

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Request for approval of the Final Site Plan and Developers
Commitment Agreement for Condev Office Site PCD (Chris Gardner,
applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dan Matthys **CONTACT:** Tyrone K. Smith **EXT** 7431

Agenda Date <u>1/10/06</u>	Regular <input checked="" type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. APPROVE the Final Site Plan and Developers Commitment Agreement for Condev Office Site PCD, located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426, (Chris Gardner, applicant); or
2. DENY the Final Site Plan and Developers Commitment Agreement for Condev Office Site PCD, located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426, (Chris Gardner, applicant); or
3. CONTINUE the request until a time and date certain.

District 1– Comm. Dallari

Tyrone K. Smith, Senior Planner

BACKGROUND:

The applicant is proposing to develop 21,500 square feet of office use in four separate buildings on a 1.95 acre site located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426. The buildings will be 2 stories in height and will access Tuskawilla Road via a shared driveway with the existing convenience store to the south. Building elevations submitted with the application indicate a residential style of architecture, as required by the Development Order. The proposed use is consistent with the High Intensity Planned Development – Transitional (HIP-TR) future land use designation. The PCD was approved by the Board of County Commissioners on September 13, 2005. Staff finds that the Final Site Plan and Developers Commitment Agreement are consistent with the approved Preliminary Site Plan and Development Order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Site Plan subject to conditions listed in the attached Developers Commitment Agreement.

Reviewed by:	<u>ML</u>
Co Atty:	<u>ML</u>
DFS:	<u> </u>
OTHER:	<u>TW</u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>rpdp03</u>

ATTACHMENTS:

