

the original DRI approval to extend the buildout date to June 30, 2008.

PLANNING & ZONING COMMISSION RECOMMENDATION:

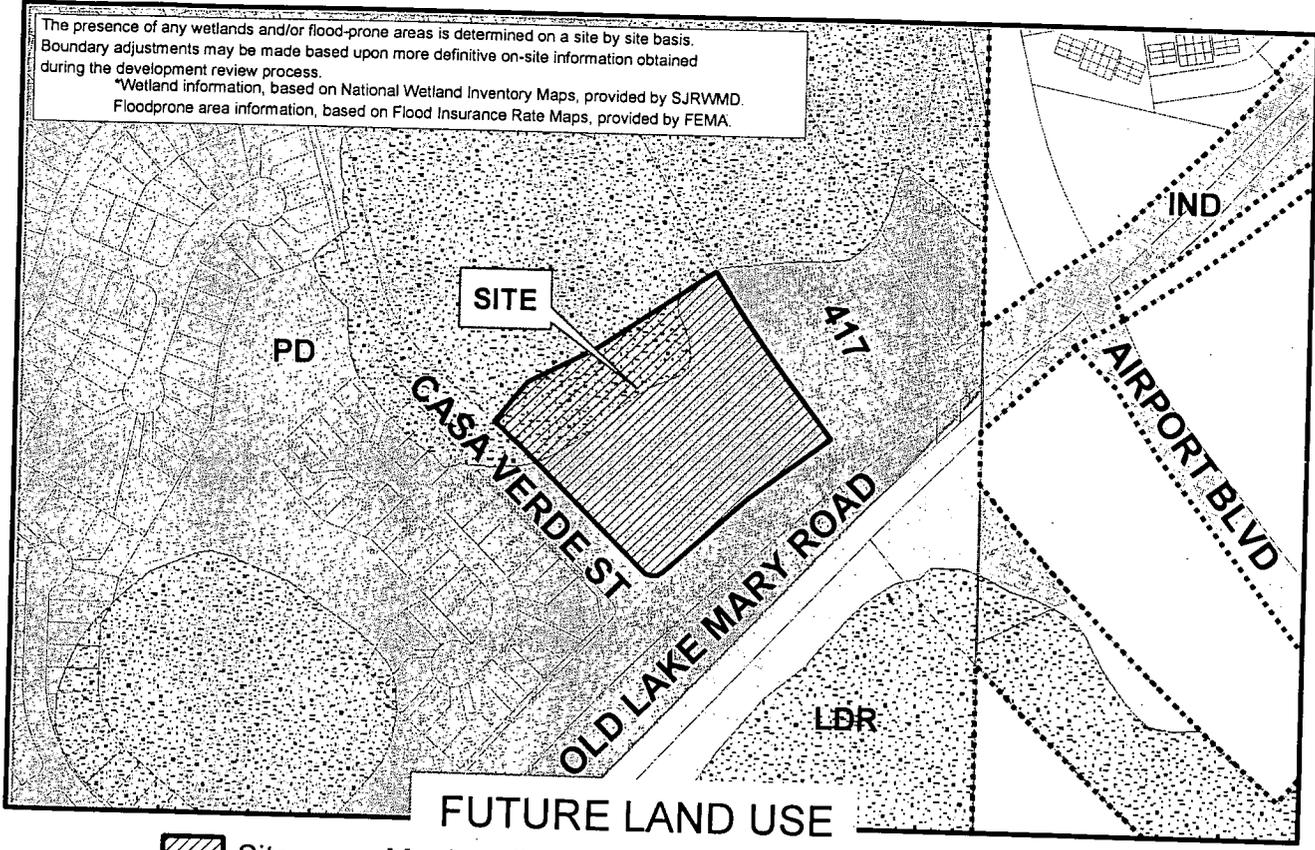
On July 13, 2005, the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the requested PUD Amendment to permit townhomes subject to staff comments. The Planning & Zoning Commission does not review amendments to Development of Regional Impact.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request subject to the attached Developer's Commitment Agreement for Tract M ("Chase Groves Villas") and the Fourth Amended and Restated Development Order for General Sanford Estates (Chase Groves) DRI.

Attachments: FLU/Zoning Maps
 Aerial Photo
 Location Map
 Site Plan
 Developer's Commitment Agreement
 Draft DRI Development Order
 Authorization letter from Master Developer

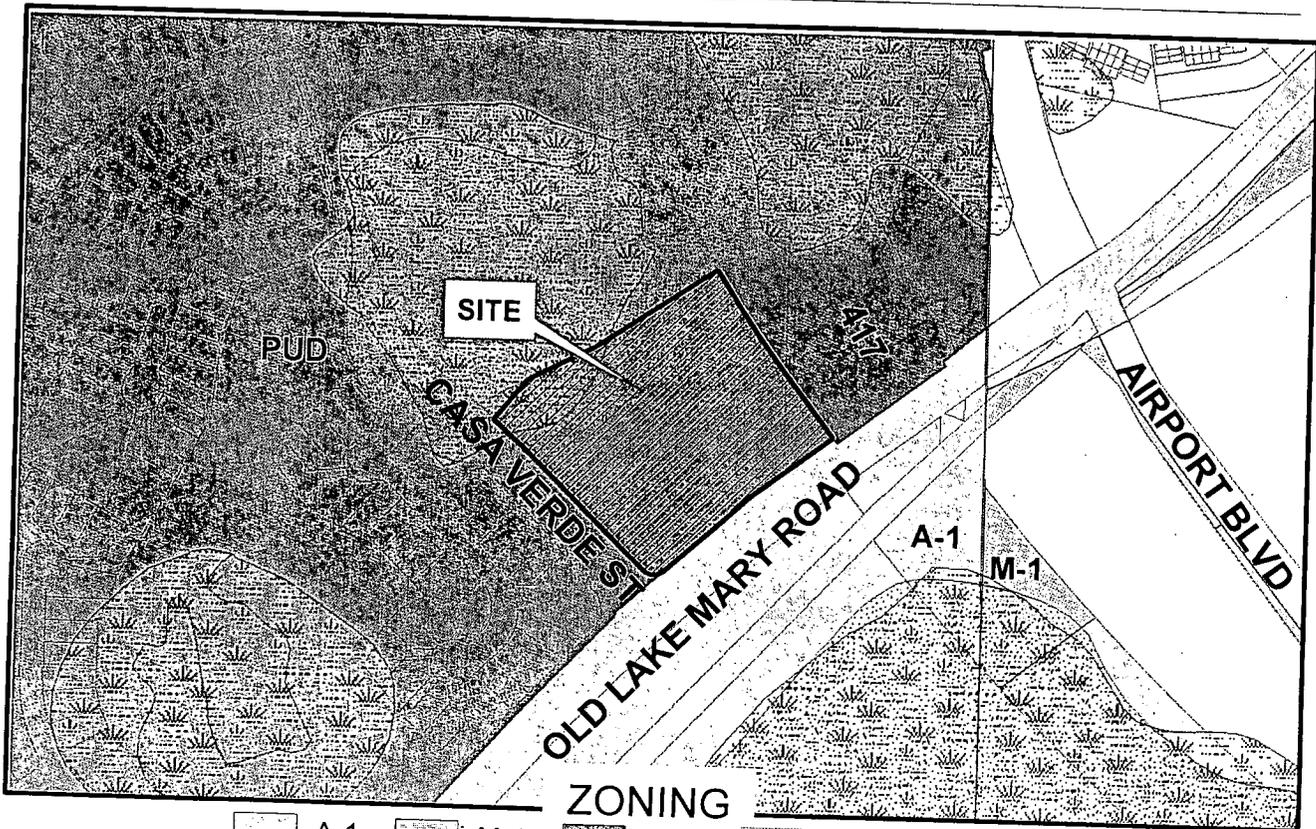
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



FUTURE LAND USE
 [Hatched Box] Site [Dotted Line] Municipality LDR IND [Stippled Box] PD [Cross-hatched Box] CONS

Applicant: CHASE GROVES VILLAS
 Physical STR: 03-20-30-512-0M00-0000
 Gross Acres: 5.4+/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-030	PUD	PUD



ZONING
 [Stippled Box] A-1 [Cross-hatched Box] M-1 [Hatched Box] PUD [Dotted Box] FP-1 [Grass Pattern Box] W-1



SITE

CASAVARDE ST

OLD LAKE MARY RD

SR 417

AIRPORT BLVD

Rezzone No: Z2005-030
From: PUD To: PUD

- Parcel
- Subject Property



January 2004 Color Aerials

CHASE GROVES PUD

REQUEST INFORMATION	
APPLICANT	Tom Daly
PROPERTY OWNER	Chase Groves Limited
REQUEST	PUD Major Amendment, Approval of Final Master Plan, and DRI Notice of Proposed Change (NOPC)
HEARING DATE (S)	P&Z: July 13, 2005 BCC: August 9, 2005
PARCEL NUMBER	03-20-30-512-0M00-0000
LOCATION	Northeast corner of Casa Verde Blvd. and Old Lake Mary Road
FUTURE LAND USE	Planned Development (PD)
FILE NUMBER	Z2005-030
COMMISSION DISTRICT	5 -- Carey

OVERVIEW

The applicant is proposing a 64-unit condominium development on Tract "M" as designated on the Chase Groves PUD Final Master Plan. The subject property is an undeveloped parcel in the PUD, originally approved in the late 1980s. Currently designated for commercial use, the property lies at the south entrance to the development, at the corner of Casa Verde Boulevard and Old Lake Mary Road. In addition to approval of a Final Master Plan and Developer's Commitment Agreement for the subject property, the applicant's request includes a PUD Major Amendment and Notice of Proposed Change (NOPC) relating to the original DRI approval. The NOPC application includes a request to extend the buildout date for Phase IIb of the development (which includes the subject property) to June 30, 2008 and a reduction in commercial space of 13,500 square feet.

The attached Draft Developer's Commitment Agreement contains staff recommendations on the Final Master Plan including maximum density, building heights, buffers, and setbacks. The proposed density of the development is 15.86 units per net buildable acre. The plan shows 8 buildings containing 8 units each. Maximum height is 2 stories and 35 feet. Each unit will have a 1-car garage, with an adjacent driveway sized to park an additional vehicle without blocking pedestrian traffic on sidewalks. Beyond the standard Code requirement for parking, the plan designates 62 visitor spaces within the project.

