

STAFF RECOMMENDATION:

Staff recommends the Board approve a Minor Amendment to the PUD Development Order and Preliminary Master Plan, and authorize the Chairman to execute the amended Development Order to the Greenway South PUD Development Order, located at the southwest corner of SR 417 and SR 426.

Attachments: October 25, 2005 Executed Development Order 04-20500009
Amended Development Order 06-21500001
Email Correspondence from Seminole County Public Safety Department

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal Lots 10 to 15, (less right-of-way of Aloma Avenue and SR 417) Subdivision of E. G. Townsends Homestead according to the plat thereof as recorded on PB 2, Page 61, of the Public Records of Seminole County, Florida.

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

FINDINGS OF FACT

Property Owner(s): CCCH Greenway South Property, LLC, c/o Charles W. Clayton, Jr. 1190 North Park Avenue Winter Park, FL 32789

Project Name: Greenway South PUD

Requested Development Approval: Rezoning from the A-1 (Agriculture District) zoning classification to the PUD (Planned Unit Development District) zoning classification and approval of the associated PUD preliminary master plan attached as Exhibit A.

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 have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tony Matthews 1101 East First Street Sanford, FL 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT CLERK OF SEMINOLE COUNTY BK 06043 PGS 0338-0357 FILE NUM 2005217332 RECORDED 12/16/2005 11:17:38 AM RECORDING FEES 171.50 RECORDED BY G Hartford

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

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY BK 06061 PGS 0526-0534 CLERK'S # 2005224956 RECORDED 12/30/2005 09:02:13 AM RECORDING FEES 78.00 RECORDED BY G Hartford

RETURN TO SANDY MCCANN

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 and special exception uses within the OP (Office District), A-1 (Bona fide Agriculture), C-1 and C-2 (Retail Commercial District) zoning classifications shall be allowed within the PUD development with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.
 - B. The Applicant shall install a signalized full access intersection on SR 426 (Aloma Avenue) and Deep Lake Road per the existing agreement with FDOT.
 - C. Applicant shall obtain a stormwater permit from the Seminole County Expressway Authority and/or Florida Department of Transportation for discharge of drainage to the SR 417 right-of-way or shall design the project to maintain a 100-year, 24 hour storm event onsite.
 - D. Prior to Final Engineering Approval; the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
 - E. Applicant shall execute and maintain an agreement with the property owner to the west regarding joint access road to SR 426, prior to PUD final master plan approval. Said agreement shall include, but not be limited to, the following issues:
 1. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of Deep Lake Road.
 2. Aligning Deep Lake Road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
 3. Specifying driveway locations along the Deep Lake Road for access to the proposed development.
 - F. Landscaping shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
 - G. Applicant shall install a minimum 25 foot landscape buffer along the eastern property line abutting the Central Florida GreeneWay (SR 417) to ensure 100% opacity at six (6) feet in height above grade within one (1) year.
 - H. Mechanical units shall be located and/or screened to avoid off-site view from SR 426 or abutting residential uses.

- I. Lighting shall be installed in accordance with Seminole County Ordinance 2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance, whichever is more restrictive. Outdoor lighting adjacent to the north property line along SR 426 and adjacent to residential uses shall be limited to decorative lighting affixed to the front of buildings. Security lighting with motion sensors shall be permitted.
 - J. The maximum permitted building height shall be 35 feet.
 - K. The maximum Floor Area Ratio (FAR) shall not exceed 0.35.
 - L. Development shall connect to Seminole County water and sewer service.
 - M. Applicant shall provide a minimum 50 foot building setback and a minimum 25 foot landscape buffer abutting residential uses to the south and west. A six (6) foot brick or masonry wall shall be installed along the western boundary abutting residential uses within the Deep Lake PUD and along the south property line abutting the South Tuskawilla Road Property/Aloma Development LLC. Landscaping along the wall shall consist of eight (8) canopy trees a minimum of 2.5 inches in diameter, with an overall average of 3 inches, as measured one (1) foot above ground, every 100 linear feet.
 - N. Applicant shall install sidewalks, a minimum of five (5) foot in width, to connect building entrances and sidewalks in right-of-way.
 - O. Incorporate the same architectural treatment on all sides of commercial buildings.
 - P. Gate and wall dumpsters and compactors so not to be visible, except when serviced.
 - Q. Remove trash from dumpsters twice a week.
 - R. Clean sweep parking lots twice a week.
 - S. Screen and gate truck wells.
 - T. Prohibit overnight parking onsite.
 - U. Install irrigation system for landscaping.
 - V. The Board of County Commissioners shall review PUD Final Master Plan.
 - W. Reserve a two (2) acre fire station site until October 25, 2007, for potential County purchase.
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.

