

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

Item # 35

SUBJECT: J Z RIDERS PCD (Planned Commercial Development) Final Site Plan.

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

AUTHORIZED BY: Donald Fisher **CONTACT:** Earnest McDonald EXT. 7430

Agenda Date 03-23-03 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 1:30**

MOTION/RECOMMENDATION:

1. Approve the final site plan and authorize the Chairman to execute the Developer's Commitment Agreement for a 10.35 acre parcel, located at the southwest corner of Orange Boulevard and Monroe Road (County Road 15) (Jerry Zebrowski, applicant); or
2. Deny the final site plan for a 10.35 acre parcel located at the southwest corner of Orange Boulevard and Monroe Road (County Road 15) (Jerry Zebrowski, applicant); or
3. Continue the public hearing until a time and date certain

(District 5 – Commissioner McLain)

(Earnest McDonald, Principal Coordinator)

BACKGROUND:

The applicant requests approval of the final site plan for a 10.35 acre parcel that was zoned PCD (Planned Commercial Development) by the Board of County Commissioners on January 14, 2003. The property is designated as HIP-TI (Higher Intensity Planned Development-Target Industry) on the Future Land Use Map and is located on the southwest corner of Orange Boulevard and Monroe Road (County Road 15). The applicant intends to develop a motel, restaurant, motorcycle parking area, motorcycle sales and service building, and a sports bar and grille.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed final site plan, subject to the conditions contained in the Developer's Commitment Agreement.

