dyer  
ATTEST: DEPUTY CLERK  
PAT FRANK  
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY FLORIDA  
DOCUMENT NO. 09-1435

**AMENDED  
FINAL CONDITIONS  
OF APPROVAL**

**PETITION NUMBER:** PRS 09-0765 ABP (05-1951)  
**BOCC MEETING DATE:** July 21, 2009  
**DATE TYPED:** July 27, 2009

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**Approval – Approval, subject to the conditions listed below, is based on the site plan received May 27, 2009. Development Option 1 – Existing Plan (Certified Plan Dated August 1, 2006); Development Option 2; And For Development Option 2 The Architectural Rendering Submitted OCTOBER 4, 2006. Development Option 3 – Certified Plan Dated MAY 27, 2009**

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 1:**

1. The project shall be limited to the following development:
  - Pocket A: A maximum of 24,000 square feet of CG uses.
  - Pocket B: A maximum of 25,000 square feet of CG uses.
  - Pocket C: A maximum of 35,000 square feet of CG uses and 7 multi-family units.
  - Pocket D: A maximum of 23 multi-family units.
2. In lieu of multi-family development, Pocket D may be developed with a maximum of 40,000 square feet of BPO uses.
3. Multi-family residential units may be redistributed between Pockets C and D provided the maximum number of units for the project does not exceed 30 units. Prior to Preliminary Plan approval for any residential development within Pocket C or D the developer shall provide documentation indicating the number of units approved within the project.
4. Multi-family residential uses shall be developed in accordance with RMC-20 standards unless specified herein.
  - 4.1 Maximum building height shall be 35 feet. Multi-family development shall not be subject to the increase building setback for buildings over 20 feet provided that the developer can document that an equivalent building setback is achieved via the retention pond on the adjacent property to the east and south. If less then the required setback is provided by the retention pond than the developer shall make up the difference on the subject property.
  - 4.2 The minimum front yard setback shall be 20 feet and a minimum of 15 feet shall be provided between buildings.
5. Non-residential development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 5.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  - 5.2 Maximum building setbacks for Pockets A and B shall be 52 feet from Us 41 and Street A.

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FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER:  
BOCC MEETING DATE:  
DATE TYPED:

PRS 09-0765 ABP (05-1951)  
July 21, 2009  
July 27, 2009

6. Building envelopes shall be located as generally shown on the site plan. Within said building envelopes, variations to building size, width and height may occur consistent with the conditions contained herein.
7. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
  - 7.1 A maximum on one row of parking area may be provided between US Highway 41 and the proposed buildings.
  - 7.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
8. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
  - 8.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
9. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
10. The developer shall be required to provide mitigation (mitigation offset) to offset impacts of the project on hurricane evacuation shelter space. The mitigation offset shall be based on a mitigation formula as established by the Hillsborough County Emergency Management Office.
  - 10.1 The mitigation offset shall be applied and conveyed to the School District of Hillsborough County for the purpose of the emergency shelter program, within one year from the date of approval or prior to the issuance of the first building permit, whichever comes first.
11. 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.
12. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the turn lanes needed to serve development traffic. The turn lanes if required 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. The Developer shall construct, if warranted, the following turn lanes at his expense:

- a. WB to NB right turn/acceleration lane @ project driveways,
- b. NB to EB right turn lanes into the site @ project driveways,
- c. Add additional SB to EB left turn lane storage on US 41 @ southern access
- d. Add turn storage at the median openings north and south of the site where U-turns are permissible.

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.

13. Based on the projected trip generation to the commercial portion of the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day). 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
14. The Developer shall restrict the northernmost driveway to right-in/right-out only and provide for vehicular and pedestrian cross-access to the commercial portion of the site.
15. The Developer shall restrict the southernmost driveway to right-in/right-out/left-in only and provide for vehicular and pedestrian cross-access to the residential portion of the site to the north and vehicular and pedestrian cross-access to the commercial portion of the site to the south.
16. 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.
17. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
18. 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. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.

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FINAL CONDITIONS  
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19. If required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on US 41, at each median cut adjacent (north/south of the site) where a U-turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of storage needed to serve development traffic. The design and construction of these lanes shall be subject to FDOT approval.
20. 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 (RZ05-1951), whichever comes first, up to a maximum of 101 additional feet of right-of-way from the existing center line of right-of-way on US 41, to accommodate for the right-of-way as needed for a six lane divided major rural arterial (under 55 mph) roadway.
21. The site shall be restricted to the uses shown in the submitted transportation analysis. If anything other than two 5,000 square foot drive-in banks, one 20,000 S.F. general office, two 3,000 S.F. fast food restaurants with drive-through windows, three 6,000 S.F. high turnover sit-down restaurants, and 30,000 S.F. specialty retail store or 30 multi-family dwelling units in lieu of the 36,000 S.F. of office/commercial is requested, the developer shall provide an additional transportation analysis showing the impacts of any proposed uses other than those shown in this condition. The developer shall be required to construct any and/or all improvements at their expense, needed to off-set the development's impact.
22. 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.
23. The type, location, size and number of signs permitted shall be as set forth in Part 7.03.00 of the Land Development Code with the following exception(s):
  - 23.1 Ground Signs shall be limited to Monument Signs.
  - 23.2 Billboards, pennants and banners shall be prohibited.
24. 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

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FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER:  
BOCC MEETING DATE:  
DATE TYPED:

PRS 09-0765 ABP (05-1951)  
July 21, 2009  
July 27, 2009

- 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.
25. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 2:**

1. The project shall be limited to the following development:

Pocket A: A maximum of 22,000 square feet of CG uses.  
Pocket B: A maximum of 15,000 square feet of CG uses.  
Pocket C: A maximum of 20,000 square feet of CG uses.  
Pocket D1: A maximum 12,000 square feet of BPO uses, Personal Services, and Retail

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FINAL CONDITIONS  
OF APPROVAL**

**PETITION NUMBER:  
BOCC MEETING DATE:  
DATE TYPED:**

**PRS 09-0765 ABP (05-1951)  
July 21, 2009  
July 27, 2009**

Pocket D2: for Shoppers' Goods uses (excluding fast food restaurants with drive-throughs, convenience stores/gas stations).  
A maximum of 40,000 square feet of BPO uses and personal services as permitted uses shall be allowed.

