

Item # 57

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: DODD ROAD TOWNHOMES REZONE FROM PCD TO PUD

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Jeffrey Hopper **EXT.** 7431

Agenda Date <u>09/27/05</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"/>

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the rezone from PCD (Planned Commercial District) to PUD (Planned Unit Development) for an 11.59 acre site located on the east side of Dodd Road, approximately 250 feet south of Red Bug Lake Road, per the attached staff report, preliminary master plan and development order, including Planning & Zoning Commission recommendations 2, 3, 6, 7, and 9 (Thomas Daly, applicant); or
2. Recommend APPROVAL of the rezone from PCD (Planned Commercial District) to PUD (Planned Unit Development) for an 11.59 acre site located on the east side of Dodd Road, approximately 250 feet south of Red Bug Lake Road, per Planning & Zoning Commission recommendations (Thomas Daly, applicant); or
3. Recommend DENIAL of the requested rezone from PCD (Planned Commercial District) to PUD (Planned Unit Development) for an 11.59 acre site located on the east side of Dodd Road, approximately 250 feet south of Red Bug Lake Road (Thomas Daly, applicant); or
4. CONTINUE the item to a time and date certain.

District 1 – Comm. Dallari

Jeffrey Hopper, Senior Planner

BACKGROUND:

The applicant is requesting a rezoning from PCD to PUD to change the approved use of an 11.59 acre site from office to townhomes on the east side of Dodd Road, approximately 250 feet south of Red Bug Lake Road. The current PCD zoning allows the construction of 109,771 square feet of office space. The proposed development program anticipates the construction of approximately 89 townhomes. The office component would be eliminated.

Reviewed by: <u>RR</u> Co Atty: <u>RR</u> DFS: _____ Other: _____ DCM: <u>RR</u> CM: <u>RR</u> File No. <u>ph130pdp01</u>
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PLANNING & ZONING COMMISSION RECOMMENDATIONS:

The Planning and Zoning Commission unanimously recommended approval of the requested rezoning from PCD to PUD subject to the attached development order with the following changes:

1. Add a condition requiring curbside garbage pick up (no dumpsters).
2. Increase the lift station and clubhouse setbacks from 100 feet to 150 feet.
3. Item 3t of the development order shall require a minimum 3 inch caliper for all canopy trees.
4. No balconies shall be allowed on townhouse units within 100 feet of the south property line.
5. Windows on the second floor of townhouse units adjacent to the south property line are to be frosted.
6. No walk/exercise paths shall be permitted on the south side the lake/retention area nearest Forest Creek Estates.
7. Stormwater retention areas are to be utilized in the buffering of Forest Creek Estates.
8. Change minimum parking space size for garage parking from 10' X 20' to 10' X 18'.
9. Delete requirement of a PVC fence along east property line.

STAFF RECOMMENDATION:

Staff recommends approval of rezoning from PCD to PUD subject to the attached development order and preliminary master plan. Staff does not object to incorporating the following items from the P & Z recommendations in the proposed development order:

2. Increase the lift station and clubhouse setbacks from 100 feet to 150 feet.
3. Item 3t of the development order shall require a minimum 3 inch caliper for all canopy trees.
6. No walk/exercise paths shall be permitted on the south side the lake/retention area nearest Forest Creek Estates.
7. Stormwater retention areas are to be utilized in the buffering of Forest Creek Estates.
9. Delete requirement of a PVC fence along east property line.

ATTACHMENTS:

Staff report

Location Map

Future Land Use/Zoning Maps

Aerial Photograph of site

Ordinance

Development Order

Existing Developer's Commitment Agreement

Preliminary Master Plan

Email from Forest Creek Estates

Fax from Kathleen Passidomo

Minutes of 8/3/05 P&Z minutes

Dodd Road Townhomes Rezone Staff Report

Rezone from PCD (Planned Commercial District) to PUD (Planned Unit Development)

(Z2005-039)

REQUEST

APPLICANT	Thomas Daly
PLAN AMENDMENT	None
REZONING	PCD to PUD
APPROXIMATE GROSS ACRES	11.59
LOCATION	East side of Dodd Road, approximately 250 feet south of Red Bug Lake Road.
BCC DISTRICT	1, Dallari

Hearing Dates

LPA/P&Z: August 3, 2005

BCC: September 27, 2005

STAFF ANALYSIS

Rezone from PCD to PUD

(Z2005-029)

1. **Property Owner:** Adventist Health Systems Sun Belt Inc C/O Florida Hospital
2. **Tax Parcel Number:** 24-21-30-300-0100-0000
3. **Zoning Request:** The site is currently vacant. It is part of a larger project known as the Red Bug Lake Road/Red Bug Village PCD/PUD. A developer's commitment agreement (DCA) exists which encumbers the site as well as the Walgreen's to the north and 25 acres on the northeast corner of Dodd Road and Red Bug Lake Road. The whole PCD/PUD was approved in 1997 for a mixed use project that included office, retail and multifamily. The development program has been amended several times over the years, but the office tract under review for this rezoning request has remained the same. The project is essentially built out except for this office tract. The other tracts already constructed include the Shadow Creek Apartments, the Walmart Neighborhood Market, Walgreens, and the Red Bug Village strip

center. The County has a retention pond on the site to accommodate the widening of Dodd Road, but an agreement with the property owner allows the pond to be reshaped and/or expanded.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Planned Development, currently assigned to the subject property, permits office use.

(North)		
LDR Retention Pond site A-1	PD Walgreens PCD	Commercial Personal storage PCD
LDR SF residential R-1AA	LDR Vacant A-1	HDR Apartments R-3
LDR SF residential R-1AA & PUD	LDR SF residential R-1AA	LDR SF residential R-1AA

(West)

(South)

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

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

The following table compares the development impacts of the currently permitted office use with those of the proposed residential use:

Use	Traffic	Water/Sewer	Schools*
Office (109,771 s.f.)	1208 trips/day	10,977 gal/day	--
Townhomes (89 units)	522 trips/day	29,815 gal/day	16 students
<i>Net Impacts</i>	<i>-686 trips/day</i>	<i>+18,838 gal/day</i>	<i>+16 students</i>

*Based on formulas supplied by Seminole County Public Schools

2. The proposed rezone is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.

3. The site is in close proximity to central water and sewer service from Seminole County. Connection to public utilities is required.
4. Information on stormwater capacity and outfall must be provided prior to subdivision approval and the developer must comply with the agreement regarding the County stormwater pond on the site.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations. Future review steps require a listed species survey and environmental permitting through the water management district.

Compatibility with Surrounding Development: With retail to the north and northeast and apartments to the east, a townhouse subdivision under 10 dwelling units per acre seems a logical transitional use to the single family subdivisions south and west of the site. The single family subdivision to the west and south of the site are zoned R-1AA which requires a minimum lot size of 11,700 square feet and a minimum lot width of 90 feet. With the proper setbacks, buffering and other design standards, a medium density townhouse project is compatible with adjacent single family neighborhoods. Staff believes that the conditions listed in the attached development order achieve a level of compatibility consistent with the Comprehensive Plan and the neighborhood.

Intergovernmental Notification: Staff e-mailed a notice to the Seminole County School Board on July 25, 2005.

STAFF RECOMMENDATIONS:

Staff recommends approval of rezoning from PCD to PUD subject to the attached development order and preliminary master plan. Staff does not object to incorporating the following items from the P & Z recommendations in the proposed development order:

2. Increase the lift station and clubhouse setbacks from 100 feet to 150 feet.
3. Item 3t of the development order shall require a minimum 3 inch caliper for all canopy trees.
6. No walk/exercise paths shall be permitted on the south side the lake/retention area nearest Forest Creek Estates.
7. Stormwater retention areas are to be utilized in the buffering of Forest Creek Estates.
9. Delete requirement of a PVC fence along east property line.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS:

The Planning and Zoning Commission recommended approval unanimously of the requested rezoning from PCD to PUD subject to the staff development order with the following changes:

1. Add a condition requiring curbside garbage pick up (no dumpsters).
2. Increase the lift station and clubhouse setbacks from 100 feet to 150 feet.
3. Item 3t of the development order shall require a minimum 3 inch caliper for all canopy trees.
4. No balconies shall be allowed on townhouse units within 100 feet of the south property line.
5. Windows on the second floor of townhouse units adjacent to the south property line are to be frosted.
6. No walk/exercise paths shall be permitted on the south side the lake/retention area nearest Forest Creek Estates.
7. Stormwater retention areas are to be utilized in the buffering of Forest Creek Estates.
8. Change minimum parking space size for garage parking from 10' X 20' to 10' X 18'.
9. Delete requirement of a PVC fence along east property line.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PCD ZONING CLASSIFICATION THE PUD ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 documents titled Dodd Road Townhomes Rezone, dated September 27, 2005:

(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. REZONINGS. The zoning classification assigned to the following described property is changed from PCD to PUD:

SEE ATTACHED EXHIBIT A

Section 3. 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 4. 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 be effective on the recording date of the Development Order # 05-20500007 in the Official Land Records of Seminole County.

ENACTED this 27th day of September 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A 1 OF 2

LEGAL DESCRIPTION

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, LESS so much as taken for Dodd Road and Red Bug Road, all lying and being situate in Seminole County, Florida.

Less the following described parcel of land to wit:

Commence at the West 1/4 corner of said Section 24; thence run South 00° 33'25" West along the West line of the Southwest 1/4 of Section 24 for 1320.58 feet to the North line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 24; thence North 89° 20'10" East along said North line for 26.91 feet to the Easterly right of way line of Dodd Road and being a point of reference; thence continue North 89° 20'10" East for 662.53 feet; thence North 00° 32'46" West for 614.720 feet to the Point of Beginning; thence continue North 00° 32'46" West for 672.00 feet; thence South 89° 24'39" West for 277.50 feet; thence South 00° 35'21" East for 327.10 feet; thence South 65° 39'39" West for 135.00 feet; thence South 26° 06'06" East for 162.58 feet; thence North 65° 39'39" East for 96.39 feet to a point of curvature; thence 15.26 feet along the arc of a curve to the left having a radius of 214.00 feet and a central angle of 04° 05'06" to a point of reverse curvature; thence 34.00 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 77° 55'27" to a point of compound curvature; thence 69.75 feet along the arc of a curve to the right having a radius of 100.00 feet and a central angle of 39° 57'53" to a point of compound curvature; thence 18.97 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 43° 28'30" to a point of reverse curvature; thence 122.34 feet along the arc of a curve to the left having a radius of 44.00 feet and a central angle of 159° 18'14"; thence departing from said curve on a radial line bearing South 32° 57'24" East for 38.10 feet; thence North 89° 27'14" East for 110.00 feet to the Point of Beginning.

And together with the following parcel of land:

From the West 1/4 corner of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, run South 89° 24'43" East, 413.07 feet along the North line of the Southwest 1/4 of said Section 24; thence run South 00° 35'17" West, 360.10 feet to the Point of Beginning; thence continue South 00° 35'17" West, 177.55 feet; thence run South 66° 50'17" West, 58.49 feet; thence run North 24° 55'28" West, 162.58 feet; thence run North 66° 50'17" East, 135.00 feet to the Point of Beginning.

