

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

**SUBJECT: CASA VERDE TOWNHOMES – AMEND THE CHASE GROVES PUD
MASTER PLAN AND THIRD AMENDED AND RESTATED DEVELOPMENT ORDER;
SMALL SCALE LAND USE AMENDMENT LDR TO PD; REZONE A-1 AND PUD TO
PUD**

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

AUTHORIZED BY: Dan Matthys  **CONTACT:** Brian Nelson **EXT.** 7430

Agenda Date <u>01/24/06</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. APPROVE and enact ordinances to authorize amendment to the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); and a rezone of 2.78 ± acres from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development); located on the south side of County Road 46A between Lake Boulevard and Casa Verde Boulevard; and authorize the Chairman to execute the attached Development Order (Oren Gabbai/Pinecrest Development, applicant); or
2. DENY the request for an amendment to the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); and rezone 2.78 ± acres from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development); located on the south side of County Road 46A between Lake Boulevard and Casa Verde Boulevard, and (Oren Gabbai/Pinecrest Development, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Comm. Carey

Brian Nelson, Principal Coordinator

BACKGROUND:

The applicant is proposing to remove 0.78 ± acres from the Chase Groves PUD to combine with the abutting 2.0 ± acres, which is not within the Chase Groves PUD. Both of these properties are under the same ownership and together form the subject 2.78 ± acre site. The applicant is also requesting a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and a change in zoning from A-1 (Agriculture) and

Reviewed by:	<u>KL</u>
Co Atty:	<u>KL</u>
DFS:	
Other:	<u>TW</u>
DCM:	<u>SS</u>
CM:	<u>SS</u>
File No.	<u>ph130pdp01</u>

PUD (Planned Unit Development) to PUD (Planned Unit Development) for the 2.78 ± acre site. The applicant intends to develop the property with twenty-four (24) townhomes at a net density of 10 units per net buildable acre.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On December 7, 2005, the Planning and Zoning Commission unanimously (4-0) recommended approval of the request to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order, a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development and rezone a 2.78 ± acre site from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), located south of County Road 46A between Lake Boulevard and Casa Verde Boulevard.

STAFF RECOMMENDATION:

Staff recommends APPROVAL to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and rezone 2.78 ± acres from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development); located on the south side of County Road 46A between Lake Boulevard and Casa Verde Boulevard, based on staff findings, the Preliminary Master Plan and the conditions in the attached Development Order.

Attachments:

Staff Analysis
Location Map
Future Land Use/Zoning Maps
Aerial Photograph
Preliminary Master Plan
Letter from Pinecrest Development dated September 27, 2005
Letter from East Central Florida Regional Planning Council dated September 3, 2003
Letter from Shutts & Bowen LLP dated July 21, 2003
Chase Groves PUD Amended Development Order
Development Order
SSLUA Ordinance
Rezone Ordinance
Letter from the Chase Groves Community Association
Letter from the Loch Arbor Homeowners Association
Fax from Pinecrest Development: copy of Non-Exclusive Access, Utility and Landscape Easement with attorney's letter
Minutes of the 12/07/05 P&Z Commission Meeting

CASA VERDE TOWNHOMES

Amendment to Chase Groves PUD
Rezone from A-1 and PUD to PUD
SSLUA from LDR to PD

APPLICANT	Oren Gabbai/Pinecrest Development
PROPERTY OWNER	Charles & Bernadette Hardwick
REQUEST	Amend the Chase Groves PUD Master Plan Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) Rezone from A-1 (Agriculture District) and PUD (Planned Unit Development) to PUD (Planned Unit Development)
PROPERTY SIZE	2.78 ± acres
HEARING DATE (S)	P&Z: December 7, 2005 BCC: January 24, 2006
PARCEL ID	03-20-30-300-0100-0000 03-20-30-501-0300-0000
LOCATION	South side of County Road 46A between Lake Boulevard and Casa Verde Boulevard
FUTURE LAND USE	LDR (Low Density Residential) and PD (Planned Development)
ZONING	A-1 (Agriculture District) and PUD (Planned Unit Development)
FILE NUMBER	Z2005-050
COMMISSION DISTRICT	#5 – Carey

PROPOSED DEVELOPMENT:

The applicant intends to develop the property with twenty-four (24) fee simple townhomes at a density of 10 units per net buildable acre. Ingress/egress to the property will be from Casa Verde Boulevard.

ANALYSIS OVERVIEW:

HISTORICAL OVERVIEW

In November 2003, the Board of County Commissioners reviewed a rezone request for the two parcels involved in this application. The applicant at that time was requesting to rezone the parcels to PCD (Planned Commercial Development) and was also requesting to remove the northern parcel (0.78 ± acres) from the Chase Groves PUD/DRI. The northern parcel is designated as Open Space within the Chase Groves PUD/DRI. The total open space/recreation area within the Chase Groves PUD/DRI represents approximately 33% of the development. The northern parcel represents approximately 0.6% of the development and therefore would not reduce the open space requirement below the minimum 25% if it were removed from the development.

Section 380.06(19), Florida Statutes, requires that any deviation to a previously approved DRI shall require the development to undergo further DRI review, through the filing of a Notice of Proposed Change. In order to determine if removal of the northern parcel from the Chase Groves DRI would constitute a substantial deviation, the applicant, in conjunction with the 2003 rezone request, filed a Notice of Proposed Change with the East Central Florida Regional Planning Council. The Regional Planning Council issued a letter indicating that removal of the northern parcel from the Chase Groves PUD/DRI would not result in a substantial deviation, nor would it cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes. Consequently, the Regional Planning Council determined that no additional review would be required (please refer to the enclosed letter from the East Central Florida Regional Planning Council dated September 3, 2003).

Based on the above open space analysis and the previous evaluation by the East Central Florida Regional Planning Council, it was determined that the current applicant would not be required to file a new Notice of Proposed Change for the removal of the northern parcel from Chase Groves PUD/DRI.

ZONING REQUEST

The current applicant, Pinecrest Development, intends to remove the northern parcel (0.78 ± acres) from the Chase Groves PUD/DRI and combine it with the abutting southern parcel (2.0 ± acres). Both of these properties are under the same ownership and together form the subject 2.78 ± acre site. The applicant is further requesting a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and to change the zoning for the two parcels from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development). The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and PUD (Planned Unit Development) as well as the requested zoning district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1/PUD)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	1,927 square feet
Minimum House Size	N/A	1,200 square feet
Minimum Width at Building Line	150 feet	23.5 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Min. Lot Size
A-1/PUD (existing)	<p>Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.</p> <p>PUD – Open Space.</p>	<p>Special Exceptions such as cemeteries and mausoleums, kennels, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public & private schools (nursery through college), public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.</p>	1 acre
PUD (proposed)	Townhomes, home office and home occupations.	N/A	1,927 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	LDR Single-Family <i>R-1A</i> <i>(1,707 avg. sq. ft. homes)</i>	City of Sanford Vacant	City of Sanford Vacant	
(West)	PD Vacant <i>PUD</i> <i>Approved for Single-Family</i>	LDR Agriculture/Open Space <i>A-1/PUD</i>	PD Vacant <i>PUD</i> <i>Approved for Commercial</i>	(East)
	PD Single-Family <i>PUD</i> <i>(2,269 sq. ft. home)</i>	PD Single-Family <i>PUD</i> <i>(1,803 avg. sq. ft. homes)</i>	PD Vacant <i>PUD</i>	

(South)

* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number Sanford 539, there are no floodplain impacts associated with the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the site contains no significant wetlands.

Endangered and Threatened Wildlife:

At this time there are no concerns relating to endangered and threatened wildlife. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3) (c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an Application for Concurrency Review, which has been reviewed by Environmental Services and Traffic Engineering. Environmental Services has determined that Seminole County will be the water and sewer provider and that capacity is available subject to the execution of a utility agreement and payment of fees. Traffic Engineering has also determined that sufficient roadway capacity is available for the proposed development.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1/PUD)	Proposed Development*	Net Impact
Water (GPD)	700	8,040	7,340
Sewer (GPD)	600	7,200	6,600
Traffic (ADT)	19	141	122
Schools			
Elementary	1	3	2
Middle	0	1	1
High	0	1	1

* Proposed development is based on the proposed project consisting of 24 fee simple townhouse dwelling units.

Utilities:

The property is located in the Seminole County Water and Sewer Service Area. There is currently an 8-inch gravity sewer force main located within Lake Boulevard and an 8-inch water main located along the west side of Casa Verde Boulevard. There are no County owned reclaim water lines within the vicinity of the property. The City of Sanford however, owns an existing 14-inch reclaim water main that runs through the County's service area. The proposed project will be required to connect to the existing 14-inch, City of Sanford reclaimed water line, which is located along Lake Boulevard. A letter of capacity and intent from the City of Sanford will be required prior to approval of final engineering plans.

Transportation / Traffic:

The applicant proposes to access the property from Casa Verde Boulevard, which is classified as a local street. Since a condition of approval in the Chase Groves DRI stipulates that the intersection of CR 46A and Casa Verde Boulevard will be signalized when warrants are met, staff supports the proposed access location on Casa Verde Boulevard.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zoning change will generate approximately 5 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Northwest Cluster *	3	3955	4058	102.6%
Millennium Middle	1	1964	2090	106.4%
Seminole High	1	3404	3043	84.9%

* Northwest Cluster refers to Bentley, Idyllwilde, Wicklow and Wilson Elementary Schools.

Public Safety:

The nearest response unit to the subject property is Station # 38, which is located at 1300 Central Park Drive. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 3 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Lake Monroe drainage basin. There is limited outfall capacity for the subject property; therefore the storm water discharge from this development will be handled by on-site retention. Further detailed analysis will be conducted at the time of Final Engineering Review.

Parks, Recreation and Open Space:

Per the Land Development Code, 25 percent of the site or 0.70 ± acres is required to be provided in open space. The applicant is proposing to provide 0.78 ± acres or 0.28 % of the site in open space. Staff is recommending a condition in the Development Order that will require the applicant to provide recreational facilities such as picnic tables and bar-b-que equipment located within a paved area accessible to the residents of the development.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within a Special District.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were sent to the City of Sanford, the City of Lake Mary and the Seminole County School District on November 8, 2005. To date, no comments have been received.

PLANNING & ZONING COMMISSION RECOMMENDATION

At its meeting of on December 7, 2005, the Planning and Zoning Commission unanimously (4-0) recommended approval of the request to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order, a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development and rezone a 2.78 ± acre site from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), located south of County Road 46A between Lake Boulevard and Casa Verde Boulevard.

LETTERS OF SUPPORT OR OPPOSITION:

A letter of opposition from the Chase Groves Community Association as well as a letter of support from the Loch Arbor Homeowners Association are attached.

