

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
(Continued from August 26, 2003)**

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT NOTICE OF PROPOSED CHANGE (DRI NOPC) SUBSTANTIAL DEVIATION DETERMINATION, REZONING FROM PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) AND AMENDMENT TO THE PUD FINAL MASTER PLAN AND DEVELOPER'S COMMITMENT AGREEMENT FOR THE HEATHROW INTERNATIONAL BUSINESS CENTER (MIRANDA FITZGERALD)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tony Matthews **EXT.** 7373

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| Agenda Date <u>9/09/03</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/> |
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MOTION/RECOMMENDATION:

1. APPROVE the First Amendment to the Third Amended and Restated Development Order for the Heathrow International Business Center (HIBC) Development of Regional Impact (DRI), with staff findings; and ENACT an ordinance adopting PUD (Planned Unit Development) zoning, and APPROVE the First Amendment to Third Amended and Restated Commitments, Classification and District Description, and PUD Final Master Plan for the Heathrow International Business Center PUD, generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A (portions also known as H.E. Thomas Jr., Parkway) with staff findings; or
2. DENY the First Amendment to the Third Amended and Restated Development Order for the HIBC DRI, and DENY the proposed rezoning from PUD to PUD, First Amendment to Third Amended and Restated Commitments, Classification and District Description, and PUD Final Master Plan for the HIBC PUD, generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A (portions also known as H.E. Thomas Jr., Parkway); or
3. CONTINUE this item to a date and time certain.
(District 5 – Commissioner McLain) (Tony Matthews, Principal Planner)

BACKGROUND:

This items was continued at the August 26, 2003 to allow the applicant and owner's representatives to address the following issues; providing an access easement to the lift station, resolution of the traffic analysis results and responsibility for impacts, adding the owner as a co-signer of the development order, correcting the number of apartments identified in the documentation, and extending the time period for donation of the

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| Reviewed by: Co Atty: <u>KZC</u> DFS: _____ Other: <u>MW</u> DCM: <u>SS</u> CM: <u>KG</u> File No. <u>ph130pdp01</u> |
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property to reflect any unforeseen delays in securing approval of the requested changes.

The applicant, Miranda Fitzgerald, is requesting an amendment to the DRI Development Order and rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and Developer's Commitment Agreement for the HIBC DRI and PUD to allow a college/university campus and accompanying office space on Tract B of the HIBC.

STAFF FINDINGS AND RECOMMENDATION:

RECOMMEND the DRI amendment, PUD zoning and PUD Final Master Plan amendment, as proposed, with the enclosed staff findings and recommendation.

BOARD OF COUNTY COMMISSIONERS (BCC) ACTION (8/26/03):

On August 26, 2003, the BCC continued this item until September 9, 2003, at 1:30 p.m.

LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION (LPA/P&Z) RECOMMENDATION (8/6/03):

RECOMMEND the proposed rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and Developer's Commitment Agreement for the HIBC PUD.

CITY OF LAKE MARY CITY COMMISSION (CC) (8/21/03):

On August 21, 2003, the City Commission of Lake Mary, at first reading, voted to approve the PUD amendment to allow for the proposed college/university. The second reading for the PUD and DRI will be held on September 4, 2003.

CITY OF LAKE MARY PLANNING AND ZONING COMMISSION (P&Z) (7/22/03):

On July 22, 2003, the City of Lake Mary P&Z Commission unanimously recommended approval of a PUD amendment to allow for the proposed college/university. The City of Lake Mary City Commission will hear the item on August 21 and September 4, 2003.

COMMENTS FROM STATE AND REGIONAL AGENCIES:

On June 17, 2003, the East Central Florida Planning Council and the Florida Department of Transportation have issued letters finding that the proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of Section 380.06(19), Florida Statutes (see enclosed letters).

**HEATHROW INTERNATIONAL BUSINESS CENTER
SEMINOLE COMMUNITY COLLEGE
STAFF ANALYSIS**

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|------------------------------------|--|--|
| APPLICANT | Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor and Reed, P.A. | |
| PROPERTY OWNER(S) | Seminole Community College | |
| REQUEST | Amendment to the DRI Development Order, rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development), First Amendment to Third Amended and Restated Commitments, Classification and District Description, and amendment to PUD Final Master Plan for the Heathrow International Business Center PUD. | |
| HEARING DATE(S) | LPA/P&Z: August 6, 2003 | BCC: September 9, 2003; August 26, 2003 |
| SEC/TWP/RNG | 06-20-30-300-013A and 014A-0000 | |
| LOCATION | East side of AAA Drive, immediately east of the Colonial Grand Apartments. | |
| APPROXIMATE SIZE | 218.4 acres (DRI), 188.8 acres (PUD), 6.4 acres (college property). | |
| EXISTING USE | Vacant | |
| FUTURE LAND USE DESIGNATION | Planned Development | |
| ZONING CLASSIFICATION | PUD (Planned Unit Development) | |
| FILE NUMBER | Z2003-024 | |
| COMMISSION DISTRICT | #5 – McLain | |

OVERVIEW

Development of Regional Impact (DRI)–Notice of Proposed Change (NOPC): The applicant is requesting an amendment to the existing HIBC DRI Development Order to include “college/university” as an approved use; to increase the office square footage; and increase the number of PM peak-hour external average daily trips for the HIBC PUD. This amendment will create the First Amendment to Third Amended and Restated Development Order for the Heathrow International Business Center DRI. These changes are shown in the enclosed First Amendment to Third Amended and Restated Development Order for the HIBC PUD, to be approved concurrently with this amendment.

Rezoning Request: The applicant is requesting a rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the existing HIBC PUD Final Master Plan and Developer’s Commitment Agreement to include “college/university” as an approved use and to increase the office square footage. These changes are shown in the enclosed First Amendment to Third Amended and Restated

Commitments, Classification, and District Description for the HIBC PUD, to be approved concurrently with this amendment.

The proposed campus is intended primarily to serve a continuing education demand generated by businesses within the HIBC and thus many of the students are expected to be employees of businesses within the HIBC development.

This DRI Development Order and PUD amendment will allow Seminole Community College to develop an 860 student campus with 80,000 +/- square feet with an accompanying 14,000 square feet of office space. The proposed campus will be located on approximately 6.4 acres, within Tract B of the HIBC PUD, located on the east side of AAA Drive, immediately east of Colonial Grand Apartments. The northernmost portion of the site is located within the City of Lake Mary (see enclosed maps).

Interlocal Agreements: The applicant has stated that for simplicity and to avoid an allocation of land use between jurisdictions, the educational and office components have been incorporated into the Seminole County portion of the HIBC. Section X of the HIBC PUD commitment agreement provides that in the event an individual construction project is located in both jurisdictions, either jurisdiction may opt to defer their jurisdictional authority to approve, permit and inspect the construction project to the other jurisdiction. To implement the option a separate interlocal agreement between the City of Lake Mary and Seminole County will be needed. An interlocal agreement between the Seminole County Sheriff's Department and the City of Lake Mary addresses code enforcement and law enforcement issues must be finalized prior to the college/university construction plan submittal.

Existing Land Uses: Abutting uses, future land use designations and zoning classifications are:

| Location | Existing Use | Future Land Use | Zoning |
|----------|--------------|------------------------|-----------------|
| Site | Vacant | Planned Development | PUD |
| North | Vacant | Commercial (Lake Mary) | PUD (Lake Mary) |
| South | Office | Planned Development | PUD |
| East | Retention | Planned Development | PUD |
| West | Multi-family | Planned Development | PUD |

Development trends are toward mixed uses along this portion of the HIBC.

SITE ANALYSIS

Facilities and Services: Adequate facilities and services must be available concurrent with the impacts of development. The applicant has submitted a Concurrency Review Deferral application. A full concurrency review will be required at time of site plan review.

The proposed rezoning is consistent with the adopted future land use designation of Planned Development 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 Seminole County Comprehensive Plan (Vision 2020).

Transportation:

1. Access will be provided to the site via International Parkway and AAA Drive (both private roadways). After preliminary review, the additional traffic resulting from this proposal will not result in any adverse impacts and will not alter the conclusions of the 2000 Monitoring and Modeling Study (prepared by Kimley-Horn and Associates Inc.), nor require any mitigation for additional site traffic.

2. The Land Development Code of Seminole County does not establish a minimum standard for parking spaces for universities, colleges or technical schools. At this stage of the development process, the applicant is not required to submit a site plan nor commit to a minimum number of parking spaces.

Planning Advisory Service Report #432 (Off-street Parking Requirements) (1991), published by the American Planning Association, provides a number of nationwide examples of parking requirements for colleges, universities and trade schools as shown in the following table:

| College/University | Trade School | ITT Business Training Facility School (I-4 and Lake Mary Boulevard) | Seminole Community College (Oviedo area) |
|---|---|--|--|
| 3.3 spaces per 1,000 square feet of gross floor area; St. Louis County, Missouri | 1 space per 4 students; Omaha, Nebraska | 2 space per 1 seat | 1 space per 2 full time equivalent students; 1 space per faculty or staff member |
| 10 spaces per classroom; El Paso County, Colorado | 1 space per 2 students; Orange County, California | | |
| 1 space per 4 students; Lake Forest, Illinois | 1 space per student; 1 space per teacher or other employee; Montgomery County, Ohio | | |
| 1 space per 3 employees and staff members; 1 space per 3 full-time students; St Paul, Minnesota | | | |

Based on the above table, staff believes a minimum of 477 (estimated) parking spaces would be needed to accommodate the parking requirements for the proposed college/university as follows:

| Use | Parking Spaces Needed |
|---|-----------------------|
| Students (860 students at 1 space per 2 full time equivalent students). Includes parking for faculty and staff, which number is an estimate at this time. | 430 |
| Office Space 14,000 square feet (1 space per 300 square feet of gross floor area, per the existing HIBC commitment agreement). | 47 |
| Total Estimated Spaces | 477 |

Water and Sewer:

The site is served by Seminole County utilities.

Compliance with Environmental Regulations:

There are no identified flood prone or wetland areas on this property.

Compatibility with Surrounding Development:

The proposed use would be compatible with surrounding multi-family and nonresidential uses. PUD zoning, with development conditions, can ensure compatibility with surrounding uses.

DRI Determination of Substantial Deviation:

Section 380.06(19) (Substantial Deviations) of Florida Statutes, requires that any change to a previously approved DRI development which creates a reasonable likelihood of additional regional impact shall cause the development to undergo further DRI review.

The applicable DRI criteria associated with the applicant's request relates to a 15-percent increase in the number of external vehicle trips (ADT) generated by the development above that which was projected during the original development of regional impact review [Section 380.06(10)(b) 1, Florida Statutes]. The conclusion of the Traffic Impact Analysis for this NOPC is that the proposed uses will only increase the HIBC PM peak-hour external ADT by 1.5 percent (Source: Traffic Impact Analysis, Kimley-Horn and Associates, Inc., August 2002). The percentage of office space within the DRI will increase by approximately 1.2 percent and the acreage devoted to the college/university use will be approximately 3.4 percent of the DRI acreage. Both of these percentages are below DRI thresholds that would cause the development to undergo further DRI review, and no increased impacts to regional facilities is anticipated.

This projected increase in the percentage of ADT does not result in an automatic substantial deviation pursuant to the DRI criteria, nor is it expected that the proposed changes will cause new or increased impacts to regional facilities. The applicant has provided sufficient evidence to rebut the presumption of substantial deviation and therefore no further DRI review is required.

