

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Request for Final PCD Site Plan Approval for Oviedo Crossroads Ph. III, located west of SR 426 and south of Red Bug Lake Rd. (Toby Hardy, applicant).

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date <u>3/09/04</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. APPROVE the Final Site Plan and Addendum to the Developer's Commitment Agreement and authorize the Chairman to execute same; on 1.57 acres located 350' west of SR 426 and 700' south of Red Bug Lake Road, based on staff findings; or
2. DENY the Final Site Plan and Addendum to the Developer's Commitment Agreement; on 1.57 acres located 350' west of SR 426 and 700' south of Red Bug Lake Road; or
3. CONTINUE the request until a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant requests approval of a Final Site Plan for Phase III of Oviedo Crossroads PCD, a commercial development at the southwest corner of Red Bug Lake Road and SR 426. Existing businesses within the development include Home Depot, Eckerd, and Staples. The final construction project consists of a grouping of small retail facilities totaling 23,201 square feet.

The current site plan represents a slight reduction in proposed floor area from the amount allotted through the original Developer's Commitment Agreement for the PCD. Changes in permitted building floor area since approval of the development are as follows:

Reviewed by: <u>KRC</u> Co Atty: <u>KRC</u> DFS: _____ Other: <u>MW</u> DCM: <u>SW</u> CM: <u>JK</u> File No. <u>rpd01</u>

Tract	Acres	Original	Addendum #2	Current Proposal
Home Depot with Garden Center	10.84	129,684 s.f.	129,684 s.f.	129,684 s.f.
Eckerd	1.56	11,200 s.f.	11,200 s.f.	11,200 s.f.
Parcel 1	2.14	8,000 s.f.	7,500 s.f.	7,500 s.f.
Parcel 2	1.21	2,098 s.f.	4,000 s.f.	4,000 s.f.
Parcel 3	5.60	80,200 s.f.	56,699 s.f.	51,999 s.f.*
* Includes 28,698 s.f. in existing Staples and adjacent retail structure				

STAFF RECOMMENDATION:

Staff finds that the proposed Final Site Plan and Addendum to the Developer's Commitment Agreement are consistent with the Preliminary Master Plan, the approved Development Order, and the Vision 2020 Plan. Therefore, staff is recommending approval of the request.

SITE DATA

SECTION/TOWNSHIP/RANGE:	SEC 20 T19P 21 SOUTH/RNG 31 EAST
SITE AREA:	68,544 SF 1.57 ACRES 100%
PERVIOUS/SURFVIOUS AREAS:	
ORLEM (P/RY/VD/1/3) AREA:	12,241 SF 18%
PAVEMENT AREA:	25,209 SF 37%
CONCRETE AREA:	7,687 SF 11%
BUILDING AREA:	23,301 SF 34%
IMPERVIOUS AREA:	58,303 SF 85%
OPEN SPACE REQUIRED:	27% MAX. OPEN SPACE
PARCEL OR:	26-21-37-51-6-00000000
CURRENT ZONING:	MSD
EXISTING USE:	VACANT
PROPOSED USE:	RETAIL/COMMERCIAL
SPECIAL EXCEPTION:	NONE
BUILDING SETBACK	REQUIRE
FRONT: 20 MIN	FRONT: 15'
SIDE: 0	SIDE: 0'
REAR: 10 MIN	REAR: 10'
MAX. BUILDING HEIGHT:	30'

PROPOSED RETAIL AREA

RETAIL A	+ 2,232 SF
RETAIL B	+ 1,094 SF
RETAIL C	+ 1,703 SF
RETAIL D	+ 1,785 SF
RETAIL E	+ 1,040 SF
RETAIL F	+ 1,803 SF
RETAIL G	+ 1,650 SF
RETAIL H	+ 1,571 SF
RETAIL I	+ 1,358 SF
RETAIL J	+ 1,382 SF
RETAIL K	+ 1,448 SF
RETAIL L	+ 1,551 SF
RETAIL M	+ 1,506 SF
TOTAL RETAIL	23,301 SF

PARKING REQUIREMENTS

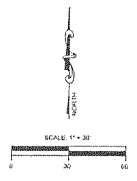
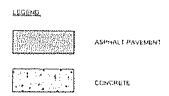
PARKING REQUIRED: 1 SPACE PER 200 SF OF BUILDING
 23,301/200 = 117 SPACES REQUIRED

HANDICAP ACCESSIBLE REQUIRED PER ADA
 REQUIREMENT: 1% TO TOTAL PARKING SPACES
 HANDICAP SPACES INCLUDING: 1

PARKING PROVIDED: 117 SPACES
 OFF-SITE PARKING (SHARED): 49 SPACES
 TOTAL PARKING PROVIDED: 68 SPACES

ON-SITE HC PARKING PROVIDED: 2 SPACES
 OFF-SITE HC PARKING (SHARED) SPACES:
 TOTAL HC PARKING PROVIDED: 5 SPACES

- MINIMUM NOTES**
1. FIRE LANE STRIPING, HANDICAP SYMBOLS, AND SURROUNDING DISCRETE STRIPING AND ALL ENTRANCE LANE STRIPING AS NOTED ON PLANS SHALL BE AGRASS/PLASTIC.
 2. STORAGE AND TRAFFIC MARKINGS SHALL BE IN ACCORDANCE WITH A.D.T.F. HIGHWAY AND TRAFFIC DESIGN STANDARDS MANUAL OF LABORATORY TRAFFIC CONTROL SERVICES AND THE SEMINOLE COUNTY LAND DEVELOPMENT CODE, APPENDIX O, SECTION 3, TITLE 5
 3. A 44' WIDE PAVEMENT CURBING TIME SHALL BE PROVIDED PRIOR TO APPLICATION OF PRESENT MARKINGS.
 4. FIRE LANE MARKINGS AND STORAGE SHALL BE IN ACCORDANCE WITH APPENDIX O SECTION 3 OF THE SEMINOLE COUNTY LDC.