Reviewed by:
Co Atty: KRC
DFS: _____
OTHER: MW
DCM: SS
CM: TL
File No. RPDP01

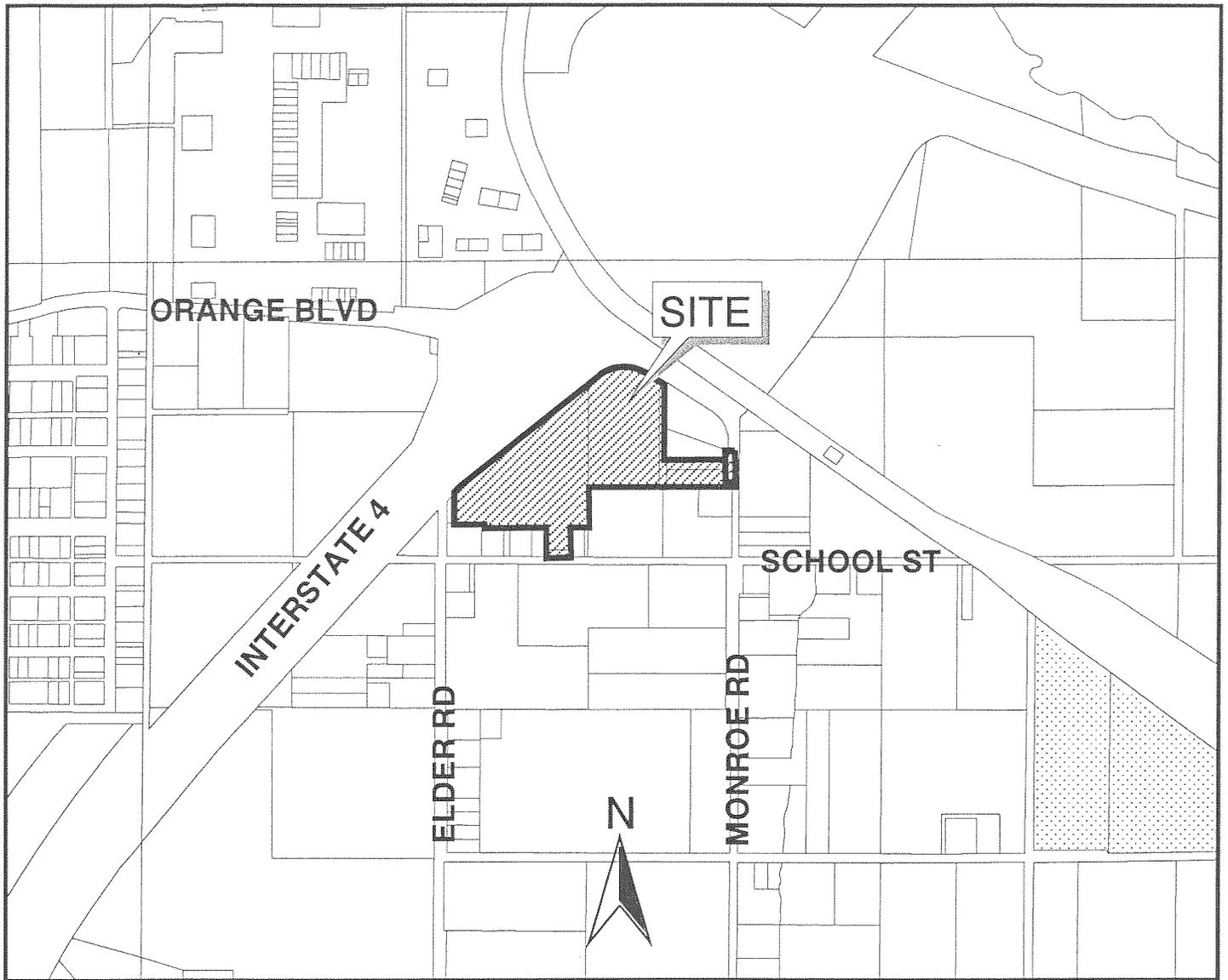


Rezone No. Z2002-027

-  Subject Property
-  Parcelbase



February 1999 Color Aerials



JZ RIDERS FINAL SITE PLAN			
APPLICANT:	Jerry Zebrowski		
OWNER:	H & S Development Enterprises		
REQUEST:	Final Site Plan Approval for property zoned PCD (Planned Commercial Development District)		
HEARING DATES:	P&Z:	n/a	BCC: March 23, 2004
PARCEL ID NUMBER:	21-19-30-502-0300-0000		
PROJECT LOCATION:	Located on the southwest corner of Orange Boulevard and Monroe Road (County Road 15)		
APPROXIMATE SIZE:	10.35 acres		
FUTURE LAND USE:	HIP-TI (Higher Intensity Planned Development-Target Industry)		
ZONING:	PCD (Planned Commercial Development District)		
FILE NUMBER:	Z2003-027		
COMMISSION DISTRICT:	District 5 – Commissioner McLain		

OVERVIEW:

The applicant, Jerry Zebrowski, proposes a phased commercial development to include the following uses:

Phase	Preliminary Site Plan	Final Site Plan
1	10,000 SF sports bar & grille 4,100 SF motorcycle sales & service building 18,200 SF covered motorcycle parking area	10,500 SF sports bar & grille 4,032 SF motorcycle sales & service building 16,336 SF covered motorcycle parking area
2	5,000 SF two-story restaurant	5,000 SF two-story restaurant
3	150 room four-story motel	(On hold)

The subject property was zoned PCD (Planned Commercial District) in accordance with the preliminary site plan (Attachment A) on January 14, 2003. PCD is an allowable zoning category under the existing HIP-TI future land use (FLU), and the proposed final site plan depicts a combination of commercial uses, which are collectively considered target industry under the description of "hotels and lodging" in FLU Exhibit-22.

The property is currently comprised of an abandoned commercial building, which the applicant intends to demolish prior to developing the site in accordance with the proposed final site plan. The final site plan depicts phases one (1) and two (2), which are consistent with the approved preliminary site plan, with the exception of the proposed bar and grille, which exceed the approved 10,000 square footage by 500 square feet. Final site plan approval will be required for phase (3), should and when the applicant decides to proceed with the development of the proposed 150 room motel depicted on the approved preliminary site plan.

The attached final site plan meets all the requirements of the Development Order 02-20500006, approved on January 14, 2003 and all applicable requirements of the Seminole County Land Development Code.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed final site plan, subject to the conditions contained in the Developer's Commitment Agreement.

Attachments: FLU, Zoning and Site Maps
 SJRWMD Permit / Mitigation Bank Letter
 Approved Preliminary Site Plan
 Proposed Final Site Plan (Phases I & II) / Elevation Drawings
 Recorded Development Order / Ordinance
 Proposed Developer's Commitment Agreement



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

January 13, 2004

Jerry Zebrowsky
3202 Phil's Landing
Apopka, FL 32712

SUBJECT: Permit Number 4-117-48756-3
JZ Riders

Dear Sir/Madam:

Enclosed is your permit as authorized by the Governing Board of the St. Johns River Water Management District on January 13, 2004.

This permit is a legal document and should be kept with your other important documents. The attached MSSW/Stormwater As-Built Certification Form should be filled in and returned to the Palatka office within thirty days after the work is completed. By so doing, you will enable us to schedule a prompt inspection of the permitted activity.

In addition to the MSSW/Stormwater As-Built Certification Form, your permit also contains conditions which require submittal of additional information. All information submitted as compliance to permit conditions must be submitted to the Palatka office address.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction for this work.