Common usable open space consists of a cabana and pool, a park/playground area, and an amenitized retention pond. Proposed buffers adjacent to Old Lake Mary Road and Casa Verde Blvd. include a 10-foot landscape buffer incorporating a 6-foot brick wall with columns, and 4 canopy trees per 100 feet.

Staff does not expect an increase in impacts to public facilities with the proposed change in permitted uses on the site. Based on Staff's analysis, the requested 64 residential units now being proposed by the applicant are comparable to the reduction of 13,500 s.f. of

commercial use. The DRI development order limits the entire PUD to 185,000 s.f. of commercial use without allocating shares of this total to individual tracts. The applicant has submitted a letter from the Master Developer (Belair Ltd.) authorizing the reduction of 13,500 s.f. of commercial use, thus reducing the total commercial use for the PUD to 171,500 s.f.

In evaluating the Notice of Proposed Change (NOPC) submitted by the applicant, the East Central Florida Regional Planning Council (ECFRPC) determined that the proposal does not result in an automatic substantial deviation from the original Development of Regional Impact (DRI) approval. Further, the Council does not expect that the development would cause new or increased impacts to regional resources or facilities such as State roads. The agency did not request an additional opportunity for regional review.

One concern which the applicant has not addressed to date is a provision of the existing development order that requires a monitoring/modeling traffic study prior to initiation of any development in Phase IIb. The applicant has not initiated the required traffic study. However, the requested NOPC can be approved at this time on condition that the study be performed and approved by the County prior to issuance of building permits.

Existing Land Uses:

	(North)			
	PD SF Residential <i>PUD</i>	PD Vacant <i>PUD</i>	SR 417	
(West)	PD SF Residential <i>PUD</i>	PD Vacant <i>PUD</i>	SR 417	(East)
	PD SF Residential <i>PUD</i>	LDR Vacant <i>A-1</i>	LDR Vacant <i>A-1</i>	
	(South)			

* See enclosed future land use and zoning maps for more details.

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

SITE ANALYSIS

Facilities and Services:

1. The impacts of development shall not occur until adequate facilities and services are available.
2. The proposed development is consistent with the adopted Planned Development (PD) future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.
4. Stormwater facilities must be consistent with the master drainage design for Chase Groves PUD.

Compliance with Environmental Regulations: Prior to approval of final engineering plans, the developer will be required to provide a Listed Species survey report. The St. Johns River Water Management District (SJRWMD) must verify all wetland boundaries as shown on the Final Master Plan.

Compatibility with Surrounding Development: The proposed PUD amendment is compatible with surrounding developments and is consistent with the approved Planned Development (PD) future land use designation.

Intergovernmental Notice Process: Staff sent Intergovernmental Notices of the proposed rezone to the Cities of Sanford and Lake Mary on June 16, 2005.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On July 13, 2005, the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the requested PUD Amendment to permit townhomes subject to staff conditions. The Planning & Zoning Commission does not review amendments to Developments of Regional Impact.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request subject to the attached Developer's Commitment Agreement for Tract M ("Chase Groves Villas") and the Fourth Amended and Restated Development Order for General Sanford Estates (Chase Groves) DRI.

**CHASE GROVES VILLAS
DEVELOPER'S COMMITMENT AGREEMENT**

On August 9, 2005 the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. **LEGAL DESCRIPTION:**

TRACT M CHASE GROVES UNIT 1 PB 44 PGS 24 THRU 28

2. **PROPERTY OWNER**

Chase Groves LTD
c/o Eurocapital Partners
174 Lookout Place
Suite 201
Maitland FL 32751

3. **STATEMENT OF BASIC FACTS**

- A. Total Area: 5.45 Acres
- B. Zoning: Planned Unit Development
- C. Net Density: Maximum 15.86 units / net buildable acre or 64 units
- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- E. 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.

4. **LAND USE BREAKDOWN**

<i>LAND USE</i>	<i>AREA (acres)</i>	<i>% OF SITE</i>
Residential	4.05	74.31
Private Roadways	1.19	21.83
Utility Easements	0.21	3.86
TOTAL AREA	5.45	100.00

5. **OPEN SPACE AND RECREATION AREAS**

Required Open Space: 25% = 5.45 acres x 0.25 = 1.36 acres
Open Space Provided: 2.04 Acres

6. **BUILDING SETBACKS**

Building setbacks from the perimeter of the site shall be as follows:

North (Tract Y)	15'
South (Old Lake Mary Rd.)	25'
East (SR 417)	16'
West (Casa Verde Blvd.)	25'

Where sidewalks are installed along private roads, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk.

7. **PERMITTED USES**

- single family
- townhouses
- residential condominium units
- home occupations
- home offices

8. **LANDSCAPE & BUFFER CRITERIA**

The developer shall provide 10-foot landscape buffers along Casa Verde Boulevard and Old Lake Mary Road. Each buffer shall include a 6-foot brick or masonry wall and 4 canopy trees per 100 linear feet, having a minimum caliper of 3" as measured 1 foot above ground. All landscape buffers and common areas shall be maintained by a homeowners association.

9. **DEVELOPMENT COMMITMENTS**

- A. All townhouse units shall be individually owned on a condominium basis.
- B. Minimum living area shall be 1,300 s.f.
- C. Use of common areas shall be limited to open space, recreational amenities, and utility facilities serving all residents of the development.
- D. Sidewalks shall be provided adjacent to all dwelling units, and crosswalks shall be designated to establish continuous pedestrian access to all parts of the development.
- E. The project entrance shall be on Casa Verde Boulevard.
- F. Building height shall be limited to 35 feet and a maximum of 2 stories.
- G. Existing trees that are preserved during construction may satisfy applicable landscaping requirements where they are located in buffer areas.
- H. Prior to Final Engineering approval, the developer shall provide a tree preservation plan showing that at least 25% of existing trees are being preserved, as required by the Land Development Code.

- I. The monitoring/modeling traffic study required by the Development Order for General Sanford Estates (Chase Groves DRI) shall be submitted to and approved by Seminole County prior to issuance of building permits.
- J. The applicant shall submit any past due annual reports for the DRI prior to Final Engineering Approval.

10. **WATER, SEWER AND STORMWATER**

POTABLE WATER: Potable water shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

STORMWATER: Stormwater drainage and stormwater management shall be according to Seminole County regulations.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

11. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. The developer's commitment agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the developer's commitment 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 by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.
- D. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

**DONE AND ORDERED ON
THE DATE FIRST WRITTEN ABOVE**

By: _____

OWNER'S CONSENT AND COVENANT

The undersigned party hereby agrees to the terms and conditions set forth herein this _____ day of _____, 2005.

Witness

CHASE GROVES LTD.
By: A.C. Leerdam, Director of Chase Groves LTD.

Witness

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by A.C. LEERDAM, who is the Director of Chase Groves LTD., and is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

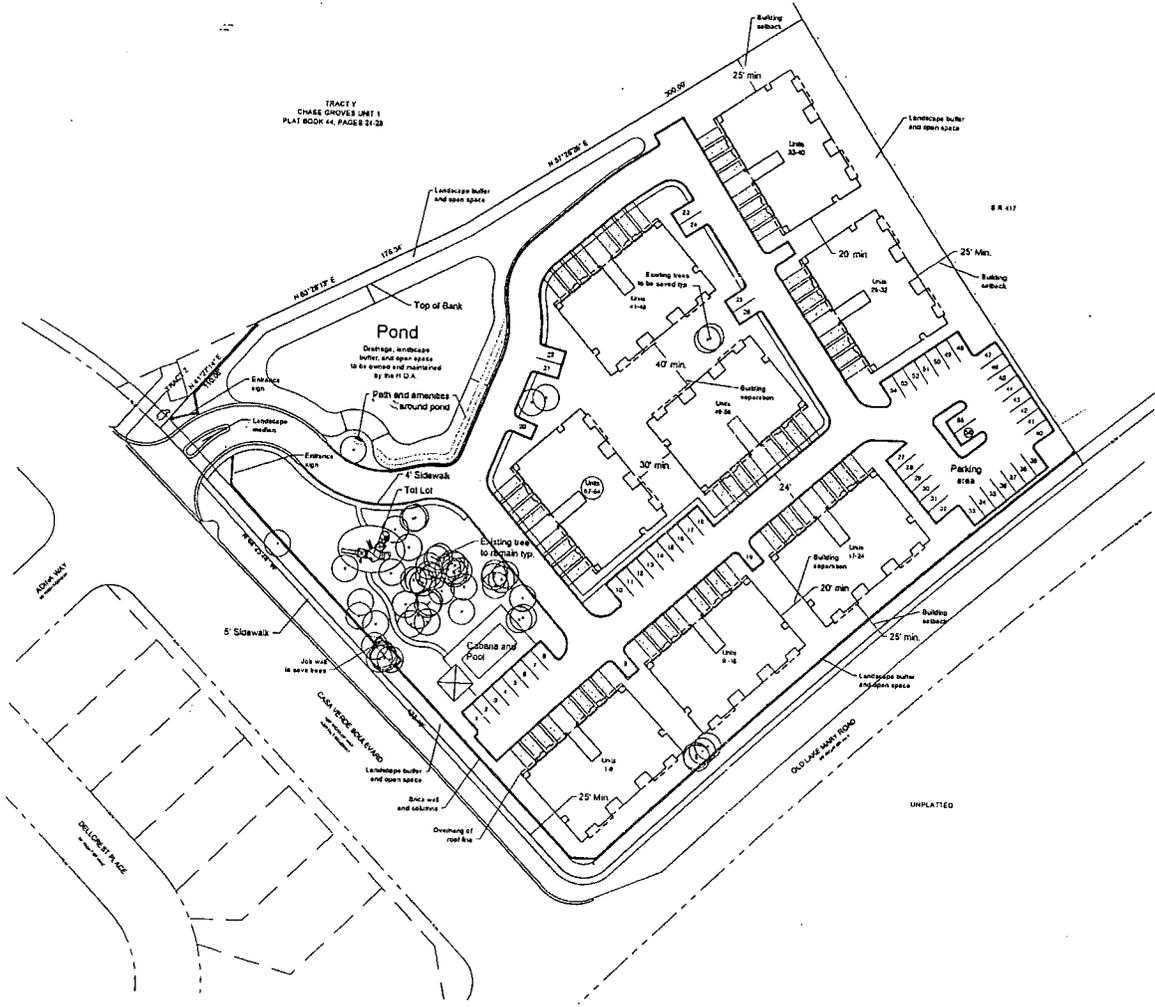
Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT A