Final Master Plan

Developer's Commitment Agreement

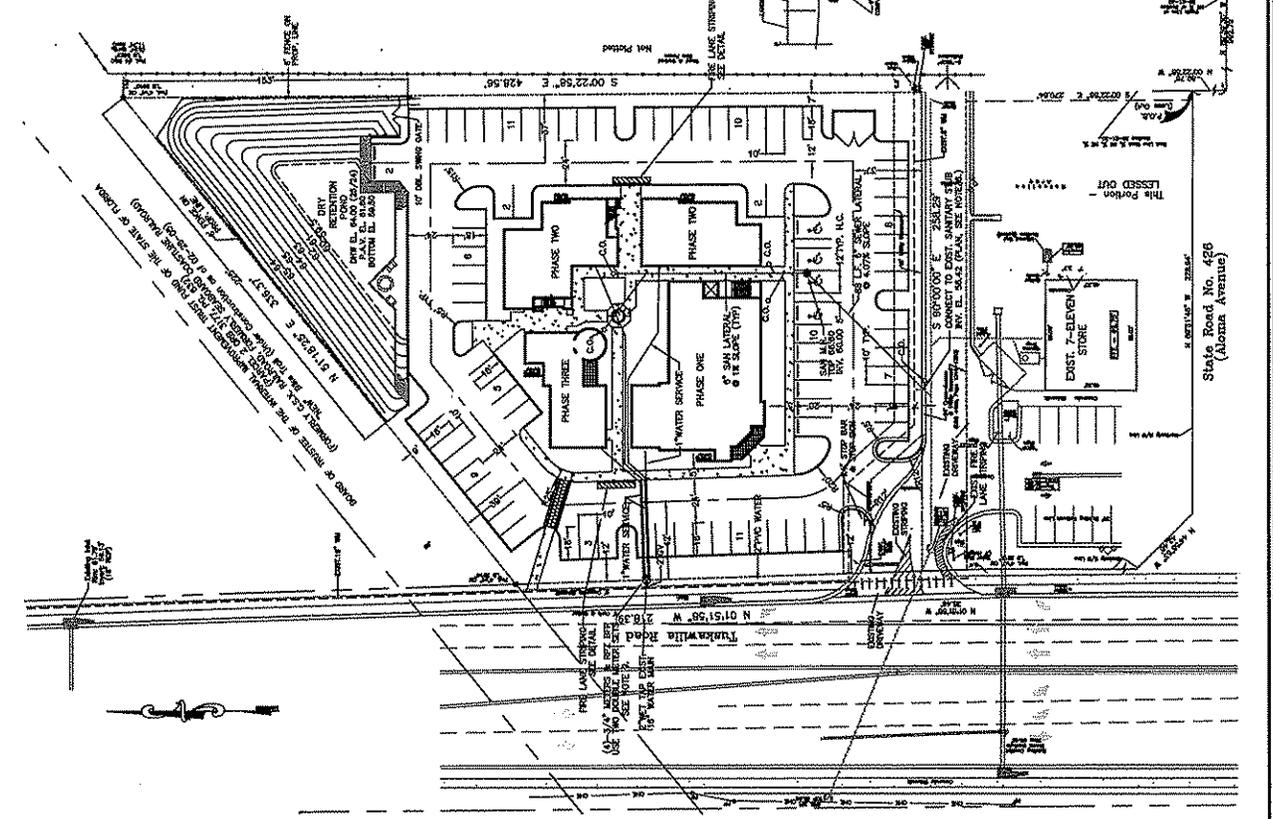
Building Elevations

Development Order adopted by BCC on 9/13/05

MELIUCH-BLENDEN ENGINEERING, INC.
 1000 W. PALM BLVD., SUITE 100
 WEST PALM BEACH, FLORIDA 33411
 PHONE: 561-833-1100
 FAX: 561-833-1101
 WWW: WWW.MELIUCH-BLENDEN.COM

- UTILITY NOTES:**
1. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES TO FIELD VERIFY THE EXISTING UTILITIES AND PROVIDE THE LOCATION AND DEPTH OF ALL UTILITIES TO BE MAINTAINED, REMOVED, OR EXTENDED TO THE PROPOSED CONSTRUCTION. RELOCATION OR EXTENSION OF EXISTING UTILITIES SHALL BE COORDINATED BY THE CONTRACTOR.
 2. ALL MATERIALS, SPECIFICATIONS AND INSTALLATION OF THE WATER MAIN SYSTEM SHALL BE IN ACCORDANCE WITH SEMINOLE COUNTY UTILITY DEPARTMENT REQUIREMENTS. PVC WATER PIPES MUST BEAR THE NSF LOGO FOR POTABLE REQUIREMENTS.
 3. UTILITY SEPARATION REQUIREMENTS:
 WHERE WATER AND GRAVITY STORM MAINS CROSS WITH LESS THAN 18 INCHES VERTICAL CLEARANCE, THE WATER MAIN SHALL BE 20 FEET OF SPACING FROM THE CENTERLINE OF THE PART OF CROSSING.
 WHERE WATER AND GRAVITY STORM MAINS CROSS WITH LESS THAN 18 INCHES VERTICAL CLEARANCE, THE WATER MAIN SHALL BE 20 FEET OF SPACING FROM THE CENTERLINE OF THE PART OF CROSSING.
 NEW OR RELOCATED UNDERGROUND WATER MAINS SHALL BE LAD TO PROVIDE A HORIZONTAL SEPARATION OF AT LEAST SIX FEET AND PROBABLY TEN FEET BETWEEN THE OUTSIDE OF THE WATER MAIN AND THE OUTSIDE OF ANY EXISTING OR PROPOSED GRAVITY OR PRESSURE TYPE SEWER, WASTEWATER FORCE MAIN, OR PIPELINE. THE MINIMUM HORIZONTAL SEPARATION DISTANCE BETWEEN WATER MAINS AND GRAVITY OR PRESSURE TYPE SANITARY SEWERS SHALL BE THREE FEET, WHERE THE BOTTOM OF THE GRAVITY OR PRESSURE TYPE SANITARY SEWER IS AT LEAST SIX INCHES ABOVE THE TOP OF THE WATER MAIN. AT LEAST SIX INCHES AND PROBABLY TEN INCHES ABOVE OR AT LEAST SIX INCHES ABOVE THE WATER MAIN, WHERE IT IS PREFERABLE TO LAY THE WATER MAIN ABOVE THE OTHER PIPELINE.