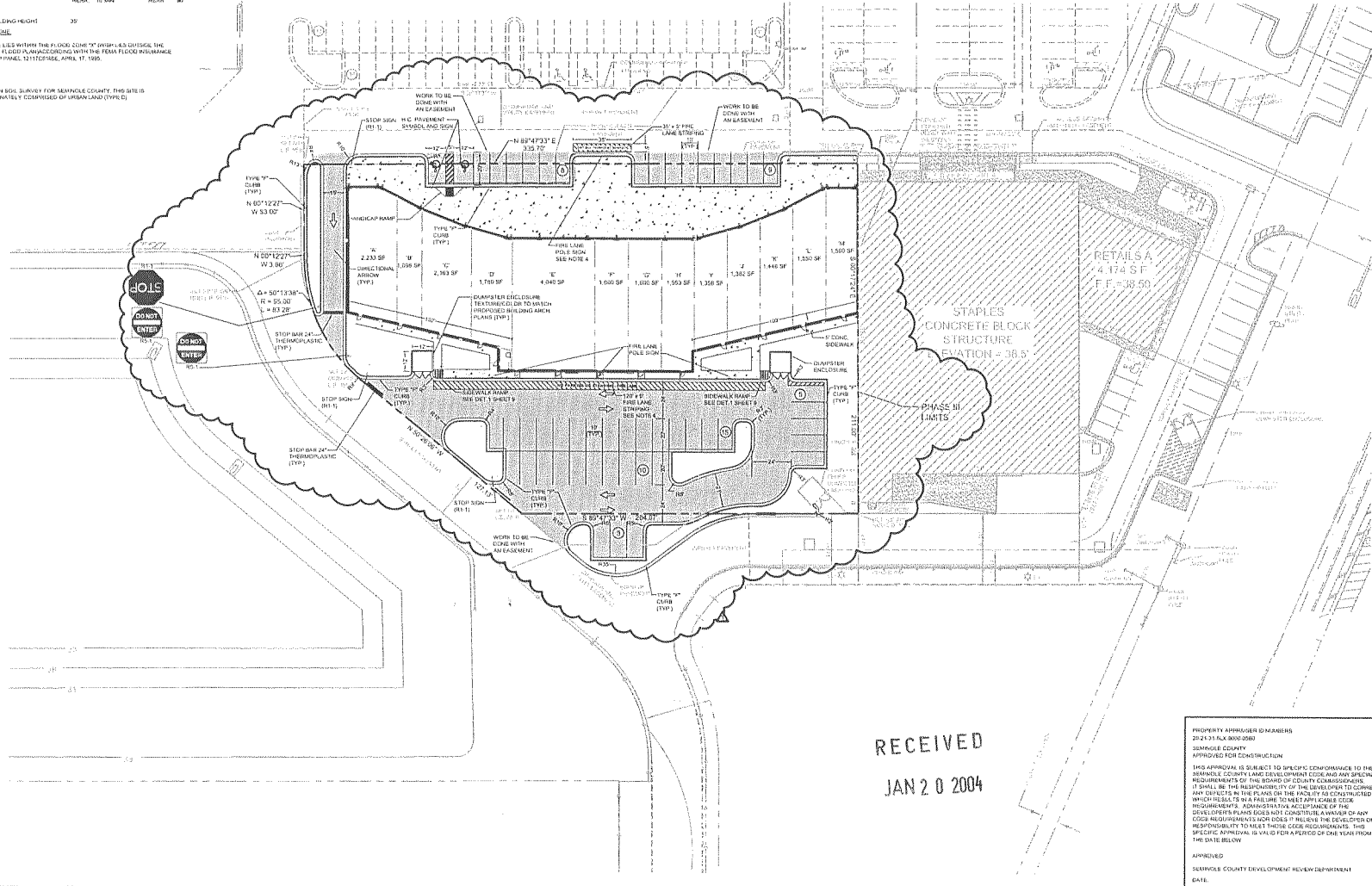


PLANNING

THIS SITE LIES WITHIN THE F-1000 CORNER 1/4 CORNER 4.3 OUTSIDE THE 100-FOOT BUFFER PLANNING ZONING WITH THE 100-FOOT BUFFER HAZARD HAZARD MAP PANEL 12111000000, APRIL 15, 1995.

NOTES

BASED ON BLDG SURVEY FOR SEMINOLE COUNTY, THIS SITE IS PRECISELY 1/4 CORNER 4.3 OF SECTION 20, T19P 21S, R31E.



LOCHRANE
 Engineering, Inc.

Consulting
 Engineers
 & Surveyors

LAND DEVELOPMENT
 SURVEY
 TRANSPORTATION

201 SOUTH BAYVIEW AVENUE
 ORLANDO, FLORIDA 32801
 PH: (407) 843-3347 FAX:
 (407) 843-1847
 WWW.LOCHRANE.COM
 CERTIFICATE OF AUTHORIZATION # 9902005

OVIEDO CROSSROADS - PHASE III
 AT
 SEMINOLE COUNTY, FLORIDA, SR 426
 AND RED BUG LAKE ROAD
 FROM
 RETAIL EQUITIES, INC.