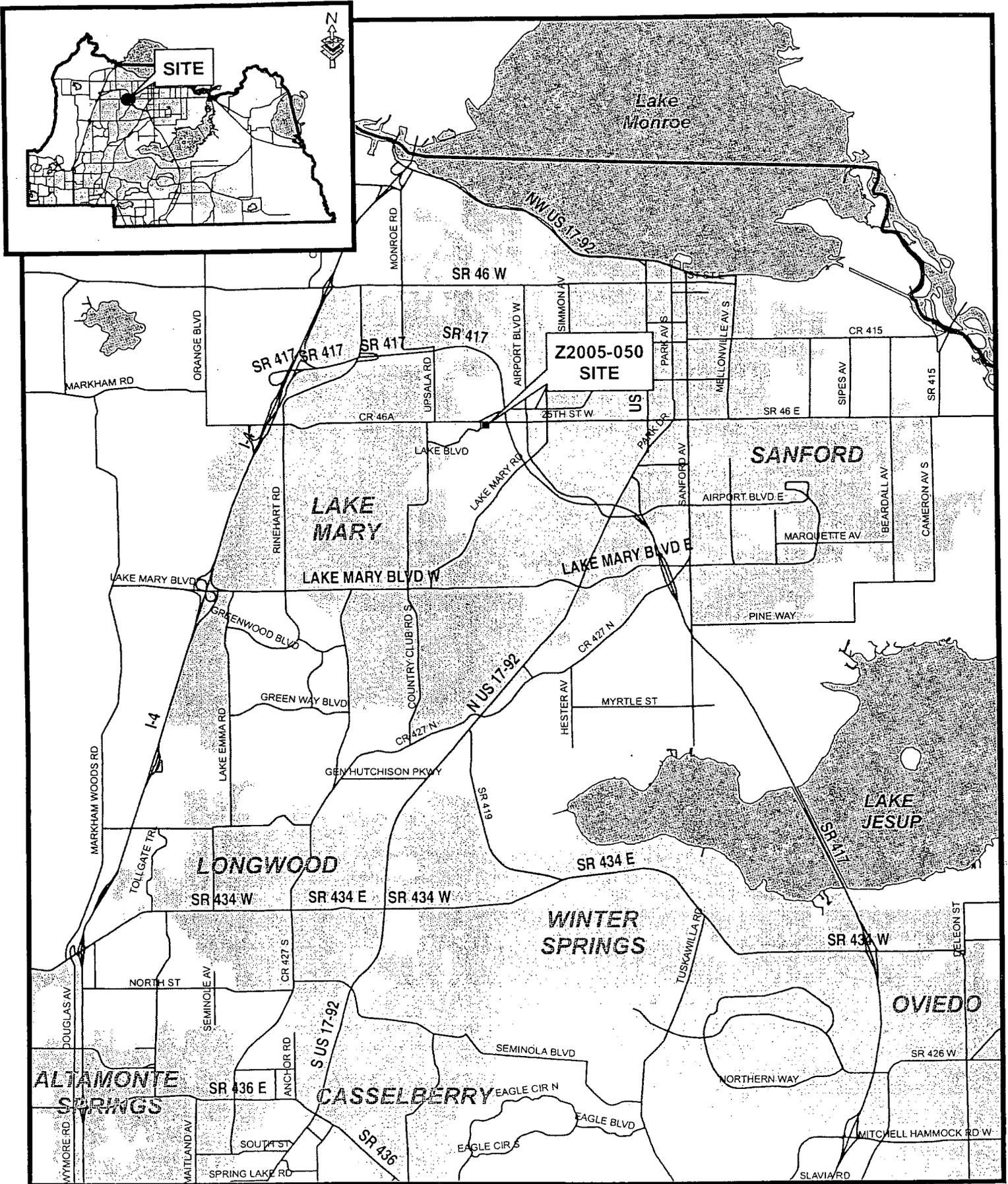
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the amendment to the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); and the

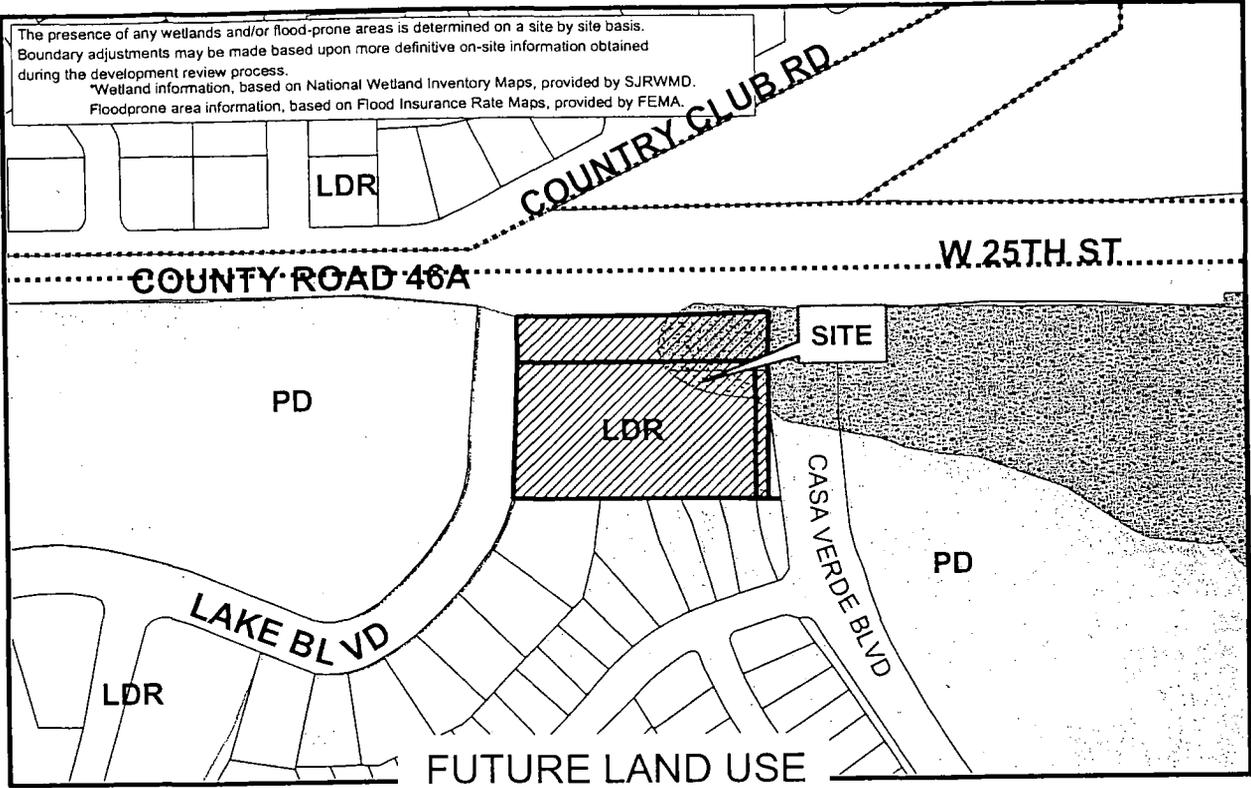
rezone of 2.78 ± acres from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development); located on the south side of County Road 46A between Lake Boulevard and Casa Verde Boulevard, based on staff findings, the Preliminary Master Plan and subject to the following conditions:

- a. All townhouse units shall be located on individual platted lots.
- b. Balconies shall be prohibited where abutting the southern boundaries of the development.
- c. Use of common areas shall be limited to open space and utility facilities serving all residents of the development.
- d. Density within the development shall be limited to ten (10) units per net buildable acre.
- e. Front walls of the townhouse units shall be staggered.
- f. No accessory buildings shall be allowed on individual townhouse lots.
- g. The developer shall provide a pedestrian sidewalk system which provides access throughout the development as well as connecting to existing sidewalks outside the development.
- h. The developer shall continue the existing pedestrian sidewalk along Lake Boulevard frontage to connect to the existing pedestrian sidewalk along County Road 46A.
- i. All landscape buffers, walls, fences and common areas shall be maintained by a homeowners association. Landscape plantings shall meet minimum code requirements according to Section 30.1232 of the Seminole County Land Development Code.
- j. The developer shall install a six-(6') foot high wooden stockade style fence along the southern boundary of the property. The fence shall extend from the Lake Boulevard property corner to the Casa Verde Boulevard property corner. The existing fence may count toward this requirement provided it satisfies the above specifications. Wherever the existing fence does not meet these specifications, the developer shall be responsible to upgrade the fence or provide a similar fence on the subject property.
- k. The developer shall comply with all active/passive buffer requirements as outlined in Section 30.1232 of the Land Development Code.
- l. The developer shall preserve the existing canopy trees along the eastern buffer and augment them with four (4) understory trees per 100 linear feet. This landscape material shall be installed in the existing plant beds along the east side of the existing brick wall.
- m. All required canopy trees shall be three (3) inches in diameter as measured 1-foot above the ground at time of planting. Required understory trees shall be 8 to 10-foot tall with a 3 to 4-foot spread and a one and a half (1½) to two (2) inches in diameter at time of planting.
- n. The developer shall preserve the existing brick wall along the eastern buffer except for the entrance area for the proposed development. The developer shall provide a plan that depicts the proposed entrance design for the development to be reviewed and approved as part of the Final Master Plan process.

- o. The developer shall provide recreational facilities that include at minimum, two (2) picnic tables and two (2) pedestal mounted bar-b-que grills located within a paved area accessible to the residents of the development.
- p. Outdoor lighting shall consist of cutoff-shoebox 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 per Section 30. 1234 of the Land Development Code.
- q. Existing trees that are preserved during construction may satisfy applicable landscaping requirements where they are located in buffer areas.
- r. A minimum of 2.33 parking spaces per unit shall be provided on each plated lot. Storage of recreation vehicles, boats on trailers, or trailers of any kind must be accommodated off-site.
- s. Garages shall not be converted to living space unless two (2) parking spaces remain on each plated lot after such conversion.
- t. Screened patios/porches will be subject to a two-(2') foot setback from the rear lot line.
- u. Ingress/egress to the development shall be limited to Casa Verde Boulevard. The development's internal roadway shall meet the Seminole County Land Development Code subdivision standards for pavement composition and roadway design.



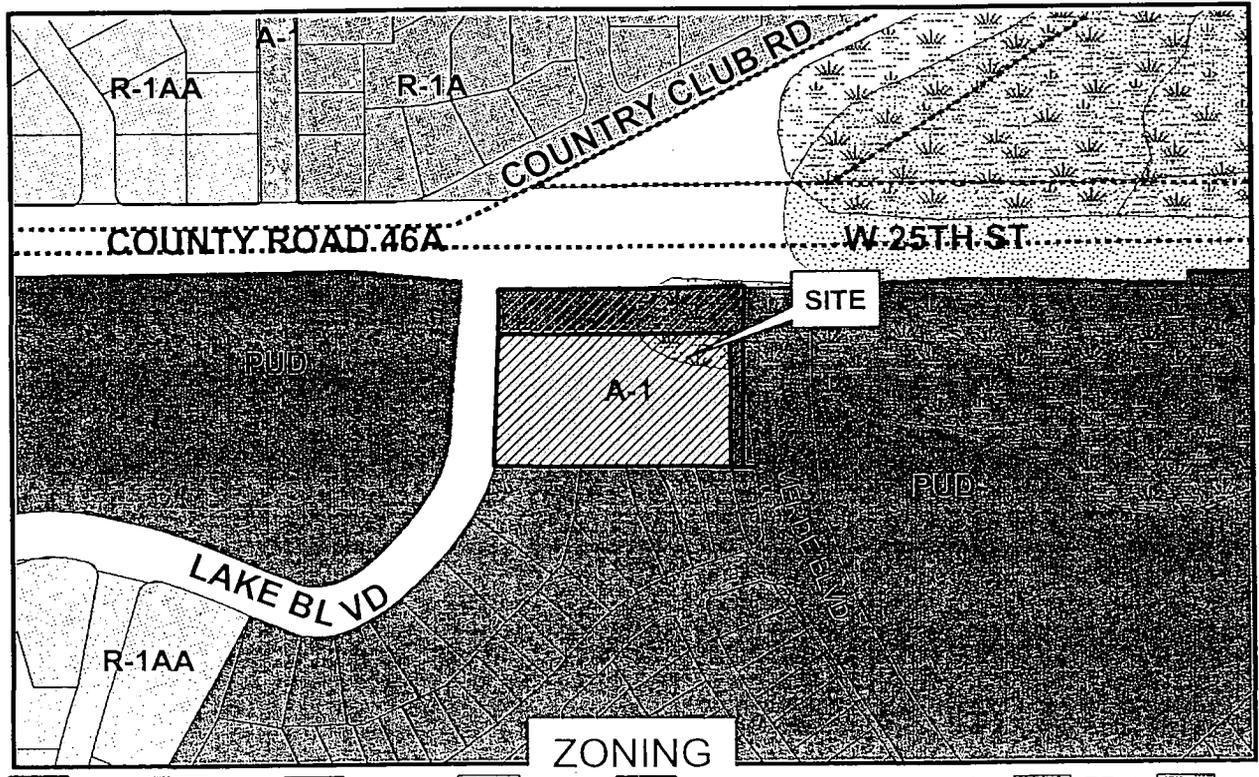
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