STAFF FINDINGS AND RECOMMENDATION:

1. RECOMMEND APPROVAL of the First Amendment to the Third Amended and Restated Development Order for the Heathrow International Business Center (HIBC) Development of Regional Impact (DRI), with staff findings below.
2. RECOMMEND APPROVAL of the proposed rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development), First Amendment to Third Amended and Restated Commitments, Classification and District Description, and PUD Final Master Plan for the Heathrow International Business Center PUD, generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A (portions also known as H.E. Thomas Jr., Parkway) with the following findings:
 - A. The proposed uses would be compatible with surrounding development and development trends toward mixed use development.
 - B. The additional traffic and diverted trips resulting from this proposal will not result in any adverse impacts and will not alter the conclusions of the 2000 Monitoring and Modeling Study, nor require any mitigation for additional site traffic.
 - C. This increase in the percentage of external trips and office square footage do not result in an automatic substantial deviation determination pursuant to the DRI criteria, nor is it expected that the proposed changes will cause new or increased impacts to regional facilities.
 - D. The applicant has provided sufficient evidence to rebut the presumption of substantial deviation and therefore no further DRI review is required.
 - E. The request is consistent with the adopted future land use designation of Planned Development 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 Seminole County Comprehensive Plan (Vision 2020 Plan).
 - F. The request is consistent with Plan policies identified at this time.

Attachments: Staff Report, Ordinance, First Amendment to Third Amended and Restated Development Order for the HIBC DRI and First Amendment to Third Amended and Restated Commitments, Classification and District Description for the HIBC PUD, LPA/P&Z minutes, letters.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Heathrow International Business Center, Seminole Community College Staff Analysis".

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

Section 2. REZONING. The zoning classification assigned to the following described property is changed from the PUD (Planned Unit Development) to the PUD (Planned Unit Development) zoning classification.

LEGAL DESCRIPTION ATTACHED AS EXHIBITS A AND B

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications

of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall take effect upon filing the Ordinance with the Department of State.

ENACTED this 26th day of August 2003

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain, Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

Z2003-024 (PUD to PUD)

A portion of Section 7, Township 20 South, Range 30 East, and Section 12, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 7, Township 20 South, Range 30 East, Seminole County, Florida and run North 00° 21' 05" West along the West line of the Northwest 1/4 of said Section 7 for a distance of 0.50 feet to the **POINT OF BEGINNING**; thence run North 89° 46' 28" East, 459.09 feet to the Westerly right of way line of Interstate No. 4 (State Road No. 400); thence run South 17° 35' 11" West along said right of way line for a distance of 429.25 feet; thence South 21° 35' 11" West, 637.08 feet to the Point of Curvature of a curve concave Northwesterly and having a radius of 1055.92 feet; thence run Southwesterly along the arc of said curve through a central angle of 39° 25' 29" for a distance of 726.57 feet to the point of tangency; thence South 61° 00' 40" West, 495.72 feet to the point of curvature of a curve concave Southeasterly having a radius of 475.00 feet; thence Southwesterly along the arc of said curve through a central angle of 26° 00' 21" for 215.60 feet to a point lying on a curve concave Westerly having a tangent bearing of North 11° 00' 13" West and a radius of 1379.58 feet; thence Northerly along the arc of said curve through a central angle of 00° 24' 05" for 9.67 feet to the point of tangency; thence North 11° 24' 18" West, 454.11 feet to a point of curvature of a curve concave Southeasterly and having a radius of 1041.19 feet; thence run Northeasterly along the arc of said curve through a central angle of 60° 00' 00" for a distance of 1090.33 feet to a point of compound curvature of a curve concave Southeasterly and having a radius of 3445.17 feet; thence continue Northeasterly along the arc of said curve through a central angle of 11° 21' 53" for a distance of 683.36 feet to the point of tangency; thence run North 59° 57' 35" East, 200.14 feet; thence run South 00° 21' 05" East, 21.80 feet to the **POINT OF BEGINNING**.

Contains: 36.88 Acres, more or less.

NOTE: This description uses East line of transportation corridor as its West boundary.

TOGETHER WITH:

A tract of land being a portion of Section 1 and 12, Township 20 South, Range 29 East and Sections 6 and 7, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 6; thence North 00° 04' 17" West along the West line of Section 6 for a distance of 73.27 feet to the **POINT OF BEGINNING**; thence South 42° 30' 27" West, 149.49 feet; thence North 41° 18' 38" West, 516.64 feet; thence South 48° 41' 20" West, 200.00 feet; thence South 78° 55' 17" West, 728.58 feet; thence North 04° 15' 32" West, 471.30 feet; thence North 48° 16' 27" West, 888.59 feet; thence South 89° 58' 52" East, 205.00 feet; thence North 00° 19' 51" East, 350.00 feet; thence South 89° 58' 52" East along the North line of the South 1/2 of Government Lot 2 of Section 1, Township 20 South, Range 29 East, for a distance of 897.54 feet; thence North 00° 03' 45" East along the West line of the Northeast 1/4 of said Government Lot 2 for a distance of 164.00 feet; thence South 89° 58' 52" East, 898.77 feet; thence South 00° 04' 17" East along the West line of the Southwest 1/4 of Section 6, Township 20 South, Range 30 East for 331.59 feet; thence South 89° 57' 02" East along the South line of the North 1/2 of the Southwest 1/4 of said Section 6 for a distance of 1850.51 feet; thence South 24° 07' 41" West along the West right of way of Interstate #4 (State Road #400) for a

distance of 282.51 feet to the point of curvature of a curve concave Southeasterly having a radius of 11,459.20 feet; thence run Southerly along the arc of said curve through a central angle of 06° 32' 30" for a distance of 1308.34 feet to the point of tangency; thence South 17° 35' 11" West, 70.00 feet; thence departing said right of way run North 72° 24' 49" West, 400.00 feet to the point of curvature of a curve concave Northeasterly having a radius of 1800.00 feet; thence Northwesterly along the arc of said curve through a central angle of 24° 55' 11" for a distance of 782.88 feet; thence South 42° 30' 27" West, 285.78 feet to the **POINT OF BEGINNING**.

Contains: 100.12 Acres, more or less.

AND

A tract of land being a portion of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 6; thence North 00°04'17" West along the West line of Section 6 for 1646.86 feet; thence South 89°58'52" East, 33.00 feet; thence North 00°04'17" West along the East right of way of Banana Lake Road along a line 33.00 feet East of and parallel to the West line of the Southwest 1/4 of Section 6 for a distance of 978.82 feet; thence North 00°04'43" West along a line 33.00 feet East of and parallel to the West line of the Northwest 1/4 of Section 6 for 1281.20 feet; thence North 89°53'25" East along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 197.00 feet to the **POINT OF BEGINNING**; thence along the boundaries of that tract described in Official Records Book 1555, Page 675 Public Records of Seminole County, Florida, North 00°04'43" West, 757.82 feet; thence North 89°30'12" West along the South line of Lot 2, Mullins Subdivision, per plat thereof as recorded in Plat Book 23, Page 41, Public Records of Seminole County, Florida, for a distance of 205.00 feet; thence North 00°04'43" West along the East right of way of Banana Lake Road for 482.93 feet; thence South 89°35'54" East along the North line of Lot 3 of the aforesubdivision for 205.00 feet; thence North 00°04'43" West, 222.16 feet to a point 4.77 chains South of the North line of the Northwest 1/4 of Section 6; thence South 89°44'51" East 119.92 feet to Church Lake; thence along the Westerly shore north 31°12'15" West, 33.42 feet; thence North 04°01'55" West, 50.00 feet; thence North 01°29'07" West, 50.00 feet; thence North 06°56'29" East, 49.06 feet; thence North 00°04'43" West, 112.75 feet; thence South 89°44'51" East along a line 25.00 feet south of and parallel to the North line of Section 6 and along the south right of way of State Road #46A for a distance of 414.64 feet; thence South 00°06'26" West, 15.00 feet; thence South 89°44'51" East along a line 40.00 feet South of and parallel to the said North line of Section 6 and along the South right of way line of State Road #46A for a distance of 745.00 feet; thence South 00°06'26" West along the West right of way line of the Seaboard Coastline Railroad (presently abandoned) for 1730.09 feet; thence South 89°53'25" West along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 1257.93 feet to the **POINT OF BEGINNING**.

Contains: 51.957 Acres, more or less and being subject to any easements, restrictions and right of way record.

EXHIBIT "B"

LEGAL DESCRIPTION

Z2003-024 (PUD to PUD)

A tract of land lying in Section 6, Township 20 South, Range 30 East and Section 1, Township 20 South, Range 29 East, Seminole County, Florida; and being more particularly described as follows:

Commence at the Southwest corner of Section 6, Township 20 South, Range 30 East and run North 00°04'17" West along the West line of the Southwest 1/4 of said Section 6 for a distance of 793.40 feet to the POINT OF BEGINNING; thence departing said West line and run South 57°10'06" West, a distance of 18.71 feet to a point on the Easterly line of Reduced AAA Drive as recorded in O.R.B. 3930, PG. 1918 of the Public Records of Seminole County, Florida; said point lying on a curve concave Easterly having a tangent bearing of North 13°16'54" West and a radius of 875.00 feet; thence run Northerly along the arc of said curve through a central angle of 13°16'54" for a distance of 202.83 feet; thence departing said Easterly line and run North 90°00'00" West along the North line of said Reduced AAA Drive for a distance of 75.00 feet to a point on a curve concave Easterly having a radius of 950.00 feet and a tangent bearing of North 00°00'00" East; thence departing said North line of the Reduced AAA Drive and run Northerly through a central angle of 28°16'18" for a distance of 468.76 feet to a point on the Westerly right of way line of Banana Lake Road as per the Right of Way Deed as recorded in Official Records Book 674, Page 223 of the Public Records of Seminole County, Florida; thence run South 00°04'17" East along said right of way line for a distance of 111.99 feet to a point on the South line of the North 1/2 of the Southwest 1/4 of said Section 6; thence run South 89°57'02" East, along said South line and the South line of Banana Lake Road for a distance of 33.00 feet; thence departing said South line and run North 00°04'17" West along the East line of the aforesaid Right of Way Deed for a distance of 168.49 feet to a point on a curve concave Southeasterly having a radius of 950.00 feet and a tangent bearing of North 32°12'55" East; thence run Northeasterly along the arc of said curve through a central angle of 12°00'10" for a distance of 199.01 feet to a point on the Westerly line of RETENTION POND 9B as per the Special Warranty Deed as recorded in Official Records Book 3982, Page 0800 of the Public Records of Seminole County, Florida; thence run Southerly along said Westerly line for the following courses: South 19°06'23" East, a distance of 122.03 feet to a Point of Curvature of a curve concave Northeasterly having a radius of 203.07 feet; thence run Southeasterly along the arc of said curve through a central angle of 62°33'26" for a distance of 221.72 feet to a Point of Reverse Curvature of a curve concave Southwesterly and having a radius of 102.28 feet; thence run Southeasterly along the arc of said curve through a central angle of 68°11'44" for a distance of 121.74 feet to a Point of Compound Curvature of a curve concave Westerly and having a radius of 308.83 feet; thence run Southerly along the arc of said curve through a central angle of 13°21'00" for a distance of 71.96 feet to the Point of Tangency; thence South 00°07'04" East, a distance of 164.05 feet; thence South 57°10'06" West, a distance of 231.38 feet to a point on the Northwesterly line of that parcel as described in Official Records Book 3624, Page 1434 of the Public Records of Seminole County, Florida; thence continue South 57°10'06" West along said Northwesterly line for a distance of 305.20 feet to the POINT OF BEGINNING.

Containing 6.391 Acres, more or less.

**FIRST AMENDMENT TO THIRD AMENDED AND RESTATED
DEVELOPMENT ORDER HEATHROW INTERNATIONAL BUSINESS CENTER**

On August _____, 2003, Seminole County board of County Commissioners issued this first Amendment to the Third Amended and Restated Development Order Heathrow International Business Center:

W I T N E S S E T H

WHEREAS, on May 25, 2001, the County adopted the Third Amended and Restated Development Order for Heathrow International business Center, recorded at Official Records book 4091, Page 0105; and

WHEREAS, Colonial Realty Limited Partnership, is the Master Developer of real property located in Seminole County and the City of lake Mary known as the Heathrow International Business Center DRI (the "HIBC Project"), more particularly described in Exhibit "A" attached; and

WHEREAS, Seminole County Community College ("SCC") is the developer of a 6±-acre parcel, descried in Exhibit "B" attached, located within both the Seminole County and the City of Lake Mary portions of the HIBC Project; and

WHEREAS, SCC desires to modify the Third Amended and Restated Development Order for Heathrow International business Center by (i) adding a college/university facility to provide classes and services for up to 860 students and associated

personnel, and (ii) increasing the allotted office square footage by 14,000 square feet within the Seminole County portion of the HIBC Project to allow for office uses on the parcel owned by SCC; and

WHEREAS, the County has determined that the proposed changes to the Third Amended and Restated Development Order do not constitute a substantial deviation under Section 380.06(19), Florida Statutes.