SITE
 DIMENSION PLAN

NO.	DATE	REVISIONS
1	1/15/04	CHANGES SRC REVIEW AND BUILDING FOOTPRINT

RECORD DRAWING
 THIS IS TO CERTIFY THAT THE PROJECT HAS BEEN SUBSTANTIALLY COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

DATE: _____

ENGINEER
 Robert J. Lochrane P.E.
 P.L.C. # 32298

JOB #	03016-20	DESIGNER	GMH
PRJ MGR	JHP	CHECKED	KAL
SHEET	4	OF	11

RECEIVED
 JAN 20 2004

PROPERTY APPROVER (MEMBERS)
 2011 B.L.K. AND 0801
 SEMINOLE COUNTY
 APPROVED FOR CONSTRUCTION

THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY OR CONTINGENCY WHICH RESULTS IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS FOR CODES IN EFFECT AT THE TIME OF DEPENDENCY TO MEET THOSE CODE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

APPROVED
 SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
 DATE: _____

Consulting
Engineers
& Surveyors

**LAND DEVELOPMENT
SURVEY
TRANSPORTATION**

271 SOUTH BUNNY AVENUE
ORLANDO, FLORIDA 32825
P.O. BOX 105, 3371 PALM
AVENUE, SUITE 200
ORLANDO, FLORIDA 32817
WWW.LOCHRANE.COM
CERTIFICATE OF AUTHORIZATION #00002026

OVIEDO CROSSROADS - PHASE III
AT
SEMINOLE COUNTY, FLORIDA, SR 426
AND RED BUG LAKE ROAD
RETAIL EQUITIES, INC.

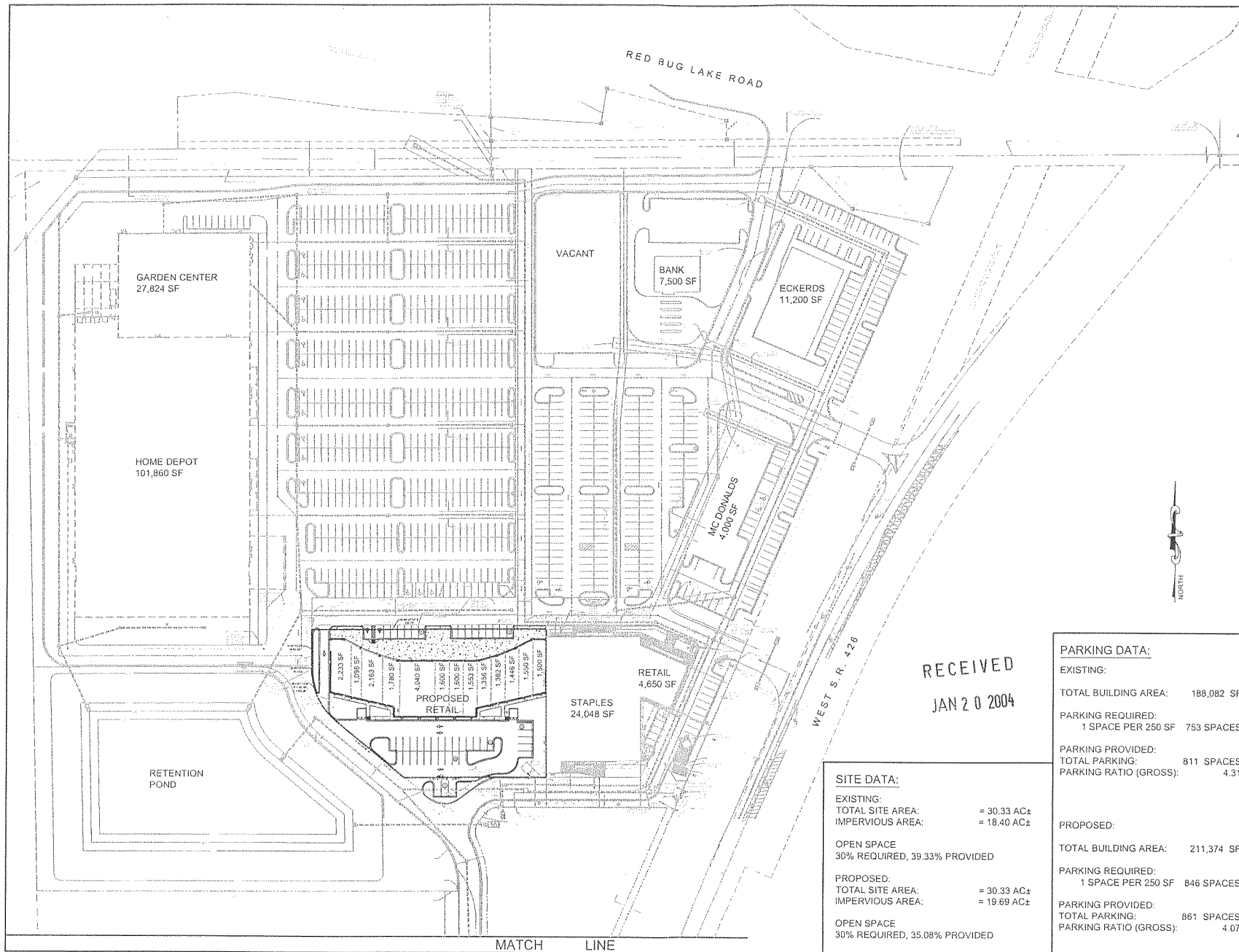
**MASTER
SITE PLAN**

NO.	DATE	REVISIONS
1	11/13/04	CHANGED DRG REVIEW AND BUILDING FOOTPRINT

RECORD DRAWING
THIS IS TO CERTIFY THAT THE PROJECT
HAS BEEN SUBSTANTIALLY COMPLETED IN
ACCORDANCE WITH THE APPROVED PLANS
AND SPECIFICATIONS.