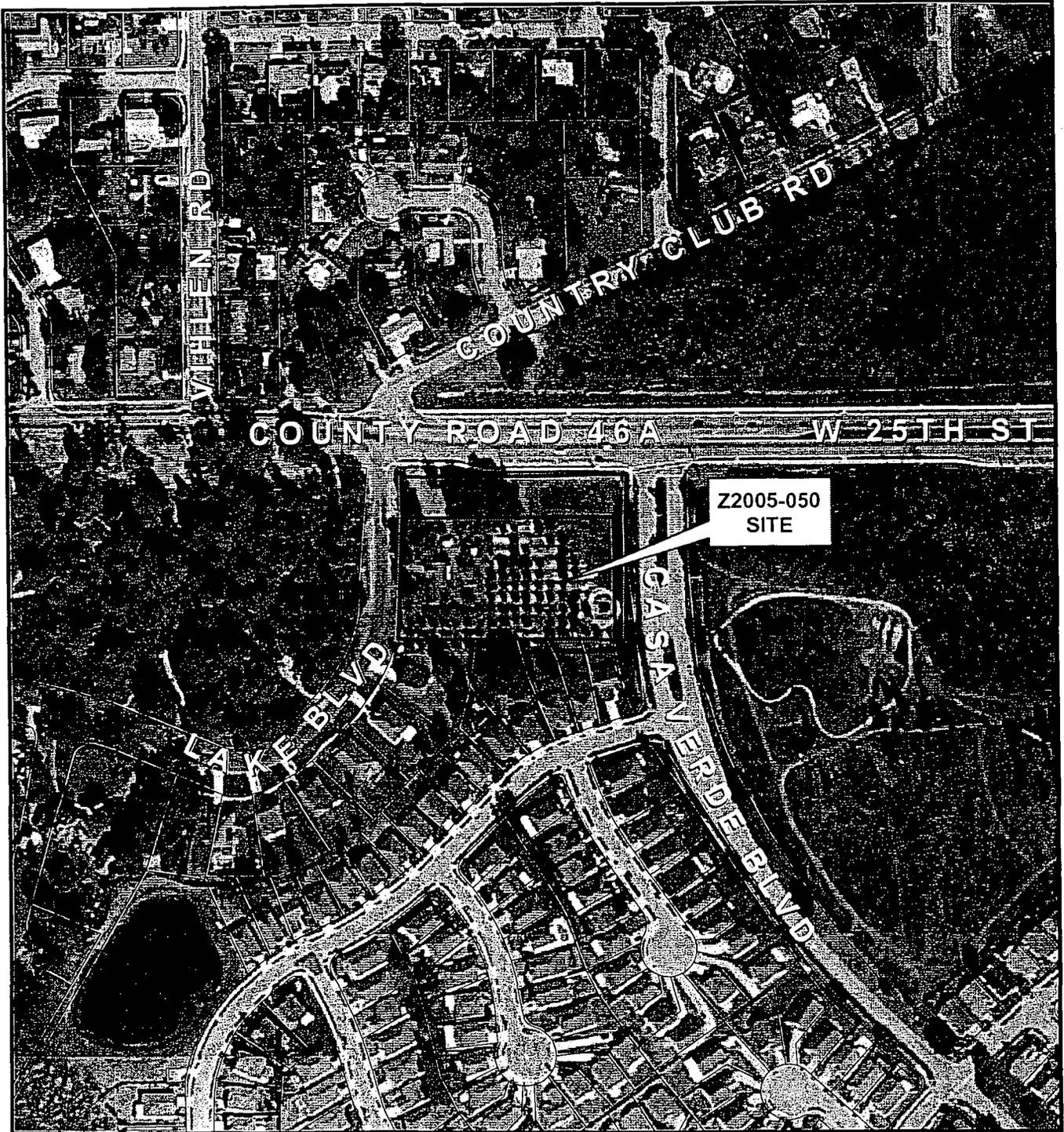
Site
 PD
 LDR
 Municipality
 CONS

Applicant: Oren Gabbai, Pinecrest Development
 Physical STR: 03-20-30-300-0100-0000 and 501-0300-0000
 Gross Acres: 2.82 +/- BCC District: 5
 Existing Use: Single Family and PUD Under Development
 Special Notes: None

	Amend/Rezone#	From	To
FLU	08-05SS.01	LDR	MDR
Zoning	Z2005-050	PUD/A-1	PUD



Site
 A-1
 R-1AA
 R-1A
 PUD
 Municipality
 FP-1
 W-1

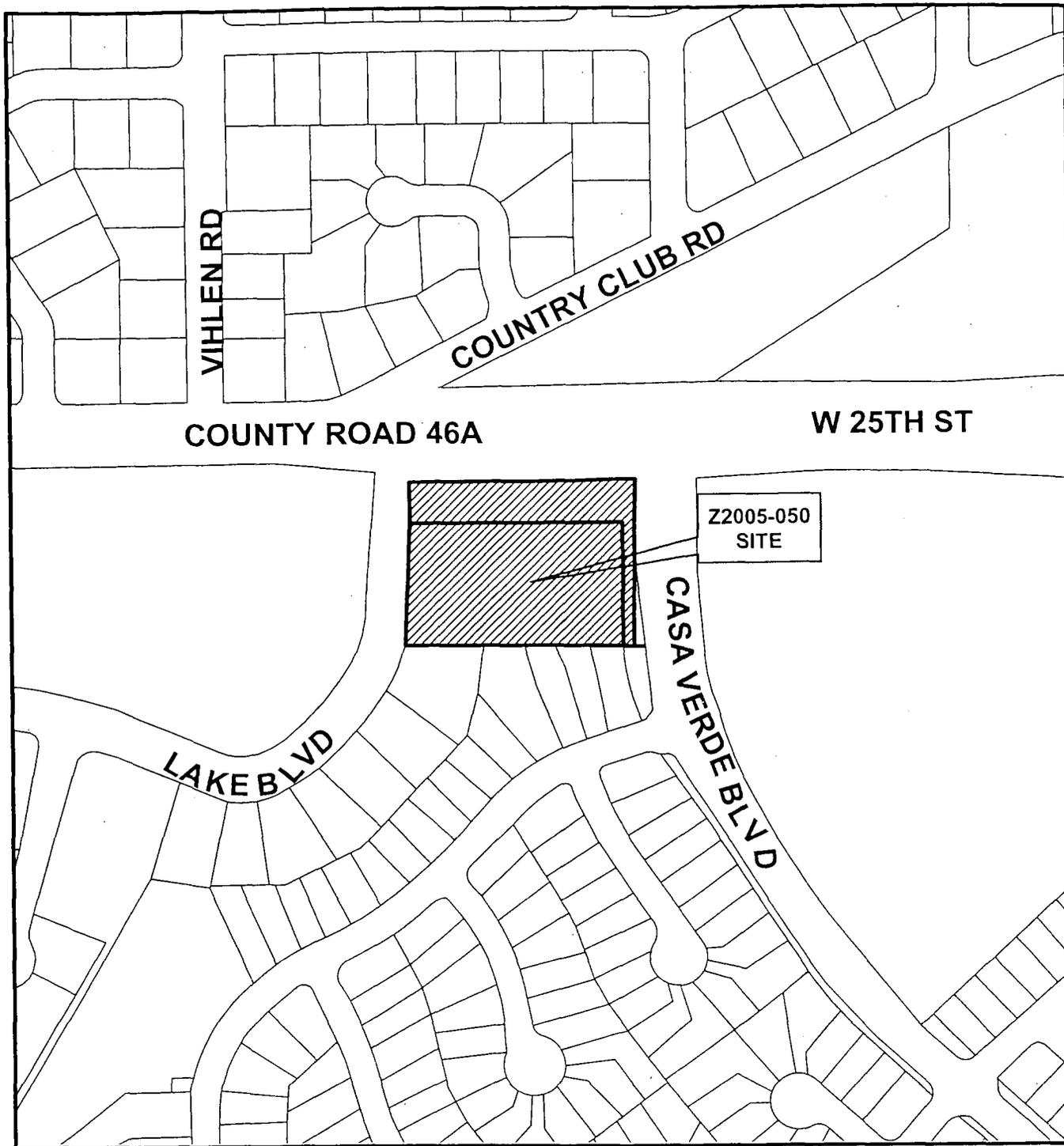


Rezone No: Z2005-050
From: PUD/A-1 To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials





September 27, 2005

Brian Nelson
Seminole County Planning Division
1101 East First Street
Sanford, Florida 32771

Re: Amendment to Development Order

Dear Brian:

As a follow up to our conversation, enclosed are the letters from Shutts and Bowen LLP to Mr. Tony Matthews regarding removing Parcel A (03-20-30-300-0100-000) from the Chase Grove PUD. As you can see a Notice of Proposed Change was submitted on July 22, 2003 and it was the opinion of Executive Director Sandra Glenn that "these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19), Florida Statutes, nor is it expected that it will cause new or increased impacts to regional resources of facilities when considered independently of cumulatively with prior project changes. We therefore do not recommend that this proposal be submitted for additional regional review by this agency".

As with the previous proposed plan, our plan is not linked with the existing Chase Grove and there is no sharing of infrastructure such as stormwater, internally linked roadways or common irrigation system.

Furthermore, once we remove parcel A from the Chase Grove PUD thirty percent (30%) of the total area under the Final Master Plan remain designated usable open space, far exceeding the 25% required by Seminole County.

Given this information we believe that a Notice of Determination is not necessary in order to approve this project. Please advise us if any other consent or approval from the BCC is required in order for this project to proceed. If you have any questions, please give me a call at 407 402-9194.

Sincerely,

A handwritten signature in black ink, appearing to read "Oren Gabbai", written over a dotted line.

Oren Gabbai
Pinecrest Development

Cc Charlie Madden

East Central Florida
**REGIONAL
 PLANNING
 COUNCIL**

September 3, 2003

**Chairman/
 Commissioner
 Randall Morris**
 Seminole County

Mr. Matt West
 Seminole County Planning
 1101 E. First Street
 Sanford, FL 32771

RE: Chase Groves Notification of a Proposed Change (NOPC) - ECFRPC #5319

**Vice Chairman
 Welton G. Cadwell**
 Commissioner
 Lake County

Dear Mr. West: *MAH*

**Secretary/Treasurer
 Nancy N. Higgs**
 Commissioner
 Brevard County

We have reviewed the referenced NOPC dated July 22, 2003. It is our understanding that the only change proposed is to remove a 0.783 acre parcel from the DRI. This parcel was designated as open space on the Master Development Plan. The parcel will be combined with an adjacent 2.002 acre parcel for development as a commercial use. The request to remove the parcel from the DRI is so the applicant would not be required to file an annual report.

**Executive Director
 Sandra S. Glenn**

From the information provided, it is evident that the parcel was not slated for development and that it was open space. Therefore, no impacts were associated with its use. In addition, the commercial parcel proposed is not linked with the existing Chase Groves and there is no sharing of infrastructure such as stormwater, internally linked roadways or common irrigation system. Finally, there is no common marketing plan between the proposed commercial parcel and the DRI.