NOW THEREFORE, THE Third Amended and Restated Development order for the HIBC Project is hereby amended as follows:

Section 1. Section I(12)(a), HIBC PROJECT DESCRIPTION, is hereby deleted in its entirety and in place thereof is inserted the following:

| <u>LAND USE</u> | <u>LAKE MARY</u> | <u>SEMINOLE COUNTY</u> | <u>TOTAL PROJECT</u> |
|--------------------------------|------------------|------------------------|----------------------|
| Office | 1,804,750 SF | 1,179,250 SF * | 2,984,000 SF ** |
| College/University | -0- | 860 STUDENTS | 860 STUDENTS |
| Retail/Commercial: | 90,000 SF | -0- | 90,000 SF |
| - Hotel | 304 RMS | -0- | 304 RMS |
| Day Care | -0- | 24,000 SF | 24,000 SF |
| Multifamily | -0- | 581 DU | 581 DU |
| Parks: | | | |
| - Urban Park | 9.1 ACRES | -0- | 9.1 ACRES |
| - Linear Park | 5.1 ACRES | 1.9 ACRES | 7.0 ACRES |
| Open Space/Retention/ Lakes | 27.5 ACRES | 57.8 ACRES | 84.6 ACRES |
| Right-of-Way | 42.0 ACRES | 9.6 ACRES | 51.6 ACRES |

* Includes Support Retail/Commercial, not to exceed 26,250 square feet; and 14,000 square feet of office allotted to the parcel owned by SCC.

** Transfers in Office square footage between the City and Seminole County shall be permitted. Notification to DCA and ECFRPC of these transfers will not be required but will be reflected in the DRI Annual Report.

*** Trip generation potential for 860 students is equivalent to that which would be generated by approximately an 80,000 square foot educational facility.

Section 2. Section III(5)(a), TRANSPORTATION CONDITIONS, is hereby deleted in its entirety and in place thereof is inserted the following:

(a) For the purpose of the transportation conditions of development approval, the HIBC Project shall be divided into the following subphases:

| | <u>Per Phase</u> | <u>Cumulative</u> |
|-----------|------------------|-------------------|
| Phase Ia | 5,000 | 5,000 |
| Ib | 5,000 | 10,000 |
| Ic | 11,523 | 21,523 |
| Phase IIa | 10,500 | 32,033 |
| IIb | 9,318 | 41,341 |
| IIc | 9,159 | 50,500 |

The phasing of the HIBC Project as shown above is classified and separated in terms of ADTs external to the Property, both per phase and cumulatively. the phasing schedule shown above is for the entire HIBC Project, i.e., those portions of the HIBC Project located in both Seminole County and the city of lake Mary, and to that end, the above stated ADTs shall be reduced by that number of ADTs generated from development

occurring in that portion of the HIBC Project located in the City of Lake Mary.

Section 3. Section III(5)(d) is hereby deleted in its entirety and in place thereof is inserted the following:

(d) The HIBC Project shall not continue beyond Phase IIb or beyond an equivalent 41,341 external ADTs into Phase IIc where levels of service ("LOS") are below LOS "D" peak hour and the HIBC Project contributes ten percent (10%) or greater to the capacity of the roadway or intersection at LOS "C" as determined by the monitoring/modeling program required in the preceding recommendations unless mitigation measures or improvements or a combination of mitigation measures and improvements are secured and committed to occur during Phase IIc. Prior to the commencement of Phase IIc, the Developer must also demonstrate, by means of a modeling study projecting such subphase traffic, to the satisfaction of the County, the City of Lake Mary, the ECFRPC and FDOT that, where the Project contributes ten percent or greater to the LOS "C" service volume of a facility, that the applicable phase of traffic (along with cumulative HIBC traffic) will not adversely affect LOS (below service level "D" peak hour), or demonstrate that the necessary improvements are committed to occur during said applicable subphase. Proof of mitigation must include identification of committed funding sources and a reasonable guarantee of scheduling within the

required time frame. The Developer has been deemed to have mitigated Project impacts on International Parkway as a result of its contribution of right-of-way and completion of four (4) through lanes extending from Lake Mary Boulevard to CR 46-A. The Third Amended and Restated Development Order, as amended, shall be further amended before commencing development beyond 41,341 external ADT to reflect the timing of and an adequate construction commitment for any roadway improvements necessary to mitigate Project impacts as identified in the monitoring/modeling program. Otherwise, further building permits shall not be issued by the County.

Section 4. Revise Section III to add new condition 6. Development Review Contingency as follows:

6. Development Review Contingency: In the event an individual construction project is located in both Seminole County and the City of Lake Mary, either jurisdiction may opt to defer their jurisdictional authority to approve, permit and inspect the construction project to the other jurisdiction. In accordance with this provision, the City of Lake Mary may defer its authority to Seminole County with respect to the property owned by SCC (the "SCC Property") located partially within the County (in a portion of Tract B of HIBC) and partially within the City (in a portion of Tract D of HIBC). SCC, as the developer of the college/university facility proposed for the

SCC Property acknowledges by its signature below, that the City of Lake Mary may defer permitting, inspection, code enforcement or law enforcement responsibilities regarding the SCC Property or the college/university facility to be constructed thereon. To implement this option a separate Interlocal agreement between the City of Lake Mary and Seminole County will be needed. SCC further acknowledges that an Interlocal agreement between the Seminole County Sheriff's Office and the City of Lake Mary addressing code enforcement and law enforcement issues must be finalized prior to SCC's construction plan submittal.

Section 5. A revised Master Plan (Map H) for the Seminole County portion of the HIBC Project which provides for an 860 student college/university facility of up to 80,000 square feet and an additional 14,000 square feet of office is attached as Exhibit "C." A revised composite Master Plan (Map H) for the entire HIBC Project is attached as Exhibit "D."

Section 6. Except as specifically amended hereby, the Third Amended and Restated Development Order shall continue in full force and effect in accordance with its terms.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

KC/gn
8/5/03 8/20/03 8/26/03
CAKCO1\MYDOCS\Agreements\heathrow development order.DOC

CONSENT AND COVENANT

COMES NOW, COLONIAL REALTY LIMITED PARTNERSHIP, on behalf of itself, its successors, and assigns and agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

COLONIAL REALTY LIMITED
PARTNERSHIP, a Delaware
limited partnership

WITNESSES:

Print Name _____

By: COLONIAL PROPERTIES TRUST,
an Alabama declaration
of trust

Print Name _____

By: _____
Charles A. McGehee
Executive Vice-President
of Colonial Properties Trust

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by Charles A. McGehee, as Executive Vice-President of Colonial Properties Trust, the general partner of Colonial Realty Limited Partnership, on behalf of said partnership. He is personally known to me or has produced a driver's license as identification.

Print Name: _____
Notary Public in and for the County
and State Aforementioned

My Commission expires:

CONSENT AND COVENANT

COMES NOW, SEMINOLE COMMUNITY COLLEGE on behalf of itself, its successors, and assigns and agrees with and covenants to perform and fully abode by the provisions, terms, conditions and commitments set forth in this Development Order as they apply to development of Tract B and Tract D.

WITNESSES: SEMINOLE COMMUNITY COLLEGE
limited partnership

Print Name _____

Print Name _____

By: _____
E. ANN MCGEE, Secretary of
Seminole Community College
Board of Trustees and
President of the College

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by E. Ann McGee as Secretary of Seminole Community College District Board of Trustees and President of the College, on behalf of the College. She is personally known to me or has produced _____ as identification and did not take an oath.

Print Name: _____
Notary Public in and for the County
and State Aforementioned

My Commission expires:

EXHIBIT "A"

HEATHROW INTERNATIONAL BUSINESS CENTER DRI

SEMINOLE COUNTY PORTION ONLY

LEGAL DESCRIPTION

A portion of Section 7, Township 20 South, Range 30 East, and Section 12, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 7, Township 20 South, Range 30 East, Seminole County, Florida and run North $00^{\circ} 21' 05''$ West along the West line of the Northwest 1/4 of said Section 7 for a distance of 0.50 feet to the **POINT OF BEGINNING**; thence run North $89^{\circ} 46' 28''$ East, 459.09 feet to the Westerly right of way line of Interstate No. 4 (State Road No. 400); thence run South $17^{\circ} 35' 11''$ West along said right of way line for a distance of 429.25 feet; thence South $21^{\circ} 35' 11''$ West, 637.08 feet to the Point of Curvature of a curve concave Northwesterly and having a radius of 1055.92 feet; thence run Southwesterly along the arc of said curve through a central angle of $39^{\circ} 25' 29''$ for a distance of 726.57 feet to the point of tangency; thence South $61^{\circ} 00' 40''$ West, 495.72 feet to the point of curvature of a curve concave Southeasterly having a radius of 475.00 feet; thence Southwesterly along the arc of said curve through a central angle of $26^{\circ} 00' 21''$ for 215.60 feet to a point lying on a curve concave Westerly having a tangent bearing of North $11^{\circ} 00' 13''$ West and a radius of 1379.58 feet; thence Northerly along the arc of said curve through a central angle of $00^{\circ} 24' 05''$ for 9.67 feet to the point of tangency; thence North $11^{\circ} 24' 18''$ West, 454.11 feet to a point of curvature of a curve concave Southeasterly and having a radius of 1041.19 feet; thence run Northeasterly along the arc of said curve through a central angle of $60^{\circ} 00' 00''$ for a distance of 1090.33 feet to a point of compound curvature of a curve concave Southeasterly and having a radius of 3445.17 feet; thence continue Northeasterly along the arc of said curve through a central angle of $11^{\circ} 21' 53''$ for a distance of 683.36 feet to the point of tangency; thence run North $59^{\circ} 57' 35''$ East, 200.14 feet; thence run South $00^{\circ} 21' 05''$ East, 21.80 feet to the **POINT OF BEGINNING**.

Contains: 36.8 Acres, more or less.

NOTE: This description uses East line of transportation corridor as its West boundary.

TOGETHER WITH:

A tract of land being a portion of Section 1 and 12, Township 20 South, Range 29 East and Sections 6 and 7, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 6; thence North 00° 04' 17" West along the West line of Section 6 for a distance of 73.27 feet to the **POINT OF BEGINNING**; thence South 42° 30' 27" West, 149.49 feet; thence North 41° 18' 38" West, 516.64 feet; thence South 48° 41' 20" West, 200.00 feet; thence South 78° 55' 17" West, 728.58 feet; thence North 04° 15' 32" West, 471.30 feet; thence North 48° 16' 27" West, 888.59 feet; thence South 89° 58' 52" East, 205.00 feet; thence North 00° 19' 51" East, 350.00 feet; thence South 89° 58' 52" East along the North line of the South ½ of Government Lot 2 of Section 1, Township 20 South, Range 29 East, for a distance of 897.54 feet; thence North 00° 03' 45" East along the West line of the Northeast ¼ of said Government Lot 2 for a distance of 164.00 feet; thence South 89° 58' 52" East, 898.77 feet; thence South 00° 04' 17" East along the West line of the Southwest ¼ of Section 6, Township 20 South, Range 30 East for 331.59 feet; thence South 89° 57' 02" East along the South line of the North ½ of the Southwest ¼ of said Section 6 for a distance of 1850.51 feet; thence South 24° 07' 41" West along the West right of way of Interstate #4 (State Road #400) for a distance of 282.51 feet to the point of curvature of a curve concave Southeasterly having a radius of 11,459.20 feet; thence run Southerly along the arc of said curve through a central angle of 06° 32' 30" for a distance of 1308.34 feet to the point of tangency; thence South 17° 35' 11" West, 70.00 feet; thence departing said right of way run North 72° 24' 49" West, 400.00 feet to the point of curvature of a curve concave Northeasterly having a radius of 1800.00 feet; thence Northwesterly along the arc of said curve through a central angle of 24° 55' 11" for a distance of 782.88 feet; thence South 42° 30' 27" West, 285.78 feet to the **POINT OF BEGINNING**.