DATE: _____
ENGINEER
Robert J. Lochrane P.E.
FL LIC. # 32259

DATE:	
JOB #:	03016.20
DESIGNER:	OMH
PRJ MGR:	JHP
CHECKED:	KAL
SHEET:	DP
0	11



RECEIVED
JAN 20 2004

SITE DATA:

EXISTING:	
TOTAL SITE AREA:	= 30.33 AC±
IMPERVIOUS AREA:	= 18.40 AC±
OPEN SPACE	
30% REQUIRED, 39.33% PROVIDED	
PROPOSED:	
TOTAL SITE AREA:	= 30.33 AC±
IMPERVIOUS AREA:	= 19.69 AC±
OPEN SPACE	
30% REQUIRED, 35.08% PROVIDED	

PARKING DATA:

EXISTING:	
TOTAL BUILDING AREA:	188,082 SF
PARKING REQUIRED:	1 SPACE PER 250 SF 753 SPACES
PARKING PROVIDED:	
TOTAL PARKING:	811 SPACES
PARKING RATIO (GROSS):	4.31
PROPOSED:	
TOTAL BUILDING AREA:	211,374 SF
PARKING REQUIRED:	1 SPACE PER 250 SF 846 SPACES
PARKING PROVIDED:	
TOTAL PARKING:	861 SPACES
PARKING RATIO (GROSS):	4.07

MATCH LINE

NO.	DATE	REVISIONS
1	1/13/00	CHARLES DRC REVIEW AND BUILDING FOOTPRINT

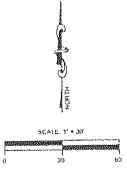
RECORD DRAWING
THIS IS TO CERTIFY THAT THE PROJECT HAS BEEN SUBSTANTIALLY COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

DATE: _____

ENGINEER
Robert J. Lochrane P.E.
FL Lic. # 32229

DATE: _____

JOB #	DATE	DESIGNER	DSB#
PRJ# 031120			
CHECKED			
SHEET	4	OF	11



SITE DATA

SECTION/TOWNSHIP/RANGE	SEC.20 TWP. 21 SOUTH/RNG. 21 EAST	100%
SITE AREA	85,548 SF 1.97 ACRES	100%
PERMITS/IMPERVIOUS AREAS	GREEN (PERVIOUS) AREA 12,241 SF 27%	18%
	PERVIOUS AREA 42,209 SF 49%	37%
	CONCRETE AREA 7,831 SF 9%	11%
	PAVING AREA 23,261 SF 27%	34%
	IMPERVIOUS AREA 46,383 SF 54%	62%
OPEN SPACES PROVIDED	254 MAX. OPEN SPACE	
PERCENT OF	20-21-31.5LX-0005-0002	
CURRENT ZONING	PCD	
EXISTING USE	VACANT	
PROPOSED USE	RETAIL COMMERCIAL	
SPECIAL EXCEPTION	NONE	

BOUNDARY SETBACKS

FRONT	15'
REAR	5'
SIDE	5'
REAR	5'

MAX. BUILDING HEIGHT: 35'
FLOOD ZONE:
THIS SITE LIES WITHIN THE 1% FLOOD ZONE 1" OR LESS OUTSIDE THE 500 YEAR FLOOD PLANNING ZONE WITH THE FIRM FLOOD INSURANCE RATE MAP PANEL 12212C02E, APRIL 11, 1995

NOTES:
BASED ON SOIL SURVEY FOR SEMINOLE COUNTY, THIS SITE IS PRELIMINARILY CLASSIFIED AS URBAN LAND (U1) D1

PROPOSED MULTIPURPOSE RETAIL AREA

RETAIL A	4,174 SF
RETAIL B	1,998 SF
RETAIL C	2,404 SF
RETAIL D	1,780 SF
RETAIL E	4,546 SF
RETAIL F	1,500 SF
RETAIL G	1,500 SF
RETAIL H	1,500 SF
RETAIL I	1,500 SF
RETAIL J	1,500 SF
RETAIL K	1,500 SF
RETAIL L	1,500 SF
RETAIL M	1,500 SF
TOTAL RETAIL	23,301 SF