In the event you sell your property, the permit can be transferred to the new owner, if we are notified by you within thirty days of the sale. Please assist us in this matter so as to maintain a valid permit for the new property owner.

Thank you for your cooperation and if this office can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

Gloria Lewis, Director
Permit Data Services Division

Enclosures: Permit with EN Form(s), if applicable

cc: District Permit File

GOVERNING BOARD

Duane Ottenstroer, CHAIRMAN
JACKSONVILLE

Ometrias D. Long, VICE CHAIRMAN
APOPKA

R. Clay Albright, SECRETARY
OCALA

David G. Graham, TREASURER
JACKSONVILLE

W. Michael Branch
FERNANDINA BEACH

John G. Sowinski
ORLANDO

William Kerr
MELBOURNE BEACH

Ann T. Moore
BUNNELL

Susan N. Hughes
JACKSONVILLE

Consultant: Mellich Blenden Engineering Inc
1177 Louisiana Avenue Ste 111
Winter Park, FL 32789

Consultant: Aquatic Symbiotics, Inc.
100 S Semoran Blvd Suite A
Orlando, FL 32807

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-117-48756-3
PROJECT NAME: JZ Riders

DATE ISSUED: January 13, 2004

A PERMIT AUTHORIZING:

Modification of a surface water management system authorized by Permit 42-117-312M for a Handy Way and JZ Riders, Phases I and II, a sports bar, restaurant, and motorcycle sales and service development. This permit authorizes work within 1.12 acres of wetlands.

LOCATION:

Section(s): 20 Township(s): 19S Range(s): 30E

Seminole County

ISSUED TO:

Jerry Zebrowsky
3202 Phil's Landing
Apopka, FL 32712

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified therein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

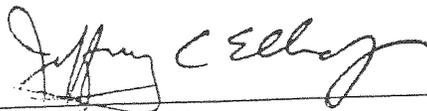
See conditions on attached "Exhibit A", dated January 13, 2004

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

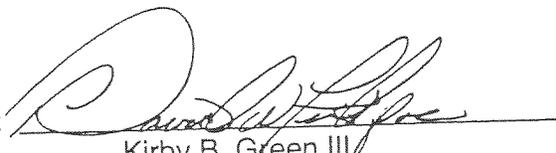
Governing Board

By: _____



Jeff Elledge
(Director)

By: _____



Kirby B. Green III
(Assistant Secretary)

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-117-48756-3
JERRY ZEBROWSKY
DATED JANUARY 13, 2004

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.

10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;

2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;

3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;

4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;

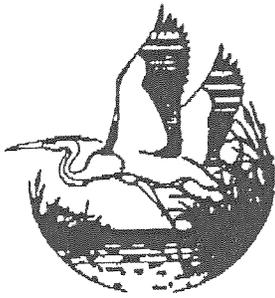
5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;

6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
24. The proposed surface water management system must be constructed as per the plans received by the District on November 26, 2003.
25. Direct impacts to 1.12 acres of Phases I and II wetlands are authorized as depicted on Sheet 4 of 9 of the plans received by the District on November 26, 2003.
26. Prior to initiating construction on Phase III, a modification to this permit shall be obtained from the District.
27. Prior to initiating any construction within Phase I or II wetlands, the District must receive a letter of verification from the Colbert/Cameron Mitigation Bank stating that a transaction regarding the transfer of 1.40 mitigation credits has been completed.
28. In the event that the permittee does not successfully complete the transaction to obtain 1.40 credits from the Colbert/Cameron Mitigation Bank, the permittee must obtain a permit modification to provide alternative mitigation for the proposed direct and secondary wetland impacts.
29. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.



COLBERT-CAMERON MITIGATION BANK

POST OFFICE BOX 4848
SANFORD, FLORIDA 32772-4848
407-322-2171 SANFORD 407-330-2379 FAX
407-834-5119 ORLANDO 386-668-1479 DELAND
wcolbert@stenstrom.com e-mail

December 9, 2003

Mr. Todd Gipe
Technical Program Manager, Mitigation Banking
St. Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

AMENDED

Re: Colbert/Cameron Mitigation Bank; Permit No. 4-127-0314-ERP
Credit Reservation and Debit Request

Dear Mr. Gipe:

This letter serves to verify that I have entered into an agreement with Jerome Zebrowsky for the reservation of 1.4 mitigation credits for the J.Z. Riders, Phase I and II project.