Final Master Plan

TRACTY
CHASE GROVES UNIT 1
PLAT BOOK 44, PAGES 21-28



daily design group inc.
Land Planning, Landscape Architecture, Project Management, Development Consulting
913 N. Pennsylvania Ave., Winter Park, Florida 32789 (407) 740-7273 www.dailydesign.com

REV	DATE	DESCRIPTION	BY

Final Master Plan
Chase Groves
Seminole County, Florida



PROJECT NO
2320a
SCALE
1"=40'
DATE
May 2005
SHEET
FMP3



REGIONAL PLANNING COUNCIL

RECEIVED
JUN 13 2005

June 9, 2005

Chairman
Welfon G. Cadwell
Commissioner
Lake County

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

Vice Chairman
Jon B. Rawlson
Governor's Appointee
Orange County

RE: Chase Groves Notification of a Proposed Change (NOPC) - ECFRPC #5390

Dear Mr. West:

Secretary/Treasurer
Michael S. Blake
Commissioner
Tri-County League
of Cities
Winter Springs

We have reviewed the referenced NOPC dated April 2005. It is our understanding that the following changes are proposed:

1. Change 5.451 acre parcel (Parcel M) from commercial to residential. This would entail a decrease of 5,400 retail square footage from 185,000 to 179,500 and an increase of 64 dwelling units from 1,185 to 1,249.
2. Extend the buildout date of Phase 2b for 18 months to June 30, 2007 for Parcel M:

Executive Director
Sandra S. Glenn

Phase	Original	Current	Proposed	Total Change
Buildout	12/31/94	12/30/05	6/30/07	14 years less 6 months & 1 day

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

We offer the following comments regarding these changes:

- A. The change from commercial to residential is presumed to be a substantial deviation pursuant to section 380.06(19) (e) 5.c., F.S. This presumption may be rebutted with clear and convincing evidence.
- B. The extension of the buildout date is addressed in section 380.06(19)(c), F.S.:

An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

The extension also is presumed to be a substantial deviation that may be rebutted with clear and convincing evidence.

631 N. Wymore
Suite 100
Maitland, Florida
32751

Phone
407.623.1075
Fax 407.623.1084

Suncom 334.1075
Suncom Fax
334.1084

Website:
www.ecfrpc.org

In order to rebut the presumption of additional regional impact for both the change in land use and the extension of time, the applicant provided a traffic study. The study determined that the decrease in retail space and the increase in dwelling units results in a decrease of 72 peak hour trip end and a 155 decrease in daily trip ends. No study was conducted to determine if the extension of time would result in additional regional impacts due to the increase in background traffic over the 18 month period.

We did receive comments from the Florida Department of Transportation (attached) and they noted that some additional roadways could become adversely affected with the additional background traffic on the network where the project traffic is already significant. We have considered this possibility and have concluded that the benefit of fewer project trips, particularly during the peak hour, would benefit the overall network and that the chance of increases of adversity is not likely. Furthermore, there are no state facilities that would be impacted as the county's roadway network abuts the project. Of course, the county has the prerogative to require additional studies if deemed necessary.

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,



for Jeffrey Jones
Acting Executive Director

- c: Gifford Anglim, Daly Design Group, Inc.
- Tim Wheeler, Centex Homes
- David Mulholland, GMB
- James Stansbury, FDCA
- Tony Mathews, Seminole County Planning Department
- Stephanie Vena, FDOT
- Susan Sadighi, FDOT
- Brett Blackadar, Seminole County Public Works (w/o enc.)
- John Omana, City of Lake Mary Planning Department

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JUN 13 2005

Florida Department of Transportation
Intermodal Systems Development
Technical Applications Section

Page 1 of 1

DEVELOPMENT OF REGIONAL IMPACT REVIEW FORM

DRI NAME: CHASE GROVES DRI, NOPC
LOCAL GOV'T./JURISDICTION: SEMINOLE COUNTY
ECFRPC IDENTIFICATION #: 5390
REVIEW COMMENTS DEADLINE: MAY 23, 2005
TODAY'S DATE: MAY 19, 2005

Comment Number	Page(s)	General Areas of Concern	Specific Review Comment(s)
1	NOPC Application, Question 5, Page 2 of NOPC Application	Purpose of NOPC	<p>As noted in the applicant's response to Question 5, of the NOPC application, the purpose of the NOPC is to "...change Parcel M: from commercial to residential... and to extend the buildout date of Phase IIb eighteen (18) months."</p> <p>However, as noted in the third paragraph on page two of the Traffic Study that was included in the NOPC application, the purpose of the traffic study is to "...provide sufficient evidence that an increase in the number of approved housing units... will not create a significant modification to the approved DRI." The NOPC traffic study addresses the change of parcel M from commercial to residential, but the traffic study does not mention, or address extending the buildout of Phase IIb by 18 months.</p> <p>When the Phase IIb buildout is extended by 18 months, there may be significant links that were originally non-adverse, but with the 18 month extension of additional background traffic, will change to adverse links. Therefore, a traffic analysis must be conducted by the applicant to determine the significant and adverse links when Phase IIb is extended by 18 months. Mitigation of the DRI impacts on the significant and adverse links that result when Phase IIb is extended by 18 months years must also be addressed by the applicant.</p>
2	N/A	Traffic Methodology, Assumptions and Conclusions	<p>The traffic methodology, assumptions and conclusions in the traffic analysis were not reviewed because of the major deficiency noted above. The FDOT reserves the right to review all methodology, assumptions analysis and conclusions when a revised analysis is submitted. It is suggested that the applicant schedule a Traffic Methodology meeting with the review agencies to discuss acceptable traffic methodologies and assumptions.</p>

FDOT Contact: Stephanie Vena
Telephone: 407-482-7887
Fax: 407-275-4188
E-mail: stephanie.vena@dot.state.fl.us
File: J:\Growth Management\DRI Reviews\Seminoole County\Chase Groves\NOPC comments_052005.doc

Reviewed By: George Deakin, P.E.
Company: Kimley-Horn & Associates
Telephone: 813-620-1460
Email: george.deakin@kimley-horn.com



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSE ABREU
SECRETARY

Intermodal Systems Development
133 South Semoran Boulevard
Orlando, FL 32801

May 20, 2005

Mr. Jeff Jones, Acting Executive Director
East Central Florida Regional Planning Council
631 North Wymore Road, Suite 100
Maitland, Florida 32751-4246

SUBJECT: CHASE GROVES DRI, NOPC, APRIL 2005
LOCAL GOVERNMENT: SEMINOLE COUNTY
ECFRPC REFERENCE NUMBER: 5390

Dear Mr. Jones:

The Department of Transportation has completed its review of the Chase Groves DRI NOPC, April 2005. Please find our enclosed comments for your consideration.

We appreciate the opportunity to participate in this review process and if you have any questions, please contact me at your earliest convenience at 407-482-7884 or Suncom: 335-7884 or email at susan.sadighi@dot.state.fl.us

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Sadighi".

for Susan Sadighi, P.E.
Governmental Operations Manager

Attachment

C: Fred Milch, ECFRPC
Matt West, Seminole County
Rob Magee, FDOT – C/O
James Stansbury, DCA
George Deakin, FDOT Consultant

Legal Description: As provided by client

Tract M, CHASE GROVES UNIT 1, according to the plot thereof recorded in Plat Book 44, Pages 24 through 28, of the Public Records of Seminole County, Florida, contains 5.451 acres more or less.

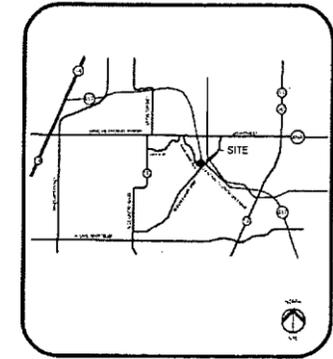
Chase Groves Planned Unit Development

Final Master Plan

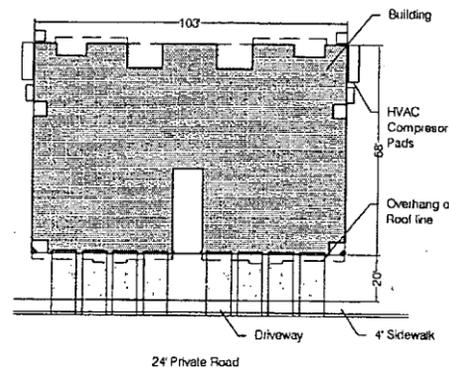
Seminole County, Florida

May 2005

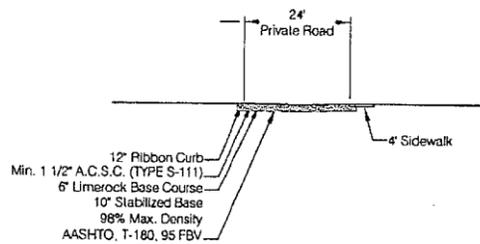
Prepared for:
Centex Homes
385 Douglas Ave Suite 2000
Altamonte Springs FL. 32714



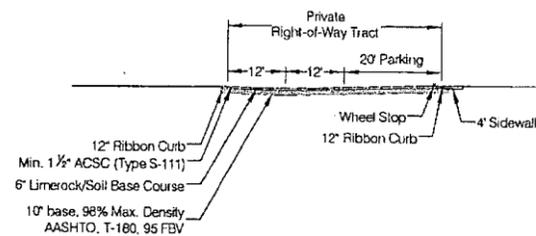
Location Map



Typical Lot Layout
Not To Scale



Typical Road Section
Not To Scale



Typical Road With Standard Parking Section
Not To Scale

Owners
Centex Homes
375 Douglas Ave
Suite 2000
Altamonte Springs FL. 32714
Contact: Scott Benson