Contains: 100.1 Acres, more or less.

AND:

A tract of land being a portion of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 6; thence North 00°04'17" West along the West line of Section 6 for 1646.86 feet; thence South 89°58'52" East, 33.00 feet; thence North 00°04'17" West along the East right of way of Banana Lake Road along a line 33.00 feet East of and parallel to the West line of the Southwest ¼ of Section 6 for a distance of 978.82 feet; thence North 00°04'43" West along a line 33.00 feet East of and parallel to the West line of the Northwest ¼ of Section 6 for 1281.20 feet; thence North 89°53'25" East along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 197.00 feet to the **POINT OF BEGINNING**; thence along the boundaries of that tract described in Official Records Book 1555, Page 675 Public Records of Seminole County, Florida, North 00°04'43" West, 757.82 feet; thence North 89°30'12" West along the South line of Lot 2, Mullins Subdivision, per plat thereof as recorded in Plat Book 23, Page 41, Public Records of Seminole County, Florida, for a distance of 205.00 feet; thence North 00°04'43" West along the East right of way of Banana Lake Road for 482.93 feet; thence South 89°35'54" East along the North line of Lot 3 of the aforescribed subdivision for 205.00 feet; thence North 00°04'43" West, 222.16 feet to a point 4.77 chains South of the North line of the Northwest ¼ of Section 6; thence South 89°44'51" East 119.92 feet to Church Lake; thence along the Westerly shore north

31°12'15" West, 33.42 feet; thence North 04°01'55" West, 50.00 feet; thence North 01°29'07" West, 50.00 feet; thence North 06°56'29" East, 49.06 feet; thence North 00°04'43" West, 112.75 feet; thence South 89°44'51" East along a line 25.00 feet south of and parallel to the North line of Section 6 and along the south right of way of State Road #46A for a distance of 414.64 feet; thence South 00°06'26" West, 15.00 feet; thence South 89°44'51" East along a line 40.00 feet South of and parallel to the said North line of Section 6 and along the South right of way line of State Road #46A for a distance of 745.00 feet; thence South 00°06'26" West along the West right of way line of the Seaboard Coastline Railroad (presently abandoned) for 1730.09 feet; thence South 89°53'25" West along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 1257.93 feet to the **POINT OF BEGINNING**.

Contains: 51.957 Acres, more or less and being subject to any easements, restrictions and right of way record.

AND:

A portion of the South ½ of Section 1, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the South ½ of the Southwest ¼ of Section 1, Township 20 South, Range 29 East, Seminole County, Florida, for a **POINT OF BEGINNING**; thence South 01°00'00" West, along the East line of the Southwest ¼ of said Section 1, a distance of 350.00 feet; thence departing said East line, run North 89°00'00" West, a distance of 285.00 feet; thence North 01°00'00" East, a distance of 563.81 feet; thence South 89°00'00" East, a distance of 285.00 feet to a point on the West line of the Southeast ¼ of said Section 1; thence North 01°00'00" East, along said West line, a distance of 298.40 feet to the Northwest corner of Island Lake Park, as recorded in Plat Book 9, Page 89, Public Records of Seminole County, Florida; thence departing said West line, run South 89°52'48" East, along the North line of said Island Lake Park and its Easterly extension, a distance of 1786.76 feet to a point on the centerline of Banana Lake Road (a 50' Right-of-Way); thence run South 00°21'30" West, along said centerline, a distance of 344.40 feet; thence departing said centerline, run North 90°00'00" West, a distance of 895.50 feet to a point on the East Right-of-Way line of Island Lake Drive, as recorded in Plat Book 9, Page 89, Public Records of Seminole County, Florida; thence run South 00°26'00" West, along said East Right-of-Way line, a distance of 164.00 feet to a point on the South Right-of-Way line of said Island Lake Drive; thence departing said East Right-of-Way line run North 90°00'00" West, along said South Right-of-Way line, a distance of 896.80 feet to the **POINT OF BEGINNING**.

Contains: 29.54 Acres, more or less.

Legal description provided by applicant.

I:\pl\projects\dri\hibc legal _ county portion_2003.doc

EXHIBIT "B"

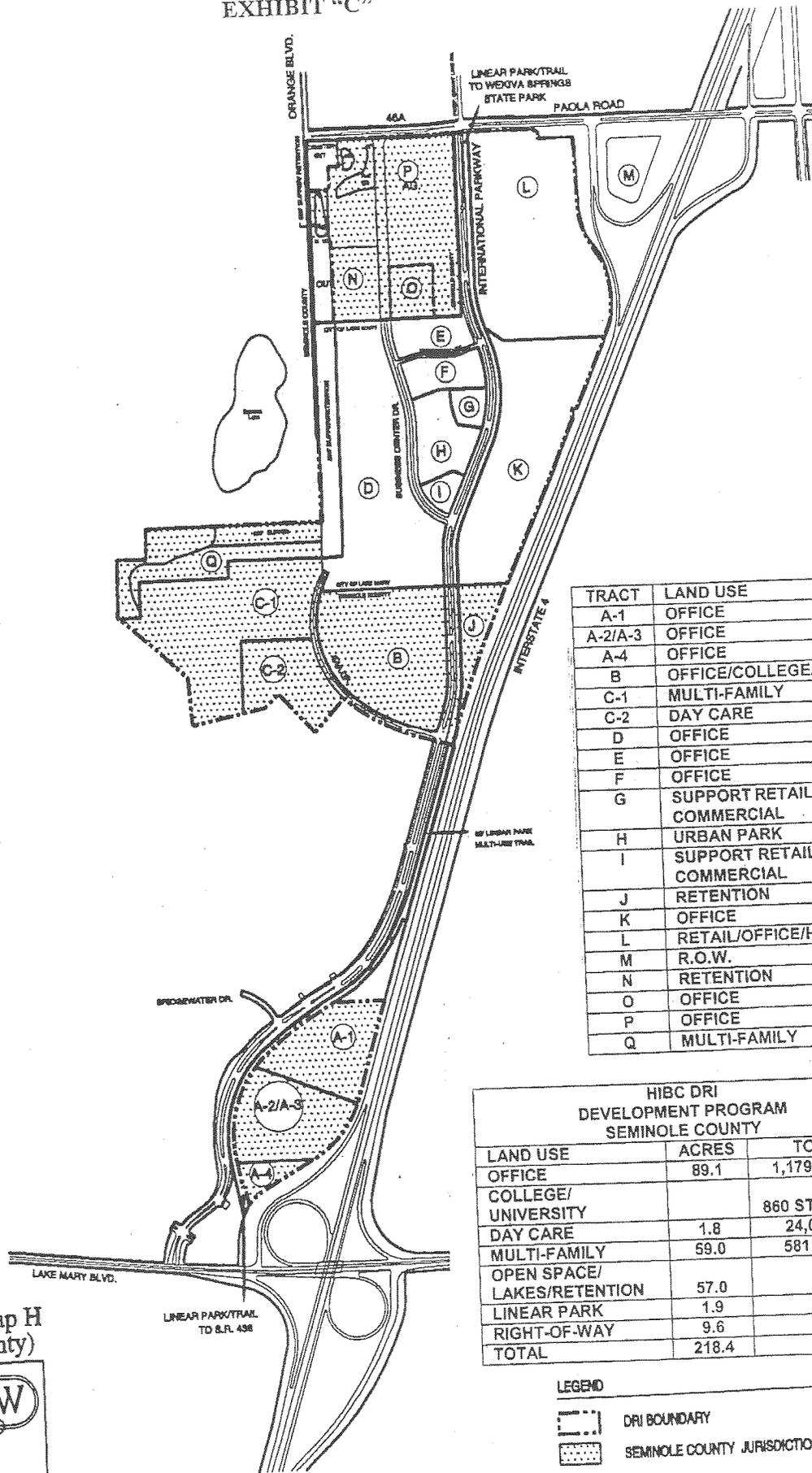
LEGAL DESCRIPTION

A tract of land lying in Section 6, Township 20 South, Range 30 East and Section 1, Township 20 South, Range 29 East, Seminole County, Florida; and being more particularly described as follows:

Commence at the Southwest corner of Section 6, Township 20 South, Range 30 East and run North $00^{\circ}04'17''$ West along the West line of the Southwest $1/4$ of said Section 6 for a distance of 793.40 feet to the POINT OF BEGINNING; thence departing said West line and run South $57^{\circ}10'06''$ West, a distance of 18.71 feet to a point on the Easterly line of Reduced AAA Drive as recorded in O.R.B. 3930, PG. 1918 of the Public Records of Seminole County, Florida; said point lying on a curve concave Easterly having a tangent bearing of North $13^{\circ}16'54''$ West and a radius of 875.00 feet; thence run Northerly along the arc of said curve through a central angle of $13^{\circ}16'54''$ for a distance of 202.83 feet; thence departing said Easterly line and run North $90^{\circ}00'00''$ West along the North line of said Reduced AAA Drive for a distance of 75.00 feet to a point on a curve concave Easterly having a radius of 950.00 feet and a tangent bearing of North $00^{\circ}00'00''$ East; thence departing said North line of the Reduced AAA Drive and run Northerly through a central angle of $28^{\circ}16'18''$ for a distance of 468.76 feet to a point on the Westerly right of way line of Banana Lake Road as per the Right of Way Deed as recorded in Official Records Book 674, Page 223 of the Public Records of Seminole County, Florida; thence run South $00^{\circ}04'17''$ East along said right of way line for a distance of 111.99 feet to a point on the South line of the North $1/2$ of the Southwest $1/4$ of said Section 6; thence run South $89^{\circ}57'02''$ East, along said South line and the South line of Banana Lake Road for a distance of 33.00 feet; thence departing said South line and run North $00^{\circ}04'17''$ West along the East line of the aforesaid Right of Way Deed for a distance of 168.49 feet to a point on a curve concave Southeasterly having a radius of 950.00 feet and a tangent bearing of North $32^{\circ}12'55''$ East; thence run Northeasterly along the arc of said curve through a central angle of $12^{\circ}00'10''$ for a distance of 199.01 feet to a point on the Westerly line of RETENTION POND 9B as per the Special Warranty Deed as recorded in Official Records Book 3982, Page 0800 of the Public Records of Seminole County, Florida; thence run Southerly along said Westerly line for the following courses: South $19^{\circ}06'23''$ East, a distance of 122.03 feet to a Point of Curvature of a curve concave Northeasterly having a radius of 203.07 feet; thence run Southeasterly along the arc of said curve through a central angle of $62^{\circ}33'26''$ for a distance of 221.72 feet to a Point of Reverse Curvature of a curve concave Southwesterly and having a radius of 102.28 feet; thence run Southeasterly along the arc of said curve through a central angle of $68^{\circ}11'44''$ for a distance of 121.74 feet to a Point of Compound Curvature of a curve concave Westerly and having a radius of 308.83 feet; thence run Southerly along the arc of said curve through a central angle of $13^{\circ}21'00''$ for a distance of 71.96 feet to the Point of Tangency; thence South $00^{\circ}07'04''$ East, a distance of 164.05 feet; thence South $57^{\circ}10'06''$ West, a distance of 231.38 feet to a point on the Northwesterly line of that parcel as described in Official Records Book 3624, Page 1434 of the Public Records of Seminole County, Florida; thence continue South $57^{\circ}10'06''$ West along said Northwesterly line for a distance of 305.20 feet to the POINT OF BEGINNING.

Containing 6.391 Acres, more or less.