*Serving
 Brevard, Lake,
 Orange, Osceola,
 Seminole and Volusia
 counties.*

Given the above, it is apparent that the parcel is not inextricably linked to the remainder of the Chase Groves DRI and we have no objections to the deletion of the parcel from the DRI.

631 N. Wymore
 Suite 100
 Maitland, Florida
 32751

In conclusion, It is our opinion that these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19), Florida Statutes, nor is it expected that it will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes. We therefore do not recommend that this proposal be submitted for additional regional review by this agency.

If you have any questions, please give me or Fred Milch a call at 623-1075, extension 315.

Sincerely,

Phone
 407.623.1075
 Fax 407.623.1084



Sandra Glenn
 Executive Director

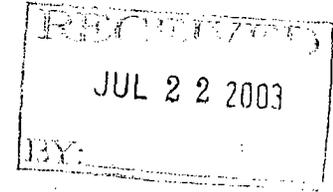
Suncorn 334.1075
 Suncorn Fax
 334.1084

c: Charles Hardwick, Applicant
 Meredith Pickens, Shutts & Bowen
 Marina Pennington, FDCA
 Tony Mathews, Seminole County Planning Department

Email: ecfrpc.org

SHUTTS
&
BOWEN
LLP

ATTORNEYS AND COUNSELLORS AT LAW



July 21, 2003

Via Federal Express

Mr. Fred Milch
East Central Florida Regional Planning Council
631 N. Wymore Road
Maitland, Florida 32751

RE: Notice of Proposed Change to Chase Groves DRI

Dear Fred:

Our firm represents Dr. Charles W. Hardwick, the owner of Parcel No.: 03-20-30-300-0300-000 ("Parcel A"), which is comprised of approximately .783 acres and is located in Seminole County. Enclosed please find a Notice of Proposed Change ("NOPC") to the Chase Groves DRI (the "DRI"), requesting the removal of Parcel A from the DRI. We are requesting the removal of "Parcel A" because Dr. Hardwick is a different property owner from the developer of the DRI. The removal of Parcel A is logical otherwise Dr. Hardwick would be required to submit annual reports to the governmental agencies and participate in a DRI of which he is only an owner of a small portion of the total DRI property. For the above reasons, we respectfully request that Parcel A be removed from the DRI.

Enclosed please find three (3) copies of the following documents for your review and distribution:

1. Fee Agreement along with a check in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) made payable to the East Central Florida Regional Planning Council.
2. Notice of Proposed Change to Chase Groves DRI.
3. Agent Authorization Letter from Dr. Charles W. Hardwick.

By separate cover letter, we have sent copies of the foregoing documents to Seminole County and the Department of Community Affairs for concurrent review.

July 21, 2003

Page 2

Please contact me should you have any questions or require any additional information regarding the proposed NOPC.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Meredith H. Pickens', with a long horizontal flourish extending to the right.

Meredith H. Pickens

Enclosures:

cc: Heather M. Kowalski, Esq. (without enclosure)
Dr. Charles W. Hardwick (with enclosure via regular mail)
Charlie Madden, Madden Engineering (with enclosures via regular mail)

ADDENDUM NO. 6
 DEVELOPERS COMMITMENT AGREEMENT
 CHASE GROVES PUD

The Developers Commitment Agreement, dated September 13, 1988, is hereby amended to read:

I. Legal Description

Parcel "A" is hereby removed from the Chase Groves PUD (as more thoroughly described in Addendum Number 5, Developers Commitment Agreement approved by the Board of County Commissioners on November 22, 1994). The legal description of Parcel "A" is attached as Exhibit "A". The updated legal description of Chase Groves with Parcel "A" removed is attached as Exhibit "C" and shall replace the existing legal description set forth in the Chase Groves PUD, dated September 13, 1988.

II. Statement of Basic Facts

Total Acreage	416.5 415.72 ± acres
Total Dwelling Units	1,185 units
Gross Density	2.84 2.85 dwelling units per acre

<u>III. Land Use</u>	<u>Acres</u>	<u>Units</u>	<u>Net Density</u>
Residential	240.1 ± acres	1,185	4.94 4.95
Commercial/Office	27.3 ± acres		
Open Space/Recreation	140.1 139.32 ± acres		
Roads	<u>9.0 ± acres</u>		
	416.5 415.72 ± acres		

IV. Miscellaneous Conditions

- A. The developer of Parcel "A" shall preserve the existing brick wall along the parcels eastern property line. The wall shall remain intact except for an opening to be created by the developer to allow for ingress/egress into the development.
- B. The developer of Parcel "A" shall preserve the existing canopy trees along the parcels eastern property line.

BOARD OF COUNTY COMMISSIONERS
 OF SEMINOLE COUNTY, FLORIDA

By: _____
 CARLTON D. HENLEY, CHAIRMAN

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, AND RUN S 00E13'45" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3122, PAGE 1138, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING ON THE WESTERLY LINE OF CASA VERDE BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE S 00E13'45" E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 150.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1188.16 FEET AND A CENTRAL ANGLE OF 07E38'05"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.33 FEET TO THE NORTHEAST CORNER OF TRACT AA, CHASE GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGES 24 THROUGH 28, OF SAID PUBLIC RECORDS; THENCE RUN N 89E57'49" W ALONG THE NORTH LINE OF SAID TRACT AA AND THE NORTH LINE OF CHASE GROVES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 48 AND 49, OF SAID PUBLIC RECORDS FOR A DISTANCE OF 20.08 FEET; THENCE RUN N 00E02'52" E ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2658, PAGE 926, OF SAID PUBLIC RECORDS AND THE SOUTHERLY PROLONGATION THEREOF FOR A DISTANCE OF 228.55 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N 89E57'08" W ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 385.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN N 00E02'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKE BOULEVARD SOUTH (AN 80' WIDE RIGHT-OF-WAY) FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID OFFICIAL RECORDS BOOK 3122, PAGE 1138; THENCE RUN S 89E57'49" E ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3122, PAGE 1138, FOR A DISTANCE OF 393.06 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

PARCEL A (to be removed from Chase Groves PUD)

PROPOSED 5' SIDEWALK
AT TIME OF 4 LANING

EXISTING 5' SIDEWALK

1.1 ACRES
OPEN SPACE

APPROXIMATE LOCATION OF
PROPOSED 5' SIDEWALK -
TO BE INSTALLED AT TIME
OF 4 LANE CONSTRUCTION

COUNTY ROAD 4

PARCEL KK
9.1 ACRES
19 DU
SINGLE FAMILY

PARCEL A-1
(not included
in Chase Groves
PUD)

PARCEL B
14.8 ACRES
COMMERCIAL

Lake Blvd.

PARCEL C
UNIT 2
2.3 ACRES
7 DU
SINGLE
FAMILY

PARCEL D
UNIT 3
28.1 ACRES
107 DU
SINGLE
FAMILY

PARCEL V
UNIT 6
18.8 ACRES
102 DU
SINGLE FAMILY

PARCEL I
UNIT 1

DeForest
Lake

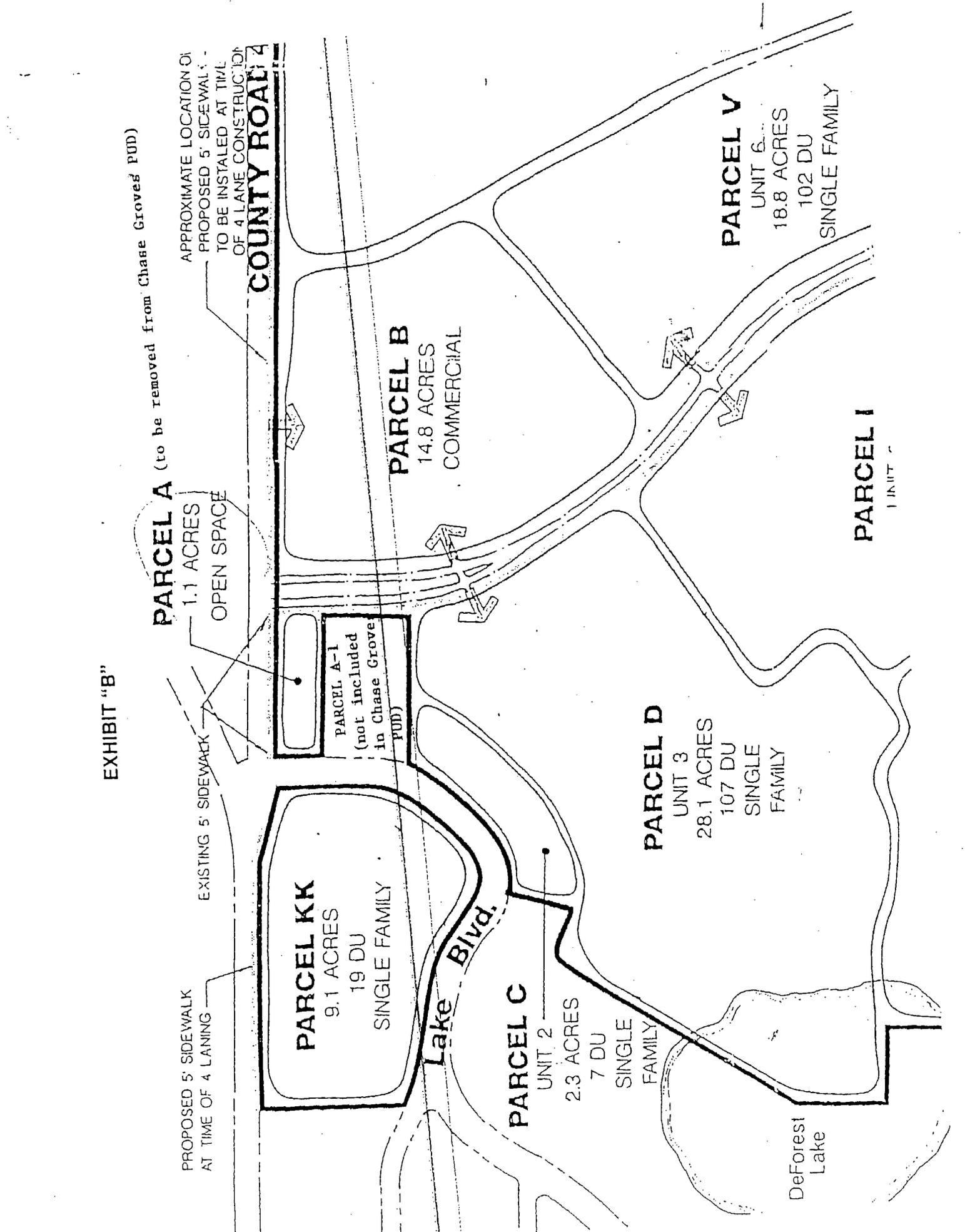


EXHIBIT "C"

LEGAL DESCRIPTION OF CHASE GROVES

(This legal description reflects the removal of parcel #03-20-30-300-0100-0000)

PARCEL A

Block 2, BELAIRE, as recorded in Plat Book 6, Page 46, of the Public Records of Seminole County, Florida.

LESS:

Begin at the Northeast corner of said Block 2; thence run S.00°02'52".W along the East line of said Block 2 for a distance of 20.00 feet; thence run N.84°18'01".W for a distance of 200.98 feet to a point on the North line of said Block 2, said point being 200.00 feet Westerly of the aforementioned Northeast corner of Block 2; thence run N.89°59'19".E along said North line for a distance of 200.00 feet to the Point of Beginning.

Subject to any rights-of-way and easements of record.

PARCEL B

That part of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 3, thence run N.89°50'20".W along the North line of the Northeast ¼ of said Section 3 for a distance of 40.00 feet to a point on the Northerly prolongation of the Westerly Right-of-Way line of Airport Boulevard (80' right-of-way), thence run S.00°03'51".E along said line for a distance of 514.35 feet to the southeast corner of lands described in Official Record Book 1231, Page 1698 of the Public Records of Seminole County, Florida, said corner being the POINT OF BEGINNING.