Applicant/Agent
Daly Design Group
913 N. Pennsylvania Ave.
Winter Park, FL, 32789
(407) 740 7373
Contact: Gifford Anlim

Engineer
Miller, Einhouse,
Rymer and Boyd Inc.
500 Winderley Place, Suite 100
Maitland, FL 32751
Contact: Geoff Summit

Surveyor
Allen & Company
16 E Plant St.
Winter Garden, FL 34787
407-654-5355
Contact: James L. Rickman

Site Data

Overall Site	
Parcel I.D. Number	03-20-30-012-0400-0000
Gross Land Area	5.451 ac.
Private Roadways	1.20 ac.
Utility Elements	0.21 ac.
Net Buildable Area (excluding roadways)	4.04 ac.
Approved Zoning	PUD/Commercial
Approved Land Use Designation	PUD/Residential
Proposed Zoning	PUD/Residential
Proposed Land Use Designation	PUD/Residential
Total Units	64 Units
Proposed Gross Density	11.74 Units/acre
Proposed Net Density	15.66 Units/acre
Required Open Space	1.36 ac.
Provided Open Space	1.694 ac.
Maximum Building Height	35' (2 story)
Number of Buildings	8
Number of Units per Building	8
Minimum Living Area	1,300 s.f.
Building Setbacks	
North Property Line (Chase Groves)	15' min.
South Property Line (Old Lake Mary Rd.)	25' min.
East Property Line (SR 417)	15' min.
West Property Line (Casa Verde Blvd.)	25' min.
Minimum Building Setbacks on Lots	
Front	25' min.
Side	7' min.
Rear	10' min.
Minimum Building Separation Requirements	
Side to Side	20'
Rear to Rear	40'
Rear to Side	30'
Parking	
Required Spaces	128 (2/unit)
Carops	64
Residential	64
Visitor	56
Total Parking	184

NOTE: Entire site falls within FEMA Zone X, per FEMA map #12117C0045E, Effective Date: April 17, 1995

General Notes

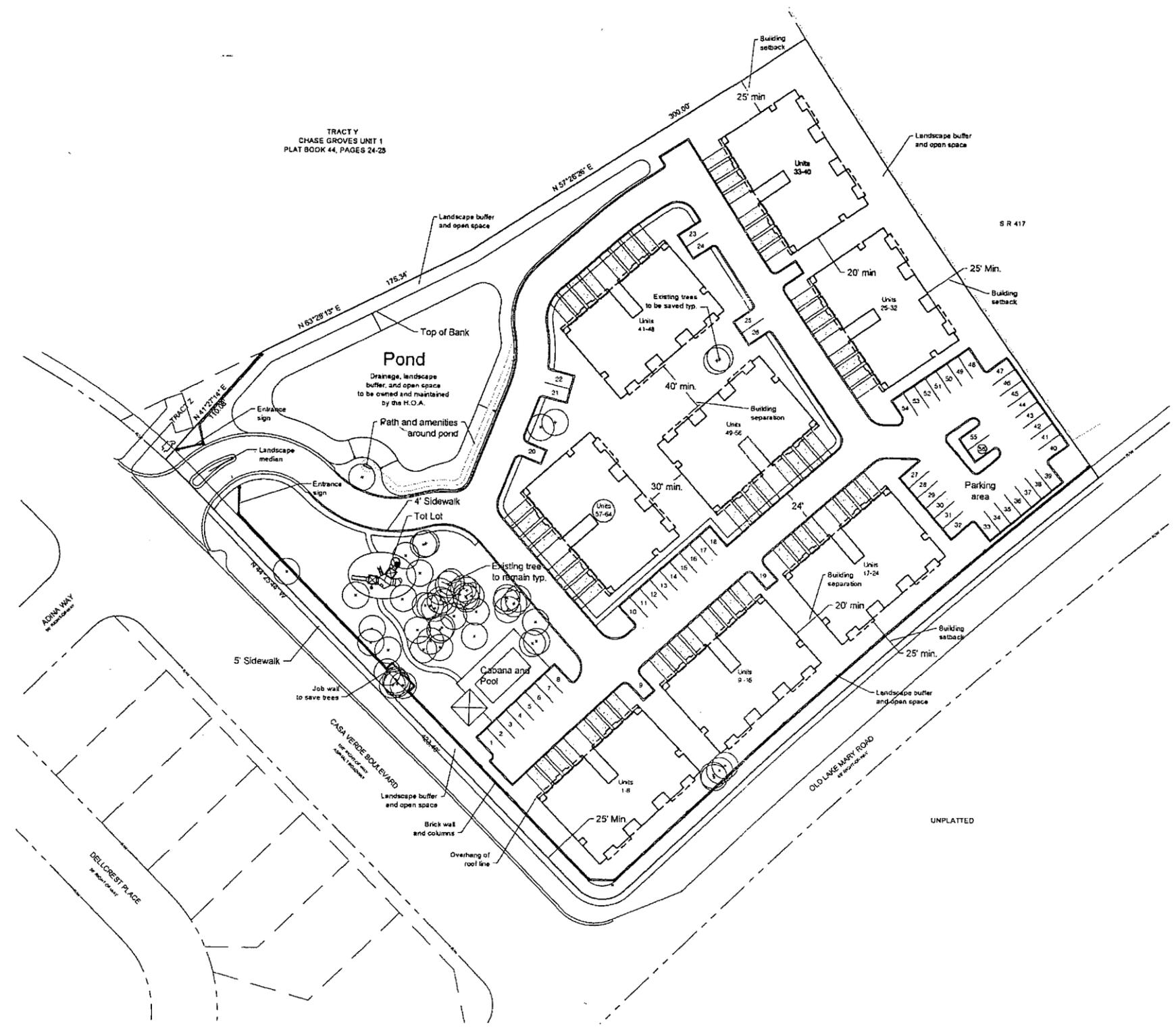
- Streets will be privately owned & maintained by the homeowners association.
- Buffer, landscaping, and common areas will be privately owned & maintained by The Homeowners Association.
- Project infrastructure will be developed in one phase.
- Solid waste collection will be curbside pick-up.
- Fire flow to be provided with at least 1250 gpm at 20 psi residual pressure.
- Development will belong to Master Homeowner's Association for Chase Groves.

Sheet Index

SHEET	DESCRIPTION
FMP 1	Cover
FMP 2	Existing Conditions Plan
FMP 3	Final Master Plan
FMP 4	Utility Plan
FMP 5	Conceptual Landscape Plan
FMP 6	Earthmoving Concept Plan
FMP 7	Aerial Photograph

daly design group, inc.
Land Planning • Landscape Architecture • Project Management
913 N. Pennsylvania Ave., Winter Park, Florida 32789
Phone 407.740.7373 • Fax 407.740.7661 • www.dalydesign.com
Date: May 2005 Scale: As Noted Job No.: 2320a

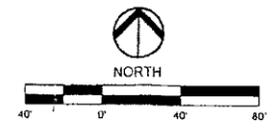
TRACT Y
CHASE GROVES UNIT 1
PLAT BOOK 44, PAGES 24-28



daily design group inc.
Land Planning, Landscape Architecture, Project Management, Development Consulting
913 N. Pennsylvania Ave., Winter Park, Florida 32789 (407) 740-7373 www.dailydesign.com

REV	DATE	DESCRIPTION	BY

Final Master Plan
Chase Groves
Seminole County, Florida



Date: _____

PROJECT NO.
2320a
SCALE
1"=40'
DATE
May 2005
SHEET
FMP3

~~THIRD~~ FOURTH AMENDED AND RESTATED
DEVELOPMENT ORDER FOR
GENERAL SANFORD ESTATES DEVELOPMENT OF REGIONAL IMPACT
(NOW KNOWN AS "CHASE GROVES")

THIS ~~THIRD~~ FOURTH AMENDED AND RESTATED DEVELOPMENT ORDER AND AGREEMENT entered into and made as of the _____ day of _____, ~~199-~~ 2005, (the "~~Third~~ Fourth Amended and Restated Development Order") by and between Seminole County Florida (hereinafter referred to as "COUNTY") and ~~BELAIR GROVES,~~ CHASE GROVES, LTD., a Florida limited partnership whose address is ~~2850 Cloverbrook Place Lake Mary, Florida 32746~~ 175 Lookout Place – Suite 201 Maitland, Florida 32751 and CENTEX HOMES, a Nevada general partnership whose Orlando Division address is 385 Douglas Avenue – Suite 2000 Altamonte Springs, Florida 32714 (~~Belair Groves, Ltd., a Florida Limited partnership and its~~ their successors and/ or assigns as to all or any portion of the Property, as hereafter defined, shall be referred to as "~~DEVELOPER~~" "OWNER" and "APPLICANT", respectively; and

WHEREAS, the Belair Groves, Ltd., hereinafter known as "DEVELOPER" is developing the property described in "Exhibit A" attached hereto, which may be referred to herein as the DEVELOPMENT, or as the "LAND", the "PROPERTY", and the "PROJECT" and has granted the "OWNER" and "APPLICANT" the right and authority to enter into this amended and Restated Development Order; and

WHEREAS, the DEVELOPER filed an application for approval of a Development of Regional Impact called "General Sanford Estates", which is referred to as the "DEVELOPMENT" on property located in the COUNTY, described in "Exhibit A" attached hereto; and

WHEREAS, the COUNTY did, on September 18, 1987, issue and enter into that certain "Development Order for General Sanford Estates Development of Regional Impact" (the "Development Order") which is recorded at Book 131 pages 86-703 through 86-736 of the Public Records of Seminole County pertaining to the DEVELOPMENT; and

WHEREAS, the DEVELOPER has changed the name of the DEVELOPMENT from "General Sanford Estates" to "Chase Groves"; and

WHEREAS, the DEVELOPER previously requested that the COUNTY change and amend certain aspects of the approved DEVELOPMENT as a result of the creation by the COUNTY and the Seminole County Expressway Authority (the "AUTHORITY") of a potential right-of-way of the GreeneWay, including an interchange at CR 46-A (the "Beltway") through a portion of the DEVELOPMENT; and

