

Item # 43

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: GREENWAY SOUTH PUD FINAL MASTER PLAN

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** ^{*MRC*} Michael Rumer **EXT.** 7431

Agenda Date <u>09/26/06</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. **APPROVE** the Final Master Plan and Developer's Commitment Agreement and authorize the Chairman to execute the aforementioned documents for the Greenway South PUD, consisting of 21.32 ± acres located at the southwest corner of SR 417 and SR 426, based on staff findings (Continental Properties Co., Inc., applicant); or
2. **DENY** the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for the Greenway South PUD, consisting of 21.32 ± acres located at the southwest corner of SR 417 and SR 426, (Continental Properties Co., Inc., applicant); or
3. **CONTINUE** the request until a time and date certain.

District 1: Commissioner Dallari

Michael Rumer, Senior Planner

BACKGROUND:

The applicant is seeking Final Master Plan approval for a 5-lot PUD to accommodate a variety of commercial uses. The applicant obtained rezoning approval from A-1 to PUD on March 08, 2005. On October 25, 2005, the Board approved a major amendment to the PUD and the preliminary Development Order. The uses allowed on the property are all permitted uses and special exception uses within the OP (Office District), A-1 (Agriculture), C-1 and C-2 (Retail Commercial District) zoning classifications shall be allowed within the PUD 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

Reviewed by: Co Atty: <u>KFT</u> DFS: _____ OTHER: <u>AB</u> DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File No. <u>rpdp05</u>

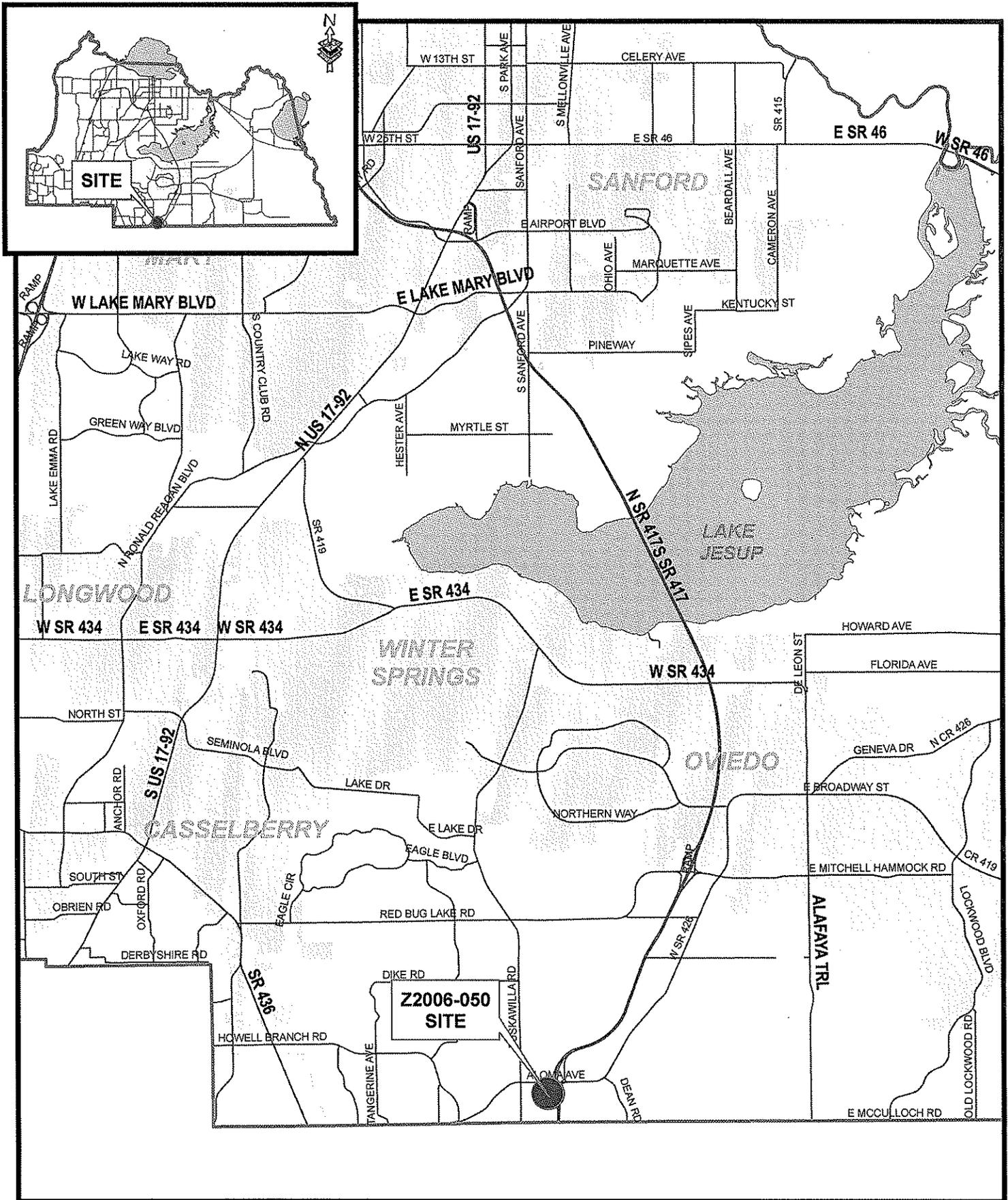
trailer and/or cargo trailer boxes outside the course of making ordinary deliveries. Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved Development Order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Master Plan and the Developer's Commitment Agreement for the Greenway South PUD, consisting of 21.32 ± acres located at the southwest corner of SR 417 and SR 426, based on staff findings.