4. AT THE UTILITY CROSSINGS DESCRIBED ABOVE, ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CONTAINED ABOVE OR BELOW THE OTHER PIPELINE SO THE WATER MAIN IS NOT IN CONTACT WITH THE OTHER PIPELINE. THE WATER MAIN SHALL BE AT LEAST THREE FEET ABOVE OR BELOW THE OTHER PIPELINE. AT SUCH CROSSINGS, THE PIPES SHALL BE APPROVED SO THAT ALL WATER MAIN JOINTS ARE AT LEAST THREE FEET FROM ALL JOINTS IN VACUUM TYPE SANITARY SEWERS OR PIPELINES CONTAINING RECLAIMED WATER REGULATED UNDER THE QUALITY OF RECLAIMED WATER ACT (QWRWA) AND ALL JOINTS IN VACUUM TYPE SANITARY SEWERS, WASTEWATER FORCE MAINS, OR PIPELINES CONTAINING RECLAIMED WATER NOT REGULATED UNDER PART 62 OF CHAPTER 62-610, F.A.C. THE WATER DISTRIBUTION SYSTEM (PRESSURE PIPES) AND WASTEWATER FORCE MAINS SHALL BE LAYED IN ACCORDANCE WITH THE REQUIREMENTS OF AWWA C900 OR M22 AS APPLICABLE PRIOR TO FINAL APPROVAL OF THE PROJECT.
5. THE JOINTS IN ALL OF THE UNDERGROUND SYSTEMS SHALL BE APPROVED IN ACCORDANCE WITH AWWA C900 PRIOR TO APPROVAL OF THE PROJECT.
6. PVC GRAVITY SEWER PIPES (4" - 12" ASTM D2063, SDR 35 UNDRULINE) SHALL BE MANUFACTURED IN ACCORDANCE WITH ASTM D2688 AND SHALL BE MANUFACTURED IN ACCORDANCE WITH ASTM D2688 AND ASTM D2689. JOINTS SHALL BE APPROVED IN ACCORDANCE WITH ASTM D2688 AND ASTM D2689.
7. IF A PORTION OF THE EXISTING WATER LINE MUST BE DEPRESSURIZED TO CORRECT THE PROPOSED WATER LINES, THE CONTRACTOR SHALL CLEAN AND DISINFECT THE EXISTING WATER LINE AND THE PROPOSED WATER LINE TO SERVICE. BACTERIOLOGICAL SAMPLES MUST BE COLLECTED FROM REPRESENTATIVE LOCATIONS AND TESTED IN ACCORDANCE WITH THESE REQUIREMENTS.
8. USE TWO (2) DOUBLE LETTER BOXES TO PLACE 4 METERS, EACH WATER METER. METER SHALL BE PROVIDED WITH A GATE VALVE.



PROPERTY OF MELIUCH-BLENDEN ENGINEERING, INC. (05-703) (01-10-08)

- GENERAL NOTES:**
1. ALL STORMWATER MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
 2. ALL PAVEMENT MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, AND SEMINOLE COUNTY REQUIREMENTS.
 3. THE CONTRACTOR SHALL PROVIDE ANY COORDINATE SURVEY BEYOND WHAT IS SHOWN IN THESE PLANS. THE DRAWINGS ARE AVAILABLE IN AUTOCAD R14 FORMAT FOR REFERENCE.
 4. THE CONTRACTOR SHALL PROVIDE MELIUCH-BLENDEN ENGINEERING WITH A COPY OF THE IMPDES PERMIT APPLICATION (IF REQUIRED).
 5. AT THE COMPLETION OF CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE THE DATES AND ENGINEER WITH THIS DRAWING. THE AS-BUILT CONSTRUCTION OF THE WATER MAINS AND STORMWATER SYSTEMS SHALL BE IN ACCORDANCE WITH THE SEMINOLE COUNTY REQUIREMENTS BUT SHALL CONTAIN AT A MINIMUM, THE WATER, WASTEWATER, AND STORMWATER SYSTEMS, SPOT GRADES ON THE PAVEMENTS, THE SLOPE, AND ELEVATION OF THE STORMWATER PIPINGS, BOTH HORIZONTALLY AND VERTICALLY, IN ENOUGH LOCATIONS TO ALLOW COMPARISON TO THE APPROVED DESIGN PLANS.
 6. CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF EXISTING UTILITIES AT POINTS TO BE MAINTAINED OR REMOVED. REPORT ANY SIGNIFICANT DIFFERENCES FROM PLAN TO ENGINEER.



GENERAL NOTES:

