

FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: RZ 05-1253 GR
MEETING DATE: December 13, 2005
DATE TYPED: December 16, 2005

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted September 6, 2005.

1. The project shall be limited to the following:
 - 1.1 A maximum of 2,750 dwelling units to include single-family detached, single-family attached, townhouses, duplex and/or multi-family units.
 - 1.2 A maximum of 125,000 square feet of commercial development.
 - 1.3 A maximum of 60,000 square feet of office development.
 - 1.4 A maximum of 770,00 square feet of industrial/warehousing/distribution uses.
 - 1.5 Residential support uses as defined by the Land Development Code.
 - 1.6 Agricultural uses consistent with the AR zoning district shall be permitted as an interim land use.
2. Development Pockets shall be located as shown on the site plan. Prior to Preliminary Plan for any Pocket, the developer shall provide documentation on the total amount of development, residential and/or non-residential development currently approved within the project to ensure compliance with the development thresholds identified herein.
3. Residential development shall be developed in accordance with the following:
 - 3.1 Multi-family and townhouse development shall be developed in accordance with the RMC-20 zoning district, unless otherwise provided herein.
 - 3.1.1 Maximum building height shall be 70 feet provided the development complies with the 2-to-1 setback for structures with a height greater than 20 feet when said development is adjacent to existing single-family residential development and/or a pocket which is approved only for single-family residential development. In mixed use pockets, if single-family is developed adjacent to multi-family or townhouses, subsequent to the development of the multi-family or townhouses, then the developer of the single-family homes shall provide any additional setback still required to meet the LDC based upon the height of the adjacent multi-family or townhouse development. Any required additional setback shall be accommodated within the single-family development via the provision of a common open space area to be owned and maintained by the homeowners association or similar organization. This condition shall apply internally as well as external to the pocket.
 - 3.1.2 A minimum of 10 feet shall be provided between buildings.

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- 3.1.3 Minimum front yard and rear yard setback shall be 10 feet provided garages have a front yard setback of a minimum of 20 feet. Garage rear yard setback if access via an alley shall be 3 feet.
- 3.2 Single family detached conventional development shall be developed in accordance with the following:
 - 3.2.1 Minimum lot size shall be 4,000 square feet. No more than 20% of the total single-family conventional units which are not alley-loaded (garage), shall consist of lots less than 5,000 square feet in size. Prior to Preliminary Plan approval for any residential development pocket, the developer shall provided documentation on the total number of single-family conventional lots, the size of said lots, and the number of alley-loaded lots developed.
 - 3.2.2 Minimum lot width for 4,000 square foot lots shall be 40 feet. Minimum lot widths for all other lots shall be 50 feet.
 - 3.2.3 Front yard setback shall be a minimum of 10 feet for the primary structure and garages shall have a minimum front yard setback of 20 feet.
 - 3.2.4 Minimum side yard setback shall be 5 feet.
 - 3.2.5 Minimum rear yard setback shall be 10 feet for the primary structure and garages shall have a minimum rear yard setback of 3 feet if accessed via an alley.
 - 3.2.6 Accessory dwelling units shall not be permitted on lots containing less than 7,000 square feet.
 - 3.2.7 Maximum building height shall be 35 feet.
 - 3.2.8 The minimum lot size for alley loaded lots may be reduced to 3,600 square feet provided the minimum lot width is 40 feet.
- 4. Development Pockets B, D shall be developed in accordance with CG zoning district standards and uses unless otherwise specified herein.
 - 4.1 Maximum FAR shall be 0.5.
 - 4.2 Maximum building coverage shall be 50% if off-site retention is provided.
 - 4.3 Maximum impervious surface shall be 85% if off-site retention is provided
- 5. Non-residential development within Pocket E shall be developed in accordance with CI zoning district standards and uses unless otherwise specified herein.