WHEREAS, the COUNTY did, on November 9, 1988, issue and enter into that certain "First Amendment to Development Order for General Sanford Estates Development of Regional Impact (now known as "Chase Groves") which is recorded at Official Records Book 2157, Pages 275 through 303 of the Public Records of Seminole County, Florida (the "First Amendment"); and

WHEREAS, the COUNTY did on December 20, 1994, issue and enter into that certain Amended and Restated Development Order for General Sanford Estates

Development of Regional Impact (now known as "Chase Groves") which is recorded at Official Records Book 2870, Pages 543- 584 of the Public Records of Seminole County, Florida (the "Second Amendment"); and

WHEREAS, the COUNTY did on February 19, 1996, issue and enter into that Third Amended and Restated Development Order for General Sanford Estates DRI (now known as "Chase Groves" (the "Third Amendment"); and

WHEREAS, on November 1, 1995, the DEVELOPER filed a Notification of a Proposed Change to a previously approved Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06(19), Florida Statutes; and

WHEREAS, the parties recognize that Chase Groves, Ltd., a Florida limited partnership, is the owner of a portion of the DRI property affected by this development order, specifically that property described in "Exhibit B", which is shown as Parcel M on the Revised Final Master Plan set out in "Exhibit C" ("SUBJECT PROPERTY") and which is designated for commercial use within the DRI; and

WHEREAS, on April 25 2005, the APPLICANT filed a Notification of a Proposed Change to a previously Approved Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06(19), Florida Statutes, to amend the use of SUBJECT PROPERTY from commercial to multifamily, and to extend the date for Phase IIb to July 30, 2008; and

WHEREAS, this ~~Third~~ Fourth Amended and Restated Development Order is rendered and entered pursuant to the requirements of Section 380.06, Florida Statutes; and

WHEREAS, the public hearings as required by Section 380.06, Florida Statutes, have been duly held and it has been determined that the proposed changes to the DEVELOPMENT do not constitute a substantial deviation;

NOW, THEREFORE, it is hereby ordered and resolved by the Board of County Commissioners of Seminole County, Florida:

The DEVELOPMENT, as amended hereby, is approved pursuant to Section 380.06, Florida Statutes, and the subject Development Order, as previously amended, is hereby amended and restated consistent with the following terms and conditions:

I. LEGAL DESCRIPTION OF THE DEVELOPMENT – See Exhibit A.

II. FINDINGS OF FACT

1. The DEVELOPMENT is not located in an area of Critical State Concern as designated pursuant to the provisions of Section 380.05, Florida Statutes.

2. The DEVELOPMENT consists of the following:

- a. Project Description: The DEVELOPMENT known as Chase Groves is a mixed use project consisting of ~~1,185~~ 1,249 housing units, clubhouse, ~~185,000~~ 171,500 square feet more or less of commercial space, 75,000 square feet more or less of office space, recreation and open space, conservation area, and lake system for stormwater management and other development related facilities (see Exhibit ~~B~~ C, Revised Final Master Plan ~~P.U.D. Amendment #~~ 6)

b. Location of Project: The DEVELOPMENT is located in the southwest quadrant of CR 46A and Airport Boulevard bordered on the south by Old Lake Mary Road and the CSX Railroad. A portion of the site is located on the south side of Old Lake Mary Road.

c. Size of Project: 416.5 acres more or less

d. Project Phasing: The DEVELOPMENT will occur in three phases between 1994 – ~~December 30, 2005~~ July 30, 2008. The phase completion date for Phase I (up to 7,500 ADT) and IIa (up to 15,200 ADT) is December 30, 2001. The phase completion date for Phase IIb is ~~December 30, 2005~~ July 30, 2008.

e. Total Acreage

- 1) Land 281.6 acres
- 2) Water 19.8 acres
- 3) Conservation/ Open Space 117.1 acres

f. Gross Density 3.0~~2~~0 dwelling units per acre

g. Net Density 5.4~~0~~1 dwelling units per acre

3. The ~~Third~~ Fourth Amended and Restated Development Order has been reviewed by the COUNTY Development Review Committee, the East Central Florida Regional Planning Council, and Board of County Commissioners of the COUNTY and approved with the conditions contained herein.

III. CONCLUSIONS OF LAW:

1. The DEVELOPMENT does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
2. The DEVELOPMENT is consistent with the Seminole County Comprehensive Plan and will meet the requirements of the Seminole County Land Development Code unless otherwise agreed to or permitted in this Amended and Restated Development Order, or previously permitted, approved or agreed to by the COUNTY in the development review process; provided, however, that this statement shall not act as a limitation upon the provisions of paragraph IV 1.
3. The DEVELOPMENT is consistent with the report and recommendations of the East Central Florida Regional Planning Council submitted pursuant to Section 380.06, Florida Statutes.
4. This ~~Third~~ Fourth Amended and Restated Development Order constitutes final development order approval of ~~1,185~~ 1,249 housing units; a clubhouse; ~~185,000~~ 171,500 square feet, more or less, of commercial space; and 75,000 square feet, more or less, of office space, and other development related infrastructure facilities (i.e. sewer, water treatment plants, roads) as more particularly detailed in the Findings of Fact herein.

IV. SEMINOLE COUNTY CONDITIONS OF APPROVAL

1. COMPREHENSIVE PLAN AND ZONING CONTINGENCY

This Amended and Restated Development Order is conditional upon the DEVELOPER obtaining any necessary rezoning approvals and other approvals by the Board of County Commissioners and Board of Adjustment.

2. LAND DEVELOPMENT CODE CONTINGENCY

Unless otherwise agreed to or permitted in this Amended and Restated Development Order, or previously permitted, approved or agreed to by the COUNTY in the development review process, the applicable portion of the Seminole County Land Development Code shall prevail and be fully applicable as to the DEVELOPMENT. Specifically, the DEVELOPER acknowledges that, pursuant to Chapters 10 and 15 of the Seminole County Land Development Code, the COUNTY has previously issued a Certificate of Vesting (CV-94-004-930051-000) as to substantial portions of the DEVELOPMENT, which Certificate provides certain time limitations as to the DEVELOPMENT's ability to proceed without being subject to Concurrency Review requirements of the Seminole County Concurrency Management System. The DEVELOPER agrees that the subject portions of the DEVELOPMENT shall either occur within the dates specifies in the Certificate of Vesting, or be subject to Concurrency Review requirements of the Seminole County Concurrency Management System.

3. CHARACTERISTICS OF DEVELOPMENT

LAND USE

Units

Housing Units	1,185 <u>1,249</u> du
Commercial Space	185,000 <u>171,500</u> +/- sq. ft.
Office Space	75,000 +/- sq. ft.
Clubhouse	5.2 acre site
Lakes	19.8 acres
Conservation/ Open Space	117.1 acres
Right-of-Way	9.0 acres

See paragraph 3.C, below regarding conversions of uses between commercial and office

- A. As more definitive information is obtained relative to on-site conditions, some plan modification may occur.
- B. The land use permitted shall conform to the applicable land development regulation requirements as provided in the Seminole County Land Development Code, unless otherwise agreed to or permitted in the Third Amended and Restated Development Order, or previously permitted, approved or agreed to by the COUNTY in the development review process.
- C. Subject to the limitations described herein below, the DEVELOPER shall have the right to convert approved square footage and acreage of commercial uses to office uses and of office uses to commercial uses within those parcels that are designated for either office or commercial use, by the use of the Equivalency Matrix attached hereto as Exhibit “C” which takes into account the P.M. peak-hour/peak direction trip

generation rates for such uses. Notwithstanding anything herein or in the Equivalency Matrix to the contrary, it is agreed that: (1) not more than 60,000 square feet of the currently approved ~~185,000~~ 171,500 square feet of commercial uses may be converted to office uses (based on PM peak-hour/peak direction net external trip generation) through the use of the Equivalency Matrix; and (2) neither any use of the Equivalency Matrix nor any division of the commercial uses into multiple free standing sites may result in an increase in external vehicular traffic by more than (15%) over the level of originally approved external vehicular trips for the Project. Exceeding the foregoing 15% criteria will cause the Project to be a substantial deviation pursuant to subsection 380.06 (19) (b) 15 of the Florida Statutes. In addition to notice to the County, any such conversion on the basis of the Equivalency Matrix shall require not less than thirty (30) days prior written notice to the East Central Florida Regional Planning Council and the State of Florida Department of Community Affairs. Any such conversions shall also be reflected in the Project's annual report.

4. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM

A. Sidewalk System

A five (5) foot wide sidewalk has been installed on County Road 46A from the Project entrance to Lake Boulevard. Five (5) foot wide sidewalks shall be installed along the length of the property on CR 46A and Airport Boulevard in conjunction with the 4-laning of these roadways. If permits

cannot be obtained for sidewalks in the right-of-way for these roadways, an alternative off-site location suitable to the COUNTY may be approved by the COUNTY. Sidewalks will be installed along the west side of Old Lake Mary Road along the Project frontage concurrent with the development of adjacent parcels on the east and west side of Old Lake Mary Road. An at grade crosswalk will be provided at the entrance of Parcel JJ at Old Lake Mary Road. In addition, bus facilities to be determined at Final Master Plan approval will be installed along Old Lake Mary Road.

B. Roads

1. Access

- a. All entrance roads have been designed and constructed in conformance with the applicable COUNTY Land Development Code requirements.
- b. The exact location and geometry of access points have been approved by the COUNTY. Consistent with access locations as shown on the Revised Final Master Plan P.U.D. Amendment #6 7, curbcuts shall be placed as far as possible from the intersection of CR 46A and Airport Boulevard, and any existing curbcuts closed. Whenever properties internal to the site are in separate ownership and share common driveway or roadway facilities, cross easement agreements for such shared use, either pursuant to a master Declaration of Covenants, Conditions, Easements and Restrictions

for the DEVELOPMENT, or pursuant to individual agreements shall be created and submitted to the COUNTY in conjunction with specific site plan review.