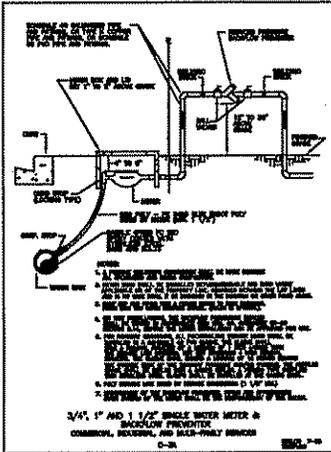
- ALL STORMWATER MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH FLORIDA DEPARTMENT OF TRANSPORTATION **STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION**, LATEST EDITIONS AND SEMINOLE COUNTY REQUIREMENTS.
- ALL PAVEMENT MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH FLORIDA DEPARTMENT OF TRANSPORTATION **STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION**, LATEST EDITIONS AND SEMINOLE COUNTY REQUIREMENTS.
- MELlich-BLENDEN ENGINEERING WILL NOT PROVIDE ANY COORDINATE GEOMETRY BEYOND WHAT IS SHOWN IN THESE PLANS. THE DRAWINGS AVAILABLE IN AUTOCAD R14 FORMAT FOR REFERENCE.
- THE CONTRACTOR SHALL PROVIDE MELlich-BLENDEN ENGINEERING WITH A COPY OF THE NPDES PERMIT APPLICATION (IF REQUIRED).
- AT THE COMPLETION OF CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE THE OWNER AND ENGINEER WITH A SURVEY DEPICTING THE AS-BUILT CONDITIONS OF THE COMPLETED PROJECT. THIS SURVEY SHALL BE IN CONFORMANCE WITH SEMINOLE COUNTY REQUIREMENTS BUT SHALL CONTAIN AT A MINIMUM, STORMWATER, AND STORMWATER SYSTEMS, SPOT GRADES ON THE PAVED FINISHED FLOOR ELEVATIONS (IF APPLICABLE), AND TOP OF BANK, TOE OF SLOPE, AND BOTTOM OF THE STORMWATER POND(S), BOTH HORIZONTAL AND VERTICALLY, IN ENOUGH LOCATIONS TO ALLOW COMPARISON TO THE DESIGN PLANS.
- CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF EXISTING UTILITIES OF CONNECTION PRIOR TO CONSTRUCTION. REPORT ANY SIGNIFICANT DISCREPANCIES TO THE ENGINEER.

OF CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES TO FIELD VERIFY THE EXISTING UTILITIES WHICH MAY INTERFERE WITH THE PROPOSED RELOCATION OR EXTENSION OF EXISTING UTILITIES COORDINATED BY THE CONTRACTOR.

RELOCATIONS AND INSTALLATION OF THE WATER MAINS AND WASTEWATER COLLECTION/TRANSMISSION SYSTEMS SHALL BE IN ACCORDANCE WITH SEMINOLE COUNTY UTILITY DEPARTMENT REQUIREMENTS. WATER PIPES MUST BEAR THE NSF LOGO FOR POTABLE WATER.

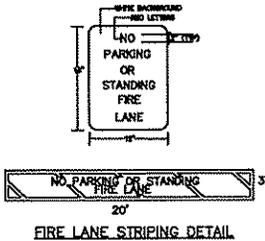
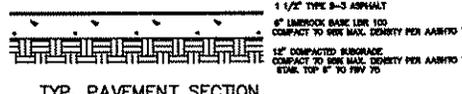
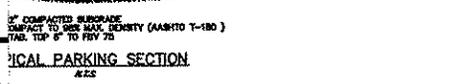
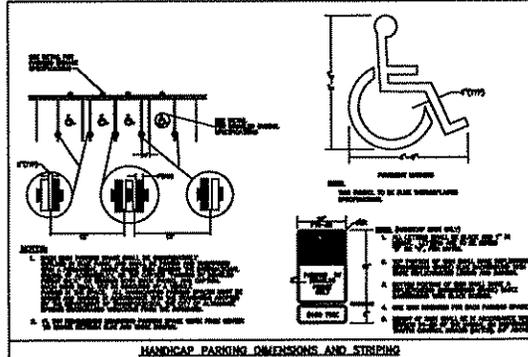
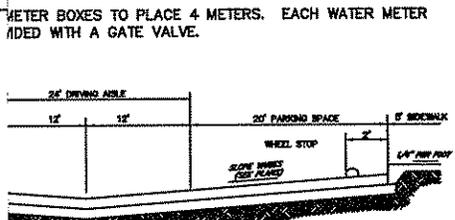
GRAVITY STORM SEWER MAINS CROSS WITH LESS THAN 12 FEET CLEARANCE, THE WATER MAINS SHALL BE 20 FEET AWAY FROM THE POINT OF CROSSING.