Less and Except:

From the West 1/4 corner of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, run South 89° 24'43" East, 413.07 feet along the North line of the Southwest 1/4 of said Section 24; thence run South 00° 35'17" West, 537.65 feet to the Point of Beginning; thence continue South 00° 35'17" West, 166.83 feet; thence run South 89° 18'21" East, 166.26 feet; thence run North 31° 07'16" West, 37.16 feet to a point on a curve; thence run Northwesterly 122.34 feet along the arc of said curve being concave to the Northeast and having a central angle of 159° 18'14", a radius of 44.00 feet and a chord bearing of North 35° 32'06" West; thence run Northeasterly 18.97 feet along the arc of a curve concave to the Northwest having a central angle of 43° 28'30", a radius of 25.00 feet and chord bearing of North 22° 22'46" East; thence run Northwesterly 69.75 feet along the arc of a curve concave to the Southwest having a central angle of 39° 57'53", a radius of 100.00 feet and a chord bearing of North 19° 20'26" West; thence run Northwesterly 34.00 feet along the arc of a curve concave to the Southwest having a central angle of 77° 55'27", a radius of 25.00 feet and a chord bearing of North 78° 17'05" West; thence run Southwesterly 15.26 feet along the arc of a curve concave to the Northwest having a central angle of 04° 05'06", a radius of 214.00 feet and a chord bearing of South 64° 47'44" West; thence run South 66° 50'17" West, 37.90 feet to the Point of Beginning.

Also Less and Except:

EXHIBIT A 2 OF 2

LEGAL DESCRIPTION

Commence at the Northwest corner of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; run thence South $00^{\circ} 09'59''$ East along the West line of said Southwest 1/4, a distance of 33.00 feet; thence North $89^{\circ} 52'29''$ East, a distance of 25.00 feet to the intersection of the existing Easterly right of way line of Dodd Road with the existing Southerly right of way line of Red Bug Lake Road and a Point of Beginning; thence North $89^{\circ} 52'29''$ East along the existing Southerly right of way line of Red Bug Lake Road, a distance of 388.01 feet; thence South $00^{\circ} 07'31''$ East, a distance of 37.00 feet; thence South $89^{\circ} 52'29''$ West, a distance of 329.98 feet; thence South $44^{\circ} 51'15''$ West, a distance of 21.21 feet; thence South $00^{\circ} 09'59''$ East, a distance of 414.95 feet; thence South $89^{\circ} 50'01''$ West, a distance of 43.00 feet to the existing Easterly right of way line of Dodd Road; thence North $00^{\circ} 09'59''$ West, a distance of 466.98 feet to the Point of Beginning.

Bearings are based upon the South line of the Northwest 1/4 of Section 22, Township 21 South, Range 30 East as North $89^{\circ} 55'52''$ East.

Also Less and Except:

That portion of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of said Section 24; thence run South $89^{\circ} 24'43''$ East along the North line of the Southwest 1/4 of the aforesaid Section 24, a distance of 83.02 feet; thence South $00^{\circ} 35'17''$ West, a distance of 70.00 feet to a point on the South right of way line of Red Bug Lake Road and for a Point of Beginning; thence South $89^{\circ} 24'43''$ East along the said South right of way line, a distance of 330.05 feet; thence South $00^{\circ} 35'17''$ West, a distance of 290.00 feet; thence North $89^{\circ} 24'43''$ West, a distance of 344.97 feet to a point in the East right of way line of Dodd Road; thence North $00^{\circ} 34'21''$ East along the said East right of way line, a distance of 275.00 feet; thence North $45^{\circ} 34'49''$ East, a distance of 21.21 feet to the Point of Beginning.

Also Less and Except the following additional Right of Way for Dodd Road:

Commence at the Northwest corner of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, thence run South $00^{\circ} 31'14''$ East along the West line of said Southwest 1/4 a distance of 1,318.64 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 24; thence North $89^{\circ} 28'42''$ East along the South line of said Northwest 1/4 of the Southwest 1/4 a distance of 25.00 feet to the existing East right of way line of Dodd Road and the Point of Beginning; thence run North $00^{\circ} 31'14''$ West along said East right of way line a distance of 818.64 feet; thence North $89^{\circ} 28'46''$ East a distance of 43.00 feet; thence South $00^{\circ} 31'14''$ East a distance of 358.07 feet; thence South $01^{\circ} 38'24''$ East a distance of 460.66 feet to the South line of said Northwest 1/4 of the Southwest 1/4; thence South $89^{\circ} 28'42''$ West along said South line a distance of 52.00 feet to the Point of Beginning.

SEMINOLE COUNTY DEVELOPMENT ORDER

On September 27, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit A attached

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

FINDINGS OF FACT

Property Owner: Adventist Health Systems
Sunbelt Inc. c/o Florida Hospital
601 E. Rollins Street
Orlando, FL 32803

Project Name: DODD ROAD TOWNHOMES PUD

Requested Development Approval:

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - (a) Permitted uses within the PUD are townhouses, single family residential, home occupations and home offices as well as common usable recreation and open space amenities. Accessory structures shall not be permitted on individual townhouse lots.
 - (b) Except as expressly provided herein, all provisions of the DCA dated January 8, 2002 and entitled "Red Bug Lake Road PCD/PUD Red Bug Village Modification Final Master Plan Developer's Commitment Agreement Commitments, Classifications and District Description", remain in full force and effect. In the case of a conflict between the two documents, the more restrictive provision shall apply.
 - (c) Maximum number of units shall be 89.
 - (d) Maximum allowable net residential density shall be 9.99 dwelling units per acre.
 - (e) Townhouse setbacks:
 1. For individual lots:

Front	20'
Rear	10' (2' for screen porches)
Side	0'

From the side of unit to an internal driving aisle/roadway 15 feet.
 2. Setbacks from project boundaries:
 - 45' from the south property line
 - 35' from west property line
 - 25' from north and east property lines
 3. The lift station shall be setback a minimum of 100 feet from the south property line.
 4. The clubhouse/cabana and pool shall be setback a minimum of 100 feet from the south property line and 75 feet from the west property line.
 - (f) Garage parking spaces shall have minimum dimensions of 10' x 20.'
 - (g) Garages shall not be converted to living space.

- (h) If parking of recreation vehicles and/or boats on trailers will be permitted within the development, a parking area shall be established separate from townhouse units.
- (i) Where sidewalks are installed, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk. Sidewalks shall be provided adjacent to all dwelling units, and crosswalks shall be designated to establish continuous pedestrian access to all parts of the development.
- (j) Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code.
- (k) Buffers along the east property line shall contain 4 canopy trees per 100 linear feet, having a minimum caliper of 3" as measured 1 foot above ground, and a 6-foot PVC fence.
- (l) Building height shall be limited to 35 feet and no structure shall exceed two stories.
- (m) Interior drives and parking areas within the townhouse tract will be owned and maintained by a Homeowners Association.
- (n) Minimum building separation on the site shall be 20 feet side to side, 30 feet rear to side and 40 feet rear to rear.
- (o) Townhouse units shall have a minimum of one car garage each.
- (p) Required parking with the boundaries shall be 2.33 parking spaces per dwelling unit.
- (q) Minimum lot width is 20 feet.
- (r) Minimum house size is 1,000 square feet of heated and cooled space (excluding garage and porches).
- (s) Recreational and open amenities shall be further defined as part of the Final Master Plan review and shall comply with code.
- (t) Landscaping and buffering:
 - 1. Along the south and west property lines, and adjacent to the existing retail site to the north, there shall be a six foot high masonry wall, with 4 canopy trees planted per 100 linear feet, except in the area where access roads cross through the buffer.
 - 2. Along the east property line there shall be 4 canopy trees per 100 linear feet.

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

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

Done and Ordered on the date first above.

By: _____
Carlton D. Henley, Chairman

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

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

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20____.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

OWNER'S CONSENT AND COVENANT

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

Witness

Print Name

Witness

Print Name

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

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

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A 1 OF 2

LEGAL DESCRIPTION

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, LESS so much as taken for Dodd Road and Red Bug Road, all lying and being situate in Seminole County, Florida.

Less the following described parcel of land to wit:

Commence at the West 1/4 corner of said Section 24; thence run South $00^{\circ} 33'25''$ West along the West line of the Southwest 1/4 of Section 24 for 1320.58 feet to the North line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 24; thence North $89^{\circ} 20'10''$ East along said North line for 26.91 feet to the Easterly right of way line of Dodd Road and being a point of reference; thence continue North $89^{\circ} 20'10''$ East for 662.53 feet; thence North $00^{\circ} 32'46''$ West for 614.720 feet to the Point of Beginning; thence continue North $00^{\circ} 32'46''$ West for 672.00 feet; thence South $89^{\circ} 24'39''$ West for 277.50 feet; thence South $00^{\circ} 35'21''$ East for 327.10 feet; thence South $65^{\circ} 39'39''$ West for 135.00 feet; thence South $26^{\circ} 06'06''$ East for 162.58 feet; thence North $65^{\circ} 39'39''$ East for 96.39 feet to a point of curvature; thence 15.26 feet along the arc of a curve to the left having a radius of 214.00 feet and a central angle of $04^{\circ} 05'06''$ to a point of reverse curvature; thence 34.00 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of $77^{\circ} 55'27''$ to a point of compound curvature; thence 69.75 feet along the arc of a curve to the right having a radius of 100.00 feet and a central angle of $39^{\circ} 57'53''$ to a point of compound curvature; thence 18.97 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of $43^{\circ} 28'30''$ to a point of reverse curvature; thence 122.34 feet along the arc of a curve to the left having a radius of 44.00 feet and a central angle of $159^{\circ} 18'14''$; thence departing from said curve on a radial line bearing South $32^{\circ} 57'24''$ East for 38.10 feet; thence North $89^{\circ} 27'14''$ East for 110.00 feet to the Point of Beginning.

And together with the following parcel of land:

From the West 1/4 corner of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, run South $89^{\circ} 24'43''$ East, 413.07 feet along the North line of the Southwest 1/4 of said Section 24; thence run South $00^{\circ} 35'17''$ West, 360.10 feet to the Point of Beginning; thence continue South $00^{\circ} 35'17''$ West, 177.55 feet; thence run South $66^{\circ} 50'17''$ West, 58.49 feet; thence run North $24^{\circ} 55'28''$ West, 162.58 feet; thence run North $66^{\circ} 50'17''$ East, 135.00 feet to the Point of Beginning.

Less and Except:

From the West 1/4 corner of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, run South $89^{\circ} 24'43''$ East, 413.07 feet along the North line of the Southwest 1/4 of said Section 24; thence run South $00^{\circ} 35'17''$ West, 537.65 feet to the Point of Beginning; thence continue South $00^{\circ} 35'17''$ West, 166.83 feet; thence run South $89^{\circ} 18'21''$ East, 166.26 feet; thence run North $31^{\circ} 07'16''$ West, 37.16 feet to a point on a curve; thence run Northwesterly 122.34 feet along the arc of said curve being concave to the Northeast and having a central angle of $159^{\circ} 18'14''$, a radius of 44.00 feet and a chord bearing of North $35^{\circ} 32'06''$ West; thence run Northeasterly 18.97 feet along the arc of a curve concave to the Northwest having a central angle of $43^{\circ} 28'30''$, a radius of 25.00 feet and chord bearing of North $22^{\circ} 22'46''$ East; thence run Northwesterly 69.75 feet along the arc of a curve concave to the Southwest having a central angle of $39^{\circ} 57'53''$, a radius of 100.00 feet and a chord bearing of North $19^{\circ} 20'26''$ West; thence run Northwesterly 34.00 feet along the arc of a curve concave to the Southwest having a central angle of $77^{\circ} 55'27''$, a radius of 25.00 feet and a chord bearing of North $78^{\circ} 17'05''$ West; thence run Southwesterly 15.26 feet along the arc of a curve concave to the Northwest having a central angle of $04^{\circ} 05'06''$, a radius of 214.00 feet and a chord bearing of South $64^{\circ} 47'44''$ West; thence run South $66^{\circ} 50'17''$ West, 37.90 feet to the Point of Beginning.