Attachments:

Location Map
Aerial
Final Master Plan
Developer's Commitment Agreement
Approved Development Order
October 25, 2005 BCC meeting minutes





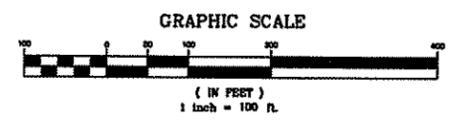
Rezone No: Z2006-050

From: A-1 To: PUD

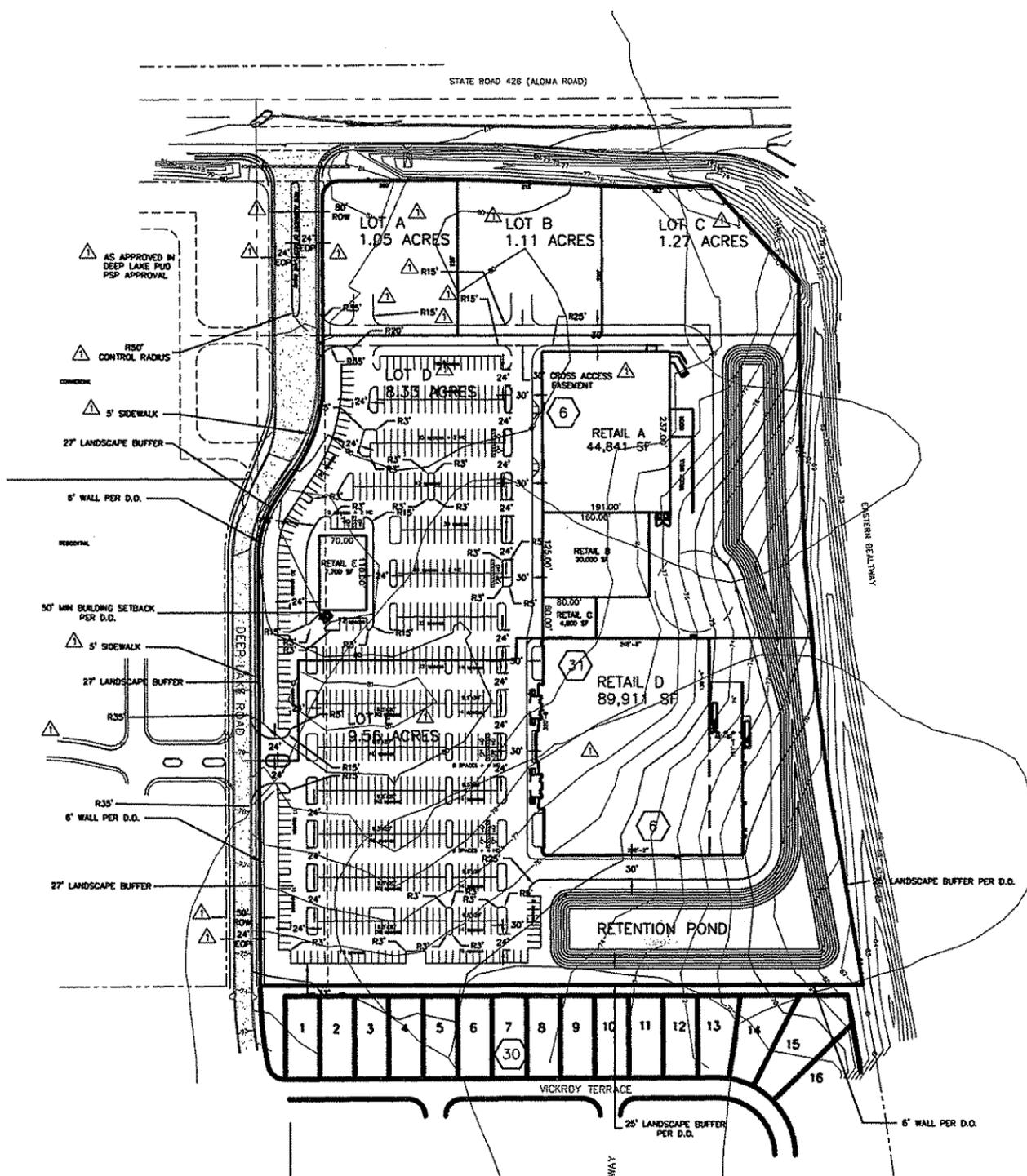
-  Parcel
-  Subject Property



Winter 2006 Color Aerials



△ LOT/TRACT TABLE				
LOT	LOT USE	SQ. FT.	ACREAGE	PERCENT
A	COMMERCIAL OUTPARCEL	43,554.66 SF	1.05 AC.	4.92 %
B	COMMERCIAL OUTPARCEL	48,416.97 SF	1.11 AC.	5.21 %
C	COMMERCIAL OUTPARCEL	63,971.99 SF	1.27 AC.	5.96 %
D	RETAIL SPACE & PARKING	36,301.46 SF	0.83 AC.	39.07 %
E	RETAIL D & PARKING	416,407.89 SF	9.56 AC.	44.64 %
	GROSS SITE AREA	928,763.06 SF	21.32 AC. △	100 %



SOILS LEGEND	
SOILS LINE	
6	ASTATULA-APOPKA FINE SANDS, 0 TO 5 PERCENT SLOPES
30	SOFTNER FINE SAND
31	TAYLOR-MILLHOPPER FINE SANDS, 0 TO 5 PERCENT SLOPES

D.O. CONDITIONS:

- 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, CONTRACTORS EQUIPMENT STORAGE YARDS, DRIVE-IN THEATERS, ADULT ENTERTAINMENT ESTABLISHMENTS, AND PARKING OF SEMI-TRAILER TRAILER AND/OR CARRO 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 ON-SITE.