Thence continue S.00°03'51".E along the aforementioned Westerly Right-of-Way line of Airport Boulevard for a distance of 1057.48 feet to a point of curvature of a curve concave Easterly having a radius of 1949.36 feet; thence run Southerly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 11°37'32" for a distance of 395.63 feet to a point on the East line of the Northeast ¼ of the aforementioned Section 3, thence run S.00°03'51".E along the East line of said Northeast ¼ for a distance of 668.69 feet to a point on the Westerly Right-of-Way line of Lake Mary Road (50' right-of-way); thence run S.52°28'50".W along said right-of-way for a distance of 353.99 feet to a point of curvature of a curve concave Southeasterly having a radius of 5033.80 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 11°47'10" for a distance of 1035.49 feet; thence run S.40°41'39".W along said Westerly Right-of-Way line for a distance of 921.39 feet to a point of curvature of a curve concave Southeasterly having a

radius of 5944.38 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line for a distance of 118.36 feet to a point on the South line of the North ½ of the Southeast ¼ of the aforementioned Section 3; thence run N.89°49'28".W along said South line for a distance of 918.35 feet to the Southeast corner of the Northeast ¼ of the Southwest ¼ of said Section 3, thence run N.89°32'31".W along the South line of said Northeast ¼ of the Southwest ¼ for a distance of 400.00 feet to a point on the West line of the West 400.00 feet of said Northeast ¼ of the Southwest ¼; thence run N.00°19'37".E along said West line for a distance of 162.44 feet to a point on the South line of the North 1149.50 feet of said Northeast ¼ of the Southwest ¼; thence run S.89°44'36".W along said South line for a distance of 895.78 feet to a point on the East line of LOCH ARBOR, ISLE OF PINES, Section Two, as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida; thence run N.00°13'41".W along said East line for a distance of 1149.50 feet to a point on the South line of the West 210.00 feet of the Southeast ¼ of the Northwest ¼ of the aforementioned Section 3; thence run N.89°44'36".E along said South line for a distance of 193.28 feet to the Southeast corner thereof; thence run N.00°03'54".E along the East line of said West 210.00 feet of the Southeast ¼ of the Northwest ¼ for a distance of 1335.51 feet to the Northeast corner thereof, thence run S.89°26'51".W along the North line of said West 210.00 feet of the Southeast ¼ of the Northwest ¼ for a distance of 210.01 feet to the Northwest corner thereof, thence run N.00°03'54".E along the West line of the Northeast ¼ of the Northwest ¼ of said Section 3, for a distance of 209.31 feet; thence run N.29°16'46".E along the Westerly line of lands described in Official Record Book 1056, Page 676 of the Public Records of Seminole County, Florida for a distance of 979.82 feet to a point on a curve concave Northerly having a radius of 199.79 feet and a chord bearing of N.85°05'36".E; thence run Northeasterly along the arc of said curve and the Southerly Right-of-Way line of Lake Boulevard (80' right-of-way) through a central angle of 82°02'57" for a distance of 286.11 feet; thence run N.44°04'07".E along said Southerly Right-of-Way line for a distance of 140.69 feet to a point of curvature of a curve concave Northwesterly having a radius of 280.00 feet; thence run Northeasterly along the arc of said curve and said Southerly line through a central angle of 22°41'07" for a distance of 110.86 feet; thence run S.°89'57"49.E along the aforementioned Westerly line of Official Record Book 1056, Page 676 for a distance of 406.24 feet; thence run N.00°31'20".W along said Westerly line for a distance of 225.00 feet; thence run N.89°57'49".W along said Westerly line for a distance of 385.00 feet to a point on the Easterly Right-of-Way line of said Lake Boulevard; thence run N.00°02'52".E along said Easterly Right-of-Way line for a distance of 123.63 feet to a point on the South Right-of-Way line of 25th Street; thence run S.89°57'49".E along said South Right-of-Way line for a distance of 392.86 feet; thence run S.89°50'20".E along said South Right-of-Way line for a distance of 2188.25 feet to the Northwest corner of lands described in Official Record Book 1257, Page 794 of the Public Records of Seminole County, Florida; thence S.00°08'01".E along the Westerly line of said Official Record Book 1257, Page 794 of the Public Records of Seminole County, Florida; thence S.00°08'01".E. along the westerly line of said Official Records Book 1257, Page 794 for a distance of 127.17 feet; thence run S.27°57'23".E along said Westerly line for a distance of 143.95 feet; thence run S.56°44'30".E along said Westerly line and the Southerly line of the aforementioned Official Record Book 1231, Page 1698 for a distance of 200.75 feet; thence run

S.66°42'39".E along said Southerly line for a distance of 179.72 feet to the POINT OF BEGINNING.

LESS

The South 943.50 feet of the North 1029.50 feet of the West 142.00 feet of the Northwest ¼ of the Southeast ¼;

AND

The South 943.50 feet of the North 1029.50 feet of the Northeast ¼ of the Southwest ¼;

AND

The South 120.00 feet of the North 1149.5 feet of the Northeast ¼ of the Southwest ¼, less the East 400.00 feet thereof;

All lying in Section 3, Township 20 South, Range 30 East and lying East of LOCH ARBOR, ISLE OF PINES, Section Two, as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida.

Subject to any rights-of-way and easements of record.

PARCEL C

That part of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the East ¼ corner of said Section 3; thence run S.00°01'22".E along the East line of the Southeast ¼ of said Section 3 for a distance of 1310.86 feet to the Southeast corner of the North ½ of the Southeast ¼ of said Section 3; thence run N.89°49'28".W along the North line of said South ½ of the Southeast ¼ for a distance of 1472.77 feet to a point on the Westerly Right-of-Way line of Seaboard Coast Line Railroad, said point also being the POINT OF BEGINNING;

Thence continue N.89°49'28".W along the aforementioned North line of the South ½ of the Southeast ¼ for a distance of 110.34 feet to a point on a curve concave Southeasterly having a radius of 5847.10 feet and a chord bearing of S.37°23'38".W; thence run Southwesterly along the arc of said curve through a central angle of 05°53'34" for a distance of 601.36 feet; thence run S.34°26'51".W for a distance of 160.20 feet to a point on the aforementioned Westerly Right-of-Way line of Seaboard Coast Line Railroad; thence run S.42°53'19".W along said Westerly Right-of-Way line for a distance of 485.25 feet to a point on a curve concave Northwesterly having a radius of 4743.27 feet and a chord bearing of N.37°19'40".E, said point lying on the Easterly Right-of-Way line of Lake Mary Road (50' right-of-way); thence run Northeasterly along the arc of said curve and said Easterly Right-of-Way line through a central angle of 05°45'37" for a

distance of 476.88 feet; thence run N.34°26'51".E along said Easterly Right-of-Way line for a distance of 164.12 feet to a point of curvature of a curve concave Southeasterly having a radius of 5894.38 feet; thence run Northeasterly along the arc of said curve through a central angle of 06°14'48" and said Easterly Right-of-Way line for a distance of 642.63 feet; thence run N.40°41'39".E along said Easterly Right-of-Way line for a distance of 921.39 feet to a point of curvature of a curve concave Southeasterly have a radius of 4983.80 feet; thence run along the arc of said curve and said Easterly Right-of-Way line through a central angle of 11°47'10" for a distance of 1025.21 feet; thence run N.52°28'50".E along said Easterly Right-of-Way line for a distance of 189.72 feet to a point on a line that lies 100.00 feet East and parallel with the East line of the Northeast ¼ of the aforementioned Section 3, thence run S.00°03'51".E along said line for a distance of 99.01 feet to a point on the aforementioned Westerly Right-of-Way line of Seaboard Coast Line Railroad; thence run S.42°53'19".W along said Westerly Right-of-Way line for a distance of 2016.02 feet to the POINT OF BEGINNING.

Subject to any rights-of-way and easements of record.

PARCEL D

That part of Sections 3 and 10, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the East ¼ corner of said Section 3; thence run S.00°01'22".E along East line of the Southeast ¼ of said Section 3 for a distance of 1371.86 feet to a point on the South line of the North 61.00 feet of the South ½ of the Southeast ¼ of said Section 3, said point being the POINT OF BEGINNING.

Thence continues S.00°01'22".E along said East line of the Southeast ¼ for a distance of 853.82 feet to a point on the Northerly line of Hidden Lake, Phase II, Unit IV, as recorded in Plat Book 25, Pages 66 and 67 of the Public Records of Seminole County, Florida; thence run S.59°58'38".W along the Northerly line of said Hidden Lake, Phase II, Unit IV for a distance of 790.60 feet to the North line of Hidden Lake, Phase II, Unit III as recorded in Plat Book 25, Pages 64 and 65 of the Public Records of Seminole County, Florida; thence run N.89°57'30".W along the North line of said Hidden Lake, Phase II, Unit III and the North line of Hidden Lake Phase II, Unit I, as recorded in Plat Book 24, Pages 15 through 17 of the Public Records of Seminole County, Florida, for a distance of 1233.82 feet to the Northwest corner of said Hidden Lake Phase II, Unit I; thence run S.29°54'53".E along the Westerly line of said Hidden Lake Phase II, Unit I, for a distance of 601.56 feet to the Northeasterly corner of Ramblewood as recorded in Plat Book 23, Pages 7 and 8 of the Public Records of Seminole County, Florida; thence run S.60°06'21".W along the Northerly line of said Ramblewood for a distance of 1056.12 feet to the Northwesterly corner thereof; thence run S.89°56'37".W for a distance of 866.14 feet to a point on a curve concave Southeasterly having a radius of 1617.02 feet and a chord bearing of N.30°36'57".E, said point being on the Easterly Right-of-Way line of the Seaboard Coast Line Railroad; thence run Northeasterly along the arc of said curve and said Easterly Right-of-Way line through a central angle of

24°32'43" for a distance of 692.73 feet; thence run N.42°53'19".E along said Easterly Right-of-Way line for a distance of 1466.77 feet; thence run S.83°42'28".E along said Easterly Right-of-Way line for a distance of 12.46 feet; thence run N.42°53'19".E along said Easterly Right-of-Way line for a distance of 868.93 feet to a point on the aforementioned South line of the North 61.00 feet of the South ½ of the Southeast ¼ of Section 3; thence run S.89°49'28".E along said South line for a distance of 1447.64 feet to the POINT OF BEGINNING.

Subject to any rights-of-way and easements of record.

PARCEL E – S.O. Chase Parcel

The South 943.50 feet of the North 1029.50 feet of the West 142.00 feet of the Northwest ¼ of the Southeast ¼;

AND

The South 943.50 feet of the North 1029.50 feet of the Northeast ¼ of the Southwest ¼;

AND

The South 120.00 feet of the North 1149.5 feet of the Northeast ¼ of the Southwest ¼, less the East 400.00 feet thereof;

All lying in Section 3, Township 20 South, Range 30 East and lying East of LOCH ARBOR, ISLE OF PINES, Section Two, as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida.

Subject to any rights-of-way and easements of record.