GRAVITY WATER MAINS SHALL BE LAID TO PROVIDE A MINIMUM CLEARANCE OF AT LEAST SIX FEET, AND PREFERABLY TEN FEET, BETWEEN THE WATER MAIN AND THE OUTSIDE OF ANY EXISTING OR PROPOSED WATER MAIN, WASTEWATER FORCE MAIN, OR PIPELINE. CLEARANCE DISTANCE BETWEEN WATER MAINS AND GRAVITY SEWERS SHALL BE REDUCED TO THREE FEET WHERE THE BOTTOM OF THE WATER MAINS CROSSING ANY EXISTING OR PROPOSED GRAVITY SEWER SHALL BE LAID SO THE OUTSIDE OF THE WATER MAIN IS AT LEAST SIX INCHES ABOVE THE TOP OF THE SEWER, AND PREFERABLY 12 INCHES, ABOVE OR AT LEAST SIX INCHES ABOVE THE OTHER PIPELINE. HOWEVER, IT IS ACCEPTABLE FOR THE WATER MAIN TO CROSS OVER THE OTHER PIPELINE.



DESCRIBED ABOVE, ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE LAID BELOW THE OTHER PIPELINE SO THE WATER MAIN IS PROTECTED FROM THE OTHER PIPELINE. ALTERNATIVELY, THE WATER MAINS SHALL BE ARRANGED SO THAT ALL WATER MAIN JOINTS ARE AT LEAST SIX FEET FROM ALL JOINTS IN VACUUM TYPE SANITARY SEWERS, WASTEWATER FORCE MAINS, OR PIPELINES NOT REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C. AND FITTINGS SHALL BE POLYETHYLENE TUBING SPECIFICATIONS IN AWWA C800 AND AWWA C901. ALL PIPES SHALL BE HYDROSTATICALLY TESTED, CONSISTING OF A LEAKAGE TEST IN ACCORDANCE WITH THE AWWA M23 AS APPLICABLE PRIOR TO FINAL ACCEPTANCE.

THE WATER DISTRIBUTION SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH AWWA C651 PRIOR TO APPROVAL OF THE DESIGN. ALL PIPES SHALL BE 15" DIA. OR LARGER UNLESS OTHERWISE SPECIFIED. ALL JOINTS SHALL BE GASKETED UNLESS OTHERWISE SPECIFIED. ALL PIPES SHALL BE 15' MAXIMUM SPAN UNLESS OTHERWISE SPECIFIED.



IT IS THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE SEMINOLE COUNTY UTILITY DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE SEMINOLE COUNTY UTILITY DEPARTMENT.

REVISIONS	DATE	DESCRIPTION
11/29/08	11/29/08	REVISED SANITARY MAIN PER REF. COMMENT.
11/14/08	11/14/08	REV. PER SEM. CO. REVIEW COMMENTS OF 11-9-08.
10/19/08	10/19/08	REV. PER SEMINOLE COUNTY REVIEW COMMENTS OF 10-12-08.

DRAWN	DATE
DESIGNED	8-10-08
CHECKED	

MELlich-BLENDEN ENGINEERING, INC.
 1177 LOUISIANA AVENUE - SUITE 111
 WINTER PARK, FLORIDA 32789
 (407) 847-4040
 CERTIFICATE OF AUTHORIZATION NUMBER 6585

CONDEV HOMES OFFICE
 GEOMETRY AND UTILITY PLAN

SCALE
 1" = 30'

PROJECT NO.
 05-701

SHEET
 2 OF 4

CONDEV OFFICE P.C.D.

DEVELOPERS COMMITMENT AGREEMENT

On January 10, 2006, the Board of County Commissioners of Seminole County issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION

The West Quarter of the Southeast Quarter of the Northeast Quarter, lying South of the Right of Way of Seaboard Railroad, of Section 36, Township 21 South, Range 30 East, LESS Right of Way for Tuskawilla-Gabriella Road AND ALSO LESS Right of Way as described in Deed recorded in Official Records Book 633, Page 656, Deed recorded in Official Records Book 2488, Page 1636, and Order of Taking recorded in Official Records Book 1909, Page 1627, Public Records of Seminole County, Florida.

LESS AND EXCEPT:

That portion of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southeast Corner of the Northeast $\frac{1}{4}$ of said Section 36; thence North $89^{\circ}39'30''$ West along the South line of said Northeast $\frac{1}{4}$ for 992.79 feet to the East line of the West $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36; thence North $00^{\circ}22'58''$ West along said East line for 69.76 feet to the Northerly Right-of-Way line of Sate Road No. 426 (Aloma Avenue) and POINT OF BEGINNING; thence North $89^{\circ}51'46''$ West along said Northerly Right-of-Way line for 228.94 feet to the Easterly Right-of-Way line of Tuskawilla Road; thence along said Easterly Right-of-Way line the following three (3) courses: run North $44^{\circ}55'53''$ West for 42.48 feet; thence North $00^{\circ}00'00''$ East for 204.55 feet; thence North $01^{\circ}51'58''$ West for 35.48 feet; thence South $90^{\circ}00'00''$ East for 258.29 feet to the East line of the West $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of aforesaid Section 36; thence South $00^{\circ}22'58''$ East along said East line for 270.64 feet to the POINT OF BEGINNING.