EXHIBIT "C"



| TRACT | LAND USE |
|---------|-------------------------------|
| A-1 | OFFICE |
| A-2/A-3 | OFFICE |
| A-4 | OFFICE |
| B | OFFICE/COLLEGE/UNIV. |
| C-1 | MULTI-FAMILY |
| C-2 | DAY CARE |
| D | OFFICE |
| E | OFFICE |
| F | OFFICE |
| G | SUPPORT RETAIL/ COMMERCIAL |
| H | URBAN PARK |
| I | SUPPORT RETAIL/ COMMERCIAL |
| J | RETENTION |
| K | OFFICE |
| L | RETAIL/OFFICE/HOTEL |
| M | R.O.W. |
| N | RETENTION |
| O | OFFICE |
| P | OFFICE |
| Q | MULTI-FAMILY |

| HIBC DRI DEVELOPMENT PROGRAM SEMINOLE COUNTY | | |
|--|--------------|--------------|
| LAND USE | ACRES | TOTAL |
| OFFICE | 89.1 | 1,179,250 SF |
| COLLEGE/ UNIVERSITY | | 860 STUDENTS |
| DAY CARE | 1.8 | 24,000 SF |
| MULTI-FAMILY | 59.0 | 581 UNITS |
| OPEN SPACE/ LAKES/RETENTION | 57.0 | |
| LINEAR PARK | 1.9 | |
| RIGHT-OF-WAY | 9.6 | |
| TOTAL | 218.4 | |

LEGEND

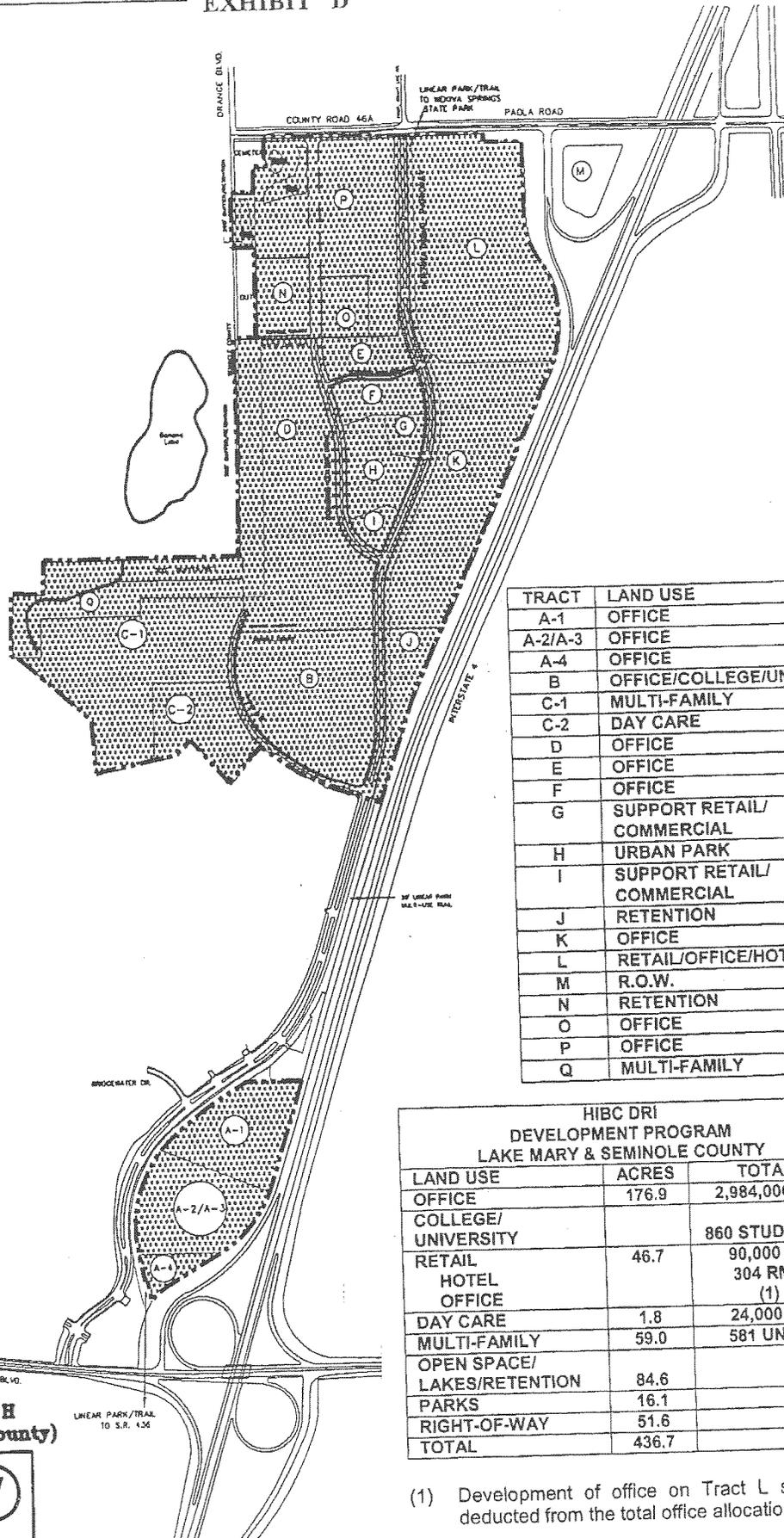
| | |
|--|------------------------------|
| | DRI BOUNDARY |
| | SEMINOLE COUNTY JURISDICTION |

N

Master Plan - Map H
(Seminole County)

HEATHROW
INTERNATIONAL
BUSINESS CENTER

EXHIBIT "D"



| TRACT | LAND USE |
|---------|-------------------------------|
| A-1 | OFFICE |
| A-2/A-3 | OFFICE |
| A-4 | OFFICE |
| B | OFFICE/COLLEGE/UNIV. |
| C-1 | MULTI-FAMILY |
| C-2 | DAY CARE |
| D | OFFICE |
| E | OFFICE |
| F | OFFICE |
| G | SUPPORT RETAIL/ COMMERCIAL |
| H | URBAN PARK |
| I | SUPPORT RETAIL/ COMMERCIAL |
| J | RETENTION |
| K | OFFICE |
| L | RETAIL/OFFICE/HOTEL |
| M | R.O.W. |
| N | RETENTION |
| O | OFFICE |
| P | OFFICE |
| Q | MULTI-FAMILY |

| HIBC DRI DEVELOPMENT PROGRAM LAKE MARY & SEMINOLE COUNTY | | |
|--|-------|--------------|
| LAND USE | ACRES | TOTAL |
| OFFICE | 176.9 | 2,984,000 SF |
| COLLEGE/ UNIVERSITY | | 860 STUDENTS |
| RETAIL | 46.7 | 90,000 SF |
| HOTEL | | 304 RMS |
| OFFICE | | (1) |
| DAY CARE | 1.8 | 24,000 SF |
| MULTI-FAMILY | 59.0 | 581 UNITS |
| OPEN SPACE/ LAKES/RETENTION | 84.6 | |
| PARKS | 16.1 | |
| RIGHT-OF-WAY | 51.6 | |
| TOTAL | 436.7 | |

Master Plan - Map H
(Lake Mary/Seminole County)



January 18, 2009

(1) Development of office on Tract L shall be deducted from the total office allocation.

LEGEND
 DRI Boundary

**FIRST AMENDMENT TO THE
THIRD AMENDED AND RESTATED COMMITMENTS,
CLASSIFICATION AND DISTRICT DESCRIPTION
HEATHROW INTERNATIONAL BUSINESS CENTER
PLANNED UNIT DEVELOPMENT**

On May 8, 2001, the Board of County Commissioners adopted the Third Amended and Restated Commitments, Classification and District Description for the Heathrow International Business Center PUD ("PUD") recorded at Official Records Book 4091, Page 0145 (legal description of which attached hereto as Exhibit 1).

Seminole County Community College ("SCC") seeks to develop a 6+-acre parcel located within the Seminole County and City of Lake Mary portions of the PUD as a college/university facility. A legal description of the area to be developed is attached as Exhibit 2. In order to pursue this development, SCC has applied to Seminole County and the City of Lake Mary to amend the PUD to allow for: 1) a college/university facility to provide classes and services for up to 860 students and associated personnel, 2) an additional 14,000 square feet of office space for the college/university facility referenced above, and 3) a change to the PUD Final Master Plan, as reflected in attached Exhibit 3 to reflect these changes.

Seminole County and the City of Lake Mary agree to these requested changes.

Therefore, the PUD is hereby amended as follows:

Section 1. Tables III-1 and III-2 of the PUD are hereby deleted in their entirety and in place thereof shall be inserted the following:

III. LAND USE TABLE

Table III-1

HEATHROW INTERNATIONAL BUSINESS CENTER
LAND USE DATA

Total PUD Development Program

| <u>Land Use Classification</u> | <u>Acres</u> | <u>Square Feet</u> | <u>Units</u> | <u>Rooms</u> | <u>Students</u> |
|--------------------------------|-------------------|--------------------|--------------|--------------|------------------|
| Office ¹ | 176.9 | 2,984,000 | | | |
| College/University | | | | | 860 ² |
| Retail/Commercial | 46.7 | 90,000 | | | |
| - Hotel | | | | 304 | |
| Day Care | 1.8 | 24,000 | | | |
| Multifamily | 29.4 | | 313 | | |
| Parks: | | | | | |
| - Urban Park | 9.1 | | | | |
| - Linear Park | 7.0 | | | | |
| Open Space/Retention/Lakes | 84.6 ³ | | | | |
| Right-of-Way | 51.6 | | | | |
| TOTAL | 407.1 | 3,098,000 | 313 | 304 | 860 |

1 Office use includes Support Retail/Commercial uses and Campus Office use. 14,000 square foot of office is allotted to use by SCC.

2 Trip generation potential for 860 students is equivalent to that which would be generated by an approximately 80,000 square foot educational facility.

3 Includes lift station easement on Tract B.

Table III-2

HEATHROW INTERNATIONAL BUSINESS CENTER
LAND USE DATA

Seminole County PUD Development Program

| <u>Land Use Classification</u> | <u>Acres</u> | <u>Square Feet</u> | <u>Units</u> | <u>Students</u> |
|--------------------------------|-------------------|------------------------|--------------|------------------|
| Office | 89.1 | 1,179,250 ¹ | | |
| College/University | | | | 860 ² |
| Day Care | 1.8 | 24,000 | | |
| Residential | 29.4 | | 313 | |
| Linear Park | 1.9 | | | |
| Open Space/Retention/Lakes | 57.0 ³ | | | |
| Right-of-Way | 9.6 | | | |
| TOTAL | 188.8 | 1,203,250 | 313 | 860 |

1 Office use includes Support Retail/Commercial uses and Campus Office use. 14,000 square foot of office is allotted to use by SCC.

2 Trip generation potential for 860 students is equivalent to that which would be generated by an approximately 80,000 square foot facility.

3 Includes lift station easement on Tract B.

Section 2. Section V, LAND USES, is hereby amended to include college and university uses as follows:

V. LAND USES

The HIBC Project will be developed as a mixed-use development, which includes an office park comprised of office/campus office and support retail/commercial uses, hotel, residential, general retail/commercial uses, and college/university uses. The following land uses, as defined for HIBC, are intended to limit what may be built on the different tracts within HIBC while allowing flexibility for HIBC to pursue unique, creative and attractive residential and nonresidential development. Actual number of stories (limited by maximum height), number of units for multiple family buildings and other specific characteristics of a particular land use will be determined during site planning of an individual tract and by future market conditions.

College/University: A post secondary educational facility whose primary purpose is to serve a continuing education demand generated by the type of business located within HIBC.