LESS:

That part of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Northeast corner of the Northwest ¼ of Section 3, Township 20 South, Range 30 East, and run S. 00°13'45" E. along the East line of said Northwest ¼ for a distance of 120.00 feet to the Southeast corner of lands described in Official Records Book 3122, Page 1138, of the Public Records of Seminole County, Florida, being on the Westerly line of Casa Verde Boulevard and the POINT OF BEGINNING; thence continue S. 00°13'45" E. along said right-of-way line for a distance of 150.82 feet to the point of curvature of a curve concave Northeasterly having a radius of 1188.16 feet and a central angle of 07°38'05"; thence run Southeasterly along the arc of said curve and said right-of-way line for a distance of 158.33 feet to the Northeast corner of Tract AA, CHASE GROVES UNIT 1, according to the Plat thereof, as recorded in Plat Book 44, Pages 24 through 28, of the Public Records; thence run N. 89°57'49" W. along the North

line of said Tract AA and the North line of CHASE GROVES UNIT 3, as recorded in Plat Book 57, Pages 48 and 49, of said Public Records for a distance of 20.08 feet; thence run N. 00°02'52" E. along the East line of lands described in Official Records Book 2658, Page 926, of said Public Records and the Southerly prolongation thereof for a distance of 228.55 feet to the Northeast corner of said lands; thence run N. 89°57'08" W. along the North line of said lands for a distance of 385.00 feet to the Northwest corner thereof; thence run N. 00°02'52" E. along the Easterly right-of-way line of Lake Boulevard South (an 80' wide right-of-way) for a distance of 80.00 feet to the Southwest corner of the aforesaid Official Records Book 3122, Page 1138; thence run S. 89°57'49" E. along the South line of said Official Records Book 3122, Page 1138, for a distance of 393.06 feet to the POINT OF BEGINNING.

FILE # Z2005-050

DEVELOPMENT ORDER # 5-22000008

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 24, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: CHARLES and BERNADETTE HARDWICK

Project Name: CASA VERDE TOWNHOMES

Requested Development Approval: Amending the Chase Groves PUD Master Plan; Rezoning from A-1 (Agriculture) and PUD (Planned Unit Development) zoning classifications to PUD (Planned Unit Development) zoning classifications; and Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development)

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.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Brian Nelson
1101 East First Street
Sanford, Florida 32771

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. All townhouse units shall be located on individual platted lots.
- b. Balconies shall be prohibited where abutting the southern boundaries of the development.
- c. Use of common areas shall be limited to open space and utility facilities serving all residents of the development.
- d. Density within the development shall be limited to ten (10) units per net buildable acre.
- e. Front walls of the townhouse units shall be staggered.
- f. No accessory buildings shall be allowed on individual townhouse lots.
- g. The developer shall provide a pedestrian sidewalk system which provides access throughout the development as well as connecting to existing sidewalks outside the development.
- h. The developer shall continue the existing pedestrian sidewalk along Lake Boulevard frontage to connect to the existing pedestrian sidewalk along County Road 46A.
- i. All landscape buffers, walls, fences and common areas shall be maintained by a homeowners association. Landscape plantings shall meet minimum code requirements according to Section 30.1232 of the Seminole County Land Development Code.
- j. The developer shall install a six-(6') foot high wooden stockade style fence along the southern boundary of the property. The fence shall extend from the Lake Boulevard property corner to the Case Verde Boulevard property corner. The existing fence may count toward this requirement provided it satisfies the above specifications. Wherever the existing fence does not meet these specifications, the developer shall be responsible to upgrade the fence or provide a similar fence on the subject property.
- k. The developer shall comply with all active/passive buffer requirements as outlined in Section 30.1232 of the Land Development Code.
- l. The developer shall preserve the existing canopy trees along the eastern buffer and augment them with four (4) understory trees per 100 linear feet. This landscape material shall be installed along the existing plant bed on the east side of the existing brick wall.

- m. All required canopy trees shall be three (3) inches in diameter as measured 1-foot above the ground at time of planting. Required understory trees shall be 8 to 10-feet tall with a 3 to 4-foot spread and a one and a half (1½) to two (2) inches in diameter at time of planting.
- n. The developer shall preserve the existing brick wall along the eastern buffer except for the entrance area for the proposed development. The developer shall provide a plan that depicts the proposed entrance design for the development to be reviewed and approved as part of the Final Master Plan process.
- o. The developer shall provide recreational facilities that include at minimum, two (2) picnic tables and two (2) pedestal mounted bar-b-que grills located within a paved area accessible to the residents of the development.
- p. Outdoor lighting shall consist of cutoff-shoebox 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 per Section 30.1234 of the Land Development Code.
- q. Existing trees that are preserved during construction may satisfy applicable landscaping requirements where they are located in buffer areas.
- r. A minimum of 2.33 parking spaces per unit shall be provided on each plated lot. Storage of recreation vehicles, boats on trailers, or trailers of any kind must be accommodated off-site.
- s. Garages shall not be converted to living space unless two (2) parking spaces remain on each platted lot after such conversion.
- t. Screened patios/porches will be subject to a two-(2') foot setback from the rear lot line.
- u. Ingress/egress to the development shall be limited to Casa Verde Boulevard. The development's internal roadway shall meet the Seminole County Land Development Code subdivision standards for pavement composition and roadway design.

(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.

(6) This Development Order shall control in the event of any conflict between the terms and conditions of the development order and the terms, conditions, or notes of any site plan or master site plan.

Done and Ordered on the date first written above.

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

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, AND RUN S 00E13'45" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3122, PAGE 1138, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING ON THE WESTERLY LINE OF CASA VERDE BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE S 00E13'45" E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 150.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1188.16 FEET AND A CENTRAL ANGLE OF 07E38'05"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.33 FEET TO THE NORTHEAST CORNER OF TRACT AA, CHASE GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGES 24 THROUGH 28, OF SAID PUBLIC RECORDS; THENCE RUN N 89E57'49" W ALONG THE NORTH LINE OF SAID TRACT AA AND THE NORTH LINE OF CHASE GROVES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 48 AND 49, OF SAID PUBLIC RECORDS FOR A DISTANCE OF 20.08 FEET; THENCE RUN N 00E02'52" E ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2658, PAGE 926, OF SAID PUBLIC RECORDS AND THE SOUTHERLY PROLONGATION THEREOF FOR A DISTANCE OF 228.55 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N 89E57'08" W ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 385.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN N 00E02'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKE BOULEVARD SOUTH (AN 80' WIDE RIGHT-OF-WAY) FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID OFFICIAL RECORDS BOOK 3122, PAGE 1138; THENCE RUN S 89E57'49" E ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3122, PAGE 1138, FOR A DISTANCE OF 393.06 FEET TO THE POINT OF BEGINNING.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) and PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION TO PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Casa Verde Townhomes, dated January 24, 2006.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 5-22000008 in the Official Land Records of Seminole County.

ENACTED this 24th day of January 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, AND RUN S 00E13'45" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3122, PAGE 1138, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING ON THE WESTERLY LINE OF CASA VERDE BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE S 00E13'45" E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 150.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1188.16 FEET AND A CENTRAL ANGLE OF 07E38'05"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.33 FEET TO THE NORTHEAST CORNER OF TRACT AA, CHASE GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGES 24 THROUGH 28, OF SAID PUBLIC RECORDS; THENCE RUN N 89E57'49" W ALONG THE NORTH LINE OF SAID TRACT AA AND THE NORTH LINE OF CHASE GROVES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 48 AND 49, OF SAID PUBLIC RECORDS FOR A DISTANCE OF 20.08 FEET; THENCE RUN N 00E02'52" E ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2658, PAGE 926, OF SAID PUBLIC RECORDS AND THE SOUTHERLY PROLONGATION THEREOF FOR A DISTANCE OF 228.55 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N 89E57'08" W ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 385.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN N 00E02'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKE BOULEVARD SOUTH (AN 80' WIDE RIGHT-OF-WAY) FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID OFFICIAL RECORDS BOOK 3122, PAGE 1138; THENCE RUN S 89E57'49" E ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3122, PAGE 1138, FOR A DISTANCE OF 393.06 FEET TO THE POINT OF BEGINNING.

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LDR (LOW DENSITY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on December 7, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on January 24, 2006, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IN ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number 06- .
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the

Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this day of , 2006.

**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

By:_____

Carlton D. Henley, Chairman

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, AND RUN S 00E13'45" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3122, PAGE 1138, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING ON THE WESTERLY LINE OF CASA VERDE BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE S 00E13'45" E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 150.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1188.16 FEET AND A CENTRAL ANGLE OF 07E38'05"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.33 FEET TO THE NORTHEAST CORNER OF TRACT AA, CHASE GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGES 24 THROUGH 28, OF SAID PUBLIC RECORDS; THENCE RUN N 89E57'49" W ALONG THE NORTH LINE OF SAID TRACT AA AND THE NORTH LINE OF CHASE GROVES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 48 AND 49, OF SAID PUBLIC RECORDS FOR A DISTANCE OF 20.08 FEET; THENCE RUN N 00E02'52" E ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2658, PAGE 926, OF SAID PUBLIC RECORDS AND THE SOUTHERLY PROLONGATION THEREOF FOR A DISTANCE OF 228.55 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N 89E57'08" W ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 385.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN N 00E02'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKE BOULEVARD SOUTH (AN 80' WIDE RIGHT-OF-WAY) FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID OFFICIAL RECORDS BOOK 3122, PAGE 1138; THENCE RUN S 89E57'49" E ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3122, PAGE 1138, FOR A DISTANCE OF 393.06 FEET TO THE POINT OF BEGINNING.

Chase Groves Community Association, Inc.
c/o Vista Community Association Management
225 South Westmonte Drive, Suite 2050
Altamonte Springs, FL 32714
Phone 407-682-3443 Fax: 407-682-0181
Attention: Charlotte Stein, Association Manager

December 1, 2005 FAXED TO: 407-665-7385 Pages: 2

Seminole County Planning Board and Seminole County Commissioners
Seminole County Planning Department Attention: Brian Nelson
1101 E. First Street, Sanford, FL 32771

RE: Hardwick Property at the corner of 46A & Lake Blvd.
Pinecrest Development Townhome Project

Dear Commissioners,

Please be advised that the Chase Groves Homeowners Association is opposed to the townhome project proposed by Pinecrest Development for the following reasons:

1. The access point onto Casa Verde is not acceptable due to many factors. Firstly, Chase Groves HOA owns the common area along Casa Verde which is between the Hardwick property and Casa Verde Blvd. Chase Groves common area is improved with our existing brick wall, irrigation systems, landscaping, drainage infrastructures and other underground utilities. Chase Groves HOA Board has not granted any access or easement rights to the Hardwick property therefore we feel that any encroachments would be trespassing.
2. We do not believe that Pinecrest has any right to cross over, transverse or otherwise access the Harwick property over our Chase Groves common area.
3. The Chase Groves HOA has an existing water retention pond at the northeast corner near 46A and Casa Verde Blvd. along the 46A frontage which handles storm drainage for the northern section of Chase Groves. There are existing ground water and storm water problems within Chase Groves and this retention pond is critical to the area and should not be altered.
4. The Harwick property presently has access onto Lake Blvd and that is where the access point should remain. Chase Groves has 709 homes with approximately 3000 people living in Chase Groves who use the Casa Verde Blvd & 46A entrance daily. It would be extremely dangerous to put another access point so close to 46A and Brightview Drive. This area is already congested beyond capacity, just ask any resident of Chase Groves.

Chase Groves Community Association, Inc.
c/o Vista Community Association Management
225 South Westmonte Drive, Suite 2050
Altamonte Springs, FL 32714
Phone 407-682-3443 Fax: 407-682-0181
Attention: Charlotte Stein, Association Manager

It is the request of the Chase Groves HOA Board of Directors that the Pinecrest townhome project be rejected or tabled until a more feasible, safer, legal access point be established other than Casa Verde Boulevard. Your consideration of the approximately 3,000+ residents of Chase Groves and your wise judgment in this matter is greatly appreciated.

Respectfully submitted,
Chase Groves HOA Board of Directors



By: Sharon Sullivan, President
Chase Groves HOA

c: Amy

Where is this @ in the
process?
sent to me by Jeff on 8/13

July 16, 2005

Oren Gabbi
Pine Crest Development
457 China Hill Ct.
Apopka, FL 32712

Re: "The Colony at Chase Groves"
Casa Verde Blvd, CR 46A and Lake Blvd.