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- 5.1 Maximum FAR shall be 0.5.
- 5.2 Maximum building coverage shall be 50% if off-site retention is provided.
- 5.3 Maximum impervious surface shall be 85% if off-site retention is provided
- 5.4 Large scale retail developments (big box) as defined by the Land Development Code shall not be permitted within Pocket E.
6. Development Pocket H shall be developed in accordance with the M zoning district standards and shall be permitted uses consistent with the M and CI zoning district unless otherwise specified herein.
 - 6.1 Maximum FAR shall be 0.70.
 - 6.2 Maximum building coverage shall be 70% if off-site retention is provided.
 - 6.3 Maximum impervious surface shall be 85% if off-site retention is provided.
 - 6.4 Large scale retail development (Big Box) shall not be permitted within Pocket H.
7. Residential support uses shall be permitted within all residential development pockets in accordance with the specified design standards as found within the Land Development Code. Residential support uses shall be limited to a maximum of 20,000 square feet per development pocket.
8. Buffering and screening shall be in accordance with the Land Development Code and as specified herein:
 - 8.1 A sound barrier shall be permitted between any residential uses and I-75. Said barrier may include a berm or wall (or combination thereof) with a maximum height of 12 feet.
9. The developer shall dedicate five (5) acres of usable uplands adjacent to the proposed ten (10) acre school site for a park site to Hillsborough County on or before approval of the first residential certificate of occupancy for the project. The Developer's dedication shall be eligible for impact fee offsets as provided for by the Consolidated Impact Assessment Program Ordinance in effect as of the date of the dedication.
 - 9.1 The Developer shall grant an option to Hillsborough County to purchase up to five (5) additional acres of usable uplands for park land contiguous with the dedicated park site. The option land shall be valued at \$225,000.00 per acre or the fair market value, whichever is less, as of the date of the execution of the option by the County. If the County decides to exercise the option, the County must do so by providing written notice to the Developer sometime between the date of Construction Plan approval for

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the first residential phase and the issuance of the first residential certificate of occupancy for the project or up to two (2) years from the date of the zoning approval of this petition, whichever is later.

10. 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:

- Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
- 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
- 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.

- 10.1 Within one (1) year of the approval date of this petition or approval of the Construction Plans for the first phase of residential development, whichever comes first, the Developer shall dedicate ten (10) acres of usable uplands for a school site to the School District of Hillsborough County. The Developer shall receive impact fee offsets in accordance with the Consolidated Impact Assessment Program Ordinance or other compensation as may be agreed upon in a separate agreement with the Hillsborough County School Board. The school site shall be located as shown on the site plan and shall be adjacent to the Progress Village Middle School. The school site shall be void of easements or other development constraints that would materially impair usage as a school site.
11. 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.
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 too: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements. Proposed

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access points to Falkenburg Road and Progress Village Blvd may not be permitted, if the access does not meet County standards or propose a public safety problem.

13. Prior to Concurrency approval, the Developer shall provide a detailed traffic analysis that includes project traffic, signed by a Professional Engineer, showing the length of the left and right turn lanes needed to serve development traffic. The turn lanes shall be constructed to FDOT and/or Hillsborough County standards using FDOT standard Index 301 & 526. The Developer shall construct the following turn lanes at his expense:
 - 13.1 Where permitted, left and right turn lanes on all external roadways at each project access,
 - 13.2 If warranted, and if identified on the detailed traffic study, a minimum of two (2) approach lanes on all internal roadway intersections with external roadways, where left turns out are permitted,
 - 13.3 Additional left and right turn lanes at all future signalized project access on Falkenburg Road and Progress Village Boulevard, if warranted in the detailed traffic study. Two through lanes shall be required on Falkenburg Road and Progress Boulevard at these intersections. The future signalized intersection shall be designed and constructed to meet a LOS "D" standard.
 - 13.4 If warranted to meet concurrency, additional left turn lanes, two (2) through lanes, and right turn lanes shall be provided at the intersection of Falkenburg Road at Progress Village Boulevard as identified in the detailed traffic study. The future signalized intersection shall be designed and constructed to meet a LOS "D" standard.
 - 13.5 If warranted to meet Concurrency, construct intersection improvements at US 301 and Falkenburg and Progress Village Blvd at US 301.
14. Based on the projected trip generation to the site, access onto the public road would be via "Type III" Minor 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. If the Driveway is to be gated, then the throat depth shall be at least 100 feet in length to accommodate stacking vehicles.
15. The Developer shall provide cross-access between Pod "A" and the western parcel and Pod "G" and the northern parcels only if Pod "A" and Pod "G" are similar residential land uses. Cross access will not be required if environmental or drainage impacts restrict the ability for cross access or if the Pod is a "gated" community. If cross access is provided, cross-access shall be paved to the project boundary and designed to County standards. A connection to the cross-access shall not be permitted until such time as the parcels develop as a compatible use. The General Site Plan shall be revised prior to Certification to show these requirements.