- c. The DEVELOPER has installed approved traffic control devices and proper signage for vehicular and pedestrian safety, which was approved by the COUNTY.
- d. Prior to the issuance of any Certificates of Occupancy for improvements within Phase I of the DEVELOPMENT, the DEVELOPER has installed turn lanes, acceleration, deceleration lanes as required by the COUNTY at the main Project entrance on CR 46A. Turn lanes at the main Project entrance on Old Lake Mary Road will be constructed as required by the COUNTY in accordance with its design standards. In addition, when traffic warrants are met, according to the COUNTY, the DEVELOPER shall fully fund the signalization of both Project entrances.
- e. Only one railroad crossing will be permitted and it shall be designed to Florida Department of Transportation (FDOT) standards.

2. Right-of-Way

- a. DEVELOPER shall deed additional right-of-way on Airport Boulevard, Old Lake Mary Road, and CR 46A, not to exceed forty (40) feet (measured from the edge of such rights-of-way as they existed on September 18, 1987, the date of the Development

Order), to the COUNTY with final right-of-way requirements determined by the COUNTY based upon final roadway multi-laning plans. The conveyance of right-of-way shall be on a form acceptable to the COUNTY and shall be made when requested by the COUNTY.

- a. For the segment of Old Lake Mary Road where DEVELOPER owns property along both sides of the right-of-way, the additional right-of-way will be provided predominantly from the east side of the roadway.
 - b. Any additional right-of-way required for Airport Boulevard and CR 46A 4-laning, which is not owned by the DEVELOPER will be acquired by the COUNTY and/or other area development project(s) as the COUNTY deems necessary.
3. Improvements
- a. In connection with road improvements required hereunder, any tapers or transitions which encroach within five hundred (500) feet of an existing end of transition or taper, will require the thirty-six (36) foot section of new pavement to be extended to the existing thirty-six (36) foot section of pavement and overlaid. Changes in existing markings in some cases will also be required by the COUNTY.
 - b. Prior to the completion of Phase I of the DEVELOPMENT the DEVELOPER improved, caused to be improved, or funded the

improvement of a double left turn lane at the intersection of Airport Boulevard and US Highway 17-92, as well as a separate right turn lane at such intersection. Concurrent with the development of Parcel KK, the DEVELOPER shall improve Lake Boulevard along the DEVELOPMENT'S property boundaries to COUNTY standards.

- c. Prior to the granting of any Certificates of Occupancy for improvements within Phase IIb of the DEVELOPMENT, the DEVELOPER shall improve, fund the improvement of, or cause the improvement of the addition of two (2) lanes to CR 46A from the DEVELOPMENT's main entrance on CR 46A eastward to the existing four (4) lane section of Airport Boulevard such that, upon completion CR 46A shall be a four (4) lane facility from Airport Boulevard to the DEVELOPMENT's main entrance. The foregoing shall also include the transition down to two (2) lanes westward of the DEVELOPMENT's western entrance. Prior to the granting of any Certificates of Occupancy for improvements within Phase II b or development of the parcels M and J commercial property, whichever is sooner, the DEVELOPER shall improve, fund the improvement of, or cause the improvement of the addition of two (2) lanes to Airport Boulevard from the intersection of CR 46A southerly, to the intersection of Old Lake Mary Road, such

that, upon completion, Airport Boulevard shall be a four (4) lane facility within such area.

- d. Any two (2) lane divided minor roadways shall have minimum pavement widths for each lane of sixteen feet (16'0").
 - e. The DEVELOPER shall install COUNTY approved traffic control devices and COUNTY approved signage for vehicular and pedestrian safety.
4. Signalization
- a. All the road improvements described above must provide for signal modifications at existing signalized intersections.
 - b. During Phase I and II, the DEVELOPER shall pay one hundred percent (100%) of signalization at Project intersections when required by the COUNTY.
5. Impact Fees
- a. The DEVELOPER has complied with and shall, subject to the provisions of Section IV,7 below, continue to comply with the Seminole County Road Impact Fee Ordinance.
 - b. To the extent that the DEVELOPER is required to fund, construct, or provide transportation improvements or right-of-way, the DEVELOPER shall be entitled to credits as defined in the Road Impact Fee Ordinance.
 - c. The COUNTY shall be responsible for those roads as contained in the Road Impact Fee Ordinance adopted on March 24, 1987

(Ordinance #87-4), except as identified in section IV 4.B.3.C. herein, so that the DEVELOPER's ability to complete the DEVELOPMENT is assured, without delays attributable to the Airport Boulevard and CR 46A improvements and conditions identified in section V.10 and 11.

6. **Monitoring of Intersections**

- a. The DEVELOPER, COUNTY, and City of Lake Mary shall agree upon the methodology of a monitoring/ modeling program to evaluate the impacts of the DEVELOPMENT on the intersection of Old Lake Mary Road and Wilbur Avenue.
- b. The DEVELOPER has, as part of the processing of the Third Amended and Restated Development Order, conducted the required monitoring/ modeling that authorizes development of Phase IIa. Prior to the initiation of Phase IIb, the monitoring/ modeling program shall be performed to ascertain the LOS on the facility.
- c. Based on the monitoring/ modeling program for Phase IIb results, the DEVELOPER shall pay a pro-rata share of any needed improvements if it is demonstrated that the DEVELOPMENT contributed an amount of traffic greater than or equal to ten (10) percent of the LOS "C" service volume.

5. **WETLANDS**

- A. The limit of the on-site wetland areas has been established by the DEVELOPER and the COUNTY and was field surveyed at DEVELOPER's sole cost and said survey was approved by the COUNTY.
- B. Encroachment or impact in or to on-site wetlands has not previously exceeded and shall not, with respect to future development, exceed ten percent (10%). A Drainage Water and Conservation Easement (DWCE) shall be executed as each plat for a portion of the Property is recorded by the DEVELOPER in favor of the COUNTY for those post-development wetland areas that are to be left undisturbed and the DEVELOPER shall grant same to the exclusive and permanent benefit of the COUNTY on a form approved by the COUNTY.
- C. The DEVELOPER shall comply with the COUNTY's wetland ordinance, unless otherwise agreed to or permitted in the Amended and Restated Development Order, or previously permitted, approved or agreed to by the COUNTY in the development review process.
- D. The DEVELOPER has included in the property owner's association's charter that any DEVELOPMENT activity proposed by the association in the wetlands, shall require COUNTY approval.

6. FACILITY COMMITMENTS

A. Drainage and Water Quality:

- 1. The existing one hundred (100) year flood elevation has been determined by analysis based upon a field verified topographic survey. The methodology of the analysis was approved by the

COUNTY prior to the survey. The survey and analysis was performed by the DEVELOPER at its sole cost and was approved by the COUNTY.

2. An erosion and sediment control plan for construction was submitted with Final Engineering Plans and was approved by the COUNTY.
3. The DEVELOPER has provided a stormwater management system in conformity with the COUNTY's requirements and the same was approved by the COUNTY and conformed to the requirements of other applicable agencies.
4. The DEVELOPER shall, as each plat for a portion of the Property is recorded, deed and grant to the COUNTY all post-development land below the one hundred (100) year flood prone elevation as a permanent and exclusive Drainage Water and Conservation Easement (DWCE) on a form approved by the COUNTY.
5. A property owners association has been established to maintain the internal stormwater management systems not dedicated to the public. The COUNTY, at its sole and absolute discretion, may choose to take over the operation and maintenance of the system at some future date.
6. The DEVELOPER has provided to the COUNTY for its review a Master Stormwater Management Plan and the COUNTY has approved the same. This plan sets forth the retention/ detention

system requirements for meeting water quality and post development peak flows established by the St. Johns River Water Management District and the COUNTY. The Developers/ Builder of individual tracts shall obtain all applicable regulatory and governmental permits prior to construction.

7. The DEVELOPER has provided for the on-site detention of stormwater in the lake system and open space areas to reduce peak flows occurring during the 25-year/ 24-hour storm.
8. The DEVELOPER has accomplished and shall continue to accomplish all actions deemed necessary by the COUNTY to insure that the direct runoff from the P.U.D. retention/ detention system will not adversely affect the water quality of the downstream system.
9. The DEVELOPER shall continue to fund the remaining acquisition for downstream easements and right-of-way outstanding for the Smith Canal on a pro-rata share not to exceed \$200.00 per dwelling unit and an equivalent value for non- residential development as determined by the COUNTY, based upon the percentage of discharge into the canal. Said fundings shall be paid by the building permit applicant prior to issuance of Certificate of Occupancy.

B. Water:

1. The source of the potable water system will be the Floridan Aquifer.
2. The COUNTY has provided permanent potable water service to the property. A permanent waterline has been installed at the COUNTY's expense. The permanent waterline installed by the COUNTY is capable of supplying the potable water requirements of the entire property, including the fire flow requirements. A total of 443,000 gallons per day of water for Phase I and Phase II has been reserved for the DEVELOPMENT.
3. The DEVELOPER has entered into a utility service agreement with the COUNTY, detailing the conditions of water supply.
4. The COUNTY acknowledges that the East Central Florida Regional Planning Council has recommended that the Project obtain water services from the COUNTY through a wholesale service agreement with the City of Sanford, Florida. The COUNTY has entered into a wholesale agreement with the City of Sanford, pursuant to which, the City of Sanford provides wholesale water capacity to the COUNTY for provision to the DEVELOPMENT.

C. Sewer:

1. The Project utilizes sanitary sewer services provided by the COUNTY through a Tri-Party Agreement in cooperation with the City of Sanford.
2. The COUNTY agrees that the DEVELOPMENT shall only be required to take back and dispose of treated effluent on-site, to the

extent that it can reasonably do so without adversely impacting upon approved development plans and in accordance with generally accepted land planning practices, nor will the DEVELOPMENT be required to take back effluent to be disposed of upon residential dwelling areas of the DEVELOPMENT. Consistent with the foregoing requirements, effluent take back has been and shall, with respect to future development, be required to be disposed of upon common area green spaces.

3. The DEVELOPER has entered into a Tri-Party Wholesale Wastewater Agreement with the City of Sanford and the COUNTY detailing the conditions of sewer service outlined in C1 and C2 above.