Section 3. The Development Review Contingency provision in Section X, OTHER COMMITMENTS, is hereby deleted in its entirety and in place thereof shall be inserted the following:

6. Development Review Contingency: In the event an individual construction project is located in both Seminole

County and the City of Lake Mary, either jurisdiction may opt to defer their jurisdictional authority to approve, permit and inspect the construction project to the other jurisdiction. In accordance with this provision, the City of Lake Mary may defer its authority to Seminole County with respect to the property owned by SCC (the "SCC Property") located partially within the County (in a portion of Tract B of HIBC) and partially within the City (in a portion of Tract D of HIBC). SCC, as the developer of the college/university facility proposed for the SCC Property acknowledges by its signature below, that the City of Lake Mary may defer permitting, inspection, code enforcement or law enforcement responsibilities regarding the SCC Property or the college/university facility to be constructed thereon. To implement this option a separate Interlocal agreement between the City of Lake Mary and Seminole County will be needed. SCC further acknowledges that an Interlocal agreement between the Seminole County Sheriff's Office and the City of Lake Mary addressing code enforcement and law enforcement issues must be finalized prior to SCC's construction plan submittal.

Section 4. Except as expressly amended herein, the PUD shall continue in full force and effect in accordance with the terms set forth therein.

DATED this ____ day of _____, 20____.

WITNESSES:

SEMINOLE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES

Print Name _____

By: _____
E. ANN MCGEE, Secretary of
Seminole Community College
District Board of Trustees
and President of the College

Print Name _____

Date: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

By: _____
DARYL G. MCLAIN, Chairman

Date: _____

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

As authorized for execution by
the Board of County Commis-
sioners at their regular
Meeting of _____, 2003

County Attorney

KC/gn 7/30/03 8/20/03 8/26/03
P:\Users\CAKC01\MYDOCS\Agreements\Heathrow PUD.DOC

EXHIBIT 1
LEGAL DESCRIPTION

Z2003-024 (PUD to PUD)

A portion of Section 7, Township 20 South, Range 30 East, and Section 12, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 7, Township 20 South, Range 30 East, Seminole County, Florida and run North 00° 21' 05" West along the West line of the Northwest 1/4 of said Section 7 for a distance of 0.50 feet to the **POINT OF BEGINNING**; thence run North 89° 46' 28" East, 459.09 feet to the Westerly right of way line of Interstate No. 4 (State Road No. 400); thence run South 17° 35' 11" West along said right of way line for a distance of 429.25 feet; thence South 21° 35' 11" West, 637.08 feet to the Point of Curvature of a curve concave Northwesterly and having a radius of 1055.92 feet; thence run Southwesterly along the arc of said curve through a central angle of 39° 25' 29" for a distance of 726.57 feet to the point of tangency; thence South 61° 00' 40" West, 495.72 feet to the point of curvature of a curve concave Southeasterly having a radius of 475.00 feet; thence Southwesterly along the arc of said curve through a central angle of 26° 00' 21" for 215.60 feet to a point lying on a curve concave Westerly having a tangent bearing of North 11° 00' 13" West and a radius of 1379.58 feet; thence Northerly along the arc of said curve through a central angle of 00° 24' 05" for 9.67 feet to the point of tangency; thence North 11° 24' 18" West, 454.11 feet to a point of curvature of a curve concave Southeasterly and having a radius of 1041.19 feet; thence run Northeasterly along the arc of said curve through a central angle of 60° 00' 00" for a distance of 1090.33 feet to a point of compound curvature of a curve concave Southeasterly and having a radius of 3445.17 feet; thence continue Northeasterly along the arc of said curve through a central angle of 11° 21' 53" for a distance of 683.36 feet to the point of tangency; thence run North 59° 57' 35" East, 200.14 feet; thence run South 00° 21' 05" East, 21.80 feet to the **POINT OF BEGINNING**.

Contains: 36.88 Acres, more or less.

NOTE: This description uses East line of transportation corridor as its West boundary.

TOGETHER WITH:

A tract of land being a portion of Section 1 and 12, Township 20 South, Range 29 East and Sections 6 and 7, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 6; thence North 00° 04' 17" West along the West line of Section 6 for a distance of 73.27 feet to the **POINT OF BEGINNING**; thence South 42° 30' 27" West, 149.49 feet; thence North 41° 18' 38" West, 516.64 feet; thence South 48° 41' 20" West, 200.00 feet; thence South 78° 55' 17" West, 728.58 feet; thence North 04° 15' 32" West, 471.30 feet; thence North 48° 16' 27" West, 888.59 feet; thence South 89° 58' 52" East, 205.00 feet; thence North 00° 19' 51" East, 350.00 feet; thence South 89° 58' 52" East along the North line of the South 1/2 of Government Lot 2 of Section 1, Township 20 South, Range 29 East, for a distance of 897.54 feet; thence North 00° 03' 45" East along the West line of the Northeast 1/4 of said Government Lot 2 for a distance of 164.00 feet; thence South 89° 58' 52" East, 898.77 feet; thence South 00° 04' 17" East along the West line of the Southwest 1/4 of Section 6, Township 20 South, Range 30 East for 331.59 feet; thence South 89° 57' 02" East along the South line of the North 1/2 of the Southwest 1/4 of said Section 6 for a distance of 1850.51 feet; thence South 24° 07' 41" West along the West right of way of Interstate #4 (State Road #400) for a

distance of 282.51 feet to the point of curvature of a curve concave Southeasterly having a radius of 11,459.20 feet; thence run Southerly along the arc of said curve through a central angle of 06° 32' 30" for a distance of 1308.34 feet to the point of tangency; thence South 17° 35' 11" West, 70.00 feet; thence departing said right of way run North 72° 24' 49" West, 400.00 feet to the point of curvature of a curve concave Northeasterly having a radius of 1800.00 feet; thence Northwesterly along the arc of said curve through a central angle of 24° 55' 11" for a distance of 782.88 feet; thence South 42° 30' 27" West, 285.78 feet to the **POINT OF BEGINNING**.

Contains: 100.12 Acres, more or less.

AND

A tract of land being a portion of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 6; thence North 00°04'17" West along the West line of Section 6 for 1646.86 feet; thence South 89°58'52" East, 33.00 feet; thence North 00°04'17" West along the East right of way of Banana Lake Road along a line 33.00 feet East of and parallel to the West line of the Southwest 1/4 of Section 6 for a distance of 978.82 feet; thence North 00°04'43" West along a line 33.00 feet East of and parallel to the West line of the Northwest 1/4 of Section 6 for 1281.20 feet; thence North 89°53'25" East along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 197.00 feet to the **POINT OF BEGINNING**; thence along the boundaries of that tract described in Official Records Book 1555, Page 675 Public Records of Seminole County, Florida, North 00°04'43" West, 757.82 feet; thence North 89°30'12" West along the South line of Lot 2, Mullins Subdivision, per plat thereof as recorded in Plat Book 23, Page 41, Public Records of Seminole County, Florida, for a distance of 205.00 feet; thence North 00°04'43" West along the East right of way of Banana Lake Road for 482.93 feet; thence South 89°35'54" East along the North line of Lot 3 of the aforescribed subdivision for 205.00 feet; thence North 00°04'43" West, 222.16 feet to a point 4.77 chains South of the North line of the Northwest 1/4 of Section 6; thence South 89°44'51" East 119.92 feet to Church Lake; thence along the Westerly shore north 31°12'15" West, 33.42 feet; thence North 04°01'55" West, 50.00 feet; thence North 01°29'07" West, 50.00 feet; thence North 06°56'29" East, 49.06 feet; thence North 00°04'43" West, 112.75 feet; thence South 89°44'51" East along a line 25.00 feet south of and parallel to the North line of Section 6 and along the south right of way of State Road #46A for a distance of 414.64 feet; thence South 00°06'26" West, 15.00 feet; thence South 89°44'51" East along a line 40.00 feet South of and parallel to the said North line of Section 6 and along the South right of way line of State Road #46A for a distance of 745.00 feet; thence South 00°06'26" West along the West right of way line of the Seaboard Coastline Railroad (presently abandoned) for 1730.09 feet; thence South 89°53'25" West along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 1257.93 feet to the **POINT OF BEGINNING**.

Contains: 51.957 Acres, more or less and being subject to any easements, restrictions and right of way record.

EXHIBIT 2

Z2003-034 (PUD to PUD)

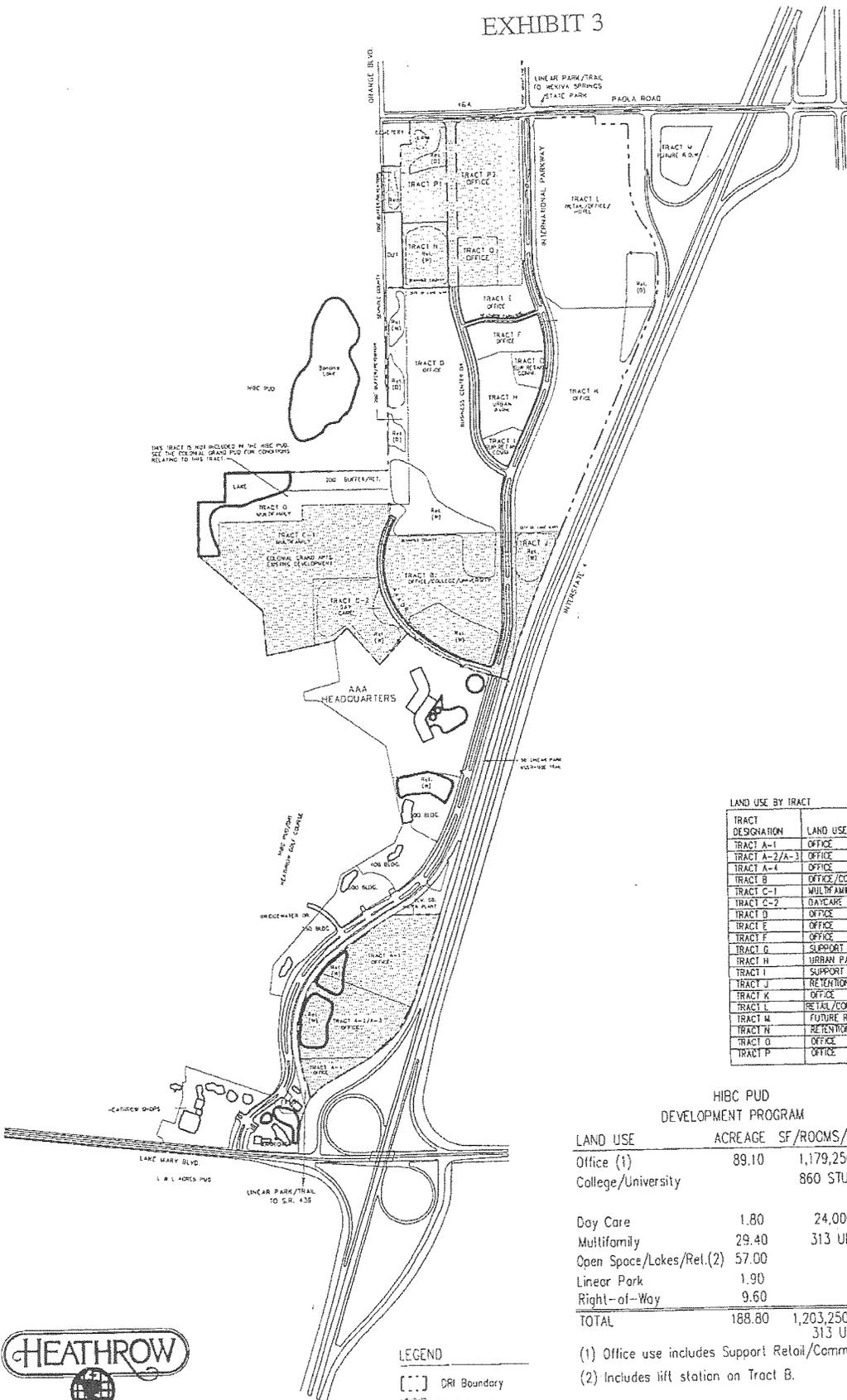
LEGAL DESCRIPTION

A tract of land lying in Section 6, Township 20 South, Range 30 East and Section 1, Township 20 South, Range 29 East, Seminole County, Florida; and being more particularly described as follows:

Commence at the Southwest corner of Section 6, Township 20 South, Range 30 East and run North 00°04'17" West along the West line of the Southwest 1/4 of said Section 6 for a distance of 793.40 feet to the POINT OF BEGINNING; thence departing said West line and run South 57°10'06" West, a distance of 18.71 feet to a point on the Easterly line of Reduced AAA Drive as recorded in O.R.B. 3930, PG. 1918 of the Public Records of Seminole County, Florida; said point lying on a curve concave Easterly having a tangent bearing of North 13°16'54" West and a radius of 875.00 feet; thence run Northerly along the arc of said curve through a central angle of 13°16'54" for a distance of 202.83 feet; thence departing said Easterly line and run North 90°00'00" West along the North line of said Reduced AAA Drive for a distance of 75.00 feet to a point on a curve concave Easterly having a radius of 950.00 feet and a tangent bearing of North 00°00'00" East; thence departing said North line of the Reduced AAA Drive and run Northerly through a central angle of 28°16'18" for a distance of 468.76 feet to a point on the Westerly right of way line of Banana Lake Road as per the Right of Way Deed as recorded in Official Records Book 674, Page 223 of the Public Records of Seminole County, Florida; thence run South 00°04'17" East along said right of way line for a distance of 111.99 feet to a point on the South line of the North 1/2 of the Southwest 1/4 of said Section 6; thence run South 89°57'02" East, along said South line and the South line of Banana Lake Road for a distance of 33.00 feet; thence departing said South line and run North 00°04'17" West along the East line of the aforesaid Right of Way Deed for a distance of 168.49 feet to a point on a curve concave Southeasterly having a radius of 950.00 feet and a tangent bearing of North 32°12'55" East; thence run Northeasterly along the arc of said curve through a central angle of 12°00'10" for a distance of 199.01 feet to a point on the Westerly line of RETENTION POND 9B as per the Special Warranty Deed as recorded in Official Records Book 3982, Page 0800 of the Public Records of Seminole County, Florida; thence run Southerly along said Westerly line for the following courses: South 19°06'23" East, a distance of 122.03 feet to a Point of Curvature of a curve concave Northeasterly having a radius of 203.07 feet; thence run Southeasterly along the arc of said curve through a central angle of 62°33'26" for a distance of 221.72 feet to a Point of Reverse Curvature of a curve concave Southwesterly and having a radius of 102.28 feet; thence run Southeasterly along the arc of said curve through a central angle of 68°11'44" for a distance of 121.74 feet to a Point of Compound Curvature of a curve concave Westerly and having a radius of 308.83 feet; thence run Southerly along the arc of said curve through a central angle of 13°21'00" for a distance of 71.96 feet to the Point of Tangency; thence South 00°07'04" East, a distance of 164.05 feet; thence South 57°10'06" West, a distance of 231.38 feet to a point on the Northwesterly line of that parcel as described in Official Records Book 3624, Page 1434 of the Public Records of Seminole County, Florida; thence continue South 57°10'06" West along said Northwesterly line for a distance of 305.20 feet to the POINT OF BEGINNING.

Containing 6.391 Acres, more or less.

EXHIBIT 3



LAND USE BY TRACT

| TRACT DESIGNATION | LAND USE |
|-------------------|--------------------------------|
| TRACT A-1 | OFFICE |
| TRACT A-2/A-3 | OFFICE |
| TRACT A-4 | OFFICE |
| TRACT B | OFFICE / COLLEGE / UNIVERSITY |
| TRACT C-1 | MULTIFAMILY |
| TRACT C-2 | DAYCARE |
| TRACT D | OFFICE |
| TRACT E | OFFICE |
| TRACT F | OFFICE |
| TRACT G | SUPPORT RETAIL / COMM |
| TRACT H | URBAN PARK |
| TRACT I | SUPPORT RETAIL / COMM |
| TRACT J | RECREATION |
| TRACT K | OFFICE |
| TRACT L | RETAIL / COMM / HOTEL / OFFICE |
| TRACT M | FUTURE R.O.W. |
| TRACT N | RECREATION |
| TRACT O | OFFICE |
| TRACT P | OFFICE |

HIBC PUD DEVELOPMENT PROGRAM

| LAND USE | ACREAGE | SF/ROOMS/UNITS |
|--------------------------|---------------|---|
| Office (1) | 89.10 | 1,179,250 SF |
| College/University | | 860 STUDENTS |
| Day Care | 1.80 | 24,000 SF |
| Multifamily | 29.40 | 313 UNITS |
| Open Space/Lakes/Ret.(2) | 57.00 | |
| Linear Park | 1.90 | |
| Right-of-Way | 9.60 | |
| TOTAL | 188.80 | 1,203,250 SF 313 UNITS |

(1) Office use includes Support Retail/Commercial uses and Campus Office Uses
 (2) Includes lift station on Tract B.



LEGEND
 [---] DRI Boundary
 [---] PUD Boundary

**MINUTES FOR THE SEMINOLE COUNTY
LPA / P&Z COMMISSION
AUGUST 6, 2003**

Members present: Alan Peltz, Dick Harris, Ben Tucker, Beth Hattaway, and Dudley Bates

Members absent: Thomas Mahoney, Chris Dorworth

Also present: Jeff Hopper, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, J.V. Torregrosa, Planner, Jim Potter, Development Review, Mahmoud Najda, Development Review Manager, Karen Consalo, Assistant County Attorney, J.R. Ball, Development Review, Don Fisher, Director of Planning and Development, Gary Rudolph, Utilities Manager and Candace Lindlaw-Hudson, Sr. Staff Assistant.

- L. Heathrow International Business Center PUD;** Miranda Fitzgerald, applicant; rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and creation of the *First Amendment to the Third Amended and Restated Commitments, Classification, and District Description* (AKA Developer's Commitment Agreement) for the Heathrow International Business Center PUD. The property is generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A (portions also known as H.E. Thomas Jr., Parkway), containing approximately 188.8 acres, properties located in unincorporated Seminole County.

Commissioner McLain – District 5
Tony Matthews, Principal Planner

Tony Matthews stated that the applicant is requesting a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and Developer's Commitment Agreement for the Heathrow International Business Center PUD (HIBC PUD) to allow a community college campus and accompanying office space on Tract B of the HIBC. This PUD amendment will allow development of an 860 student campus with 14,000 square feet of office space. The proposed campus is expected to serve employees of the HIBC development businesses for continuing education. The proposed rezoning is consistent with the adopted future land use designation of Planned Development assigned to the property and does not change long range strategies or options.

Mr. Matthews stated that staff recommendation was for approval of the proposed rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development), First Amendment to Third Amended and Restated Commitments,

Classification and District Description, and PUD Final Master Plan for the Heathrow International Business Center PUD, generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A with staff findings.

Commissioner Harris asked about the access. Is it on AAA Drive?

Mr. Matthews said that the access was on AAA Drive.

Miranda Fitzgerald spoke on behalf of Seminole Community College. She stated that there had been good cooperation between the applicant and the County on this project. This will be a high tech campus that will not be traditional. This should not be called a community college. It is referred to in the documents as a college/university. It will have 860 students and a 14,000 square foot office component. The applicant considers this a minor change and questions the need for full traffic concurrency. We are working on the language for the development order.

Cindy Crane of 820 Banana Lake Road asked about the placement of a wall around the project.

The public hearing was now closed.

Commissioner Hattaway stated that she will be voting on this item. She used to sit on the Board of Trustees of Seminole Community College, but she no longer does. She saw no reason to exclude herself at this time.

Commissioner Harris made a motion to recommend approval of the request with the amendment as noted in the staff report.

Commissioner Hattaway seconded the motion.

The motion passed with unanimous approval.

East Central Florida
**REGIONAL
 PLANNING
 COUNCIL**

**Chairman/
 Commissioner**
Randall Morris
 Seminole County

June 17, 2003

Vice Chairman
Wilton G. Cadwell
 Commissioner
 Lake County

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

Secretary/Treasurer
Nancy N. Higgs
 Commissioner
 Brevard County

Mr. John Omana
 City of Lake Mary
 Post Office box 950700
 Lake Mary, FL 32795-0700

Executive Director
Sandra S. Glenn

RE: Heathrow International Business Center DRI Notification of a
 Proposed Change (NOPC) to allow for a Seminole Community
 College Campus (ECFRPC # 5312)

Dear Mr. West and Mr. Omana:

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

We have reviewed the referenced NOPC and it is our understanding that the change relates to an approximately 6-acre parcel that would allow for an 860 student facility along with 14,000 square feet of office space.

631 N. Wymore
 Suite 100
 Maitland, Florida
 32751

The introduction of a new land use is addressed in Paragraph 380.06(19)(e) 5a, F.S., which relates that a change to a new land use is presumed to create additional regional impacts unless the change is less than 15% of the land in the project. At 6 acres, this change is clearly less than 15% of the 436.7 acre project.

Phone
 407.623.1075
 Fax 407.623.1084

The increase in traffic is also below the automatic substantial deviation criteria in Paragraph 380.06(19)(b) 15, F.S. which stipulates that a 15% increase in external traffic requires additional regional review. This change will result in a 1.4% increase in total peak hour trip ends. In addition, the outbound trips which is the primary direction for this office oriented development, will increase only 0.4%.

Suncom 334.1075
 Suncom Fax
 334.1084

Consequently, 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. It is not expected that the change it will cause new or increased impacts to regional resources or

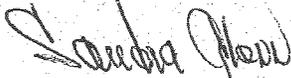
Email: ecfrpc.org

Mr. Matt West
Mr. John Omana
June 17, 2003
Page Two

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,



Sandra Glenn
Executive Director

c: Brett Blackadar, Seminole County Public Works
Marina Pennington, DCA
Beth Potter, FDOT
Miranda Fitzgerald, LDDK&R
Chris Walsh, Kimley-Horn
Tony Mathews, Seminole County Planning Division
Dave Harrison, Seminole County Community College



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSE ABREU
SECRETARY

Planning & Public Transportation
133 South Semoran Boulevard
Orlando, FL 32817-3230

June 20, 2003

Ms. Sandra Glenn, Executive Director
East Central Florida Regional Planning Council
631 North Wymore Road, Suite 100
Maitland, Florida 32751-4246

SUBJECT DRI NAME: HEATHROW INTERNATIONAL BUSINESS CENTER DRI
Report Name: NOTICE OF PROPOSED CHANGE
REPORT DATE: JUNE 20, 2003
LOCAL GOVERNMENT
OR JURISDICTION: SEMINOLE COUNTY
RPC #: ECFRPC - 5312

Dear Ms. Glenn:

The Department has completed its review of the above Notice of Proposed Change (NOPC) as requested in your correspondence, dated May 2, 2003. ***The Department offers the following comments for your consideration.***

If you have any questions, please contact me at 407-482-7880 (Suncom: 335-7880) or e-mail at: <beth.potter@dot.state.fl.us>.

Sincerely,

Handwritten signature of Beth R. Potter in cursive.