2. Non-residential development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  - 2.2 Maximum building setbacks for Pockets A, B, and C shall be 20 feet from U.S. 41 and Street A. The buildings shall be permitted to have architectural features such as building insets that exceed the maximum building setback by up to five feet (i.e. 25 foot maximum setback for architectural features).
  - 2.3 Pockets D1 and D2 shall have no business activity between the hours of 12:00 a.m. and 6:00 a.m., including loading and unloading activities.
  - 2.4 A 62-foot-high architectural feature per the rendering submitted on October 4, 2006 in the area shown on the site plan. The rendering shall be shown on the site plan prior to certification of the site plan.
3. Building envelopes shall be located as generally shown on the site plan. Within said building envelopes, variations to building size, width and height may occur consistent with the conditions contained herein.
4. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
  - 4.1 No parking shall be provided between U.S. Highway 41 and the proposed buildings.
  - 4.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
5. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
  - 5.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
6. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.

7. The developer shall be required to provide mitigation (mitigation offset) to offset impacts of the project on hurricane evacuation shelter space. The mitigation offset shall be based on a mitigation formula as established by the Hillsborough County Emergency Management Office.
  - 7.1 The mitigation offset shall be applied and conveyed to the School District of Hillsborough County for the purpose of the emergency shelter program, within one year from the date of approval or prior to the issuance of the first building permit, whichever comes first.
8. 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.
9. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the turn lanes needed to serve development traffic. The turn lanes if required 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. The Developer shall construct, if warranted, the following turn lanes at his expense:
  - a. WB to INB right turn/acceleration lane @ project driveways,
  - b. NB to EEB right turn lanes into the site @ project driveways,
  - c. Add additional SB to EB left turn lane storage on US 41 @ southern access
  - d. Add turn storage at the median openings north and south of the site where U-turns are permissible.

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.
10. Based on the projected trip generation to the commercial portion of the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day). 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
11. The Developer shall restrict the northernmost driveway to right-in/right-out only and provide for vehicular and pedestrian cross-access to the commercial portion of the site.



AMENDED  
FINAL CONDITIONS  
OF APPROVAL

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BOCC MEETING DATE: July 21, 2009  
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12. The Developer shall restrict the southernmost driveway to right-in/right-out/left-in only and provide for vehicular and pedestrian cross-access to the residential portion of the site to the north and vehicular and pedestrian cross-access to the commercial portion of the site to the south.
13. 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.
14. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
15. 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. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.
16. If required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on US 41, at each median cut adjacent (north/south of the site) where a U-turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of storage needed to serve development traffic. The design and construction of these lanes shall be subject to FDOT approval.
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 (RZ05-1951), whichever comes first, up to a maximum of 10 additional feet of right-of-way from the existing center line of right-of-way on US 41, to accommodate for the right-of-way as needed for a six lane divided major rural arterial (under 55 mph) roadway.
18. The site shall be restricted to the uses shown in the submitted transportation analysis. If anything other than two 5,000 square foot drive-in banks, one 20,000 S.F. general office, two 3,000 S.F. fast food restaurants with drive-through windows, three 6,000 S.F. high turnover sit-down restaurants, and 30,000 S.F. specialty retail store or 30 multi-family dwelling units in lieu of the 36,000 S.F. of office/commercial is requested, the developer shall provide an additional transportation analysis showing the impacts of any proposed uses other than those shown in this condition. The developer shall be required to construct any and/or all improvements at their expense, needed to off-set the development's impact.
19. 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.
20. The type, location, size and number of signs permitted shall be as set forth in Part 7.03.00 of

the Land Development Code with the following exception(s):

- 20.1 Ground Signs shall be limited to Monument Signs.
- 20.2 Billboards, pennants and banners shall be prohibited.
21. 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.
22. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 3:**

1. The project shall be limited to the following development:

Pocket A: A maximum of 50,000 square feet of CG uses /or a Community Residential Home (maximum of 138 beds)

Pocket B: Community Residential Home with a maximum of 195 beds

If the entire site is developed with a Community Residential Home Use, a total of 333 beds shall be permitted.

Within either pocket, if the community residential use is developed, the developer shall have the option of up to 10 percent of the total beds being constructed to be designated for a Nursing home use.

2. All development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.

2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.

2.2 There shall be no retention permitted along US. Hwy 41.

3. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:

3.1 A maximum of one row of parking double loaded may be provided between US Highway 41 and the proposed buildings.

- 3.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
4. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
  - 4.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
5. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
6. If approved Option 3 shall comply with all previous transportation related conditions provided for in Development Option 1 and/or Option 2.
7. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
8. 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.
  - 8.1. The project may be permitted the above uses and will be 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.
9. 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.

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10. 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.
11. 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.
2. 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.