Also Less and Except:

EXHIBIT A 2 OF 2

LEGAL DESCRIPTION

Commence at the Northwest corner of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; run thence South 00° 09'59" East along the West line of said Southwest 1/4, a distance of 33.00 feet; thence North 89° 52'29" East, a distance of 25.00 feet to the intersection of the existing Easterly right of way line of Dodd Road with the existing Southerly right of way line of Red Bug Lake Road and a Point of Beginning; thence North 89° 52'29" East along the existing Southerly right of way line of Red Bug Lake Road, a distance of 388.01 feet; thence South 00° 07'31" East, a distance of 37.00 feet; thence South 89° 52'29" West, a distance of 329.98 feet; thence South 44° 51'15" West, a distance of 21.21 feet; thence South 00° 09'59" East, a distance of 414.95 feet; thence South 89° 50'01" West, a distance of 43.00 feet to the existing Easterly right of way line of Dodd Road; thence North 00° 09'59" West, a distance of 466.98 feet to the Point of Beginning.

Bearings are based upon the South line of the Northwest 1/4 of Section 22, Township 21 South, Range 30 East as North 89° 55'52" East.

Also Less and Except:

That portion of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of said Section 24; thence run South 89° 24'43" East along the North line of the Southwest 1/4 of the aforesaid Section 24, a distance of 83.02 feet; thence South 00° 35'17" West, a distance of 70.00 feet to a point on the South right of way line of Red Bug Lake Road and for a Point of Beginning; thence South 89° 24'43" East along the said South right of way line, a distance of 330.05 feet; thence South 00° 35'17" West, a distance of 290.00 feet; thence North 89° 24'43" West, a distance of 344.97 feet to a point in the East right of way line of Dodd Road; thence North 00° 34'21" East along the said East right of way line, a distance of 275.00 feet; thence North 45° 34'49" East, a distance of 21.21 feet to the Point of Beginning.

Also Less and Except the following additional Right of Way for Dodd Road:

Commence at the Northwest corner of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, thence run South 00° 31'14" East along the West line of said Southwest 1/4 a distance of 1,318.64 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 24; thence North 89° 28'42" East along the South line of said Northwest 1/4 of the Southwest 1/4 a distance of 25.00 feet to the existing East right of way line of Dodd Road and the Point of Beginning; thence run North 00° 31'14" West along said East right of way line a distance of 818.64 feet; thence North 89° 28'46" East a distance of 43.00 feet; thence South 00° 31'14" East a distance of 358.07 feet; thence South 01° 38'24" East a distance of 460.66 feet to the South line of said Northwest 1/4 of the Southwest 1/4; thence South 89° 28'42" West along said South line a distance of 52.00 feet to the Point of Beginning.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 04417 PG 0672
CLERK'S # 2002884180
RECORDED 05/24/2002 03:29:36 PM
RECORDING FEES 87.00
RECORDED BY M Holden

RED BUG LAKE ROAD PCD/PUD
RED BUG VILLAGE MODIFICATION

FINAL MASTER PLAN DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On January 8, 2002, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION ENTIRE PARCEL

That portion of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the Northwest ¼ of said Section; thence North 89°52'29" East along the South line of the Northwest ¼ of Section 24, said South line being the occupied East-West center section line as shown on the Plat of Willa Springs Commercial Center, as recorded in Plat Book 29, Page 55 of the Public Record of Seminole County, for 1118.32 feet; thence North 01°17'43" East for 60.00 feet to the Northerly Right-of-Way line of Red Bug Lake Road and POINT OF BEGINNING. Thence along the Westerly and Northerly boundary of Seminole County, property known as Fire Station No. 27 the following two (2) courses: Continue North 00°17'43" East for 249.79 feet; thence North 89°52'29" East for 44.75 feet to the East line of the Southwest ¼ or the Northwest ¼ of aforesaid Section 24; thence North 01°16'16" West along said East line for 139.02 feet; thence South 89°52'29" West for 1348.31 feet to the Easterly Right-of-Way line of Dodd Road (lying 25.00 feet easterly of when measured at right angles to the West line of Section 24); thence along the Easterly Right-of-Way line of Dodd Road and the Northerly Right-of-Way line of Red Bug Lake Road the following courses; South 00°42'42" East for 323.78 feet; thence North 89°17'18" East for 43.00 feet; thence South 00°42'42" East for 360.69 feet; thence South 45°25'06" East for 49.75 feet; thence North 89°52'29" East for 58.09 feet; thence South 87°06'53" East for 100.80 feet; thence South 88°36'38" East for 556.36 feet; thence North 89°52'29" East for 301.66 feet to the POINT OF BEGINNING.

Containing 20.00 acres, more or less.

And

Commence at the Southwest corner of the Northwest ¼ of said Section 24, thence North 89°52'59" East along the South line of the Northwest ¼ of Section 24, said South line being the occupied East-West center section line as shown on the Plat of Willa Springs Commercial Center as recorded in Plat Book 29, Page 55 of the Record of Seminole County, for 1118.32 feet; thence North

RETURN TO SANDY MCCALPIN

0109
Red Bug Village

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Erin Coak*

01°17'43" East for 60.00 feet to the Northerly Right-of-Way line of Red Bug Lake Road. Thence along the Westerly and Northerly boundary of Seminole County property know as Fire Station No. 27 the following (2) courses: Continue North 00°17'43" East for 350.23 feet; thence North 89°52'29" East for 200.00 feet; thence North 00°17'43" East for 249.79 feet; thence North 89°52'29" East for 44.75 feet to the East line of the Southwest ¼ of the Northwest ¼ of aforesaid Section 24; thence North 01°16'16" West along said East line for 130.02 feet to the POINT OF BEGINNING; thence continue North 01°16'16" West along aforesaid East line for 512.03 feet to the North line of the Southwest ¼ of the Northwest ¼ of Section 24; thence South 89°29'07" West along said North line for 1343.25 feet to the East line of the West 25.00 feet of said Southwest ¼ of the Northwest ¼ of the Northwest ¼ of Section 24; thence South 00°42'42" East along said East line for 502.82 feet; thence North 89°52'29" East for 1348.31 feet to the POINT OF BEGINNING.

Containing 15.68 acres, more or less.

And

Commence at the West ¼ corner of said Section 24; thence South 89°24'43" East along the North line of the Southwest ¼ of aforesaid Section 24 for 83.02 feet; thence South 00°35'17" West for 71.00 feet to the Southerly Right-of-Way line of Red Bug Lake Road and POINT OF BEGINNING; thence South 89°24'43" East along Southerly Right-of-Way line for 330.05 feet thence South 00°35'17" West for 634.48 feet; thence South 89°18'21" East for 276.03 feet to the East line of the West ½ to the Northwest ¼ of aforesaid Section 24; thence South 00°42'24" West along said line for 613.94 feet to the South line of said West ½ of the Northwest ¼ to the Southwest ¼ of Section 24; thence North 89°26'28" West along said South line for 662.41 feet to the Easterly Right-of-Way line of Dodd Road, said line lying 25 feet Easterly of when measured at right angle to the West line of the Southwest ¼ of said Section 24; thence along said easterly Right-of-Way line the following courses; Run North 00°34'21" East parallel with the West line of the Southwest ¼ of Section 24 for 819.31 feet; thence South 89°25'29" East for 43.00 feet; thence North 00°34'21" East for 414.95 feet; thence North 45°34'49" East for 21.21 feet to the POINT OF BEGINNING.

Containing 14.58 acres, more or less.

DESCRIPTION – PROJECT PARCEL

That portion of Northwest ¼ of Section 24, Township 21, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the Northwest ¼ of said Section 24; thence North 89°52'29" East along the South line of the Northwest ¼ of Section

24 for 1118.22 feet; thence North 00°17'43" East for 60.00 feet to the Northerly Right-of-Way line of Red Bug Lake Road; thence South 89°52'34" West along said Northerly Right-of-Way line for 132.51 feet to the POINT OF BEGINNING; thence North 00°00'00" East for 33.27 feet; thence North 90°00'00" East for 16.30 feet; thence North 00°00'00" East for 180.50 feet; thence North 90°00'00" East for 13.32 feet; thence North 00°00'00" East for 154.48 feet; thence North 82°10'55" West for 51.58 feet; thence North 49°48'08" West for 113.11 feet; thence North 05°49'43" West for 94.49 feet; thence North 89°59'50" West for 206.00 feet; thence South 44°23'12" West for 131.53 feet; thence South 89°47'03" West for 51.98 feet to an intersection with a circular curve concaved southerly, having a radius of 170.00 feet, a chord bearing of North 70°36'26" West and a central angle of 31°07'21"; thence westerly along the arc of said curve for 92.34 feet to the point of tangency; thence North 86°10'07" West for 103.71 feet; thence South 00°00'10" West for 22.01 feet to an intersection with a circular curve concaved southeasterly, having a radius of 110.51 feet, a chord bearing of South 62°39'30" West and a central angle of 54°41'20"; thence southwesterly along the arc of said curve for 105.48 feet; thence North 54°41'09" West for 43.79 feet to an intersection with a circular curve concaved southerly having a radius of 452.99 feet, a chord bearing of North 85°05'57" West and a central angle of 11°13'08"; thence Westerly along the arc of said curve for 88.70 feet to the point of tangency; thence South 89°17'29" West for 35.72 feet to a point of curvature with a circular curve concaved Southeasterly having a radius of 17.50 feet and a central angle of 90°00'46"; thence Southwesterly along the arc of said curve for 27.49 feet to the point of tangency; thence South 00°43'17" East for 17.72 feet to the easterly Right-of-Way line of Dodd Road; thence continue South 00°43'17" East along said easterly Right-of-Way line for 360.59 feet to the Northerly Right-of-Way line of Red Bug Lake Road; thence along said Northerly Right-of-Way line the following courses: run South 45°25'06" East for 49.75 feet; thence 89°East for 58.09 feet; thence South 87°06'53" East for 100.80 feet; thence South 88°36'38" East for 556.38 feet; thence North 89°52'34" East for 168.97 feet to the POINT OF BEGINNING.

Containing 10.035 acres, more or less

II. PROPERTY OWNERS

RH

~~FLORIDA~~ ADVENTIST HEALTH SYSTEM/SUNBELT, INC., d/b/a Florida Hospital

JERRY EVANS, President
Ardmore Properties, Inc. (Contract Purchaser)
P.O. BOX 1685
New Smyrna Beach, Florida 32170

III **STATEMENT OF BASIC FACTS**
NORTH AND SOUTH PARCEL

	<u>Total</u>	<u>North</u>	<u>South</u>
Total Acreage:	50.30 Ac.	35.70 Ac.	14.60 Ac.
Total Multi-Family DU:	286 DU	286 DU	N/A
Gross Residential Density:	11.7 DU/Ac.	11.7 DU/Ac.	N/A
Net Residential:	14.6 DU/Ac.	14.6 DU/Ac.	N/A
Total Commercial:	87,424 S.F.	70,000 S.F.	17,424 S.F.
Total Office	109,771 S.F.	0 S.F.	109,771 S.F.