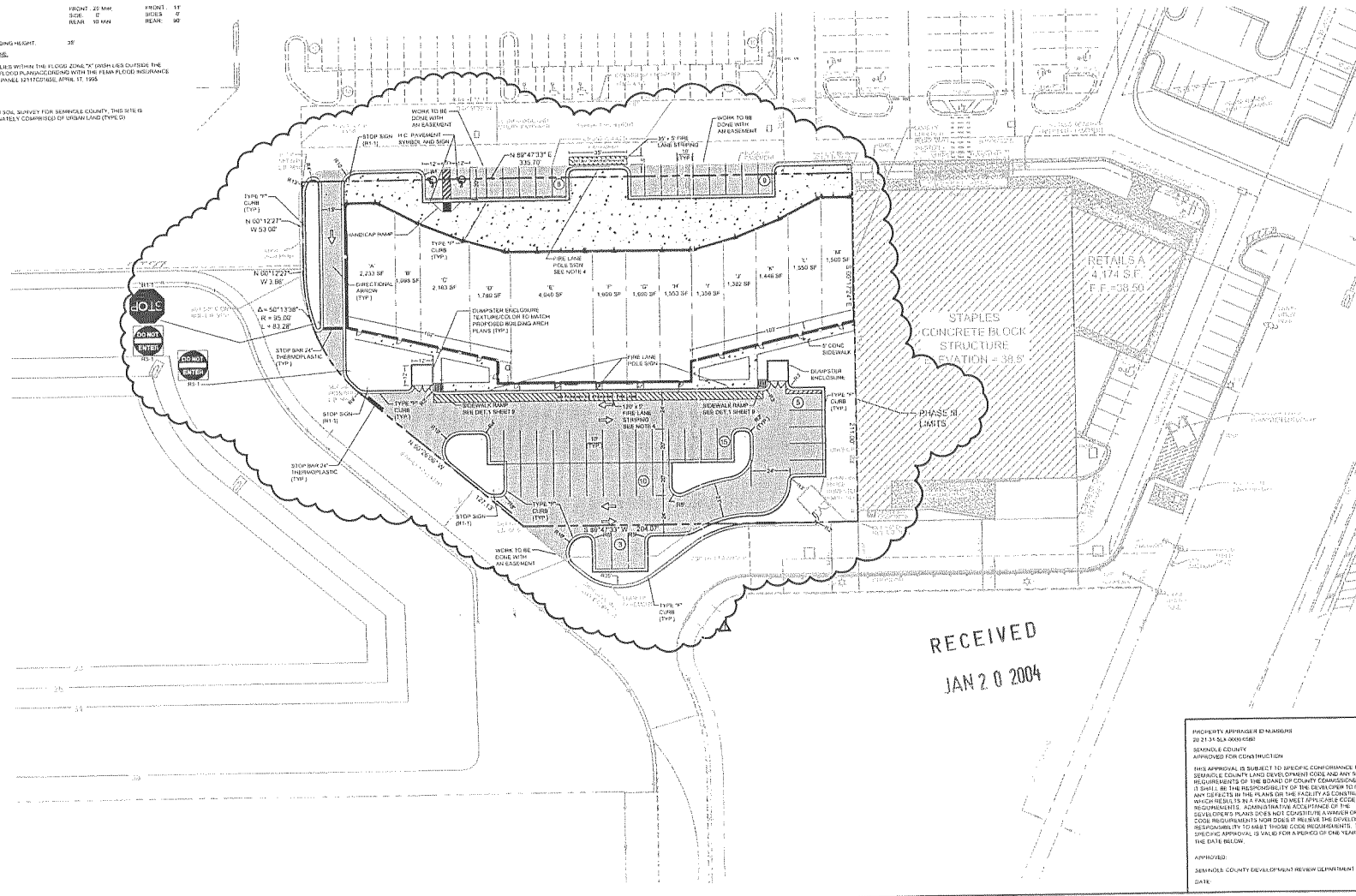
PARKING REQUIREMENTS

PARKING PROVIDED: 1 SPACE PER 250 SF OF RETAIL AND 23,301 / 250 = 93 SPACES REQUIRED
HANDICAP ACCESSIBLE REQUIRED PER ADA REQUIREMENTS: 3% OF 93 TOTAL PARKING SPACES = 3 SPACES
PARKING PROVIDED: 96 SPACES
ON-SITE PARKING PROVIDED: 96 SPACES
ON-SITE HANDICAP PROVIDED: 3 SPACES
TOTAL HANDICAP PROVIDED: 3 SPACES
ON-SITE HANDICAP PROVIDED: 3 SPACES
TOTAL HANDICAP PROVIDED: 3 SPACES

STIPENDING NOTES

1. FIRE LANE STIPENDING: HANDBICAP SYMBOL AND SURROUNDING DIAGONAL STIPENDING AND ALL ENTRANCE LANE STIPENDING (AS NOTED) ON PAVEMENT SHALL BE POLYURETHANE THERMOPLASTIC.
2. SIGNAGE AND TRAFFIC MARKINGS SHALL BE BY ACCORDANCE WITH SECTION 11, HIGHWAY AND TRAFFIC REGION 3 (SIGNAGE, SIGNALS, OR SIGNAGE TRAFFIC CONTROL DEVICES) AND THE SEMINOLE COUNTY LAND DEVELOPMENT CODE, APPENDIX D, SECTION 3, TITLE 3.
3. A 48 HOUR PRE-APPROVAL CONTACT FOR SHALL BE PROVIDED PRIOR TO APPLICATION OF PAVEMENT MARKINGS.
4. FIRE LANE MARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH APPENDIX D, SECTION 15 OF THE SEMINOLE COUNTY LDC.

LEGEND



RECEIVED
JAN 20 2004

PROPERTY APPRAISER # N 94816
20 21 31 5LX 0005 0002
RETAIL EQUITIES
APPROVED FOR CONSTRUCTION

THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE BY THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY OTHER REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. I SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFICIENCIES IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULTS IN A FAILURE TO MEET ANY OF THE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY RESPONSIBILITY TO MEET THOSE CODE REQUIREMENTS. THIS CIVIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

APPROVED:
SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
DATE: _____

OVIEDO CROSS ROADS

DEVELOPERS COMMITMENT AGREEMENT ADDENDUM # 3

On March 9, 2004, the Board of County Commissioners of Seminole County issued this Addendum to the "Oviedo Crossroads Final Site Plan Developer's Commitment Agreement," as amended (the "PCD"), which shall supersede any and all provisions to the contrary in said PCD or other addenda thereto:

III. Tract Breakdown:

TRACT	BUILDING SQUARE FOOTAGE
Home Depot with Garden Center	129,864 s.f.
Eckerd	11,200 s.f.
Parcel 1	7,500 s.f.
Parcel 2	4,000 s.f.
Parcel 3 (existing)	28,698 s.f.
Parcel 3 (new construction)	23,301 s.f.

Done and Ordered this 9th day of March, 2004.

By: _____
Daryl G. McLain
Chairman
Seminole County Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner, Oviedo Crossroads Inc., Toby R. Hardy, President, on behalf of itself, its agents, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this third addendum to the PCD.

WITNESSES:

OWNER: Oviedo Crossroads Inc.

Witness (Sign and print name)

By: Toby R. Hardy
President

Witness (Sign and print name)

Acknowledgement

STATE OF }
COUNTY OF }

The foregoing instrument was acknowledged before me this _____ day of _____, 2004, by Toby R. Hardy the President of Oviedo Crossroads Inc., who is personally known to me or who has produced his/her Driver's License as identification and did take an oath.

Notary Public
Print Name:
My Commission expires:

OVIEDO CROSS ROADS

DEVELOPERS COMMITMENT AGREEMENT

DATE APPROVED BY BOARD OF COUNTY
COMMISSIONERS May 13, 1997

I. LEGAL DESCRIPTION

(LUKAS PROPERTY)

LOT 27, THE SLAVIA COLONY COMPANY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 10 FEET THEREOF.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL.