II. PROPERTY OWNERS

George Parker, Managing Partner
Parker's Corner LLC
324 Beckett Court
Winter Park, Florida 32792

III. STATEMENT OF BASIC FACTS

- A. Total Area: 1.95 Acres
- B. Zoning: Planned Commercial Development (PCD)
- C. Future Land Use Designation: Higher Intensity Planned Development – Transitional (HIP-TR)
- D. Building Area: 21,500 square feet
- E. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

IV. OPEN SPACE CALCULATIONS

Owners shall provide Open Space at an overall rate of 25%, or a minimum of 0.475 acres throughout the entire PCD. The Open Space (as listed below) is achieved through Active Retention in the PCD:

Total Land Area: 1.95 acres

Required Open Space: 25% (1.95) AC (.25) = 0.475 acres min.

Open Space provided.....0.73 acres

TOTAL OPEN SPACE.....0.73 ACRES

V. BUILDING SETBACKS

Northwest (Trail).....58 feet
 West (Front, Tuskawilla Road).....60 feet
 Eastern (Rear).....54 feet
 Southern (Side).....82 feet

VI. BUILDING HEIGHT

The maximum height of any structures shall not exceed thirty-five (35) feet.

VII. FLOOR AREA RATIO

The development will not exceed a floor area ratio of 0.35.

VIII. PERMITTED AND PROHIBITED USES

Permitted and Special Exception uses shall be in accordance with the provisions of the Office District (OP) zoning classification.

IX. LANDSCAPE & BUFFER CRITERIA

1. A five (5) foot landscape buffer will be maintained along the eastern (rear) property line.
2. The subject site is bordered by Tuskawilla Road on the west (front) side. The west (front), north (trail) and east (rear) will be planted with four (4) canopy trees per 100 feet, at least 3" in diameter as measured one (1) foot above ground. The south (right side) will be planted with four (4) crepe myrtle trees per 100 feet so as to avoid any conflict with utility lines located in the easement.
3. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code Section 30.1344.
4. All landscape material style and size shall conform to Seminole County Land Development Code specifications.

X. DEVELOPMENT COMMITMENT

1. The project will use reclaimed water for irrigation whenever such water is made available by Seminole County. In the interim, irrigation water will come from shallow wells. Potable water provided by Seminole County shall not be used for irrigation purposes.
2. Pedestrian connections shall be provided between interior walkways and the Cross Seminole Trail.
3. All mechanical units, ground or roof mounted, shall be screened for off-site view.
4. Building must be designed with residential-style architecture and the appearance shall be consistent with the elevations attached on Exhibit A.
5. Outdoor lighting shall consist of cut-off style fixtures and shall be limited to 16 feet in height, and no more than 0.5-foot candles in intensity at the property lines.
6. No parking of mobile cat-scan or semi-tractor trailers shall be permitted on the site.
7. Construction activities shall not encroach on the Cross Seminole Trail right-of-way.

8. The interior parking lot landscaping shall cover in excess of 10% of the parking area.
9. All parking spaces shall be a minimum of 10' x 20' as required by the Seminole County Land Development Code.

XI. PUBLIC FACILITIES

The Owners have submitted the property for a concurrency review. Among conditions relating to concurrency, public facilities are the following:

WATER:

Water service will be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer will be provided by Seminole County. Design of lines shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

STORM DRAINAGE:

Stormwater drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District's stormwater regulations.

FIRE PROTECTION:

Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrants shall be located according to Seminole County regulations.

XII. STANDARD PROVISIONS

- A. All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- B. This development order touches and concerns the aforescribed property and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the said property and be servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.

- C. The terms and provisions of the development order are not severable and in the event any portion of this development order shall be found to be invalid or illegal, then the entire development order shall be null and void.