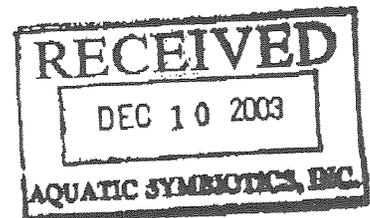
This letter further requests that, upon the issuance of the pertinent SJRWMD permit (s) for the aforementioned debit project, my mitigation bank permit be modified to withdraw the permitted number of credits from the bank ledger. I understand that upon my written notification to you, if the aforementioned debit project applicant fails to complete the agreed-upon transaction for said credits, you will return said credits to the mitigation bank's ledger as available credits.

Sincerely,

COLBERT-CAMERON MITIGATION BANK

William L. Colbert
William L. Colbert, Managing Trustee

cc: Walt Wheeler, Aquatic Symbiotics
Vicki Nations, SJRWMD
Sheri Lewin, Mitigation Marketing
Jerome Zebrowsky, Buyer



State 4 Access Right of Way
/W Width Varies Per FDOT R/W map

THIS AREA IN R.O.W.
IS UNDER CONSTRUCTION

F.D.O.T. LIMITED ACCESS
RIGHT-OF-WAY.

SETBACK

ement
Pg. 116

STER PAD
QUIREMENTS

STANGE BOULEVARD

EXIST. 10" FORCE MAIN

EXIST. DRIVEWAY

Ingress/Egress Easement
per O.R. 2092, Pg. 176

Back of curb grades

EXISTING HANDY WAY STORE

West R/W line of State
Road 15 (Monroe Rd.)

S 00°23'48" E 378.03'

0' BUILDING SETBACK

N 89°56'12" E
272.00'

EXIST. DRIVEWAY

L=44.86

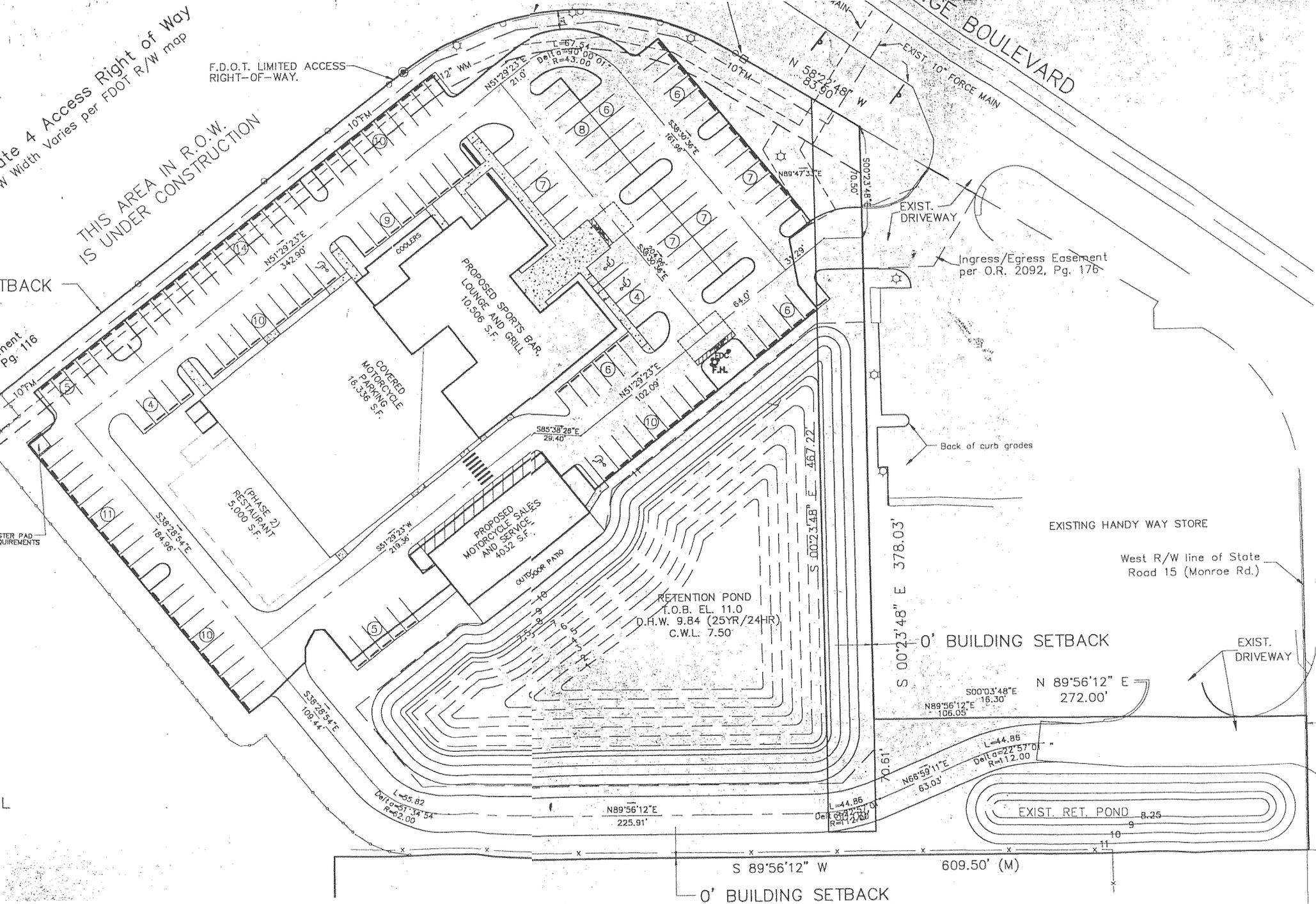
Del α=22°57'0"