IV. **LAND USE – NORTH PARCEL**

<u>Tract</u>	<u>Land Use</u>	<u>Acres</u>	<u>Units</u>
1	Multi-Family/Residential:	25.7 Ac.	286 DU
2	Commercial:	10.0 Ac.	70,000 S.F.
	Gross Residential Density:	11.7 DU/Ac.	11.7 DU/Ac.
	Net Residential Density:	14.6 DU/Ac.	14.6 DU/Ac.

V. **BUILDING AND LOT RESTRICTIONS – NORTH PARCEL**

- (a) Multi-Family Residential: Tract 1
 Multiple Family Uses Permitted: Those permitted uses described in the R-3 (Multiple Family Dwelling) Zoning District excluding public elementary schools.

Development shall comply with the R-3 (Multiple Family Dwelling) Zoning District Setback Standards except as noted:

- 1) North Property Line Building Setback 120'
- 2) East Property Line Building Setback 120'
- 3) West Property Line Building Setback 100'
- 4) Internal Landscape Buffers (Internal to Tracts) 10'

Note: The Clubhouse structure located in Tract 1 may be increased in height to forty (40) feet for architectural design purposes when approved by staff.

- (b) Commercial: Tract 2
 Commercial Uses Permitted: Those permitted and conditional uses described in the C-1 (Retail Commercial) Zoning District excluding funeral homes, furniture stores, hardware stores, gasoline pumps as an accessory use, living quarters in conjunction with a commercial use and self-service laundries.

No drive-thru business shall be permitted within Tract 2, with the exception of pharmacy or banking facilities.

VI. VEHICLE AND PEDESTRIAL CIRCULATION SYSTEM – NORTH PARCEL

A. Sidewalk Systems

1. Developer will provide a sidewalk five (5) feet in width along the south side of the property frontage adjacent to Red Bug Lake Road and the West Side of the property frontage adjacent to Dodd Road.
2. Sidewalks will be provided internally within the North Parcel site Boundaries per the Seminole County Land Development Code Requirements.
3. The owner of Tract 2 shall construct pedestrian connection from sidewalks within public right-of-ways to internal sidewalks to provide for pedestrian paths to building entrances.
4. The owner of Tract 2 shall provide a pedestrian connection to the existing apartments in Tract 1. A gate with locking mechanisms will be provided.

B. Roads

1. All internal roads within the North Parcel shall be public except for roads located within Tract 1 (Multiple Family site) of the North Parcel which shall be private.
2. All roads shall adhere to Seminole County design and construction standards, unless otherwise noted.

C. Improvements to Existing Roads

1. Developer shall provide the following transportation improvements:
2. Re-stripe Dodd Road north of Red Bug Lake Road to permit left turn storage lane to access Thunder Hollow Apartments.
3. Developer shall install a right turn deceleration lane along North Dodd Road adjacent to Tract 1 of the North Parcel.

4. Developer shall provide public access to the Seminole County Fire Station No. 27, from the adjacent project entrance roadway on the North Parcel and reconstruct/extend the median in Red Bug Lake Road.
5. Developer shall construct a left turn lane and a right turn deceleration lane along Red Bug road at the entrance to Tract 2 of the North Parcel. Developer shall replace painted separator adjacent to Tract 2 on Red Bug Lake Road with a raised concrete separator.
6. Developer shall install a pedestrian traffic signal for bicycle and pedestrian crossing at Dodd Road and St. Lucie Drive north of the subject site.
7. Developer shall support and contribute the developer's fair share for installation of a traffic signal at Red Bug Lake road and the Wood Creek Square Commercial Center.

VII. LANDSCAPING AND BUFFERS – NORTH PARCEL

A. Landscaping

1. All landscaping shall adhere to the Seminole County Landscape Regulations. Development within Tract 2 shall comply with active/passive buffer standards where adjacent to Tract 1 (existing apartment site). Tract 2 and Tract 3 of the North Parcel shall also comply with the Lake Mary Blvd. Gateway Corridor Overlay Standards of the Seminole County Land Development Code, except where noted in Section V of this Agreement.
2. A minimum 25' landscape buffer, except one 30' radius of drive, shall encroach up to 10'. A 6' wall shall be required between Tract 1 and Tract 2. A wall shall match existing design of brick wall at Shadow Creek Apartments and shall tie into existing brick columns. Existing aluminum fence to be removed and a 6' brick wall shall be installed in its place. Actual location of all other walls (contiguous to Tract 1 and apartment site) shall be mutually agreed upon by Developer and Shadow Creek Apartments. Landscaping shall consist of five (5) canopy trees graded Florida #1 or better minimum 4" caliper, 14-16 feet tall, every 100 feet. Trees shall be an even mix of oaks and Southern Magnolia. Wall, landscaping and irrigation to be constructed prior to Development of Tract 2.

3. Within Tract 1 of the North Parcel, canopy trees require in the fifty (50) foot landscape buffer, adjacent to existing residential development, shall consist of live oak trees a minimum of 4 inches in diameter at breast height (DBH). Sub-canopy trees shall consist of wax myrtles. Existing plant material shall be retained wherever possible.
4. The developer will coordinate the installation and construction of hardscape and landscape material the Dodd Road and Red Bug Lake Road right-of-way and will use materials compatible with the brick entrance to Hollowbrook Subdivision north of the subject site (along Dodd Road.) The developer will replace the wooden portion of the entry wall located south of Biscayne Drive with materials compatible to the project theme.
5. The required plant material specified for the landscape buffer along the North and east property line of Tract 1 adjacent to the existing single family residential developments will be installed prior to construction of the multi-family units.
6. Within Tract 2, there shall be a 6' wide intermittent foundation landscape buffer between parking lot and buildings.
7. Development within Tract 2 shall comply with the C-1 (retail commercial) zoning district setback standards and the Lake Mary Boulevard Gateway Corridor overlay standards. Unless otherwise specified in this document.

VIII. OPEN SPACE – NORTH PARCEL

A. Open Space

Open space shall be provided at a minimum overall rate of 25% throughout the entire PUD/PCD. The minimum open space requirement for Tracts 2 and 3 of the North Parcel shall be 30 percent. The minimum open space requirements for Tract 1 of the North Parcel is 40%. Open space shall include lakes, landscape buffers, and passive and active recreational areas. Those tracts, which are permitted to utilize the lakes for retention purposes may be permitted to utilize a pro-rata share of the lake/retention areas to calculate open space requirements as defined by the Supplemental District Regulations of the Seminole County Land Development Code. The Pro-rata share for all sites shall be submitted in writing to and approved by the Planning Manger prior to final site plan approval for any site within the development.

North Parcel

Open Space Required	13.2 Acres
Open Space Provided	13.2 Acres

IX. FACILITY COMMITMENTS – NORTH PARCEL

A. Drainage and Water Quality:

The minimum impervious area for individual parcels in the PUD/PCD may be transferred between parcels at time of final site plan review provided that the project maintains an overall maximum of 70% impervious area. If the impervious area from an individual parcel exceeds 70%, then a development order shall be executed by the County and the property owner transferring a percentage of their impervious area so that any new land purchaser will be able to monitor the remaining stormwater allocation, or as an alternative, the property owner shall provide the necessary retention capacity on site to accommodate the additional stormwater. In no case shall the impervious area exceed 80% within each individual site. The proportional share of the lake/retention amenity acreage may be allocated to individual parcels for purposes of the calculations noted above.

B. Water and Sewer

Potable water and sanitary sewer service will be provided to the site by Seminole County Utilities. The development will connect to the County's irrigation reuse system, if available.

X. OTHER COMMITMENTS – NORTH PARCEL

A. Site Parking Lot Lighting

1. Exterior lighting adjacent to residential areas shall comply with Section 30.1233 of the Active/Passive Miscellaneous Design Standards except as follows:
2. A maximum of ten (10) lighting fixtures shall be placed along the north and east property boundary of the North Parcel adjacent to the 50 foot landscape buffer bordering the existing single family residential developments known as Hollowbrook and Willow Oaks Subdivision.

3. Parking lot lighting shall be down lighting, shoebox fixtures or higher quality. Light fixtures shall be mounted at a maximum height of not more than fifteen (15) feet above grade.

B. Hours of Operation for Non-residential Uses:

1. North Parcel

Restaurants: 7:00 a.m. to 11:00 p.m.

Tennis Courts: 7:00 a.m. to 10:00 p.m.

C. Aquatic Weed Control

1. A lake maintenance contract with an environmental maintenance firm will be established to service the North Parcel. The lake/retention areas will be serviced at intervals required to meet best management practices.

D. Location of Signage

1. North Parcel

Apartments: Dodd Road Entrance
Red Bug Lake Road Entrance

Commercial: Red Bug Lake Road Entrance

E. Maintenance: A property owner's association shall be established to maintain all common areas within the North Parcel development including private roads, rights-of-ways, and all open space, recreational facilities and stormwater facilities.

F. Unless specifically addressed in this agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.

G. Signage: Project development will comply with the Lake Mary Gateway Corridor Zoning Overlay Standards (Section 30.1068 Seminole County Land Development Code). No billboards will be permitted.

H. Pedestrian access shall be provided along Dodd Road to connect Tracts 1 and 2.

I. Architectural Standards

1. No neon lights shall be utilized on buildings or signs.

2. All sides of buildings shall have uniform architectural style, detail, trim features, and roof treatments. No side shall have the appearance of a loading/service area. Quality of design shall be similar in design to the "Shoppes at Oakmonte" as developed on January 8, 2002.
 3. Building facades shall include building step backs, offsets or projections, textures and / or material change, pattern change, etc, to provide visual interest. Blank wall areas shall not exceed ten (10) feet in a vertical direction or twenty (20) feet in a horizontal direction.
 4. Roofs shall be hip or gable roofs. No visible flat roofs. Rooflines and features shall be consistent with the building's mass and scale.
 5. Mechanical units, whether ground-or roof-mounted, shall be screened from view.
 6. All meter boxes, dumpsters and loading/service areas shall be enclosed with an 8' wall on three sides, with a metal or wood gate on the fourth side. The access side shall be oriented away from the adjacent residential in Tract 1. Material and color of enclosure shall match proposed building, except meter boxes shall be subject to local code issues.
 7. On-site building lighting shall be limited to wall-washer or up-light fixtures that do not produce spillover lighting; floodlight fixtures mounted on building walls, roofs or poles are prohibited.
- J. No outdoor amplification of sound shall be permitted.
- K. Deliveries and trash pick-up shall be limited to between 7:00 a.m. to 5:00 p.m.

XI. LAND USE – SOUTH PARCEL

<u>Tract</u>	<u>Land Use</u>	<u>Acres</u>	<u>Units</u>
1	Commercial	2.2 Ac.	17,424 S.F.
2	Office	12.4 Ac.	109,771 S.F.

XII. BUILDING AND LOT RESTRICTIONS – SOUTH PARCEL

- A. Commercial: Tract 1
 Commercial Uses Permitted: Those permitted and conditional uses described in the C-1 (Retail Commercial) Zoning District excluding funeral homes, furniture stores, hardware stores,

gasoline pumps as an accessory use, living quarters in conjunction with a commercial use and self-service laundries.

Development shall comply with the C-1 (Retail Commercial) Zoning District Setback Standards and the Lake Mary Blvd. Gateway Corridor Overlay Standards except as noted:

- 1) Internal Landscape Buffers (Internal to Tracts) 10'

- B. Office: Tract 2
Office Uses Permitted: Those permitted, conditional and accessory uses described in the OP (Office Professional) Zoning District excluding elementary, middle and high schools.