Z2004-065

DEVELOPMENT ORDER #04-20500009

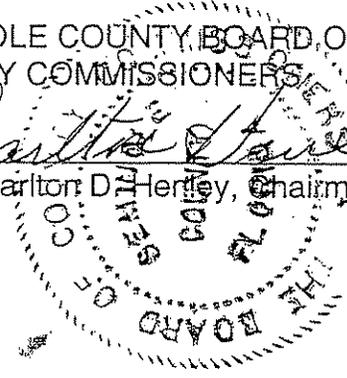
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By:

Carlton D. Herley

Carlton D. Herley, Chairman



OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, CCCH Greenway South Property, LLC, c/o Charles W. Clayton, Jr., and E.G. Banks, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Nancy Husselman
Witness

Charles W Clayton Jr
Charles W. Clayton, Jr.

Betty Ann Zeman
Witness

Nancy Husselman
Witness

E. G. Banks
E. G. Banks

Betty Ann Zeman
Witness

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 CHARLES W. CLAYTON, JR & E. G. BANKS who is personally known to me or who has produced _____ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 17th day of NOVEMBER, 2005.

Nancy Husselman

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

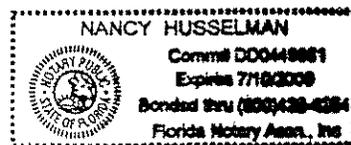


EXHIBIT A

SITE DATA

OWNER: E.G. BANKS
CCCH GREENWAY SOUTH PROP., LLC.
611 WYMORE ROAD
WINTER PARK, FLORIDA 32789
(407) 628-0000

PLANNING CONSULTANT: FLORIDA LAND DESIGN, INC.
222 S. WESTMONTE DRIVE, SUITE 211
ALTAMONTE SPRINGS, FLORIDA 32714
(407) 389-1811; (407) 389-1812 (FAX)

TRACT DATA:
TOTAL AREA: 23.32 ACRES
TOTAL WETLAND AREA: 0.00 ACRES
EXISTING ZONING: A-1 (SEMINOLE COUNTY)
EXISTING FLU DESIGNATION: HIPTR (SEMINOLE COUNTY)
PROPOSED ZONING: PUD (SEMINOLE COUNTY)
PROPOSED USES: MIXED USES BASED ON SEMINOLE
COUNTY ZONING CLASSIFICATIONS C-1,
C-2, OPN.

MAXIMUM BLDG. HT.: 35 FEET
MAXIMUM IMPERVIOUS: 75%
MIN. OPEN/GRN. SPACE: 25%
MAXIMUM F.A.R.: 0.35
MAXIMUM S.F.: 266,650 S.F.