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16. As feasible, the Developer shall provide for vehicular and pedestrian interconnectivity between all proposed developments. Pedestrian connectivity shall be via sidewalks, curb ramps, and marked crossings through vehicular use areas.
17. Within all residential tracts, the Developer shall provide pedestrian and bicycle interconnectivity between adjacent residential pods/clusters that do not provide for vehicular access between residential pods/clusters. The Developer shall also provide for bicycle and pedestrian connectivity between adjacent residential and non-residential pods, where a direct vehicular access is not provided. All access shall be via an improved surface such as a sidewalk, wood boardwalk, pavers, pervious concrete; access shall not be via grass, gravel, sand, mulch, or some other non compacted surface.
18. The Developer shall design and construct an internal road system that shall provide access from Falkenburg Road to Progress Village Blvd. These roads are planned to be constructed as two-lane roads. If the Design Traffic Report indicates that four (4) lanes is required to accommodate projected project traffic at build-out, then the Developer ~~shall~~ may construct the roadway as a four (4) lane roadway consistent with either the TND Type-1 Boulevard, TND Type 2 Boulevard, or TND Major Urban Collector or TND Urban Collector.
19. All internal collector and local roadways shall be designed to County roadway standards as provided for in the Transportation Technical Manual. The Developer shall have the option of utilizing TND standards for the internal and local roadways. The Developer, shall submit a Design Traffic Report at Preliminary Plan Review, which indicates the number and location of internal collector roadways to be designed and constructed for the proposed development. The General Site Plan shall be revised to show the removal of the existing minimum roadway widths and include a note that all internal collector and local roadways shall be designed to the Transportation Technical Manual and that the Developer has the option to utilize the TND roadway standards as provided for in the Transportation Technical Manual. The changes to the General Site Plan shall be made prior to certification.
20. Prior to Concurrency approval, the Developer shall provide a Design Traffic Report, as required in the Transportation Technical Manual, signed by a Professional Engineer, showing the need for left and right turn lanes needed to serve development traffic at the intersection of all internal roadway intersections with internal collector roadways. The Design Traffic Report shall include the length of all needed left and right turn lanes, designed to Hillsborough County Standards. The Developer shall have the option of installing roundabouts at internal roadway intersections, in lieu of turn lanes. The roundabouts shall be designed to County Standards as specified in the Transportation Technical Manual. For existing turn lanes at internal roadway intersections, if the required turn lane storage, as identified in the Design Traffic Report, is greater than the length of the existing turn lanes, then the Developer shall extend the turn lanes by the necessary queue storage length, while maintaining the proper taper and braking distance lengths. 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.