Development shall comply with the OP (Office Professional) Zoning District Setback Standards and the Lake Mary Blvd. Gateway Corridor Overlay Standards except as noted:

- 1) Internal Landscape Buffers (internal to Tracts) 10'

XIII. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM – SOUTH PARCEL

- A. Sidewalk Systems

1. Developer will provide a sidewalk five (5) feet in width along the south side of the property frontage adjacent to Red Bug Lake Road and the West Side of the property frontage adjacent to Dodd Road.

- B. Roads

1. All internal roads within the South Parcel shall be private.
2. All roads shall adhere to Seminole County design and construction standards, unless otherwise noted

- C. Improvements to Existing Roads

Developer shall provide the following transportation improvements:

1. South parcel access to Dodd road south of Red Bug Lake Road shall be permitted as follows:

Prior to four-lane improvements on Dodd Road, a full access point will be permitted.

After four-lane construction on Dodd Road, the County Engineer shall determine access.

XIV. LANDSCAPE AND BUFFERS – SOUTH PARCEL

A. Landscaping

1. All landscaping shall adhere to the Seminole County Landscape Regulations.

XV. OPEN SPACE – SOUTH PARCEL

A. Open Space

The minimum open space requirements for Tracts 1 and 2 of the South Parcel is 30 percent. Open space shall include lakes, landscape buffers, and passive and active recreational areas. Those tracts, which are permitted to utilize the lakes for retention purposes may utilize a pro-rata share of the lake/retention areas to calculate open space requirements as defined by the Supplemental District Regulations of the Seminole County Land Development Code. The pro-rata share for all sites shall be submitted in writing to and approved by the Planning Manager prior to final site plan approval for any site within the development.

South Parcel

Open Space Required	4.3 Acres
Open Space Provided	4.3 Acres

XVI. FACILITY COMMITMENTS – SOUTH PARCEL

A. Drainage and Water Quality:

The minimum impervious area for individual parcels in the PUD/PCD may be transferred between parcels at time of final site plan review provided that the project maintains an overall maximum of 70% impervious area. If the impervious area for an individual parcel exceeds 70%, then a development order shall be executed by the County and the property owner transferring a percentage of their impervious area so that any new land purchaser will be able to monitor the remaining stormwater allocation, or as an alternative, the property owner shall provide the necessary retention capacity on site to accommodate the additional stormwater. In no case shall the impervious area exceed 80% within each individual site. The proportional share of the lake/retention amenity acreage may be

allocated to individual parcels for purposes of the calculations noted above.

B. Water and Sewer

Potable water and sanitary sewer service will be provided to the site by Seminole County Utilities. The development will connect to the County's irrigation reuse system, if available.

C. Roads

Developer shall dedicate up to twenty-seven (27) feet of right-of-way along Dodd Road from Red Bug Lake Road to the south property line of the south parcel. Any additional right-of-way will be reserved for future road construction and associated stormwater management. If Seminole County has not advertised for construction the four laning of Dodd road from Howell Branch Road to Red Bug Lake Road by January of 2002, then subject to necessary impact fee credits calculated for the entire project (North and South Parcel), the developer shall construct Dodd Road from the Red Bug Lake Road transition area to the south property boundary as a four (4) lane cross-section as per applicable Seminole County Code requirements.

XVII. OTHER COMMITMENTS – SOUTH PARCEL

A. Site Parking Lot Lighting

1. Exterior lighting adjacent to residential areas shall comply with Section 30.1233 of the Active/Passive Miscellaneous Design Standards except as follows:
2. Light fixtures shall be mounted at a maximum height of not more than fifteen (15) feet above grade.

B. Hours of Operation for Non-Residential Uses:

1. South Parcel
Drug Store: 7:00 a.m. to 11:00 p.m.
Liquor Store: 9:00 a.m. to 9:00 p.m.

C. Aquatic Weed Control

1. A lake maintenance contract with an environmental maintenance firm will be established to service the South

Parcel. The lake/retention areas will be serviced at intervals required to meet best management practices.

D. Location of Signage

1. South Parcel

Commercial: Red Bug Lake Road/Dodd Entrance

Office: Dodd Road Entrance

E. Maintenance: A property owner's association shall be established to maintain all common areas within the South Parcel development including private roads, rights-of-ways, and all open space, recreational facilities and stormwater facilities.

F. Unless specifically addressed in this agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances; in effect in Seminole County at the time of issuance of any permit.

G. Signage: Project development will comply with the Lake Mary Gateway Corridor Zoning Overlay Standards (Section 30.1068 Seminole County Land Development Code). No billboards will be permitted.

XVIII. OTHER COMMITMENTS

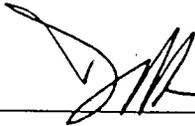
A. Developer Definition: All of the real property which is the subject of this Agreement, with exception of Tract 1 of the North Parcel is owned by Adventist Health System/SunBelt, Inc. Said Tract 1 of the North parcel is owned by Zom Development, Inc. when the Term "Developer" is used herein, shall be taken or constructed to mean either Adventist Health System/SunBelt, Inc. or Zom Development, Inc., when the reference is to particular real estate owned by either of such entities, or any subsequent owner of all of any portion of said lands. All obligations, liabilities, and responsibilities of the Developer in this Agreement shall be covenants running with the title to the subject real property, and shall be assumed by any successors and interest of either Adventist Health System/Sunbelt, Inc. or Zom Development, Inc. as to all or any portion of the subject real estate.

B. Building Height Definition: When the term "Building Height" is used herein, it shall be taken or construed to mean "Building Height" as defined in Section 2.3 and Section 30.1347 of the Seminole County Land Development Code.

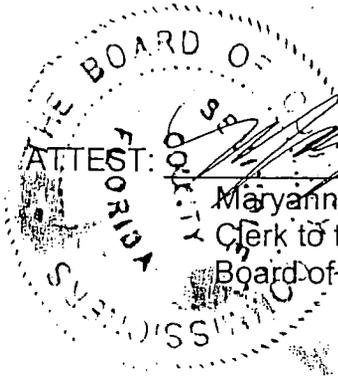
C. Unless specifically addressed in this agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole county at the time of issuance of any permit.

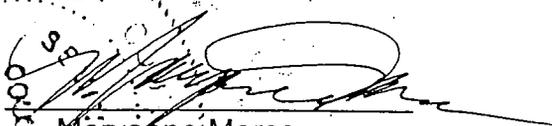
Approved and Accepted.

DONE AND ORDERED ON THE 8th OF JANUARY 2002.



Daryl G. McLain
Board of County Commissioners,
Seminole County, Florida



ATTEST: 
Maryanne Morse
Clerk to the Seminole County
Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Adventist Health Systems/Sunbelt Inc., c/o _____ on behalf of his 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:

OWNER:

Sandra Levy
Witness (Sign and print name)

[Signature]

Adventist Health Systems/Sunbelt Inc.

[Signature]
Witness (Sign and print name)

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE } ORANGE

The foregoing instrument was acknowledged before me this 14th day of May, 2002, by RANDY HAFFNER, who is personally known to me or who have produced their Florida Driver's License as identification.



Sandra Levy
Notary Public
Print Name: Sandra J Levy
My Commission expires: 5-8-05

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Jerry Evans, President of Ardmore Properties, on behalf of his 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:

OWNER:

Laura M. Evans
Witness (Sign and print name)
Laura M. Evans
N. O'CONNOR
Witness (Sign and print name)

Jerry Evans
Jerry Evans,
President, Ardmore Properties, Inc.

Acknowledgement

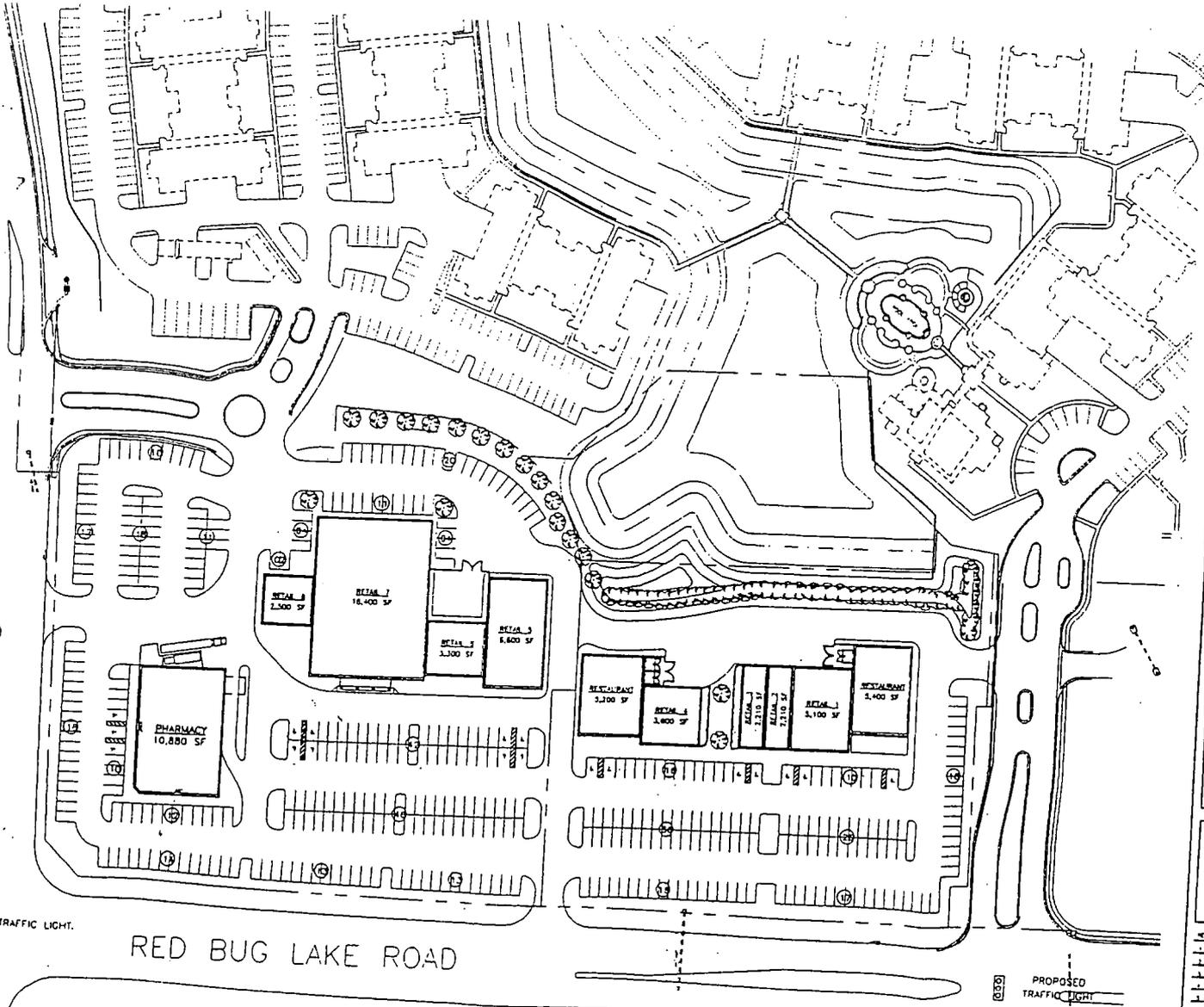
STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this 23rd day of April, 2002, by Jerry Evans, who is personally known to me or who have produced their Florida Driver's License as identification.