NOTES:

1. BOUNDARY AND TOPO BASED ON SURVEY BY BJM ASSOCIATES, INC.
2. UTILITIES TO THE SITE WILL BE FURNISHED BY THE FOLLOWING PROVIDERS:
 - * WATER: SEMINOLE COUNTY
 - * SEWER: SEMINOLE COUNTY
 - * ELECTRIC: PROGRESS ENERGY
 - * TELEPHONE: SPRINT/UNITED TELEPHONE
 - * SOLID WASTE: SEMINOLE COUNTY
3. AN ON-SITE LIFT STATION WILL PROVIDE SANITARY SEWER TRANSMISSION. CONNECTION TO THE MAJOR TRANSMISSION MAIN LOCATED ON ALOMA SHALL BE METERED PURSUANT TO SEMINOLE COUNTY UTILITIES REQUIREMENTS.

EXHIBIT A

4. PUBLIC WATER MAINS SHALL MEET THE REQUIREMENTS OF THE AMERICAN WATERWORKS ASSN. (AWWA) AND SEMINOLE COUNTY. MIN. 8" DIAMETER PIPE IS REQUIRED TO SERVE SITE.
5. FIRE PROTECTION IS TO BE PROVIDED BY SEMINOLE COUNTY. PER SEMINOLE COUNTY PUBLIC SAFETY DEPARTMENT FIRE FLOW SHALL BE NO LESS THAN 1250 GPM AT 20 PSI RESIDUAL.
6. STORMWATER DRAINAGE TO BE DESIGNED PER SEMINOLE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REGULATIONS.
7. LANDSCAPE BUFFERS TO BE PROVIDED IN ACCORDANCE WITH THE COUNTY'S LDC. DETAILS TO BE PROVIDED AT THE TIME OF SUBMITTAL OF THE FINAL PUD DEVELOPMENT PLAN.
8. THERE ARE NO WETLANDS ON SITE. AN ENVIRONMENTAL REPORT ADDRESSING SPECIES OF SPECIAL CONCERN AND ENDANGERED SPECIES WILL BE PROVIDED AT THE TIME OF FINAL PUD DEVELOPMENT PLAN. AN EAGLE'S NEST IS KNOWN TO BE LOCATED WITHIN ONE MILE OF THE SITE. THE DEVELOPER WILL BE REQUIRED TO SECURE A LETTER DETAILING SPECIAL REQUIREMENTS PRIOR TO APPROVAL OF FINAL PUD DEVELOPMENT PLAN.
9. NO RESIDENTIAL DEVELOPMENT IS CONTEMPLATED FOR THIS SITE; THEREFORE, ESTIMATED DEMANDS ARE BASED ON THE CONSUMPTION DEMAND STANDARDS FOUND ON THE COUNTY WEB PAGE AS RECOMMENDED BY MIKE HARBER.
10. THE SITE IS ENTIRELY IN FLOOD ZONE "X" PER THE FLOOD INSURANCE RATE MAP FOR SEMINOLE COUNTY.
11. SOILS CONSIST OF BASINGER FINE SANDS AND TAVARES FINE SANDS PER THE SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA.
12. IMPACT ANALYSIS IS PROJECTED AS FOLLOWS:

*	SCHOOLS:	NONE EXPECTED
*	ROADS:	266.65 X 76.9 ADT/1000 S.F. = 20,505 ADT
*	WATER:	266.65 X 100 GPD/1000 S.F. = 26,665 GPD
*	SEWER:	266.65 X 100 GPD/1000 S.F. = 26,665 GPD

13. DEVELOPMENT WILL COMPLY WITH ALL BUILDING CODE AND PUBLIC SAFETY REQUIREMENTS.
14. EFFORT WILL BE MADE TO PROVIDE PEDESTRIAN FRIENDLY DESIGN, NEIGHBORHOOD INTERCONNECTIVITY AND ALTERNATIVE TRANSPORTATION FACILITIES AT THE TIME OF FINAL ENGINEERING PLANS.
15. ACCESS TO THE SITE WILL BE VIA PROPOSED DEEP LAKE ROAD IMPROVEMENTS. PURSUANT TO AN AGREEMENT BETWEEN THE VARIOUS AFFECTED PARTIES, DEEP LAKE ROAD SHALL BE DEVELOPED AS A 90' PUBLIC RIGHT-OF-WAY DIVIDED ROADWAY ADJACENT TO THIS SITE. PURSUANT TO NEGOTIATIONS WITH