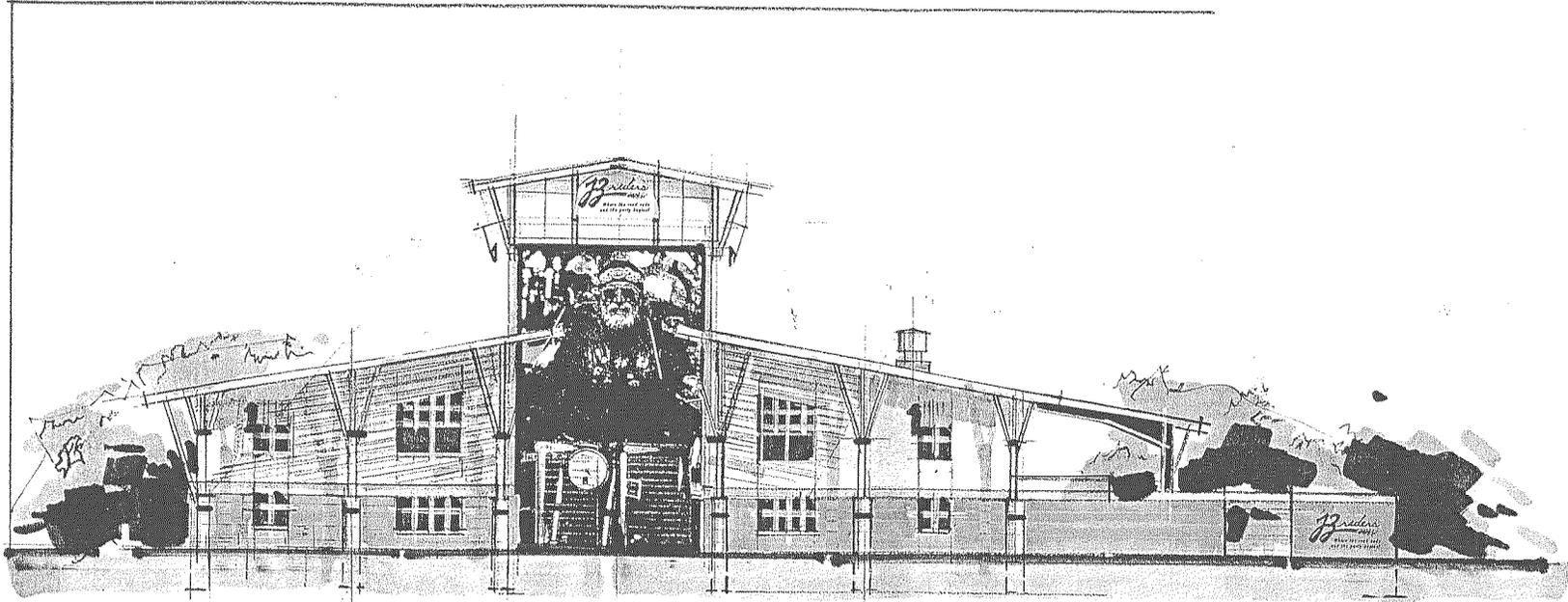
R=12.00

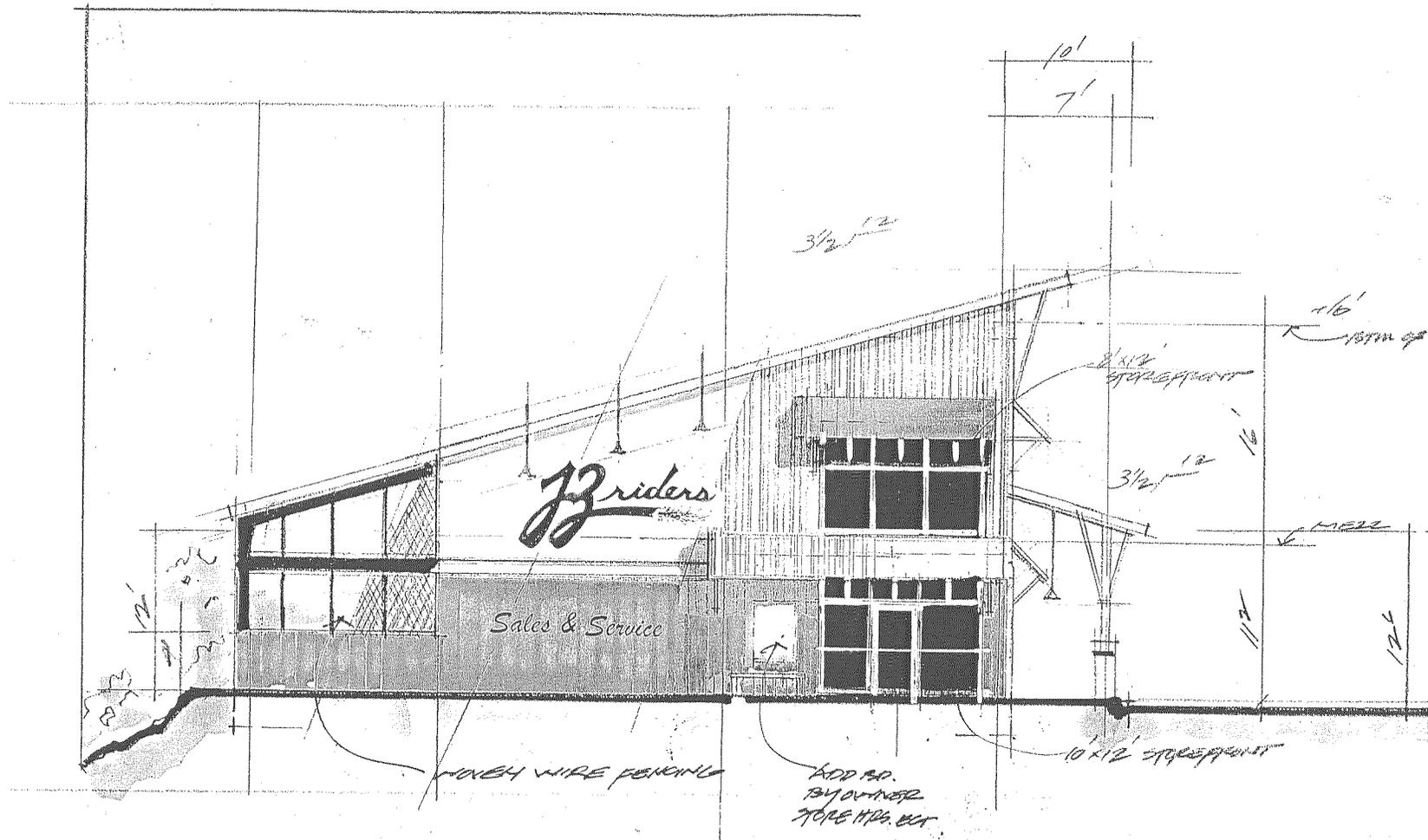
EXIST. RET. POND 8.25

S 89°56'12" W 609.50' (M)

0' BUILDING SETBACK







Left Side
Rev. 10-31-09

MOVIE WIRE FENCING

ADD 10'
BY OVERHANG
TOP OF HPS. ECT

10'

7'

3 1/2' 12

16'
18mm of.

8x12
steel post

3 1/2' 12

12'

12'

10x12 steel post

SEMINOLE COUNTY DEVELOPMENT ORDER

RETURN TO SANDY MCCANN

On January 14, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(SEE ATTACHED EXHIBIT A)

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

FINDINGS OF FACT

Property Owner: H&S Development Enterprises, Inc.