Toni Marie Q Taylor
Notary Public
Print Name: Toni-Marie Q Taylor
My Commission expires: 6/9/02

Exhibit "A" Site Plan



TRAFFIC LIGHT.
 RED BUG LAKE ROAD

EXISTING
 WALGREENS

LEGIBILITY UNSATISFACTORY
 FOR SCANNING



**Cuhaci & Peterson
 Architects, LLC**
 ARCHITECTS

1228 ALLEN ROAD
 FORT LAUDERDALE, FL 33304
 PHONE: (954) 339-1128
 FAX: (954) 339-1122
 WWW: www.cpa.com

EVANS PROPERTIES
 PO BOX 915182
 LONGWOOD, FL 32781
 407/869-7533

RED BUG VILLAGE
 NE CORNER RED BUG LAKE ROAD & DOOD ROAD
 SEMINOLE COUNTY, FL
 SITE PLAN

REVISION
1. 09/22/2001
2. 10/02/2001
3. 10/15/2001
4. 11/12/2001
5. 01/03/2002
6. 1

PROJECT NO: 201044
 SCALE: 1" = 50'
 DATE: 03/15/01
 DRAWN: AK
 CHECKED: jed
 SHEET

SP-1

ADDENDUM
Red Bug Village Modification
Final Master Plan/Developer's Commitment Agreement
Amended Commitments/Restrictions
(Amended by the BCC on March 26, 2002)

I. **Additional Commitments/Restrictions**

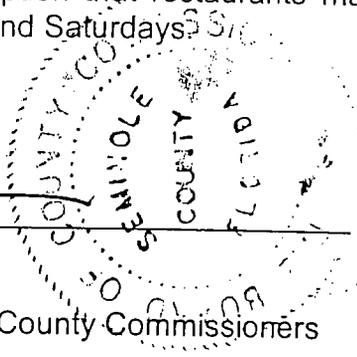
1. Allow for two signs along the Red Bug Lake Road frontage of the commercial tract. These signs shall comply with the Lake Mary Boulevard Overlay Standards.
2. Allow for alcoholic beverage sales, except there shall be no package stores, to be limited to the building in Phase 1, as well as a secondary use for any restaurant tenant.
3. Delivery hours for Phase 1 be limited to 6:00 a.m. to 10:00 p.m. The delivery hours for the remainder of the development shall be limited to 7:00 a.m. to 5:00 p.m.
4. The hours of operation for retail establishments shall be limited to 7:00 a.m. to 11:00 p.m., with the exception that restaurants may remain open until 1:00 a.m. on Fridays and Saturdays.

RETURN TO SANDY McCANN

Approved and Accepted

By: _____

Daryl G. McLain
Chairman
Seminole County Board of County Commissioners



MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04417 PG 0632
FILE NUM 2002884172
RECORDED 05/24/2002 03:29:36 PM
RECORDING FEES 24.00
RECORDED BY M Nolden

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eve Roach
DEPUTY CLERK

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Adventist Health Systems/Sunbelt Inc., c/o _____ on behalf of his 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:

OWNER:

Sandra Levy
Witness (Sign and print name)

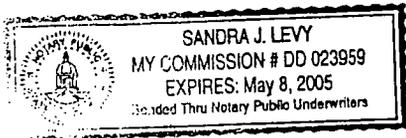
Randy Haffner
Adventist Health Systems/Sunbelt Inc.

[Signature]
Witness (Sign and print name)

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ~~SEMINOLE~~ } ORANGE

The foregoing instrument was acknowledged before me this 14TH day of May, 2002, by RANDY HAFFNER of Adventist Health Systems/Sunbelt Inc., who is personally known to me or who have produced their Florida Driver's License as identification.



Sandra Levy
Notary Public
Print Name:
My Commission expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Jerry Evans, President of Ardmore Properties, on behalf of his 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:

OWNER:

Amanda E. Smith Amanda E. Smith
Witness (Sign and print name)

Jerry Evans
Jerry Evans,
President, Ardmore Properties, Inc.

Judy Norris
Witness (Sign and print name)

Acknowledgement

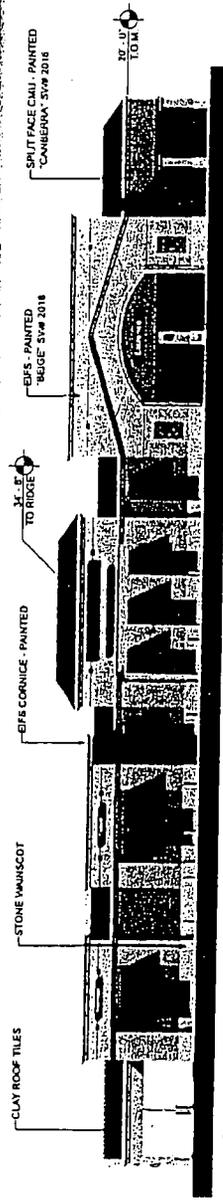
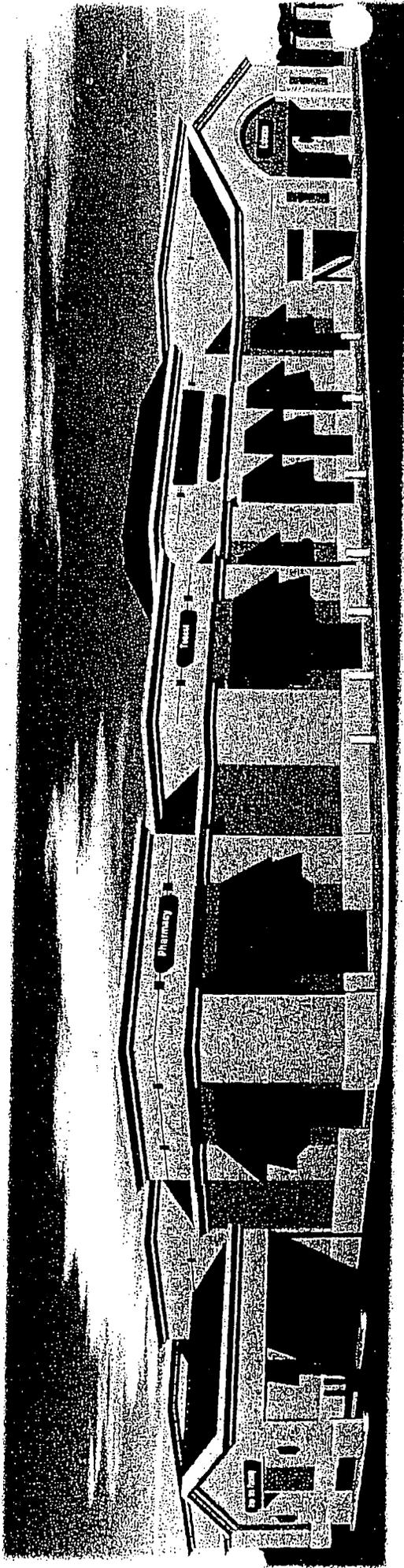
STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this 14TH day of MAY, 2002, by Jerry Evans, ~~who is personally known to me or~~ who have produced their Florida Driver's License as identification. D/L E15242340004

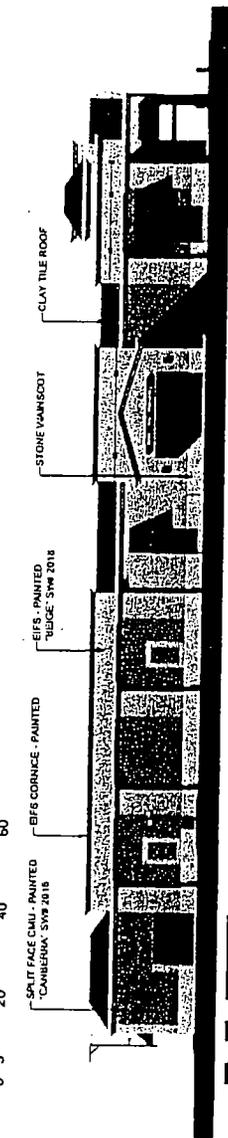
Judy Norris
Notary Public
Print Name:
My Commission expires:



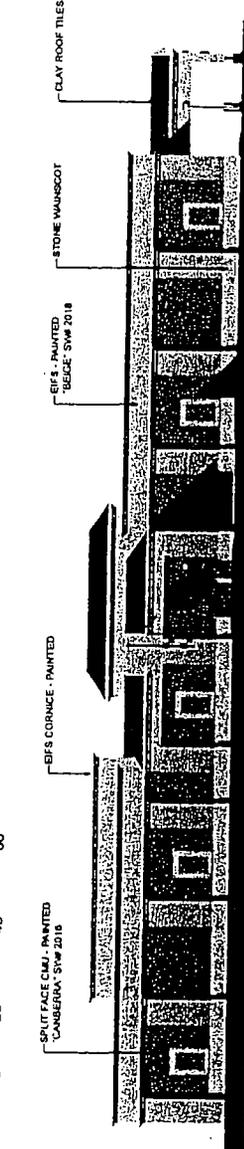
Judy Norris
MY COMMISSION # DD016180 EXPIRES
April 8, 2005
BONDED THRU TROY FAIR INSURANCE, INC.



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION

LEGIBILITY UNSATISFACTORY FOR SCANNING

Red Bug Village PCD, FL



- PROPOSED LEGEND**
- (A) ALL ACCESS DRIVEWAY
 - (B) SEPARATE PRODUCTION DRIVEWAY
 - (C) DRIVE IN DRIVE OFF PARKING
 - (D) DRIVE IN PROPOSED
 - (E) SIDE DRIVE DRIVE
 - (F) DRIVE DRIVEWAY

BYE DATA

NET AREA: 1,200,000 SQ. FT. (APPROX.)

TOTAL SITE AREA: 1,200,000 SQ. FT. (APPROX.)