- 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 ADJUTING THE CENTRAL FLORIDA GREENWAY (SR 417) TO ENSURE 100% OPACITY AT SIX (6) FEET IN HEIGHT ABOVE GRADE WITHIN ONE (1) YEAR.
- H. MECHANICAL UNITS SHALL BE LOCATED OR SCREENED TO AVOID OFF-SITE VIEW FROM SR 426 OR ADJUTING RESIDENTIAL USES. 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 ADJUTING TO THE NORTH PROPERTY LINE ALONG SR 426 AND ADJUTING TO RESIDENTIAL USES SHALL BE LIMITED TO DECORATIVE LIGHTING AFFIXED TO THE FRONT OF BUILDINGS. SECURITY LIGHTING WITH MOTION SENSORS SHALL BE PERMITTED.
- 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 ADJUTING TO THE NORTH PROPERTY LINE ALONG SR 426 AND ADJUTING 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 ADJUTING RESIDENTIAL USES TO THE SOUTH AND WEST. A SIX (6) FOOT BRICK OR MASONRY WALL SHALL BE INSTALLED ALONG THE WESTERN BOUNDARY ADJUTING RESIDENTIAL USES WITHIN THE DEEP LAKE PUD AND ALONG THE SOUTH PROPERTY LINE ADJUTING THE SOUTH TUSAWILLA ROAD PROPERTY/ALOWA 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. SCREEN AND GATE TRUCK WELLS.
- T. PROHIBIT OVERNIGHT PARKING ON-SITE.
- 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.