- D. If any conflicts between a term or provision of the Developers Commitment Agreement and the Final Site Plan exists, the term or provision of the Developers Commitment Agreement shall remain valid and the conflicting term of the Final Site Plan shall be null and void.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

By: _____
Carlton D. Henley
Chairman of Seminole County
Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner Parker Corner LLC, on behalf of its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

OWNER:

Witness
Partner

George Parker, Managing

Parker Corner LLC

Witness (print name)

Witness

Witness (print name)

Acknowledgement

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by George Parker, who is personally known to me or who has provided his Florida Driver's License as identification.

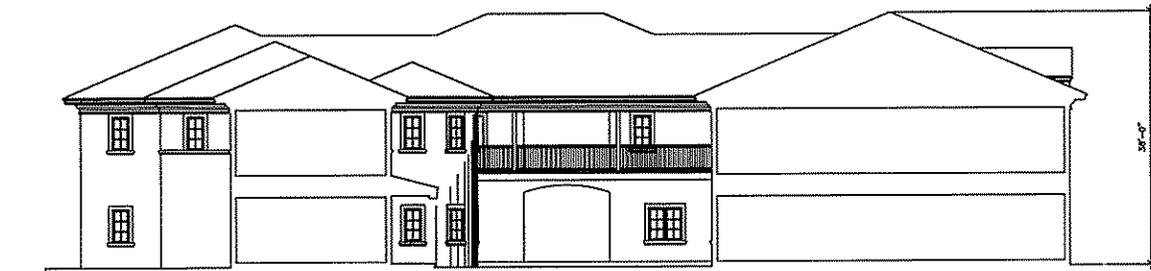
Notary Public

Print Name:

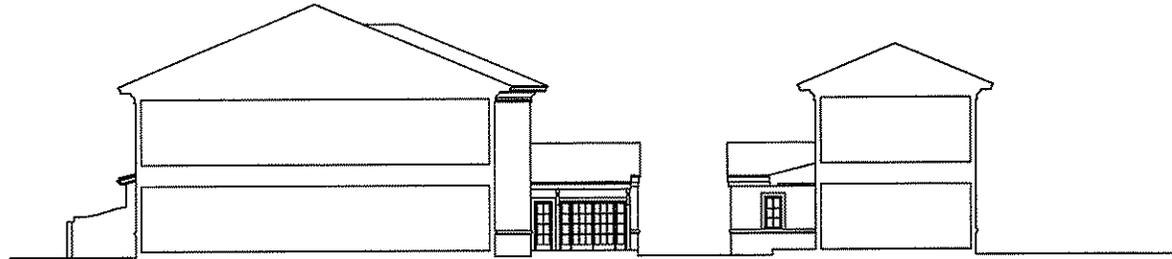
My Commission expires:



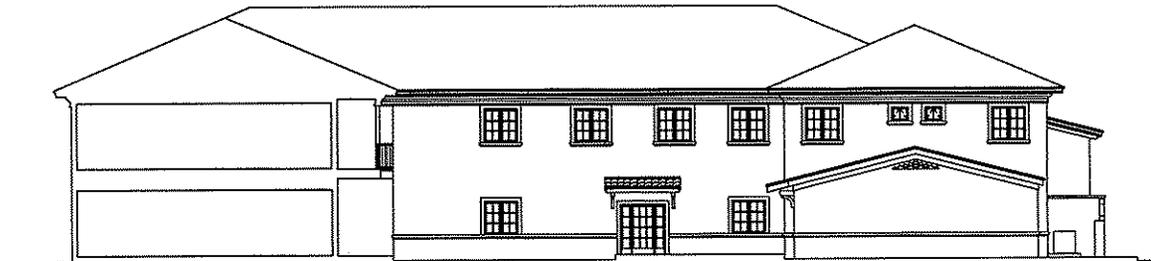
1 COURTYARD SECTION LOOKING NORTH
SCALE: 1/8"=1'-0"



2 COURTYARD SECTION LOOKING EAST
SCALE: 1/8"=1'-0"



3 COURTYARD SECTION LOOKING WEST
SCALE: 1/8"=1'-0"



4 COURTYARD SECTION LOOKING SOUTH
SCALE: 1/8"=1'-0"

DATE	ISSUED FOR
	PROJECT REVISIONS

850 N. WYNDOR ROAD
WINTER PARK
FLORIDA 32789
TEL 407/647-2305
FAX 407/647-2305
P.O. BOX NO. AR 4859

**ROBERT
HARRIS
ARCHITECT**

TUSCAWILLA PROJECT
TUSKAWILLA ROAD
SEMINOLE COUNTY, FLORIDA

COURTYARD
SECTIONS

DRAWN BY	
CHECKED BY	
SHEET SCALE	1/8"=1'-0"
FILE NAME	
PROJECT NO.	05-036
SHEET NO.	