The Board of Directors of the Loch Arbor Homeowners Association and interested neighbors appreciated the opportunity to meet with you in April for review of your proposed townhomes project. We were receptive to the quality of the project presented to us.

I would like to review and emphasize certain items that were discussed that we feel are important to the Loch Arbor neighborhood.

- 1 - There be no entrance or exit from this project onto Lake Blvd.
- 2 - A solid brick privacy wall with landscaping constructed along Lake Blvd. would be preferred over your suggested brick columns with wrought iron.
- 3 - As requested by one of the homeowners, with a positive response from you, a space be designated on the corner of Lake Blvd. and 46A for an entrance sign identifying our Loch Arbor neighborhood. The request included, there be an agreement recorded that would attach and follow any title change on this property.

We support your project as presented but reserve the right to withdraw that support in the event changes are made that we feel would be detrimental to our Loch Arbor neighborhood.

Yours truly,

Beverly B. Mason

Beverly B. Mason, Secretary
Loch Arbor Homeowners Association
309 E. Crystal Drive
Sanford, FL 32773

c: Jeffrey Hopper, Senior Planner
Seminole County Planning & Dev. Dept.



**1053 Maitland Center Commons, Suite 200
Maitland, FL 32751**

Phone: 407-869-1000

Fax: 407-869-7997

Date: Friday, December 02, 2005

**To: Brian Nelson
Seminole County
Fax: 407-665-7385**

From: David Gabbai

Pages: 10

Subject: Purchase from Dr. & Mrs. Hardwick

JAMES A. BARKS
ATTORNEY AT LAW
SUITE B
1120 WEST FIRST STREET
SANFORD, FLORIDA 32771

www.jamesbarks.com
jabarks@bellsouth.net

TELEPHONE (407) 321-1224
FAX (407) 321-1467

December 1, 2005

Mr. Oren Gabbai, President
Pinecrest Development, Inc.
457 Chimahill Court
Apopka, Florida 32712

Faxed to: (407) 869-7997

Original Mailed

Re: Your purchase from Dr. and Mrs. Hardwick

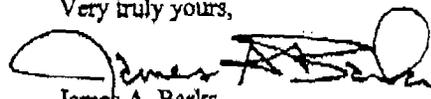
Dear Mr. Gabbai:

As you know, I represent Dr. and Mrs. Charles Hardwick. You have asked me to look into the issue of access from Casa Verde Boulevard to the Harwicks' property which you have under contract to purchase.

One of the documents referred to in the Title Insurance Commitment I have issued is "Grant of Non-Exclusive Access, Utility and Landscape Easement" dated August 14, 1989, from Belair Groves, Limited to Lake Mary Residential Joint Venture recorded in Official Records Book 2097, Page 1078 (copy enclosed). In this easement, a narrow strip of the property then owned by Belair Groves (now owned by the Hardwicks) immediately adjacent to Casa Verde Boulevard can be used for the entranceway wall and landscaping for the subdivision. Casa Verde Boulevard has since become a publicly dedicated street.

In Paragraph 6 of the easement, Belair Groves reserved "the right to use the Easement Area for any purposes which shall not interfere with Grantee's rights hereunder, as well as the right of access to and across the Easement Area from property owned by the Grantor and its successors adjacent to the Easement Area". In lay terms, this provision allows the Hardwicks the ability to enter their property from Casa Verde Boulevard, which is a public roadway. The Hardwicks' property actually abuts the public right of way and the brick wall is located on their property. A portion of the brick wall could be taken down to create an entrance into the Hardwick property, subject to any and all governmental approvals and permits.

Very truly yours,


James A. Barks

JAB/vam
Enclosure
cc: Dr. and Mrs. Charles Hardwick
Paul Macomber

MARYAINE MORTE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FL

RECORDED & VERIFIED

5

839996

883 AUG 16 AM 9:38

GRANT OF NON-EXCLUSIVE ACCESS, UTILITY
AND
LANDSCAPE BASEMENT

2007/1/18

THIS GRANT OF NON-EXCLUSIVE ACCESS, UTILITY AND LANDSCAPE BASEMENT (the "Easement") is made and executed this 16th day of August, 1989 by BELAIR GROVES, LIMITED, a Florida limited partnership (hereinafter referred to as "Grantor") to and in favor of LAKE MARY RESIDENTIAL JOINT VENTURE, a Florida general partnership, whose post office address is 1069 West Morse Boulevard, Winter Park, Florida 32789 ("Grantee").

2007 1078
SEMINOLE COUNTY
CLERK OF CIRCUIT COURT

W I T N E S S E T H:

WHEREAS, Grantor is the owner in fee simple of certain real property located in Seminole County, Florida, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Easement Area"); and

WHEREAS, Grantee has of even date herewith acquired fee simple title to certain real property located in Seminole County, Florida, adjacent to the Easement Area and more particularly described on Exhibit "B" attached hereto and by this reference made a part hereof (the "Benefited Property"); and

WHEREAS, Grantor has agreed to grant to Grantee a non-exclusive easement upon, across and under the Easement Area for ingress, egress, and utility and landscaping purposes upon certain terms and conditions as hereinafter set forth.

NOW, WHEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. Easement for Ingress, Egress, Utilities and Landscaping. Grantor does hereby declare and grant to Grantee and its successors and assigns a non-exclusive easement for vehicular and pedestrian ingress and egress, utility purposes and landscaping of the boulevard medians and parkways over, under,

Utility

This instrument was prepared by
and should be returned to:
SCOTT C. THOMPSON
Attorney, Dundick, Bunker, Kuntz
& Reed
Professional Assoc. - Jordon
215 N. 20th Drive - Post Office Box 2806
Orlando, Florida 32802

across and upon the Easement Area for the use and benefit of Grantee and its successors and assigns; the subsequent owners of any portions thereof or interests therein, their successors and assigns; and the tenants, employees, agents, customers, guests, licensees and invitees of Grantee or subsequent owners of any interest therein.

2. Incidental Rights. The easements hereby declared and granted include the creation of all incidental rights reasonably necessary for the use and enjoyment of the Easement Area for its intended purposes, including specifically, the right of entry for purposes of maintenance, operation, repair and construction of an entranceway boulevard and related entranceway and roadway improvements (the "Entrance Boulevard"). The Entrance Boulevard shall initially be constructed in substantial accordance with plans heretofore or hereafter approved by the Grantor and Grantee.

3. Termination of Easement. This Easement shall be perpetual in duration, and shall not be changed, altered or amended except by an instrument in writing executed by Grantor and Grantee or their respective successors and assigns; provided, however, that this Easement shall automatically terminate and be and become null, void and of no further effect with respect to any portion of the Easement Area which becomes a public right-of-way by virtue of conveyance or dedication, and acceptance, of the same for public right-of-way purposes, to and by Seminole County, Florida. Grantor and Grantee each agree to join in such dedication at the request of the other.

4. Covenant Running with the Land. This Easement and all conditions and covenants set forth herein are intended to be and shall be construed as covenants running with the land, binding upon and inuring to the benefit of the Grantor or Grantee, as the case may be, and their successors and assigns.

5. Maintenance Responsibilities. By its acceptance hereof, Grantee and its successors and assigns agree to maintain

2007 1079
SEARCHED INDEXED
SERIALS ACQUISITION
PAGE

the Entrance Boulevard, and related improvements constructed by Grantee and located on the Easement Area, in good repair and working order. Grantee and its successors and assigns shall also install and maintain all landscaping, entrance featured, and any other aesthetic matters to be located within the Easement Area in accordance with quality standards compatible with the adjacent developments of Grantor and Grantee or their successors. Grantor reserves the right, but not the obligation, to repair or maintain any portion or part of the landscaping, entranceway or other facilities located on the Easement Area. Grantor shall be reimbursed by Grantee for the reasonable cost of such repair or maintenance, to the extent that such repair or maintenance was the obligation of the Grantee as aforesaid, within thirty (30) days of submitting a written statement of its expenses to Grantee, but only if Grantor has given reasonable prior written notice of Grantee's failure to maintain the Easement Area as required.

Notwithstanding the foregoing, the Grantee shall be relieved of the maintenance obligations set forth in this paragraph to the extent that the same are undertaken by Seminole County in connection with the dedication and acceptance of the Easement Area or any portion thereof or by a homeowners' association with assessment power formed in connection with the development of the Benefited Property.

6. Reserved Rights. The Grantor hereby reserves the right to use the Easement Area for any purposes which shall not interfere with Grantee's rights hereunder, as well as the right of access to and across the Easement Area from property owned by the Grantor and its successors adjacent to the Easement Area.

7. Attorneys' Fees. In the event that it shall become necessary for any of the parties to this Declaration of Easement, or their successors or assigns, to bring suit to enforce any provision hereof, the prevailing party in such an action shall be entitled to recover from the other party, in addition to any

2087 1080

OFFICIAL
BOOK PAGE

damages or other relief granted as a result of such litigation,
all costs and expenses to such litigation, and attorneys' fees as
fixed by the court, both at the trial and appellate levels.

8. Governing Law. This Easement shall be governed by and
construed in accordance with the laws of the State of Florida,
and may not be amended except by an instrument in writing signed
by the parties to be bound.

IN WITNESS WHEREOF, Grantor has executed this Easement in a
memoar and form sufficient to bind it as of the date set forth
above.

Signed, sealed and delivered
in the presence of:

Scott C. Thom
Stephanie G. Humbert

Scott C. Thom
Stephanie G. Humbert

RELAIK GROVES, LIMITED, a
Florida limited partnership

By: [Signature]
R. Chase Lasbury, General Partner

By: [Signature]
Stacy D. Cross, III,
General Partner

LAKE MARY RESIDENTIAL JOINT VENTURE,

By: LAKE MARY DEVELOPMENT,
Florida limited partnership

By: LAKE MARY DEVELOPMENT
CORPORATION, general partner

By: [Signature]
Allan E. Keen, President

"GRANTEE"

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on the
10th day of August, 1989 by R. Chase Lasbury, as General Partner
of RELAIK GROVES, LIMITED, a Florida limited partnership.

Scott C. Thom
Notary Public
My Commission Expires:
Notary Public, State of Florida
My Commission Expires 10/22/1993
Send for My File - #1000000000



2097 1081
OFFICIAL RECORD PAGE
RECORDED CO. FL.

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this
14th day of August, 1989 by Sydney O. Chase, III, as General
Partner of BELAIR GROVES, LIMITED, a Florida limited partnership

Sydney O. Chase, III
Notary Public
My Commission Expires August 3, 1990
Notary Public Seal: SYDNEY O. CHASE, III, STATE OF FLORIDA, COMMISSION EXPIRES AUGUST 3, 1990

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this
14th day of August, 1989 by Allan E. Keen, as President of Lake
Mary Development Corporation, general partner of Lake Mary
Development, Ltd., as co-ventures of LAKE MARY RESIDENTIAL JOINT
VENTURE, a Florida Joint Venture, on behalf of the Venture.

Allan E. Keen
Notary Public
My Commission Expires August 3, 1990
Notary Public Seal: ALLAN E. KEEN, STATE OF FLORIDA, COMMISSION EXPIRES AUGUST 3, 1990
SIGNED this 14th day of August, 1989 at
Harvey Industries and Goods, Inc.