△ SITE DATA:

1. SECTION 31; TOWNSHIP 21 SOUTH; RANGE 31 EAST.
2. ZONING: PUD
3. FUTURE LAND USE: HP
4. OVERALL SITE CONTAINS 21.32± GROSS ACRES. (NET BULDABLE: 21.32 AC.)
5. REQUIRED PARKING SPACES (1 SP./250 SF.) = 167,252 SF. / 250 SF. = 670 SF.

# OF SPACES:	DESCRIPTION:
390	10' x 20'
308	8.5' x 20'
14	HANDICAP
712	SPACES PROVIDED
670	SPACES REQUIRED △
6. MAX. IMPERVIOUS (ACREAGE x 75%) = 21.32 AC. x .75 = 16.00 MAX. IMPERVIOUS
7. RETENTION AREA WILL HAVE EASEMENTS IN FAVOR OF ALL PARCELS.
8. STORMWATER SYSTEM WILL BE DESIGNED PER SURMAD, SEMINOLE COUNTY, AND FOOT DRAINAGE CONNECTION REQUIREMENTS.
9. WATER AND SEWER WILL BE PROVIDED BY SEMINOLE COUNTY.
10. REQUIRED OPEN SPACE ACCORDING TO SEMINOLE COUNTY LAND DEVELOPMENT CODE:

25% REQUIRED OPEN:	(21.32 AC. x .25 AC) = 5.33 AC.
OPEN SPACE PROVIDED FOR LOT D & E = 5.18 AC.	(5.18 AC) / (21.32 AC) x 100 = 24.30% PROVIDED

 THE REMAINING .15 AC. WILL BE PROVIDED WITH LOTS A, B, & C.
11. FLOOR AREA RATIO: (FLOOR AREA / BULDABLE AREA)

MAX FAR = 0.35 (NET BULDABLE AREA)
PROVIDED FAR:
LOT D = (1.78 AC. / 8.33 AC) = .21
LOT E = (2.08 AC. / 9.56 AC) = .22

 NOTE: FLOOR AREA RATIOS DO NOT INCLUDE LOTS A, B, C, BUT WILL NOT EXCEED A TOTAL 0.35 FAR FOR TOTAL PUD.

PROPERTY APPRAISER ID NUMBER _____
 SEMINOLE COUNTY APPROVED FOR CONSTRUCTION
 THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULTS IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER OF RESPONSIBILITY TO MEET THOSE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.
 APPROVED:
 SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
 DATE _____

MADDEN
engineering, inc.
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

FINAL MASTER PLAN / P&P FOR
GREENWAY SOUTH PUD
 SEMINOLE COUNTY, FLORIDA

CLIENT
 CONTINENTAL PROPERTIES COMPANY, INC.
 1634 NIBBETS EXECUTIVE PARKWAY
 MEMPHIS, TN 38117-3310
 901-502-5500

ENGINEER IN CHARGE: *CK*
 CHADWICK HUBBARD 2006
 CERTIFICATE OF AUTHORIZATION NO. EB-0007723

REVISIONS MADE PER SEMINOLE COUNTY COMMENTS	DATE	REVISIONS

JOB # 28127
 DATE: 06/22/06
 SCALE: 1" = 100'
 DESIGNED BY: CHM
 DRAWN BY: JAS
 APPROVED BY: CHM

ST-1

GREENWAY SOUTH P.U.D.**FINAL MASTER PLAN DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On September 26, 2006, the Board of County Commissioners of Seminole County issued this Developer's Commitment Agreement, superseding the previous Development Orders issued on August 22, 2006 and October 25, 2005 relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

That part of the Southwest 1/4 of Section 31, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Lots 10 through 15 (Less road right of way for SR 426) of E.G. Townsends Homestead as recorded in Plat Book 2, Page 61, Public Records of Seminole County, Florida and less road right-of-way for Deep Lake Road as recorded in the plat of Clifton Park , Plat Book 70, pages 1-7, Public Records of Seminole County, Florida

2. PROPERTY OWNERS

CCCH Greenway South Property, LLC
615 Wymore Road
Winter Park, FL 32789

E. G. Banks
5 Shadow Lane
Maitland, FL 32751

3. STATEMENT OF BASIC FACTS

- A. Total Area: 21.32 Acres
- B. Zoning: Planned Unit Development
- C. Maximum FAR: .35 of Net Buildable
- D. 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.
- E. The owners of the property have 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.
- F. 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 owners are as follows:

4. **TRACTING/LOT PLAN – LAND USE BREAKDOWN**

Tract	Name	FAR	Gross Area	% of Site
A	Commercial Outparcel		1.05 ac.	4.92%
B	Commercial Outparcel		1.11	5.21%
C	Commercial Outparcel		1.27	5.96%
D	Retail Space (Bldg A,B,C,E) and Parking	.21	8.33	39.07%
E	Retail (Bldg D) and Parking	.22	9.56	44.84%
	Total		21.32	100%

5. **OPEN SPACE CALCULATIONS**

Owners shall provide Open Space at an overall rate of 25%, or a minimum of 5.33 acres throughout the entire PUD. Open Space (as listed below) is achieved in the PUD, through use of an amenitized stormwater retention pond and buffers, subject to approval by the Current Planning Manager during final site approval.

Total Land Area: 21.32 acres
 Required Open Space: 25% = 21.32 acres x 0.25 = 5.33 acres Open Space

Open Space Provided for Lot D & E = 5.18 acres (amentitized stormwater retention pond):

$(5.18 \text{ ac.}) / (21.32 \text{ ac.}) = 24.30\% \text{ Provided}$

The remaining 0.15 ac. will be provided with Lots A, B, and/or C (buffers).

6. **BUILDING SETBACKS**

Lot/Tract A, B, & C:

Front25'
 Side 0'
 Rear 10'
 Maximum Building Height.....35'

Building A, B, C, D, & E will maintain a minimum 50' building setback along the southern and western property lines.

7. PERMITTED USES

Permitted uses and special exception uses within the OP (Office), A-1 (Agriculture), C-1 and C-2 (Retail Commercial) zoning classifications shall be allowed within the PUD 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.

8. LANDSCAPE & BUFFER CRITERIA

North: Minimum 25'

South: Minimum 25' with a 6' masonry wall

East: Minimum 25'

West: Minimum 25' with a 6' masonry wall(adjacent to residential)

9. DEVELOPMENT COMMITMENTS

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

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses and special exception uses within the OP (Office), A-1 (Agriculture), C-1 and C-2 (Retail Commercial) zoning classifications shall be allowed within the PUD 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.
- d. Landscaping shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
- e. Development shall connect to Seminole County water and sewer service.
- f. Applicant shall install sidewalks, a minimum of (5) foot in width, to connect building entrances and sidewalks in Deep Lake Road right-of-way.
- g. Incorporate the same architectural treatment on all sides of commercial buildings.
- h. Dumpsters and compactors are required to be enclosed on three sides by a brick or masonry wall with a gated access so not to be visible, except when serviced.
- i. Empty trash from dumpsters twice a week.
- j. Clean sweep parking lots twice a week.
- k. Screen and gate truck wells.
- l. Prohibit overnight parking onsite.
- m. Install irrigation system for landscaping.
- q. 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.
- r. Applicant shall install a minimum 25 foot landscape buffer along the eastern property line abutting the Central Florida GreenWay (SR 417) to ensure 100% opacity at six (6) feet in height above grade within one (1) year.

- s. Mechanical units shall be located and/or screened to avoid off-site view from SR 426 or abutting residential uses.
- t. 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.
- u. 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.
- v. 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 lines abutting the South Tuskawilla Road Property/Aloma Development LLC. Landscaping along the wall shall consist of eight (8) canopy trees a minimum 2.5 inches in diameter, with an overall average of 3 inches, as measured (1) foot above ground, every 100 linear feet.
- w. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).

PUBLIC FACILITIES

The Owners have submitted the property for a concurrency review. Among conditions relating to concurrency public facilities are the following:

WATER:

Water service will be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer will be provided by Seminole County. Design of collection system shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

STORM DRAINAGE:

Stormwater drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District's stormwater regulations.

FIRE PROTECTION:

Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrant shall be located according to Seminole County regulation.

STANDARD PROVISIONS

1. 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.
2. This development order touches and concerns the aforescribed property and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the said property and be servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.
3. The terms and provisions of the development order are not severable and in the event any portion of this development order shall be found to be invalid or illegal then the entire development order shall be null and void.