D. Recreation and Open Space

1. The DEVELOPMENT includes ten (10) acres of active recreation area, consisting of two (2) tennis courts, one full basketball court, a volleyball court, picnic tables, cooking grills and two (2) tot lots. The above are located in tract "K" and are complete. Active recreation amenities such as a jogging trail will be constructed in Parcel Q prior to the issuance of the 650th residential certificate of occupancy. Unless otherwise agreed to or permitted in this Amended and Restated Development Order or previously permitted, approved or agreed to by the COUNTY in the development review process, passive recreation such as boardwalks, nature trails and gazebos, will be considered

within the wetland areas according to the Seminole County Land Development Code, subject to permitting requirements.

2. A minimum of twenty-five percent (25%) of the area covered by the revised Final Master Plan P.U.D. Amendment # 67 has been designated as useable open space, which includes conservation areas used for passive recreation purposes. Recreational areas have been considered a part of the open space requirement. Open space may be dedicated/ transferred at the DEVELOPER's discretion to the property owner's association or similar group.
3. There shall be no motorboat access to adjoining lakes and an approved recreation and open space plan was provided at the time of Final Master Plan approval.

E. Schools:

The building permit applicant shall pay all adopted school impact fees prior to the issuance of a Certificate of Occupancy.

F. Buffers

1. The DEVELOPER shall provide a minimum fifty (50) foot bufferyard along the western and northwestern boundaries of Parcels D, G, and N as shown on Exhibit B. A minimum twenty-five (25) foot building setback in which parking and other impervious surfaces may be allowed and a twenty-five (25) foot natural buffer (totaling fifty (50) feet) along the southern boundary of Parcel N shall be provided. Bufferyards shall be natural vegetation supplemented with plantings and manmade materials, in

accordance with Seminole County Land Development Code requirements.

Where buffers are adjacent to lakes, the fifty (50) foot buffer shall be measured from the ordinary high water mark. In addition, a six (6) foot masonry wall shall be constructed by the DEVELOPER on any double frontage lots contiguous to external roadways with the exception of Tract JJ, which may provide a six (6) foot chain link fence within a twenty (20) foot landscape easement along the portion of the tract containing lots abutting Old Lake Mary Road and the CSX Railroad Corridor. In lieu of masonry walls on double frontage lots internal to the DEVELOPMENT, buffers may be used in the form of berms and landscaping such that a continuous screen is formed, an average of four feet (4') in height within twelve (12) months after installation. A six (6) foot masonry wall shall be installed within a ten (10) foot landscape easement along the boundary of Tract JJ where lots in Tract JJ abut adjacent single family residential lots to the south. Existing vegetation will be preserved within the ten (10) foot landscape easement except for minimal removal necessary for wall construction. The wall shall be installed coincident with Tract JJ development phases.

2. The DEVELOPER shall comply with all requirements of the County's Arbor Ordinance and land development regulations, unless otherwise agreed to or permitted in this Amended and Restated Development Order, or previously permitted, approved or agreed to by the COUNTY in the development review process.

3. The DEVELOPER has previously maintained and shall, with respect to future development, continue to maintain all public landscaping and buffer areas until such time as that responsibility is taken over by the property owner's association.
4. The DEVELOPER has previously made and shall, with respect to future development, continue to make every reasonable effort to preserve existing native trees on site and has previously and shall, with respect to future development, continue to supplement existing vegetation in accordance with the COUNTY's land development regulations, unless otherwise agreed to or permitted in this Amended and Restated Development Order, or previously permitted, approved or agreed to by the COUNTY in the development review process.
5. Buffers required for separation of the internal spine road from individual tracts may be in the form of a twenty foot (20') wide scenic easement/natural buffer dedicated to the property owner's association.
6. Including encroachment and subsequent mitigation, there will be no net loss of wetlands in the Project.

7. IMPACT FEES

Previous building permit application have complied with and future building permit applicants shall comply with all impact fees ordinances in place at the time of application for building permits. Impact fees shall include, but not be limited to, Roads, Parks, Libraries, Public Safety, and Schools. Unless specifically stated to the contrary, either herein (including, without limitation, Section IV.4.B.5.), or

in any applicable impact fee ordinance, no DEVELOPER's cost will be credited against any impact fee which the DEVELOPER is obligated to pay, and the intent of this Amended and Restated Development Order is that the DEVELOPER shall fully participate in all impact fee programs.

8. OTHER COMMITMENTS

- A. A mandatory property owner's association has been established by the DEVELOPER to maintain all common areas within the DEVELOPMENT including, but not limited to, private road rights-of-way, all open space, buffers, and recreational facilities and stormwater management systems not dedicated to the public.
- B. Single family houses built to a minimum of R-1AA standards shall be built on parcel C.
- C. On parcel N from the eastern line of the required fifty (50) foot buffer for a depth of fifty (50) feet, dwelling units shall be a maximum of two (2) stories.

V. REGIONAL PLANNING COUNCIL RECOMMENDATIONS

- 1. The Project has previously been and shall continue to be developed in accordance with the information, data and plans contained in the General Sanford Estates DRI/ADA and supplemental information unless otherwise directed by the recommendations enumerated below.
- 2. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the Project manager. In the event of discovery

of artifacts of historic or archaeological significance during Project construction, the Developer shall stop construction at the sites of discovery and notify the COUNTY and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

3. To minimize dependence on grounds irrigation and promote retention of wildlife habitat, native vegetation shall be utilized to the maximum extent practical in site development.
4. Buffers comprised of Pine Flatwoods (411), Mixed Forest (431) and Other Hardwood (422), at least twenty-five (25) feet wide, have been and will, with respect to future development, continue to be preserved where these vegetation types occur adjacent to wetland preserves greater than one acre. Wherever the foregoing twenty-five (25) foot buffer is applicable, subject to IV 4.1. an additional twenty-five (25) foot (for a total of fifty [50] feet) construction setback area shall be applicable wherein no structures or impervious surfaces shall be permitted and the retention of native vegetation shall be encouraged. The foregoing requirements shall not be applicable to Parcels F and J. A fifty (50) foot natural buffer shall be maintained along Parcels D, G, N and O adjacent to the lakes. This area shall be subject to drainage, water and conservation easement in favor of the COUNTY created prior to the sale of individual lots and in accordance with the provisions of the Declaration of Easements, Covenants and

Conditions for Chase Groves recorded in Official Records Book 2254, Page 1272, of the Public Records of Seminole County, Florida, as amended, provided that such improvement as are acceptable to the COUNTY may be located within such area, including certain pollution abatement improvements.

5. Phase I shall include the creation of the mitigated wetlands between the large and small freshwater swamps. Approval for removal of existing wetlands in Phase II shall be contingent on the success of created wetlands in Phase I.
6. A long term monitoring and replanting program approved by the St. Johns River Water Management District (at least two years) has been completed for the wetland mitigation area to ensure at least eighty percent (80%) survival of planted species.
7. The COUNTY acknowledges that the East Central Florida Regional Planning Council had recommended that the Project obtain water and sewer services from Seminole County through a wholesale service agreement with the City of Sanford, Florida. The COUNTY has entered into a wholesale agreement with the City of Sanford, pursuant to which the City will wholesale capacity to the COUNTY for provision to the Project.
8. For the purpose of the following monitoring report, the Project will be divided into the following DEVELOPMENT phases:

Phase I – 7,500 external ADT

Phase IIa – 7,700 external ADT

Phase IIb – 7,700 external ADT

9. Prior to initiation of Phase IIb (in excess of 15,200 average daily external trip equivalent) a monitoring/modeling program shall be performed to ascertain the LOS on facilities where the Chase Groves Project is estimated to contribute an amount of traffic greater than or equal to ten percent of the LOS “C” service volume. The methodology of the monitoring/modeling program shall be agreed upon by the Seminole County, the City of Sanford, the City of Lake Mary, the East Central Florida Regional Planning Council, the Florida Department of Community Affairs and the DEVELOPER. A list of the affected facilities follows:

Roadway Links

- U.S. 17-92 from Lake Mary Boulevard to Airport Boulevard
- Airport Boulevard from S.R. 46 to C.R. 46A
- Airport Boulevard from C.R. 46A to U.S. 17-92
- Airport Boulevard from U.S. 17-92 to Sanford Avenue
- C.R. 46A from I-4 to Upsala Road
- C.R. 46A from Upsala Road to Old Lake Mary Road
- C.R. 46A from Old Lake Mary Road to U.S. 17-92
- Old Lake Mary Road from Crystal Lake Avenue to Airport Boulevard
- Old Lake Mary Road from Airport Boulevard to C.R. 46A

- Crystal Lake Avenue from Old Lake Mary Road to Country Club Road
- Country Club Road from C. R. 46A to Lake Mary Boulevard

Intersections

- US 17-92 and CR 427/ SR 419
- US 17-92 and Airport Boulevard
- US 17-92 and CR 46A/ SR 46
- Airport Boulevard and Sanford Avenue
- Airport Boulevard and Old Lake Mary Road
- Airport Boulevard and CR 46A
- CR 46A and Rinehart Road
- CR 46A and Country Club Road
- CR 46A and Upsala Road
- CR 46A and Old Lake Mary Road
- Lake Mary Boulevard and Country Club Road
- Country Club Road and Crystal Lake Avenue
- Airport Boulevard and SR 46

10. The Chase Groves Project shall not commence beyond Phase IIa or an equivalent 15,200 external ADT where service levels are below service level "D" peak hour and the Project contributes ten percent or greater to the capacity of a roadway/intersection at service level "C" as determined by the modeling/ monitoring program specified in the preceding

recommendation unless mitigation measures/improvements are secured and committed to occur during the next stage of DEVELOPMENT (Phase IIb) equivalent to an additional 7,700 external ADT. Proof of mitigation must include identification of committed funding source and reasonable guarantee of scheduling within the required time frame. Otherwise, further building permits shall not be issued by Seminole COUNTY toward the balance of the Project. DEVELOPER further agrees that this Amended and Restated Development Order shall be amended to reflect any mitigation measures/ improvements required pursuant to the provisions of this Paragraph 10.