Project Name: JZ RIDERS

Requested Development Approval: Rezone from C-2 (Retail Commercial District) to PCD (Planned Commercial District)

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: EARNEST MCDONALD
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04745 PG 0838
FILE NUM 2003044759
RECORDED 03/14/2003 02:44:06 PM
RECORDING FEES 28.50
RECORDED BY J Eckenroth

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY: [Signature]
DEPUTY CLERK

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. Permitted uses will include only general retail, hotels and motels, restaurants, and all other uses allowed in the C-2 (Retail Commercial District).
 - b. The proposed buildings shall not exceed the following:

Sports Bar and Grille	10,000 square feet
Motorcycle Sales/Service Building	4,100 square feet
Covered Motorcycle Parking Area	18,000 square feet
Two-Story Restaurant	5,000 square feet
Four-Story Motel	150 rooms
 - c. Prior to final engineering, capacity calculations for water and sewer service and the execution of Reservation of Capacity Agreements will be required.
 - d. A mitigation plan approved by St. John's River Water Management District and Seminole County will be required prior to the issuance of final development permits.
 - e. Minimum building setbacks and buffers shall be as follows:
 - North: 25 feet front yard setback
 - South: 100 feet building setback / 50 feet wide active buffer
 - East: 0 feet building setback
 - West: 0 feet building setback
 - f. Building size, design, scale and placement shall be compatible with adjoining development and shall be addressed in the final master plan.
 - g. Prior to the issuance of final development permits, utility plans showing proposed connections to County water and sewer utilities shall be provided.
 - h. All new utilities serving the site shall be installed underground.
 - i. Prior to final PCD approval, demonstrated coordination with the adjoining development to the east to combine signage will be required.
 - j. Multi-modal (vehicles, bicycles and pedestrian) circulation between the proposed uses will be required in the final master plan.
 - k. Landscaped pedestrian connections between proposed buildings, parking areas and adjacent developments shall be required in the final master plan.
 - l. No less than thirty (30) percent of the site shall remain as open space.

- m. Each phase of the proposed development must be self-sufficient from an infrastructure standpoint in the event subsequent phases are delayed or abandoned.
- n. Maximum floor area ratio (FAR) shall be 0.35 for the site.
- o. No building or structure shall exceed fifty (50) feet in height.
- p. All canopy lighting must be recessed.

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

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

Done and Ordered on the date first above

By:


Daryl G. McLain

Chairman, Board of County Commissioners

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, H&S Development Enterprises, Inc., the owner of the
aforescribed property in this Development Order, on behalf of itself and its heirs,
successors, assigns or transferees of any nature whatsoever and consents to, agrees
with and covenants to perform and fully abide by the provisions, terms, conditions and
commitments set forth in this Development Order.

Suzanne DeStaff
Witness

Wallace E. Hunter, Sr.
Agent, H&S Development Enterprises

Susan DeStaffino
Print Name

Sherry Garcia
Witness

Sherley GARCIA
Print Name

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the
State and County aforesaid to take acknowledgments, personally appeared
WALLACE E. HUNTER who is personally known to me or who has produced
DL # 536 885 45370 0 as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this
28 day of February, 2003.

Ana M Milian

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

 Ana M Milian
My Commission DD147895
Expires September 05, 2006

FILE NUM 2003044759
OR BOOK 04745 PAGE 0842

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

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SAVE AND EXCEPT THEREFROM the following described premises which has been previously conveyed in a Deed recorded in Official Records Book 1104, Page 1427 of the said Public Records:

From the Southeast corner of the NE 1/4 of the NW 1/4 of Section 21, Township 19 South, Range 30 East, Seminole County, Florida, run N 00°23'48" W, along the East line of said NE 1/4, a distance of 494.73 feet, thence run S 89°36'12" W, 43.0 feet for a Point of Beginning, said point being on the new Right-of-Way line of State Road 15; thence run S 00°23'48" E, 40.87 feet; thence run S 89°56'12" W, 272 feet, more or less; to the West line of Lot 7, Block 5, said TOWN OF MONROE; thence run N 00°23'48" W, 140.23 feet, more or less; to the Southwestern corner of Parcel One (as described in that certain instrument recorded in Official Records Book 1104, at Page 1427); thence run S 70°01'38" E, 290 feet to the POINT OF BEGINNING; and LESS AND EXCEPT right of way to Seminole County as further described in Official Records Book 2143, Page 1590, and Official Records Book 2143, Page 1766; and LESS AND EXCEPT that certain parcel described in Official Records Book 2151, Page 1283, Public Records of Seminole County, Florida.

H & S Development Enterprises, Inc. and Jerome Zebrowsky PCD Developer's Commitment Agreement

On March 23, 2004, H & S Development Enterprise, Inc. and Jerome Zebrowsky (hereinafter "Owner") and the Board of County Commissioners of Seminole County, Florida (hereinafter the "County") entered this Developer's Commitment Agreement (hereinafter "Agreement") relating to, concerning, and governing certain Property lying within Seminole County more particularly described hereunder.