A PORTION OF LOT 27, THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 27, THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S. 01 10' 37" E. ALONG THE WEST LINE OF SAID LOT 27, A DISTANCE OF 93.70 FEET, TO A POINT ON THE SOUTHEASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF THE COUNTY EXPRESSWAY; THENCE, LEAVING SAID WEST LINE, RUN N. 40 04' 50" W., ALONG THE SAID SOUTHEASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 122.82 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 27; THENCE LEAVING SAID SOUTHEASTERLY LINE, RUN S. 89 47' 33" W., ALONG THE SAID NORTH LINE, A DISTANCE OF 81.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA AND CONTAINING 19.72 ACRES MORE OR LESS.

(SULLIVAN PROPERTY)

LOTS 22 AND 26 OF THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; LYING WEST OF THE C.S.X. TRANSPORTATION, INC. RAILROAD RIGHT-OF-WAY.

CERTIFIED COPY

MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY Eva Couch
DEPUTY CLERK

LESS AND EXCEPT THE FOLLOWING:

THE SOUTH 25 FEET OF LOT 22 OF THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE FOLLOWING:

A PORTION OF LOT 26, OF THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT INTERSECTION OF THE NORTH LINE OF SAID LOT 26 WITH THE WESTERLY RIGHT OF WAY LINE OF THE C.S.X. TRANSPORTATION, INC., RAILROAD FOR A POINT OF BEGINNING; THENCE RUN SOUTH 23 26' 17" WEST, ALONG THE SAID WESTERLY RAILROAD RIGHT OF WAY LINE, 88.84 FEET; THENCE RUN NORTH 79 27' 23" WEST, 111.34 FEET; THENCE RUN NORTH 45 15' 16" WEST, 84.55 FEET TO THE AFORESAID NORTH LINE OF LOT 26; THENCE RUN NORTH 89 32' 38" EAST, ALONG THE SAID NORTH LOT LINE, 204.86 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA AND CONTAINING 10.61 ACRES MORE OR LESS.

II. STATEMENT OF BASIC FACTS:

- A. Total Acreage – 30.33 Acres
- B. Total Building square footage – See Table Below
- C. Specific uses – The Home Depot and Eckerd Stores will be constructed as shown the other uses will comply with the PCD specific uses. (See IV below)

III. TRACT BREAKDOWN:

TRACT	ACRES	BUILDING SQUARE FOOTAGE
Home Depot with Garden Center	10.84	129,684
Eckerd	1.56	11,200
Parcel 1	2.14	8,000
Parcel 2	1.21	2,098
Parcel 3	5.60	80,200
Stormwater and Wetland Preservation	8.98	N/A

IV. BUILDING AND LOT RESTRICTIONS:

PCD SPECIFIC USES:

All the permitted uses specified in C-2 Zoning with the following prohibitions and additions:

ADDITIONS:

1. Seasonal outdoor sales in the parking lot for Home Depot site.
2. Outdoor display for sale of building and landscape materials and supplies (Home Depot site only).
3. A building height of 40' including the parapet.
4. The Home Depot site and building will be similar to the Lake Mary location.
5. Access to adjacent roadways as shown on the site plan including a right in, right out to Red Bug Lake Road.
6. Monument signs shall be placed as shown, all other signage shall be as per Seminole County sign ordinance.
7. Off-premise advertising will be prohibited.
8. A setback from the 417 (Seminole County Expressway) right of way of not more than 10' for parking, paved access, and hard surfaced paved areas.
9. ATM locations.

PROHIBITIONS:

1. Marine sales and service.
2. Mobile home and recreational vehicle sales.
3. Automobile sales with no repair facilities.
4. No truck rental or storage.

All the conditional uses specified in C-2 zoning with the following specific uses and prohibitions:

SPECIFIC USES:

1. Alcoholic beverage establishments (Restaurants with less than 50% alcohol sales).
2. Contractors establishments with no outside storage.
3. Drive-in restaurant.
4. Living quarters in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee.
5. Mechanical garages (such as tire, battery, muffler type shops).
6. Service stations and gas pumps as an accessory use.
7. Personal mini-storage facilities for storage of household goods and personal non-commercial items and materials.

PROHIBITIONS:

1. Drive-in theaters.
2. Flea markets – open air.
3. Lumber yards.
4. Paint and body shops.
5. Public utility structures.
6. Adult entertainment establishments.
7. Hospitals and nursing homes.

V. LANDSCAPING AND BUFFERS:

Landscaping and buffer areas will comply with Seminole County C-2 Zoning District Regulations.

VI. FACILITY COMMITMENTS

- A. Water and Sewer: Seminole County Central Services

VII. SPECIAL CONDITIONS

- A. The specific PCD uses as noted on the site plan are approved.
- B. Signage shall be in accordance with the County's sign regulations, including monument signage shown on the PCD plans.
- C. Development of the site shall accommodate the existing ditch running north-south across the central portion of the site. The applicant shall dedicate a drainage easement to the County.
- D. Lighting shall be cut off/shoebox style, 30' maximum height, with the exception of lighting along the southernmost access drive (to the southernmost building wall), shall be a maximum of 20' height with cut off/shoebox lighting.
- E. The applicant shall not be required to construct a sidewalk per County regulations along the eastern frontage, but shall provide to the county prior to the issuance of the first building permit, a payment equivalent to the cost of the sidewalk construction. Said payment is to be utilized for construction of a portion of the recreational trail abutting the east property line.
- F. The portion of the site within the jurisdictional wetlands shall remain A-1 unless a mitigation plan is approved by the St. Johns River Water Management District.
- G. If needed to accommodate access related improvements (turn lanes), dedicate additional right of way to Seminole County on Red Bug Lake Road, as shown on the approved development plans.
- H. Construction of turn lanes per the Seminole County Land Development Code shall be required on Red Bug Lake Road and SR 426 in conjunction with approved driveways.
- I. Modification to the parapet standard noted on the preliminary master plan, removing the phrase "for the Home Depot building".
- J. Modification to the location of the trailhead parking on the site (see Board minutes).