INTERPRETATION: RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 04-20500009 as amended by Development Order Number 06-21500001, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

BY: _____
Carlton D. Henley,
Chairman of Seminole County
Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owners, CCCH Greenway South Property, LLC Ltd., and E. G. Banks on behalf of themselves f and their heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

OWNERS:

Witness (Sign and print name)

CCCH Greenway North Property, LLC

By: _____
Charles W. Clayton, Jr., Managing Member

Witness (Sign and print name)

More witness

E. G. Banks, an individual

By: _____
E. G. Banks

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ORANGE }

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by Charles W. Clayton, Jr. who is personally known to me or who has produced their Driver's License as identification.

Notary Public
Print Name:
My Commission expires:

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

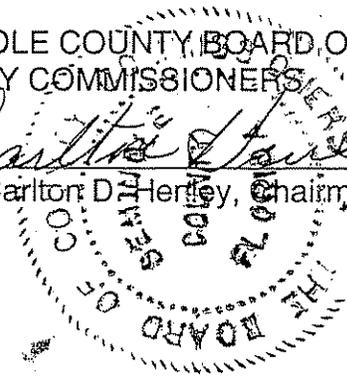
DEVELOPMENT ORDER #04-20500009

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:

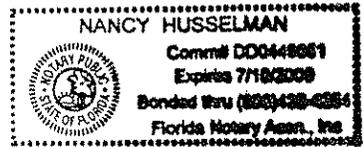


EXHIBIT A

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.

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abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street, as described in the proof of publication, Lonnie Groot, representative for Arthur Evans.

Districts 1, 2, 3, 4 and 5 voted AYE.

SUBSTANTIAL AMENDMENT/GREENWAY
SOUTH PUD/Hugh Harling

Proof of publication, as shown on page _____, calling for a public hearing to consider request for a Substantial Amendment to the Greenway South PUD preliminary development order for a 23+/- acre site located at the southwest corner of SR 417 (Central Florida Greenway) and SR 426 (Aloma Avenue), Hugh Harling, received and filed.

Tony Walter, Planning Manager, addressed the Board to state the applicant is requesting a substantial amendment to the PUD preliminary development order as follows: (a) Add A-1 (bona fide Agriculture) uses; (b) Remove the 40,000 sq. ft. limitation on individual tenant space; (c) Add the word "with" to clarify the meaning of Item F2; (d) Add E.G. Banks as an owner of the property; and (e) Add the word "with" to Item F2. He stated staff recommends approval of the request with staff findings.

Hugh Harling, Harling Locklin & Associates, addressed the Board to state he has met with the District Commissioner and he has agreed that the commercial building to the site will have the same architectural treatment on the sides and rear as the front. They have agreed that the dumpsters would be gated and walled so that they are not visible. The truck wells will be screened and gated and also there will be no overnight parking. The dumpster areas will be maintained twice a week, the landscape and irrigation will be maintained as designed. The final development plan review will come back to the Board

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for approval. He stated he will set aside two acres for a fire station site.

Upon inquiry by Commissioner Morris, Mr. Harling advised the reserved two-acre site would be purchased by the County and it will be an available price based on market conditions. He understands from staff that this may or may not be a preferred location for a fire station.

Upon further inquiry by Commissioner Morris, Mr. Harling advised he believes staff will do a technical evaluation of this site. He stated the reservation is there if they decide they would like to utilize this location.

Don Fisher, Deputy County Manager, addressed the Board to state staff would like a two-year window from October 25, 2005 to October 25, 2007 to give them time to meet with the developer to determine the best site and how good it will function.

Commissioner Morris stated there are other locations in the general proximity that would be less intense. He stated he would give great caution here.

No one else spoke in support or in opposition.

Motion by Commissioner Dallari, seconded by Commissioner Van Der Weide to approve a Substantial Amendment to the Greenway South PUD preliminary development order for a 23+/- acre site located at the southwest corner of SR 417 (Central Florida Greenway) and SR 426 (Aloma Avenue), Hugh Harling, subject to staff comments and the proposed changes; and approval of the Development Order, as shown on page _____.

Under discussion, Commissioner Dallari clarified that it will be a two-year window.

Districts 1, 2, 3, 4 and 5 voted AYE.