LANDSCAPING: 10% OF TOTAL SITE AREA

PAVING: 10% OF TOTAL SITE AREA

UTILITIES: 10% OF TOTAL SITE AREA

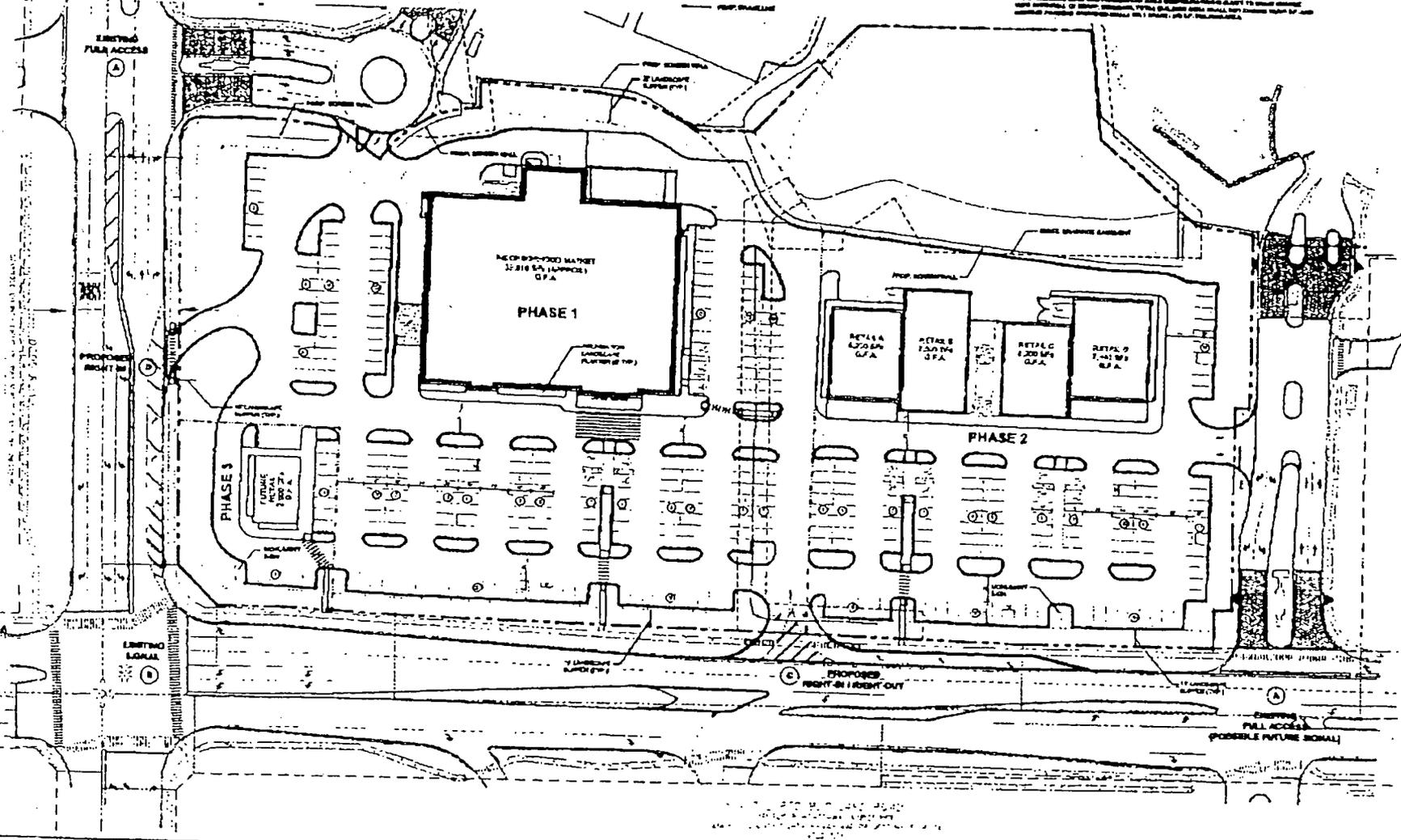
STREET LIGHTS: 10% OF TOTAL SITE AREA

LANDSCAPING: 10% OF TOTAL SITE AREA

PAVING: 10% OF TOTAL SITE AREA

UTILITIES: 10% OF TOTAL SITE AREA

STREET LIGHTS: 10% OF TOTAL SITE AREA



<p>Site Plan</p> <p>Red Bug Village</p> <p>Red Bug Lane Road & Dodd Road</p> <p>St. Johns County, Florida</p>	
<p>Lead Developer: [Name]</p> <p>Architect: [Name]</p> <p>City/County: [Name]</p> <p>Project No.: [Number]</p> <p>Date: [Date]</p>	<p>HARLING LOCKLIN</p> <p>CONSULTANTS INC.</p>
<p>Scale: 1" = 100'</p> <p>North Arrow</p>	

LEGIBILITY UNSATISFACTORY FOR SCANNING

ADDENDUM
Red Bug Village Modification
Final Master Plan/Developer's Commitment Agreement
Amended Commitments/Restrictions
(Amended by the BCC on March 26, 2002)

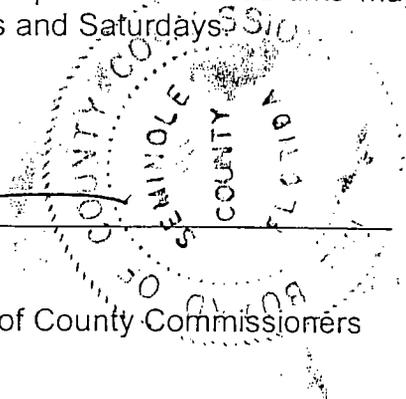
I. Additional Commitments/Restrictions

1. Allow for two signs along the Red Bug Lake Road frontage of the commercial tract. These signs shall comply with the Lake Mary Boulevard Overlay Standards.
2. Allow for alcoholic beverage sales, except there shall be no package stores, to be limited to the building in Phase 1, as well as a secondary use for any restaurant tenant.
3. Delivery hours for Phase 1 be limited to 6:00 a.m. to 10:00 p.m. The delivery hours for the remainder of the development shall be limited to 7:00 a.m. to 5:00 p.m.
4. The hours of operation for retail establishments shall be limited to 7:00 a.m. to 11:00 p.m., with the exception that restaurants may remain open until 1:00 a.m. on Fridays and Saturdays.

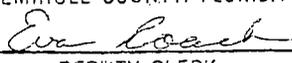
RETURN TO SANDY MCCANN

Approved and Accepted

By: 
Daryl G. McLain
Chairman
Seminole County Board of County Commissioners



MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04417 PG 0632
FILE NUM 2002884172
RECORDED 05/24/2002 03:29:36 PM
RECORDING FEES 24.00
RECORDED BY M Nolden

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

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Adventist Health Systems/Sunbelt Inc., c/o _____ on behalf of his 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:

OWNER:

Sandy Levy
Witness (Sign and print name)

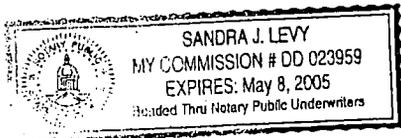
[Signature]
Adventist Health Systems/Sunbelt Inc.

[Signature]
Witness (Sign and print name)

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ~~SEMINOLE~~ } ORANGE

The foregoing instrument was acknowledged before me this 14TH day of May, 2002, by Randy Kaffenue of Adventist Health Systems/Sunbelt Inc., who is personally known to me or who have produced their Florida Driver's License as identification.



Sandra J. Levy
Notary Public
Print Name:
My Commission expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Jerry Evans, President of Ardmore Properties, on behalf of his 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:

OWNER:

Amanda E. Smith Amanda E. Smith
Witness (Sign and print name)

Jerry Evans
Jerry Evans,
President, Ardmore Properties, Inc.

Judy Norris
Witness (Sign and print name)

Acknowledgement

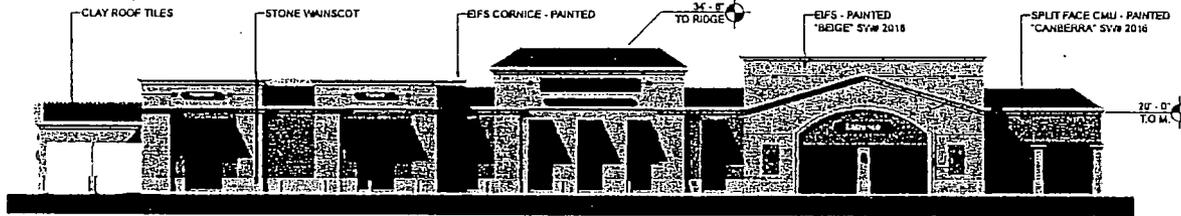
STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this 14TH day of MAY, 2002, by Jerry Evans, ~~who is personally known to me or~~ who have produced their Florida Driver's License as identification. D/L E15242340004

Judy Norris
Notary Public
Print Name:
My Commission expires:



Judy Norris
MY COMMISSION # DD016180 EXPIRES
April 8, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

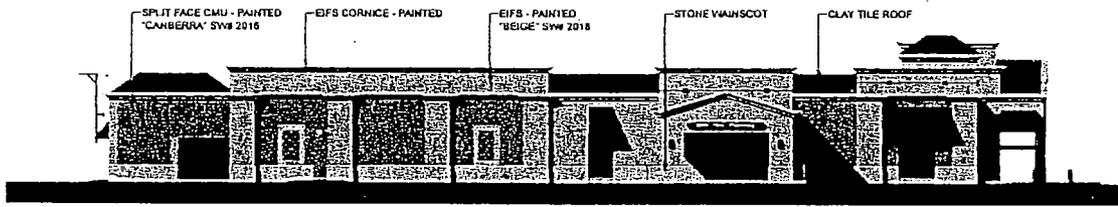


CLAY ROOF TILES
STONE WAINSCOT
EIFS CORNICE - PAINTED
EIFS - PAINTED "BEIGE" SY# 2018
SPLIT FACE CMU - PAINTED "CANBERRA" SY# 2016

3'-0" TO RIDGE
2'-0" T.O.M.

0 5 20 40 60

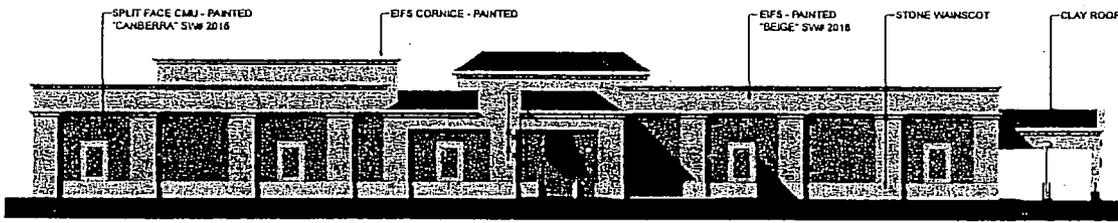
FRONT ELEVATION



SPLIT FACE CMU - PAINTED "CANBERRA" SY# 2016
EIFS CORNICE - PAINTED
EIFS - PAINTED "BEIGE" SY# 2018
STONE WAINSCOT
CLAY TILE ROOF

0 5 20 40 60

LEFT ELEVATION



SPLIT FACE CMU - PAINTED "CANBERRA" SY# 2016
EIFS CORNICE - PAINTED
EIFS - PAINTED "BEIGE" SY# 2018
STONE WAINSCOT
CLAY ROOF TILES