P-2

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Permitted and special exception uses shall be in accordance with the provisions of the OP district.
- b. Maximum building height shall be 35 feet and 2 stories.
- c. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- d. Retention ponds shall be designed such that they are not required to be fenced.
- e. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Tuskawilla Road.
- f. Dumpsters shall be screened so they are not visible from Tuskawilla Road or nearby single family properties.
- g. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- h. Buildings must be designed with residential-style architecture. Elevations shall be provided at Final Site Plan.
- i. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- j. Construction activities shall not encroach on the Cross Seminole Trail right-of-way.
- k. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.

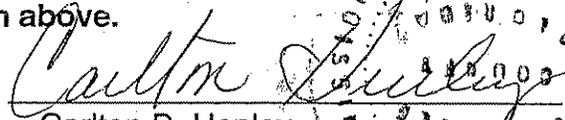
(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly

covenanted and agreed to this provision and all other terms and provisions of this Development Order.

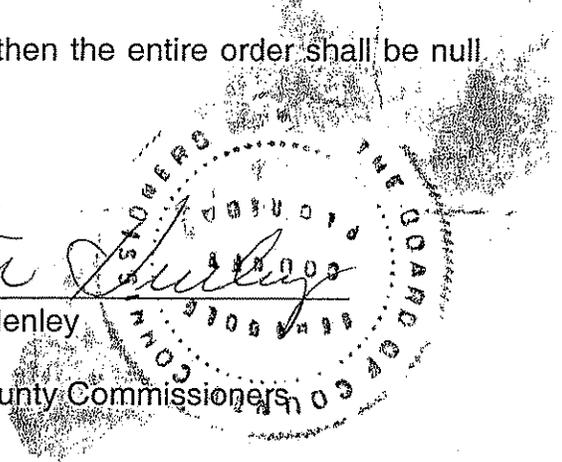
(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By:



Carlton D. Henley
Chairman
Board of County Commissioners



OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner Parker Corner LLC, on behalf of its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

Joseph J. Gardner
Witness

Joseph J. Gardner
Witness (print name)

Peggy Keith
Witness

Peggy Keith
Witness (print name)

OWNER:

George Parker
George Parker, Managing Partner
Parker Corner LLC

Acknowledgement

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 15th day of September, 2005, by George Parker, who is personally known to me or who has provided his Florida Driver's License as identification.

Peggy Keith
Notary Public
Print Name: Peggy Keith
My Commission expires: 6.24.06

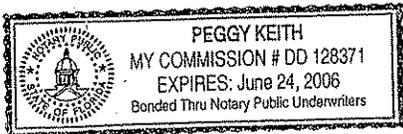


EXHIBIT A**Project Legal Description:**

The West Quarter of the Southeast Quarter of the Northeast Quarter, lying South of the Right of Way of Seaboard Railroad, of Section 36, Township 21 South, Range 30 East, LESS Right of Way for Tuskawilla-Gabriella Road AND ALSO LESS Right of Way as described in Deed recorded in Official Records Book 633, Page 656, Deed recorded in Official Records Book 2488, Page 1636, and Order of Taking recorded in Official Records Book 1909, Page 1627, Public Records of Seminole County, Florida.

LESS AND EXCEPT:

That portion of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southeast Corner of the Northeast $\frac{1}{4}$ of said Section 36; thence North $89^{\circ}39'30''$ West along the South line of said Northeast $\frac{1}{4}$ for 992.79 feet to the East line of the West $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36; thence North $00^{\circ}22'58''$ West along said East line for 69.76 feet to the Northerly Right-of-Way line of State Road No. 426 (Aloma Avenue) and POINT OF BEGINNING; thence North $89^{\circ}51'46''$ West along said Northerly Right-of-Way line for 228.94 feet to the Easterly Right-of-Way line of Tuskawilla Road; thence along said Easterly Right-of-Way line the following three (3) courses: run North $44^{\circ}55'53''$ West for 42.48 feet; thence North $00^{\circ}00'00''$ East for 204.55 feet; thence North $01^{\circ}51'58''$ West for 35.48 feet; thence South $90^{\circ}00'00''$ East for 258.29 feet to the East line of the West $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of aforesaid Section 36; thence South $00^{\circ}22'58''$ East along said East line for 270.64 feet to the POINT OF BEGINNING.