EXHIBIT A

FDOT, A SIGNALIZED, FULL-DIRECTIONAL INTERSECTION WILL BE CONSTRUCTED AT ALOMA AVENUE PROVIDING ACCESS FROM THE NORTH AND SOUTH. A COPY OF THESE AGREEMENTS SHALL BE PROVIDED TO SEMINOLE COUNTY STAFF PRIOR TO APPROVAL OF THE FINAL PUD DEVELOPMENT PLAN.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 22, 2006, Seminole County issued this Amended Development Order, superseding the original Development Order issued October 25, 2005, relating to and touching and concerning the following described property:

Legal Lots 10 to 15, (less right-of-way of Aloma Avenue and SR 417)
Subdivision of E. G. Townsends Homestead according to the plat thereof as recorded on PB 2, Page 61, of the Public Records of Seminole County, Florida.

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

FINDINGS OF FACT

Property Owner(s): CCCH Greenway South Property, LLC, c/o Charles W. Clayton, Jr.
1190 North Park Avenue
Winter Park, FL 32789

Project Name: Greenway South PUD

Requested Development Approval: Rezoning from the A-1 (Agriculture District) zoning classification to the PUD (Planned Unit Development District) zoning classification and approval of the associated PUD preliminary master plan attached as Exhibit A.

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 have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: April Boswell
1101 East First Street
Sanford, FL 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

1. The aforementioned application for development approval is **GRANTED**.
2. All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
3. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Permitted uses and special exception uses within the OP (Office District), A-1 (Bona fide Agriculture), C-1 and C-2 (Retail Commercial District) zoning classifications shall be allowed within the PUD development with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.
 - B. The Applicant shall install a signalized full access intersection on SR 426 (Aloma Avenue) and Deep Lake Road per the existing agreement with FDOT.
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 - D. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
 - E. Applicant shall execute and maintain an agreement with the property owner to the west regarding joint access road to SR 426, prior to PUD final master plan approval. Said agreement shall include, but not be limited to, the following issues:
 1. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of Deep Lake Road.
 2. Aligning Deep Lake Road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
 3. Specifying driveway locations along the Deep Lake Road for access to the proposed development.
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- I. Lighting shall be installed in accordance with Seminole County Ordinance 2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance, whichever is more restrictive. Outdoor lighting adjacent to the north property line along SR 426 and adjacent to residential uses shall be limited to decorative lighting affixed to the front of buildings. Security lighting with motion sensors shall be permitted.
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 - S. Screen and gate truck wells.
 - T. Prohibit overnight parking onsite.
 - U. Install irrigation system for landscaping.
 - V. The Board of County Commissioners shall review PUD Final Master Plan.
4. This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
 5. The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, CCCH Greenway South Property, LLC, c/o Charles W. Clayton, Jr., and E.G. Banks, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Charles W. Clayton, Jr.

Witness

Witness

E. G. Banks

Witness

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 not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

SITE DATA

OWNER: E.G. BANKS
CCCH GREENWAY SOUTH PROP., LLC.
611 WYMORE ROAD
WINTER PARK, FLORIDA 32789
(407) 628-0000

PLANNING CONSULTANT: FLORIDA LAND DESIGN, INC.
222 S. WESTMONTE DRIVE, SUITE 211
ALTAMONTE SPRINGS, FLORIDA 32714
(407) 389-1811; (407) 389-1812 (FAX)

TRACT DATA:
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TOTAL WETLAND AREA: 0.00 ACRES
EXISTING ZONING: A-1 (SEMINOLE COUNTY)
EXISTING FLU DESIGNATION: HIPTR (SEMINOLE COUNTY)
PROPOSED ZONING: PUD (SEMINOLE COUNTY)
PROPOSED USES: MIXED USES BASED ON SEMINOLE
COUNTY ZONING CLASSIFICATIONS C-1,
C-2, OPN.