VIII. OTHER COMMITMENTS (Standard statements in all PCDs):

- A. Unless specifically addressed in this agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.
- B. Developer definition: When the term "Developer" is used herein, same shall be taken or constructed to mean Hardy and Callaway Development Group, Inc. All obligations, liabilities, and responsibilities incurred by or implied by the Developer by this agreement shall be assumed by any successors in interest as the overall Development of the Planned Commercial District.

Approved by the Board of County Commissioners on May 13, 1997.

HARDY & CALLAWAY DEVELOPMENT GROUP, INC.

Patrick T. Callaway
Developers PATRICK T. CALLAWAY, PRESIDENT

AUGUST 6, 1997
Date

[Signature]
Board of County Commissioners
Seminole County Florida

8-14-97
Date

FIRST AMENDED

OVIEDO CROSS ROADS

DEVELOPERS COMMITMENT AGREEMENT

DATE APPROVED BY BOARD OF COUNTY
COMMISSIONERS October 28, 1997

I. LEGAL DESCRIPTION

PARCEL A (LUKAS PROPERTY)

LOT 27, THE SLAVIA COLONY COMPANY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 10 FEET THEREOF.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL.

A PORTION OF LOT 27, THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 27, THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S. 01 10' 37" E. ALONG THE WEST LINE OF SAID LOT 27, A DISTANCE OF 93.70 FEET, TO A POINT ON THE SOUTHEASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF THE COUNTY EXPRESSWAY; THENCE, LEAVING SAID WEST LINE, RUN N. 40 04' 50" W., ALONG THE SAID SOUTHEASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 122.82 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 27; THENCE LEAVING SAID SOUTHEASTERLY LINE, RUN S. 89 47' 33" W., ALONG THE SAID NORTH LINE, A DISTANCE OF 81.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA AND CONTAINING 19.72 ACRES MORE OR LESS.

PARCEL B (SULLIVAN PROPERTY)

LOTS 22 AND 26 OF THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; LYING WEST OF THE C.S.X. TRANSPORTATION, INC. RAILROAD RIGHT-OF-WAY.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eva Coach
DEPUTY CLERK

THE AFOREMENTIONED 10 FOOT ADDITIONAL RIGHT-OF-WAY OF CANAL STREET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY RUN S. 89 32' 38" W. ALONG THE SAID NORTH LINE A DISTANCE OF 337.41 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA AND CONTAINING 0.31 ACRES MORE OR LESS.

II. STATEMENT OF BASIC FACTS:

- A. Total Acreage – 30.64 Acres
- B. Total Building square footage – See Table Below
- C. Specific uses – The Home Depot and Eckerd Stores will be constructed as shown; the other uses will comply with the PCD specific uses. (See IV below)

III. TRACT BREAKDOWN:

TRACT	ACRES	BUILDING SQUARE FOOTAGE
Home Depot with Garden Center	10.84	129,684
Eckerd	1.56	11,200
Parcel 1	2.14	8,000
Parcel 2	1.21	2,098
Parcel 3	5.60	80,200
Parcels 4A, 4B	0.31	N/A; Signage and landscaping
Stormwater and Wetland Preservation	8.98	N/A

IV. BUILDING AND LOT RESTRICTIONS:

PCD SPECIFIC USES:

All the permitted uses specified in C-2 Zoning with the following prohibitions and additions:

ADDITIONS:

1. Seasonal outdoor sales in the parking lot for Home Depot site.
2. Outdoor display for sale of building and landscape materials and supplies (Home Depot site only).
3. A building height of 40' including the parapet.
4. The Home Depot site and building will be similar to the Lake Mary location.
5. Access to adjacent roadways as shown on the site plan including a right in, right out to Red Bug Lake Road.
6. Monument signs shall be placed as shown, all other signage shall be as per Seminole County sign ordinance.
7. Off-premise advertising will be prohibited.
8. A setback from the 417 (Seminole County Expressway) right of way of not more than 10' for parking, paved access, and hard surfaced paved areas.
9. ATM locations.

PROHIBITIONS:

1. Marine sales and service.
2. Mobile home and recreational vehicle sales.
3. Automobile sales with no repair facilities.
4. No truck rental or storage.

All the conditional uses specified in C-2 zoning with the following specific uses and prohibitions:

SPECIFIC USES:

1. Alcoholic beverage establishments (Restaurants with less than 50% alcohol sales).
2. Contractors establishments with no outside storage.
3. Drive-in restaurant.
4. Living quarters in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee.
5. Mechanical garages (such as tire, battery, muffler type shops).
6. Service stations and gas pumps as an accessory use.
7. Personal mini-storage facilities for storage of household goods and personal non-commercial items and materials.

PROHIBITIONS:

1. Drive-in theaters.
2. Flea markets – open air.
3. Lumber yards.
4. Paint and body shops.
5. Public utility structures.
6. Adult entertainment establishments.
7. Hospitals and nursing homes.

V. LANDSCAPING AND BUFFERS:

Landscaping and buffer areas will comply with Seminole County C-2 Zoning District Regulations.