Beth R. Potter
Growth Management Coordinator

BRP/
Attachment

C: Fred Milch, ECFRPC
Rob Magee, FDOT C/O
Tony Mathews, Seminole County
Marina Pennington, DCA
Bob Romig, FDOT C/O
Matt West, Seminole County

Department of Transportation
 Planning & Public Transportation
 Technical Applications Section

Page 1 of 1

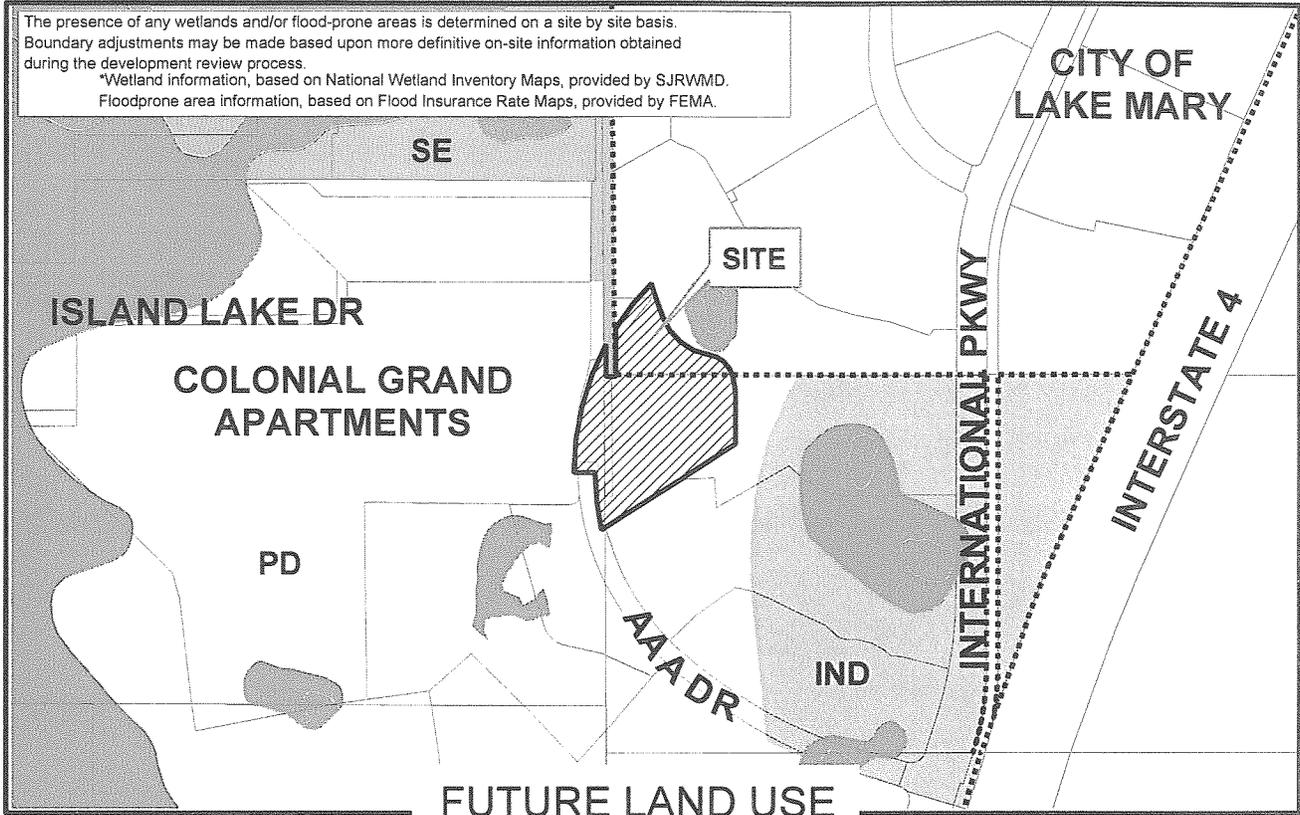
DEVELOPMENT OF REGIONAL IMPACT REVIEW FORM

DRI NAME: HEATHROW INTERNATIONAL BUSINESS CENTER/
 SEMINOLE COUNTY COLLEGE
LOCAL GOV'T./JURISDICTION: SEMINOLE COUNTY, CITY OF LAKE MARY
RPC IDENTIFICATION #: DRI/NOPC #5312
REVIEW COMMENTS DEADLINE: JUNE 20, 2003

| Comment No. # | Page(s) | General Areas of Concern | Specific Review Comment(s) |
|---------------|------------------------|-----------------------------------|--|
| 1 | General | NOPC/ Substantial Deviation | The proposed changes do not result in a Substantial Deviation determination pursuant to the criteria set forth in F.S. 380.06(19). |
| 2 | Exhibit 7 Page 2, 3 | Multifamily D.U.'s | Total D.U.'s - 581, Seminole County - 58, Lake Mary - 0, Please correct table under Project Description in the third amended and Restated Development orders for both Seminole County and the City of Lake Mary. |

Reviewed by: Beth Potter
 Growth Management Coordinator
 Telephone: 407-482-7880 (Suncom: 335-7880)/Fax: 407-275-4188
 E-mail: beth.potter@dot.state.fl.us
 File: J:\msword\Beth\DRI related\Seminoles Co\Heathrow Int'l Business Ctr\NOPC\comments 62003.doc

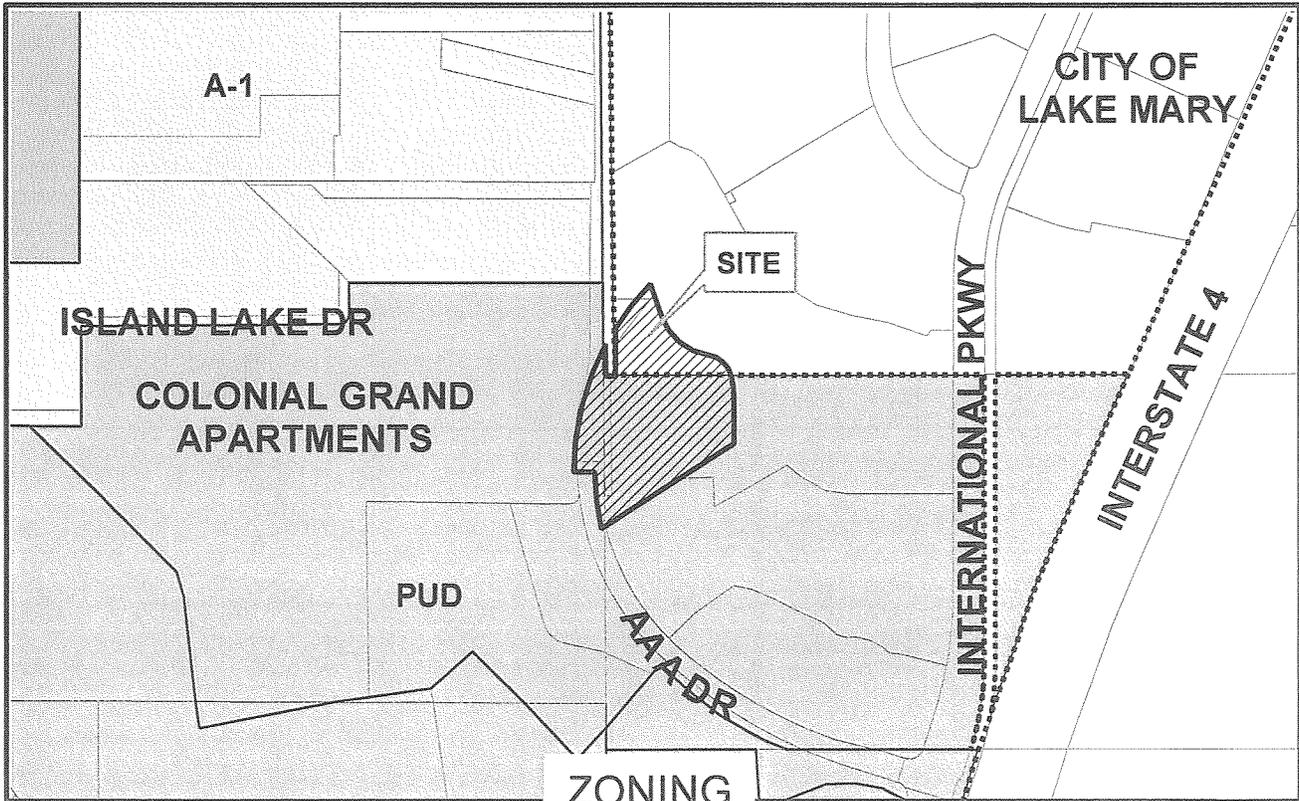
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



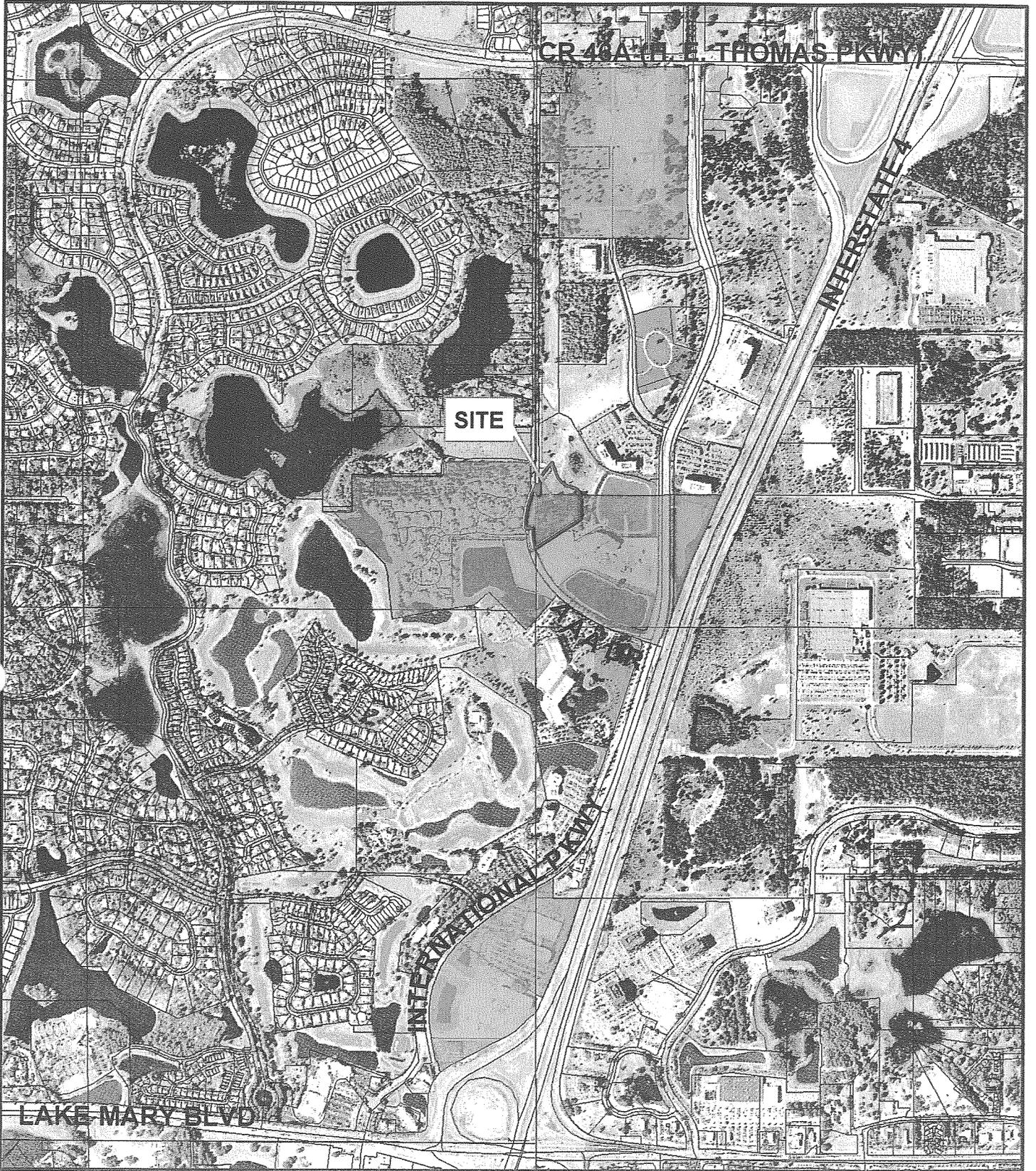
Site
 Municipality
 PD
 IND
 SE
 CONS

Applicant: Miranda F. Fitzgerald
 Physical STR: 6-20-30-300-014A & 013A-0000
 Gross Acres: 6.4 BCC District: 5
 Existing Use: Vacant
 Special Notes: Seminole Community College

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | -- | -- | -- |
| Zoning | Z2003-024 | PUD | PUD |



Site
 A-1
 PUD



Rezoning No: Z2003-024
From: PUD To: PUD

- Parcel
- Subject Property



February 1999 Color Aerials