I. Legal Description

The Legal Description of the property at is issue is attached hereto and incorporated herein as Exhibit "A" (hereinafter referenced as the "Property").

II. Property Owner

The Current property owner is H & S Development Enterprises, Inc., a Florida Corporation.

III. Statement of Basic Facts

A.	Total Acreage:	10.35 Acres
B.	Zoning:	PCD (Planned Commercial Development)
C.	Proposed Buildings:	Sports Bar and Grille 10,500 SF Motorcycle Sales/Service 4,032 SF Covered Motorcycle Parking 16,336 SF Restaurant 5,000 SF

IV. Land Use Breakdown

Total Impervious Area	2.85 AC (123,980 SF or 27.5 percent of site)
Total Open Space	7.50 AC (72.5 percent of site)
Total Space	10.35 AC (100 percent of site)

V. Open Space Calculations

Open space provided shall be no less than 25 percent of the overall site property. Maintenance of the open space shall funded by the Owner.

Total Land Area	10.35 AC
Open Space Required	2.59 AC (minimum)
And Provided	7.50 AC

VI. Phases I & II Building Setbacks and Buffers

North:	25 feet front yard setback (from Orange Boulevard)
South:	10 feet rear yard setback
East:	0 feet side yard setback
West:	0 feet side yard setback

VII. Permitted Uses

General retail, hotels and motels, restaurants, and all other permitted and conditional uses allowed in C-2 (Retail Commercial District) including the proposed sports bars, motorcycle sales and service building, covered parking area, and two-story restaurant.

IX. Development Commitments

The following conditions shall apply to the development of the property:

- A. The Development of the Property shall comply with the approved Final Master Plan.
- B. The buildings shall be constructed in a manner which is substantially consistent with the architectural drawings attached hereto as Exhibit "B."
- C. The owner shall comply with all applicable FDOT and Seminole County traffic design standards.
- D. Any and all utilities providing service to the project shall be located underground.
- E. The infrastructure of each phase of proposed development shall be self-sufficient in the event subsequent phases are delayed or abandoned.
- F. Maximum floor area ratio for the site shall be 0.35.
- G. No building or structure shall exceed fifty (50) feet in height.
- H. All lighting shall meet the requirements of Ordinance 2004-002.

X. Standard Commitments

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all applicable codes and ordinances, including the impact fee ordinance which was in effect in Seminole County at the time this Developer's Commitment Agreement was entered into.
- B. All obligations, rights, liabilities, or responsibilities arising out of this Agreement are binding on all heirs, successors-in-title, and successors-in-interest of any part of the Property.
- C. This Developer's Commitment Agreement touches and concerns the Property, and the conditions, commitments and provisions of the Agreement 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 property has expressly covenanted and agreed to this provision and all other terms and provisions of this Agreement.
- D. The terms and provisions of the Developer's Commitment Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Developer's Commitment Agreement shall be null and void.

XI. Interpretation: This Agreement Controls

In the event of an inconsistency between this Developer's Commitment Agreement and the Final Site Plan attached hereto, the terms and conditions of this Agreement shall control. Furthermore, in the event of a conflict between the terms of this Agreement, the Final Site Plan and the Development Order Number 02-20500006, dated March 14, 2003 and recorded in Official Records Book 04745, Page 0838, Public Records of Seminole County, Florida, the terms of the Development Order shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:

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

**MARYANNE MORSE
CLERK**

By: _____
DARYL G. MCLAIN, CHAIRMAN

Date: _____

For use and reliance of Seminole County only. Approved as to form and legal sufficiency.

As authorized for execution by the Board of County Commissioners in its September 9, 2003 regular meeting.

County Attorney

Exhibit "A" Legal description of Property
Exhibit "B" Architectural Drawings Presented at Hearing

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, H & S Development Enterprises, Inc., on behalf of itself and its heirs, successors, assigns or transferees, agrees and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Agreement.

Owner:

Witness

H & S Development Enterprises, Inc.
WALTER E. HUNTER, PRESIDENT

Print Name

Witness

Print Name

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to make acknowledgements, personally appeared WALLACE E. HUNTER, as president of H & S Development Enterprises, Inc., who is personally known to me or who has produced _____ as identification and who acknowledged and executed this foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and
State Aforementioned

My Commission Expires:

EXHIBIT A LEGAL DESCRIPTION

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