VI. FACILITY COMMITMENTS

- A. Water and Sewer: Seminole County Central Services

VII. SPECIAL CONDITIONS

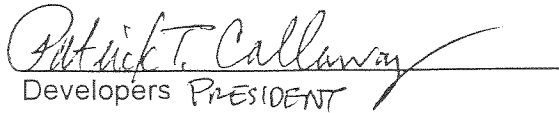
- A. The specific PCD uses as noted on the site plan are approved.
- B. Signage shall be in accordance with the County's sign regulations, including monument signage shown on the PCD plans.
- C. Development of the site shall accommodate the existing ditch running north-south across the central portion of the site. The applicant shall dedicate a drainage easement to the County.
- D. Lighting shall be cut off/shoebox style, 30' maximum height, with the exception of lighting along the southernmost access drive (to the southernmost building wall), shall be a maximum of 20' height with cut off/shoebox lighting.
- E. The applicant shall not be required to construct a sidewalk per County regulations along the eastern frontage, but shall provide to the county prior to the issuance of the first building permit, a payment equivalent to the cost of the sidewalk construction. Said payment is to be utilized for construction of a portion of the recreational trail abutting the east property line.
- F. The portion of the site within the jurisdictional wetlands shall remain A-1 unless a mitigation plan is approved by the St. Johns River Water Management District.
- G. If needed to accommodate access related improvements (turn lanes), dedicate additional right of way to Seminole County on Red Bug Lake Road, as shown on the approved development plans.
- H. Construction of turn lanes per the Seminole County Land Development Code shall be required on Red Bug Lake Road and SR 426 in conjunction with approved driveways.
- I. Modification to the parapet standard noted on the preliminary master plan, removing the phrase "for the Home Depot building".
- J. Modification to the location of the trailhead parking on the site (see Board minutes).

VIII. OTHER COMMITMENTS:

- A. Unless specifically addressed in this agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.
- B. Developer definition: When the term "Developer" is used herein, same shall be taken or constructed to mean Hardy and Callaway Development Group, Inc. All obligations, liabilities, and responsibilities incurred by or implied by the Developer by this agreement shall be assumed by any successors in interest as the overall Development of the Planned Commercial District.

Approved by the Board of County Commissioners on October 28, 1997.

HARDY & CALLAWAY DEVELOPMENT GROUP, INC.


Developers PRESIDENT

Feb. 17, 1998
Date


Board of County Commissioners
Seminole County Florida

2/24/98
Date

LESS AND EXCEPT THE FOLLOWING:

THE SOUTH 25 FEET OF LOT 22 OF THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE FOLLOWING:

A PORTION OF LOT 26, OF THE SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT INTERSECTION OF THE NORTH LINE OF SAID LOT 26 WITH THE WESTERLY RIGHT OF WAY LINE OF THE C.S.X. TRANSPORTATION, INC., RAILROAD FOR A POINT OF BEGINNING; THENCE RUN SOUTH 23 26' 17" WEST, ALONG THE SAID WESTERLY RAILROAD RIGHT OF WAY LINE, 88.84 FEET; THENCE RUN NORTH 79 27' 23" WEST, 111.34 FEET; THENCE RUN NORTH 45 15' 16" WEST, 84.55 FEET TO THE AFORESAID NORTH LINE OF LOT 26; THENCE RUN NORTH 89 32' 38" EAST, ALONG THE SAID NORTH LOT LINE, 204.86 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA AND CONTAINING 10.61 ACRES MORE OR LESS.

PARCEL C. (VIERA PARCEL)

A PORTION OF LOT 20, SLAVIA COLONY CO.'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 20, SAID POINT BEING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 21 SOUTH, RANGE 31 EAST AND A LINE 15 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE AFOREMENTIONED SOUTHWEST ¼ OF SECTION 16; THENCE N. 00 57' 23" W. ALONG THE WEST LINE OF SAID SOUTHWEST ¼ OF SECTION 16, ALSO BEING THE WEST LINE OF LOT 20, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID POINT BEING ON THE NORTH LINE OF A 10 FOOT ADDITIONAL RIGHT-OF-WAY TO CANAL STREET AS RECORDED IN DEED BOOK 85, PAGE 213 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE CONTINUE N. 00 57' 23" W. ALONG THE AFOREMENTIONED WEST LINE OF THE SOUTHWEST ¼ OF SECTION 16 A DISTANCE OF 34.44 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, A LIMITED ACCESS RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORD BOOK 2290, PAGES 1619 THROUGH 1631; THENCE LEAVING SAID WEST LINE OF THE SOUTHWEST ¼ OF SECTION 16 RUN ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES:
S. 86 50' 19" E. A DISTANCE OF 158.17 FEET; THENCE N. 09 14' 58" E. A DISTANCE OF 50.00 FEET; THENCE S. 75 10' 28" E. A DISTANCE OF 177.45 FEET; THENCE S. 01 00' 04" E. A DISTANCE OF 26.86 FEET TO A POINT ON THE NORTH LINE OF

Oviedo Cross Roads

Developers Commitment Agreement Addendum # 2

Administrative Approval Approved on March 21, 2001

The Oviedo Cross Roads Planned Commercial Development Master Plan and Commitment Agreement dated October 28, 1997 are hereby amended as follows:

III. Tract Breakdown:

<u>TRACT</u>	<u>BUILDING SQUARE FOOTAGE</u>
Home Depot with Garden Center	129,684 Sq. Ft.
Eckerd	11,200 Sq. Ft.
Parcel 1	7,500 Sq. Ft.
Parcel 2	4,000 Sq. Ft.
Parcel 3	59,699 Sq. Ft.

VII. Special Conditions:

K. Parking Spaces for the Oviedo Cross Roads Center shall be provided at a rate of one (1) space per 250 ft. of building square footage.

Approved and accepted:

By: Oviedo Crossroads, Inc.

By: 

Toby R. Hardy, President


Date: 3-22-01

By: Seminole County, Florida

By: 

Matt West, Planning Manager

Date: 3/28/01

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY 
DEPUTY CLERK