11. Space shall be reserved for a transit passenger shelter and transit route serving the Project to facilitate the use of travel modes other than automobiles. Furthermore, the DEVELOPER should make known to residents that the tri-county area has an existing ridesharing program operated by ~~Tri-County Transit~~ LYNX and encourage the use of this program.
12. The DEVELOPER shall fund the construction of left and right-turn deceleration lanes at all Project entrances. These improvements shall be constructed as required and set forth in section IV.4.B.1.d, above. The DEVELOPER shall fund the cost of signalization when deemed warranted by the appropriate governmental entity.

VI. MONITORING MECHANISM

The COUNTY established site review approval processes and inspection

procedures for review of developments pursuant to the Seminole County Land Development Code, will constitute the monitoring mechanism for assuring compliance by the DEVELOPER with this Amended and Restated Development Order and the DEVELOPER shall comply with same. The COUNTY Planning Division Manager of Current Planning, shall be the official responsible for monitoring compliance by the DEVELOPER with this Amended and Restated Development Order.

VII. ANNUAL REPORTING REQUIREMENTS

The DEVELOPER shall submit an annual report on or before the anniversary date of this Order during the build out of the DEVELOPMENT plan. Said annual report shall be submitted to the COUNTY Planning ~~Department~~ Division, the East Central Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies. The report shall include:

1. Any changes in the plan of DEVELOPMENT, or in the representations contained in the Application for ~~DEVELOPMENT~~ Development Approval, or in the phasing for the reporting year and for the next year;
2. A summary comparison of DEVELOPMENT activity proposed and actually conducted for the year;
3. Undeveloped tracts of land that have been sold by the DEVELOPER to a separate entity or DEVELOPER;
4. Identification and intended use of lands purchased, leased or optioned by the DEVELOPER adjacent to the original DRI site since this Amended and Restated Development Order was issued;

5. An assessment of the DEVELOPER's and the local government's compliance with the conditions of approval contained in this Amended and Restated Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by the COUNTY, the Regional Planning Council, or the Florida Department of Community Affairs as being significant;
6. Any known incremental DRI Applications for ~~DEVELOPMENT~~ Development Approval or requests for a substantial deviation determination that were filed in the reporting year or which are to be filed during the next year;
7. Any indication of a change in local government jurisdiction for any portion of the DEVELOPMENT since this Amended and Restated Development Order was issued;
8. A list of all local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
9. A statement that all persons have been sent copies of the annual report in conformance with Section 380.06(15) and (18), Florida Statutes; and
10. A copy of any recorded notice of the adoption of an Amended and Restated Development Order or the subsequent modification of an adopted Amended and Restated Development Order that was recorded by the DEVELOPER pursuant to Section 380.06(15) (f), Florida Statutes.

11. A statement of any conversions from office uses to commercial uses or commercial uses to office uses in accordance with Equivalency Matrix attached hereto as Exhibit “C D”

VIII. PERIOD OF EFFECTIVENESS

- A. This ~~Third~~ Fourth Amended and Restated Development Order shall be effective upon adoption by the COUNTY and shall remain in full force and effect until ~~December 30, 2005~~ July 30, 2008. The effectiveness of this ~~Third~~ Fourth Amended and Restated Development Order and all DEVELOPER commitments and obligations may be extended by the COUNTY upon a showing by the DEVELOPER which demonstrates that the completed portions and remaining portions of the DEVELOPMENT substantially comply, as determined by the COUNTY, with the conditions of this ~~Third~~ Fourth Amended and Restated Development Order and the provisions of Section 380.06, Florida Statutes.
- B. This ~~Third~~ Fourth Amended and Restated Development Order and all DEVELOPER commitments and obligations touch and concern the ~~Land~~ LAND and DEVELOPMENT, and shall continue to run with and burden the ~~Land~~ LAND and DEVELOPMENT. This instrument shall be recorded in the Official Records of the COUNTY and the public land records. This ~~Third~~ Fourth Amended and Restated Development Order and all obligations, commitments, covenants, promises, liabilities, and responsibilities

herein incurred by the DEVELOPER shall be binding upon DEVELOPER and DEVELOPER's heirs, assigns and successors in interest (including specifically, but not by way of limitation, building permit applicants and any person or entity developing a part of the DEVELOPMENT) and shall inure to the benefit of the COUNTY and its assigns and successors in interest as to all and each part of the Property described in paragraph I, above. The DEVELOPER shall pay any and all recording costs.

IX. DOWN-ZONING

Pursuant to Section 380.06(15) (c) 3, Florida Statutes, the DEVELOPMENT shall not be subject to down-zoning, unit density reduction, or intensity reduction until ~~December 30, 2007~~ July 30, 2010 unless the COUNTY can demonstrate that substantial changes in the conditions underlying the approval of this ~~Third~~ Fourth Amended and Restated Development Order have occurred, or that this Amended and Restated Development Order was based on substantially inaccurate information provided by the DEVELOPER or that the change is clearly necessary by the COUNTY to protect the public health, safety, and welfare. The above zoning-down conditions shall not act as a limitation on the COUNTY under the provisions of the Seminole County Land Development Code providing for determination of substantial development.

X. MISCELLANEOUS CONDITIONS

The DEVELOPER, as to the property over which it has ownership and control upon the date of this ~~Third~~ Fourth Amended and Restated Development Order, or the successors and assigns of the DEVELOPER, as the case may be, shall indemnify and hold harmless the COUNTY from and against (i) all claims, demands, disputes, damages, costs, expenses (to include attorney's fees whether or not litigation is necessary and, if necessary, both at trial and on appeal) incurred by the COUNTY in enforcing or ensuring compliance with the terms and conditions of this ~~Third~~ Fourth Amended and Restated Development Order and (ii) expenditures incurred by the COUNTY relating to, directly or indirectly, the use or development of the Property described in Exhibit A in enforcing or ensuring compliance with the terms and conditions of this ~~Third~~ Fourth Amended and Restated Development Order. It is specifically understood that the COUNTY is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the subject Property, including, but not limited to, transportation, drainage or sewer plans, fire safety, or quality of construction, whether or not inspected, approved or permitted by the COUNTY.

XI. INCORPORATION OF EXHIBITS

All exhibits hereto are incorporated herein by their reference.

ADOPTED, This _____ day of _____, 2005 by the

Board of Commissioners of Seminole County.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

CHASE GROVES, LTD., a Florida
limited partnership

By: Euro American Investors Group,
Its General Partner

By: Sunbelt Investors Group, Inc.,
Its General Partner

Name: _____

By: _____

A. C. Leerdam, Its President

CENTEX HOMES, a Nevada

General Partnership

Name: _____

By: _____

Pat Knight, Division President

BELAIR GROVES LTD.

Name: _____

By: _____

R. Chase Lasbury, General Partner

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by A. C. Leerdam, President of Chase Groves, Ltd., a Florida limited partnership. He is personally known to me or has produced _____ as identification and did not take an oath.

(NOTARY SEAL)

Notary Public, State of Florida

Name: _____

Notary Commission No. _____

My Commission Expires: _____

(NOTARY SEAL)

Notary Public, State of Florida

Name: _____

Notary Commission No. _____

My Commission Expires: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

By: _____

Name: _____

Carlton D. Henley

Clerk to the Board of
County Commissioners of
Seminole County, Florida

Chairman

Date: _____

For the use and reliance of
Seminole County only.
Approved as to form and
Legal sufficiency but not
as to substance.

As authorized for execution by the
Board of County Commissioners at
their _____, 2005
regular meeting.

Name: _____

County Attorney

BELAIR GROVES, LIMITED
Post Office Box 458
Tangerine, Florida 32777

12 July 2005

Seminole County Government
c/o Mr. Dan Matthys, Director
Planning and Development Department
1101 East First Street
Sanford, Florida 32771-1468

RE: Chase Groves DRI
Tract M

Dear Mr. Matthys:

Please accept this letter as Belair Groves, Ltd.'s request and authorization for Chase Groves, Ltd. (fee simple owner) and Centex Homes (contract purchaser) to modify the land use entitlements for Tract M, Chase Groves Unit 1 (according to the plat thereof recorded in Plat Book 44, Pages 24 through 28, of the Public Records of Seminole County, Florida), and the buildout date for the balance of the Chase Groves DRI. More specifically, Chase Groves, Ltd. and Centex Homes are authorized to submit and obtain approval of:

- A Notice of Proposed Change (NOPC) to the approved Chase Groves DRI to:
 - Change the land use designation for Tract M from commercial to residential;
 - Increase the number of housing units from 1,185 to 1,249 for a total increase of 64 units;
 - Reduce the approved commercial area from 185,000 square feet to 171,500 square feet for a total decrease of 13,500 square feet (an approximate traffic equivalency between residential and commercial per ITE - 7th edition); and
 - Extend the build out date for Phase IIB from December 30, 2005 to July 30, 2008 for a total extension of two and a half years.
- An amendment of the approved Chase Groves Preliminary PUD to change the designation of Tract M from commercial to residential with:
 - An increase of residential by 64 units; and
 - A decrease of commercial area by 13,500 square feet.

Chase Groves, Ltd. and Centex Homes may also pursue subsequent review and approval of the proposed development of 64 residential units on Tract M through more detailed review processes as required by applicable development

Letter to Dan Matthys
12 July 2005
Page 2 of 2

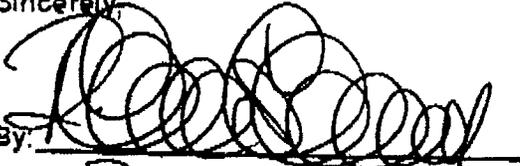
regulations such as, but not limited to, PUD Final Master Plan, subdivision, detailed site construction plans, etc., consistent with the specific authorization provided above.

Nick Pope and Scott Thompson at the Lowndes, Drosdick, Doster, Kantor & Reed law firm in Orlando continue to represent Belair Groves in connection with this matter and are hereby authorized on our behalf to provide such additional approvals and information as may be necessary to process this change, which Belair Groves fully supports.

We also understand that approval of these requested changes to the Chase Groves DRI will not limit or affect the other existing Development Order conditions of development.

Thank you very much for your assistance.

Sincerely,


By: _____
Name: R. CHASE LASBURY

Title: General Partner