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21. Prior to Concurrency Approval, the Developer shall conduct a detailed traffic analysis on Progress Village Blvd that accounts for project and approved traffic on the surrounding roadways. If warranted to meet Concurrency, the Developer shall widen Progress Village Blvd to a four (4) lane divided roadway. At a minimum, the length of the improvements shall begin at Falkenburg Road and end at west side of I-75. The final length of the improvement shall be determined prior to Concurrency Approval. The Developer shall be responsible for the cost associated with the design for Progress Village Blvd and shall be responsible for the cost associated with permitting, drainage, right-of-way and the actual construction of the Roadway. This condition shall not prevent the Developer from entering into a Developer agreement to allow for an alternative mitigation to actual physical construction of the roadway.
22. Prior to Concurrency Approval, the Developer shall conduct a detailed traffic analysis on US 301 that accounts for project and approved traffic on the surrounding roadways. If warranted to meet Concurrency, the Developer shall widen US 301 to a six (6) lane divided roadway. The final length of the improvement shall be determined prior to Concurrency Approval. The Developer shall be responsible for the cost associated with the design for US 301 and shall be responsible for the cost associated with permitting, drainage, right-of-way and the actual construction of the Roadway. The final design and construction plans shall be approved by FDOT. This condition shall not prevent the Developer from entering into a Developer Agreement to allow for an alternative mitigation to actual physical construction of the roadway.
23. If warranted, the developer shall install a traffic signal at the intersections along Falkenburg Road and Progress Village Boulevard and at the project driveways/roadways. The signal shall be installed at such time the signal is warranted in accordance with the MUTCD and as the project connects to Falkenburg Road or Progress Village Boulevard. The developer has the option of installing the signal or making payment to the County for the cost of the signal in lieu of installation. If the developer chooses the payment option, direct payment in the form of a Letter of Credit is acceptable or a Certified Check paid to the County to hold in Escrow. Payment shall be made to the County prior to preliminary site plan approval. If the developer chooses to install the signal the developer shall indicate on the preliminary site plan that a traffic signal will be installed. Prior to Construction Plan Approval, the developer shall submit 60% design plans. Prior to the issuance of a Certificate of Occupancy (CO) the traffic signal shall be installed, unless the Public Works Department identifies an alternative time frame for construction of the signal. The traffic signal shall not be turned on until applicable signal warrants have been met. The developer shall be responsible for the cost of design and installation of the traffic signal and appropriate interconnect with adjacent signals. All signals must be approved by the Hillsborough County Public Works Department and traffic signals on the State Highway System must also have the approval of FDOT. The placement and design of the signal shall be subject to approval by Hillsborough County Public Works Department and/or FDOT if it is determined by Hillsborough County and/or FDOT that the signal shall not be constructed, due to its proximity to adjacent traffic signal, then the Developer shall not be required to construct the signal or make payment to the County for construction of said signal.

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24. If warranted, the developer shall install a traffic signal at the intersection of Progress Village Blvd and Street "A/B". The signal shall be installed at such time as the project connects to Progress Village Blvd and when warranted based upon projected project traffic, existing traffic, and projected traffic from approved development. However, the developer has the option of installing the signal or making payment to the County for the cost of the signal in lieu of installation. If the developer chooses the payment option, direct payment in the form of a Letter of Credit is acceptable or a Certified Check paid to the County to hold in Escrow. Payment shall be made to the County prior to preliminary site plan approval. If the developer chooses to install the signal the developer shall indicate on the preliminary site plan that a traffic signal will be installed. Prior to Construction Plan Approval, the developer shall submit 60% design plans. Prior to the issuance of a Certificate of Occupancy (CO) the traffic signal shall be installed, unless the Public Works Department identifies an alternative time frame for construction of the signal. The traffic signal shall not be turned on until applicable signal warrants have been met. The Developer shall be responsible for the cost of design and installation of the traffic signal and appropriate interconnect with adjacent signals. All signals must be approved by the Hillsborough County Public Works Department and traffic signals on the State Highway System must also have the approval of FDOT. The placement and design of the signal shall be subject to approval by Hillsborough County Public Works Department and/or FDOT. If it is determined by Hillsborough County that the signal shall not be constructed, due to its proximity to I-75 and the existing signal at Falkenburg and Progress Village Blvd, then the Developer shall not be required to construct the signal or make payment to the County for construction of said signal.
25. 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.
26. The Developer shall construct a shared-use path of at least ten (10) feet in width (if concrete) or twelve (12) feet in width if asphalt (along one side of the property boundary of Falkenburg Road. If a shared-use path is constructed, a separate sidewalk does not need to be constructed.
27. The Developer may be required to provide land for covered transit facilities on Falkenburg Road and on Progress Village Blvd, as required in the Land Development Code for developments of this magnitude.
28. 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):
 - 28.1 Ground Signs shall be limited to Monument Signs.
 - 28.2 Billboards, pennants and banners shall be prohibited.
29. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.

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30. 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.
31. 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.
32. 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.
33. 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.