MAXIMUM BLDG. HT.: 35 FEET
MAXIMUM IMPERVIOUS: 75%
MIN. OPEN/GRN. SPACE: 25%
MAXIMUM F.A.R.: 0.35
MAXIMUM S.F.: 266,650 S.F.

NOTES:

1. BOUNDARY AND TOPO BASED ON SURVEY BY BJM ASSOCIATES, INC.
2. UTILITIES TO THE SITE WILL BE FURNISHED BY THE FOLLOWING PROVIDERS:
 - * WATER: SEMINOLE COUNTY
 - * SEWER: SEMINOLE COUNTY
 - * ELECTRIC: PROGRESS ENERGY
 - * TELEPHONE: SPRINT/UNITED TELEPHONE
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EXHIBIT A

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10. THE SITE IS ENTIRELY IN FLOOD ZONE "X" PER THE FLOOD INSURANCE RATE MAP FOR SEMINOLE COUNTY.
11. SOILS CONSIST OF BASINGER FINE SANDS AND TAVARES FINE SANDS PER THE SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA.
12. IMPACT ANALYSIS IS PROJECTED AS FOLLOWS:

* SCHOOLS:	NONE EXPECTED
* ROADS:	266.65 X 76.9 ADT/1000 S.F. = 20,505 ADT
* WATER:	266.65 X 100 GPD/1000 S.F. = 26,665 GPD
* SEWER:	266.65 X 100 GPD/1000 S.F. = 26,665 GPD

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EXHIBIT A

FDOT, A SIGNALIZED, FULL-DIRECTIONAL INTERSECTION WILL BE CONSTRUCTED AT ALOMA AVENUE PROVIDING ACCESS FROM THE NORTH AND SOUTH. A COPY OF THESE AGREEMENTS SHALL BE PROVIDED TO SEMINOLE COUNTY STAFF PRIOR TO APPROVAL OF THE FINAL PUD DEVELOPMENT PLAN.

Boswell, April

From: Sherman, Sally
Sent: Monday, August 14, 2006 2:41 PM
To: Boswell, April
Subject: FW:Property at 426 & 417 - Greenway South PUD

April:

In follow up to our discussion, please see below.

If I can be of assistance, please contact me. Have an excellent day.

Sally A. Sherman
Deputy County Manager
Seminole County Government
1101 East First Street
Sanford, FL 32771
407-665-7224 Phone
407-665-7958 Fax

From: Asbury, Mary
Sent: Monday, August 14, 2006 1:50 PM
To: Sherman, Sally
Cc: Raw, Leeanna
Subject: Property at 426 & 417 - Greenway South PUD

Sally,

We have examined the property located at 426 and 417 for a possible future fire station site. Based upon our examination of this property, it appears that there is not a direct and safe means of ingress/egress for emergency vehicles. Therefore, we do not wish to pursue acquisition of this property.

Mary Asbury for Kenneth M. Roberts

Mary Asbury, Sr. Coordinator

Department of Public Safety, Administration

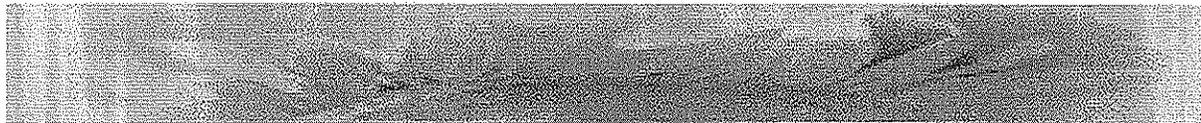
150 Bush Blvd.

Sanford, FL 32773

407-665-5111

407-665-5116 (fax)

masbury@seminolecountyfl.gov



-****Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.****-

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