2087 1082
BIRMINGHAM PAGE

EXHIBIT "A"

The East 120.00 feet of the following described parcel of land:

Commence at the Northeast corner of Section 3, Township 20 South, Range 30 East, Seminole County, Florida and run South $00^{\circ}03'51''$ East along the East line of said Section 3 for a distance of 80.00 feet; thence run North $89^{\circ}50'20''$ West along the South Right-of-Way line of 15th Street (County Road 46A), said line being parallel with and 80.00 feet South of the North line of said Section 3, for a distance of 2508.49 feet to the POINT OF BEGINNING; thence continue North $89^{\circ}50'20''$ West along the said Right-of-Way line for a distance of 120.00 feet to a point on the East line of the Northeast 1/4 of said Section 3; thence run North $89^{\circ}57'49''$ West along said Right-of-Way line for a distance of 9.09 feet; thence run South $00^{\circ}31'20''$ East for a distance of 123.64 feet to a corner on the Westerly line of lands described in Official Records Book 1255, Page 676 of the Public Records of Seminole County, Florida; thence continue $00^{\circ}31'20''$ East along said Westerly line for a distance of 225.00 feet; thence run South $89^{\circ}57'49''$ East for a distance of 139.12 feet to a point on a curve concave Easterly, having a radius of 1068.16 feet, a central angle of $06^{\circ}31'44''$ and a chord bearing of North $04^{\circ}29'37''$ West; thence run Northerly along the arc of said curve for a distance of 159.00 feet to a point of tangency; thence run North $00^{\circ}13'43''$ West for a distance of 190.00 feet to the POINT OF BEGINNING.

SEMINOLE CO., FLA.

2097 1083
OFFICIAL RECORDS
PAGE

EXHIBIT "B"

Parcel "A"

A portion of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Northeast corner of said Section 3 and run South 00°03'51" East along the East line of said Section 3 for a distance of 2633.28 feet to the Northerly right-of-way line of Lake Mary Road (a 50' R/W); thence run South 52°28'50" West along said Westerly right-of-way line for a distance of 353.99 feet to the point of curvature of a curve concave Southeasterly having a radius of 5033.80 feet and a central angle of 01°13'06"; thence run Southwestery along the arc of said curve and said Westerly right-of-way line for a distance of 107.04 feet to the POINT OF BEGINNING; thence continue Southwestery along said curve and said right-of-way line through a central angle of 10°34'05" for a distance of 928.47 feet to the point of tangency; thence run South 40°41'39" West along said Westerly right-of-way line for a distance of 921.39 feet to a point of curvature of a curve concave Southeasterly having a radius of 5944.38 feet; thence run Southwestery along the arc of said curve and said Westerly right-of-way line for a distance of 118.36 feet to a point on the South line of the North 1/2 of the Southeast 1/4 of the aforementioned Section 3; thence run North 89°49'28" West along said South line for a distance of 776.35 feet; thence run North 00°19'37" East along the East line of the West 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 3 for a distance of 1230.65 feet; thence run North 89°41'26" West along the South line of the North 86.00 feet of the Southeast 1/4 of said Section 3 for a distance of 142.00 feet to the West line of said Southeast 1/4; thence run South 89°44'36" West along the South line of the North 86.00 feet of the Southwest 1/4 of said Section 3 for a distance of 1308.10 feet to a point on the East line of LOCH ARBOR, ISLE OF PINES, SECTION TWO as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida; thence run North 00°13'41" West along said East line a distance of 86.00 feet to a point on the South line of the West 210.00 feet of the Southeast 1/4 of the Northwest 1/4 of the aforementioned Section 3; thence run North 89°44'36" East along said South line for a distance of 193.28 feet to the Southeast corner thereof; thence run North 00°03'54" East along the East line of said West 210.00 feet of the Southeast 1/4 of the Northwest 1/4 for a distance of 1335.51 feet to the Northeast corner thereof; thence run South 89°26'51" West along the North line of said West 210.00 feet of the Southeast 1/4 of the Northwest 1/4 for a distance of 210.01 feet to the Northwest corner thereof; thence run North 00°03'54" East along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 3, for a distance of 208.31 feet; thence run North 29°16'46" East along the Westerly line of lands described in Official Records Book 1056, Page 676 of the Public Records of Seminole County, Florida, for a distance of 979.82 feet to a point on a curve concave Northerly having a radius of 197.79 feet and a chord bearing of North 85°05'36" East; thence run Northeastery along the arc of said curve and the Southerly right-of-way line of Lake Boulevard (80' R/W) through a central angle of 82°02'57" for a distance of 286.11 feet; thence run North 44°04'07" East along said Southerly right-of-way line for a distance of 140.69 feet to a point of curvature of a curve concave Northwestery having a radius of 280.00 feet; thence run Northeastery along the arc of said curve and said Southerly line through a central angle of 22°41'07" for a distance of 110.86 feet; thence run South 89°57'49" East along the aforementioned Westerly line of Official Records Book 1056, Page 676 for a distance of 545.36 feet to a point on a curve concave Northeastery having a radius of

SEMINOLE CO. FLA.
 2097 1084
 OFFICIAL RECORDS
 BOOK PAGE

1068.15, a central angle of $38^{\circ}58'16''$ and a chord bearing of South $28^{\circ}14'37''$ East; thence run Southeasterly along the arc of said curve for a distance of 726.53 feet; thence run South $47^{\circ}43'45''$ East for a distance of 40.00 feet; thence run North $48^{\circ}45'00''$ East for a distance of 737.79 feet; thence run South $29^{\circ}41'58''$ East along the proposed Westerly right-of-way line of Seminole County Expressway for a distance of 205.66 feet to the point of curvature of a curve concave Southwesterly having a radius of 3739.71 feet and a central angle of $09^{\circ}07'25''$; thence run Southeasterly along the arc of said curve and said proposed Westerly right-of-way line for a distance of 595.50 feet to a point on said curve; thence run South $23^{\circ}36'56''$ East along said proposed Westerly right-of-way line for a distance of 168.57 feet to a point on a curve concave Northeasterly having a radius of 5879.58 feet, a central angle of $15^{\circ}58'44''$ and a chord bearing South $28^{\circ}33'55''$ East; thence run Southeasterly along the arc of said curve and said proposed Westerly right-of-way line for a distance of 1639.72 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

Parcel "M"

A portion of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Northeast corner of said Section 3 and run South $00^{\circ}03'51''$ East along the East line of said Section 3 for a distance of 2633.28 feet to the Northerly Right-of-Way line of Lake Mary Road (a 50 foot Right-of-Way); thence run South $52^{\circ}28'50''$ West along said Westerly Right-of-Way line for a distance of 353.99 feet to the point of curvature of a curve concave Southeasterly having a radius of 5033.80 feet and a central angle of $01^{\circ}13'06''$; thence run Southwestery along the arc of said curve and said Westerly Right-of-Way line for a distance of 107.04 feet to the POINT OF BEGINNING; thence continue Southwestery along said curve and said Right-of-Way line through a central angle of $03^{\circ}41'28''$ for a distance of 500.00 feet to a point on said curve; thence leaving said Right-of-Way line run North $44^{\circ}25'44''$ West for a distance of 455.98 feet; thence run North $53^{\circ}15'59''$ East for a distance of 574.63 feet to a point on a curve concave Northeasterly, having a radius of 5879.58 feet and a chord bearing of South $34^{\circ}33'26''$ East; thence run Southeasterly along the arc of said curve and the Westerly Right-of-Way line of the proposed Seminole County Beltway through a central angle of $03^{\circ}59'43''$ for a distance of 409.99 feet to the POINT OF BEGINNING.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 7, 2005**

Members present: Ben Tucker, Dudley Bates, Matt Brown, and Jason Brodeur.

Members absent: Beth Hattaway, Rob Wolf, and Walt Eismann.

Also present: Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Brian Nelson, Principal Coordinator; Tony Matthews, Principal Planner; Kim Laucella, Assistant County Attorney; Tom Radzai, Senior Engineer; Denny Gibbs, Senior Planner; Brian Walker, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

C. Casa Verde Townhomes; Oren Gabbai / Pinecrest Development, applicant; approximately 2.78 acres; Rezone from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) and Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); located on the south side of CR 46A between Lake Boulevard and Casa Verde Boulevard. (Z2005-050/08-05SS.01)

Commissioner Carey – District 5
Brian Nelson, Principal Coordinator

Brian Nelson stated that the site contains 2 parcels. The northern parcel consists of 0.8 acres and is zoned PUD (Planned Unit Development). This is part of the Chase Groves PUD and is considered part of its allotted open space. The southern parcel is approximately 2 acres and is zoned A-1 (Agriculture District). Both parcels have the same owner. The applicant, Pinecrest Development, is proposing to amend the Chase Groves PUD by removing the 0.8 acre parcel from the development and to rezone both parcels from A-1 (Agriculture District) and PUD to PUD. There will also be a small scale land use amendment from LDR (Low Density Residential) to PD (Planned Development).

The applicant is proposing to build 24 townhomes with a net density of 10 units per net buildable acre. Mr. Nelson said that research reveals that approximately 33 % of the Chase Groves development is open space. The northern parcel represents .6% or less than 1% of the development. Removal of this parcel will not reduce the open space of the Chase Groves development below the required 25 %.

Staff researched if the removal of the northern parcel would cause the Chase Groves DRI to go through further review. In 2003 an NOPC was filed on the same parcels with the Regional Planning Council. The removal of the northern

parcel from the PUD was proposed at that time, as it is now. At that time, the decision was rendered that removal of the northern parcel would not represent a substantial deviation and that no additional review would be required. Based on this previous evaluation and the fact that this applicant is proposing to remove the same parcel, staff has determined that a new Notice of Proposed Change would be necessary.

Mr. Nelson stated that the Chase Groves Community Association has sent in a letter of protest. Their primary point of objection is the question of access off of Casa Verde Boulevard.

Mr. Nelson noted the receipt of a letter of support from the Loch Arbor Homeowner's Association.

The applicant has provided a document with a non-exclusive access agreement on the property, together with his attorney's opinion.

Staff recommendation is for approval of the applicant's request subject to terms included in the staff report.

Commissioner Tucker asked about the easement access to the property.

Mr. Nelson stated that the survey indicates that the applicant owns the property.

Commissioner Tucker stated that access would not be an issue before this board tonight.

Charles Madden spoke on behalf of Pinecrest Development and Oren Gabbai. Mr. Madden said that he had participated in the previous commercial proposal brought forth in 2003 for this property. Previous opponents of the commercial proposal on this property had stated that townhomes would be a good use of the property. He has letters of support on this application. He is in agreement of the development order stipulations.

Bob White, President of the Loch Arbor Homeowners Association, spoke in favor of the application. Loch Arbor is southwest of the proposed project. The association was concerned about Lake Avenue traffic and was in agreement with the proposal. He pointed out that Lake Boulevard is a 2 lane residential road and Casa Verde is a 4 lane arterial road. When CR 46A is expanded, there will be a traffic light at the corner of Casa Verde and CR 46A. When CR 46A is expanded, there will be a right turn only at the corner of Lake Boulevard. Loch Arbor would like the entrance and exit to the proposed townhomes on Casa Verde Boulevard, as proposed in the application.

Luis Toro of the Chase Groves Homeowner's Association stated that traffic on Casa Verde Boulevard was bad. This proposal will make things much worse. He hoped that the Commission will deny the proposal.

Charles Madden stated that the proposal is for a rezone and land use amendment.

Commissioners indicated that the access issue did not have to be discussed at this time.

Commissioner Brown asked about the level of service in the area of Casa Verde Boulevard.

Dan Matthys stated that the applicant will be required to pass concurrency. The level of service on Casa Verde Boulevard is either A or B. The access onto Casa Verde Boulevard was recommended by the Development Review Committee for safety reasons. The intersection at the end of Casa Verde Boulevard will be signalized.

Commissioner Bates made a motion to recommend approval with staff recommendations.

Commissioner Brown seconded the motion.

The motion passed 4 – 0.