0 5 20 40 60

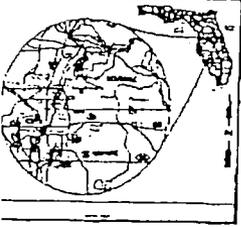
REAR ELEVATION

Red Bug Village PCD, FL

LEGIBILITY UNSATISFACTORY
FOR SCANNING

FILE NUM 2002884172
DR BOOK 04417 PAGE 0635

03/18/02

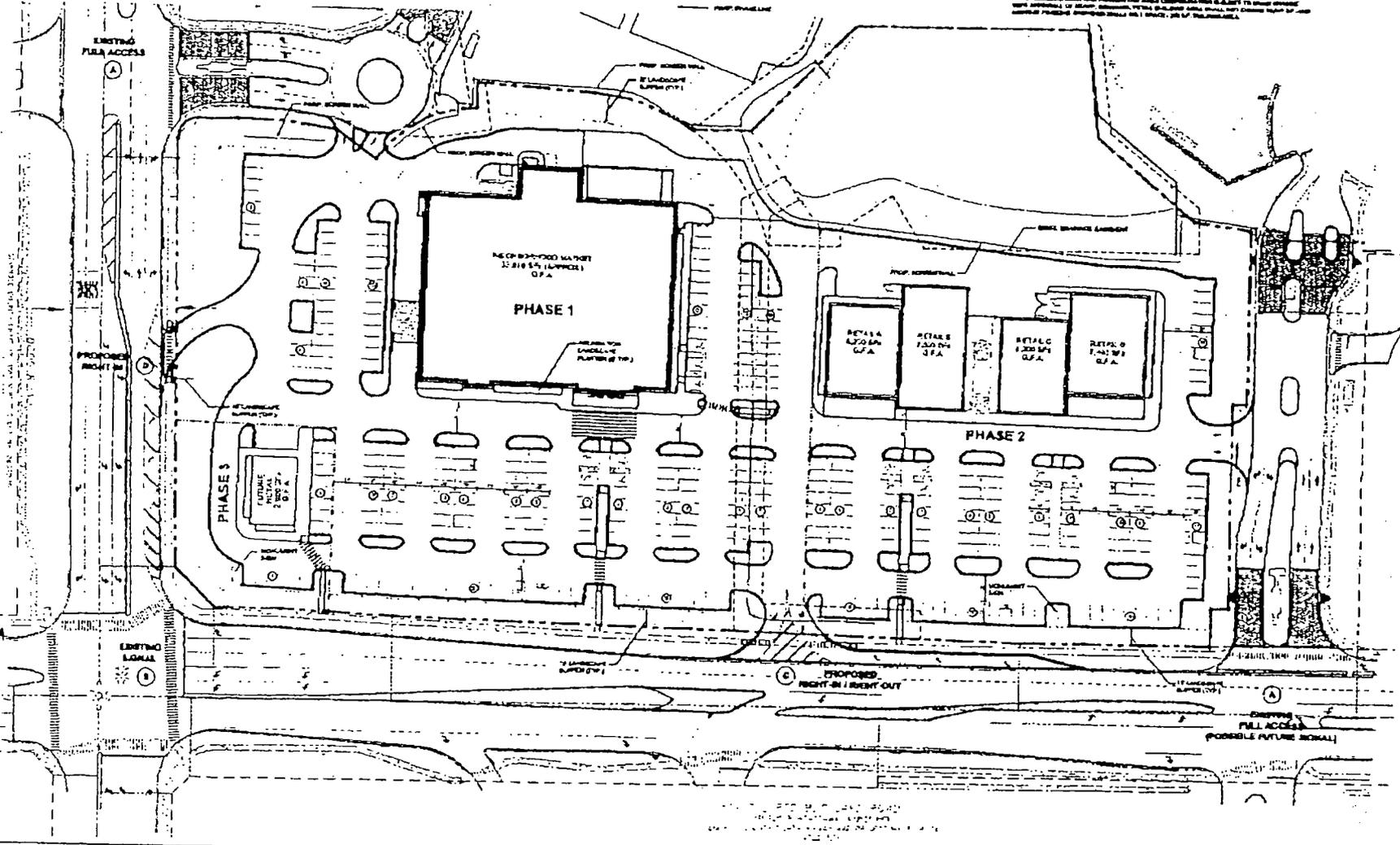


PROPOSED LEGEND

- (A) FULL ACCESS DRIVEWAY
- (B) BUILDING PERIMETER (OUTLINE)
- (C) RIGHT-IN / RIGHT-OUT PROVISIONS
- (D) RIGHT-IN PROVISIONS
- (E) RIGHT-OUT PROVISIONS
- PROP. PHASE LINE

SITE DATA

TOTAL SITE AREA: 40,710 S.F. (0.92 ACRES)
 TOTAL BUILDING COVERED AREA: 100,000 S.F. (2.3 ACRES)
 TOTAL PARKING SPACES: 100 (100% OF GROSS FLOOR AREA)
 TOTAL TRUCK SPACES: 10 (10% OF GROSS FLOOR AREA)
 TOTAL TRUCK SPACES: 10 (10% OF GROSS FLOOR AREA)
 TOTAL TRUCK SPACES: 10 (10% OF GROSS FLOOR AREA)



Site Plan
Red Bug Village
 Red Bug Lake Blvd & Dock Road
 Spartanburg County, Florida

HARLING LOCKLIN
 ASSOCIATES, INC.
 1200 N. W. 10th St.
 Ft. Lauderdale, FL 33304
 Phone: (305) 555-1111
 Fax: (305) 555-1112

LEGIBILITY UNSATISFACTORY
 FOR SCANNING

RETURN TO SANDY MCCANN

ADDENDUM
Red Bug Village Modification
Final Master Plan/Developer's Commitment Agreement
Amended Commitments/Restrictions
(Amended by the BCC on May 14, 2002)

I. Additional Commitments/Restrictions – North Parcel

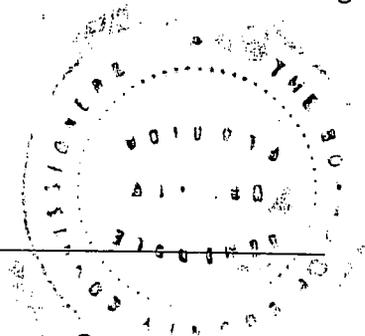
1. Alcoholic beverage sales in restaurants shall be limited to beer and wine.
2. The hours of operation for the grocery store shall be 24-hours/day.
3. The developer, if warranted, shall be required to pay their pro-rata share for a dual left turn lane for Red Bug Lake Road traffic turning left to travel north on Dodd Road.

Approved and Accepted

By:



Daryl G. McLain
Chairman
Seminole County Board of County Commissioners



MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 04461 PG 0872
CLERK'S # 2002908878
RECORDED 07/15/2002 11:44:30 AM
RECORDING FEES 10.50
RECORDED BY B Coathay

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY 
DEPUTY CLERK

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Wal-Mart Stores East L.P., c/o Robert M. Bedard, Assistant V.P. of Real Estate, on behalf of ~~his heirs~~^{its}, 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:

OWNER:

Shannon Letts

Witness (Sign and print name)
Shannon Letts

Robert M. Bedard

Wal-Mart Stores East, L.P.
Robert M. Bedard
Assistant Vice President of Real Estate

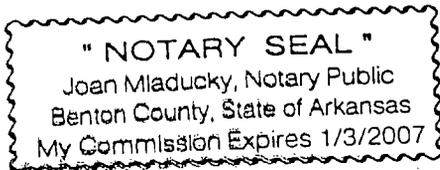
Shelia Churchill

Witness (Sign and print name)
Shelia Churchill

Acknowledgement

STATE OF Arkansas }
COUNTY OF Benton }

The foregoing instrument was acknowledged before me this 2nd day of July, 2002, by Robert M. Bedard of Wal-Mart Stores East L.P., who is personally known to me or who have produced their Driver's License as identification.



Joan Mladucky
Notary Public

Print Name: JOAN MLADUCKY

My Commission expires: 1/3/2007

Approved as to legal terms only

By [Signature]

WAL-MART LEGAL TEAM

Date 7-1-02

RETURN TO SANDY MCCANN

**Addendum #3
To The Red Bug Lake Road PUD/PCD
Red Bug Village Modification
Final Master Plan Developer's Commitment Agreement**

On June 24, 2003, the Board of County Commissioners of Seminole County issued this Amendment to the "Red Bug Lake Road PUD/PCD Red Bug Village Modification Final Master Plan Developer's Commitment Agreement" (the "PUD/PCD"):

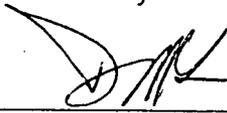
I. Additional Commitments/Restrictions

Liquor sales shall be permitted as an incidental use within restaurants in the PUD/PCD subject to the following conditions:

- a. Pool halls and pool tables shall be prohibited.
- b. No liquor shall be sold for consumption off-premises except beer and wine as incidental sales.
- c. Restaurant hours of operation shall be limited to 7 a.m. – 11 p.m. on Sunday through Thursday, and 7 a.m. -- 1 a.m. on Fridays and Saturdays.

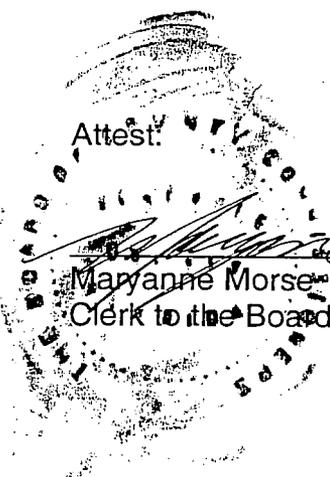
Done and Ordered this 24th day of June, 2003.

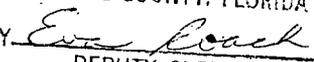
By: _____


Daryl G. McLain
Chairman
Seminole County Board of County Commissioners

Attest:


Marianne Morse
Clerk to the Board of County Commissioners



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

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04960 PG 0149
FILE NUM 2003140266
RECORDED 08/12/2003 11:19:18 AM
RECORDING FEES 10.50
RECORDED BY S Butt

Forest Creek Estates HOA comments on Dodd Road Townhomes
P & Z Meeting August 3, 2005

- 1) Many of the Forest Creek Estates HOA (FCHOA) concerns are addressed the underlying Red Bug Lake Road PCD/PUD Red Bug Village Modification Development Order recorded in BK 04417 pages 0672 through 690 and subsequent amendments, including;
 - a) Restrictions on site parking lot lighting,
 - b) Required Aquatic Weed Control for the lake/retention areas,
 - c) Required establishment of a property owners association for retention/lake/site maintenance,
- 2) Other FCHOA concerns are addressed in the PSP submitted to Seminole County on or about July 27 2005 and the proposed D.O.
 - a) Maximum two story units,
 - b) 6 foot high masonry wall along the projects south property line.
 - c) 4 canopy trees per 100 lf on the south property line.
 - d) Solid waste is to be collected curb side.

BUT,

- 3) Other FCHOA concerns are listed below and should be included in the proposed Development Order;
 - a) Lift station and club house are to be a minimum of 150 feet from the south property line.
 - b) Item 3t should include a 3" minimum caliper requirement for canopy trees (similar to 3k)
 - c) The Red Bug Lake Road PCD/PUD Red Bug Village Modification Development Order included architectural standards (X.I 1 through 7) and items X. J. and X.K. for the North Parcel- The FCHOA would request these items be included in the proposed D.O. for the South Parcel as well.
 - d) No balconies to be allowed on townhomes adjacent to the Forest Creek Subdivision (closer than 100 ft).
 - e) Windows on second floor of units adjacent to Forest Creek Estates are to be frosted.
 - f) No walk/exercise paths around the south side lake/retention areas.
 - g) Developer should be required to build driveways with FDOT F type curb to prevent vehicle access to unauthorized areas.
 - h) Stormwater retention areas are to be utilized in the buffering of the SFR to the south.

Robert J. Walter
FCHOA Secretary, acting on behalf of Forest Creek Homeowners Association

**KELLY, PASSIDOMO, ALBA
& CASSNER, LLP**

CHARLES M. KELLY, JR.
Board Certified Tax Lawyer
Board Certified Wills, Trusts
and Estates Lawyer
Master of Laws in Estate Planning
Certified Public Accountant

KATHLEEN C. PASSIDOMO
Board Certified Real Estate Lawyer

DAVID A. ALBA
1981 - 2001

CURTIS B. CASSNER
Also Certified Public Accountant
Licensed in the State of Ohio

ATTORNEYS AT LAW

GREY OAKS BUILDING
IN
POINCIANA PROFESSIONAL PARK
SUITE 305
2640 GOLDEN GATE PARKWAY
NAPLES, FLORIDA 34105-3203

MICHAEL S. GROSS
Master of Laws in Estate Planning
Licensed in the State of Maryland

TELEPHONE
(239)261-3453

TELECOPIER
(239)261-5711

August 3, 2005

Mr. Matt West
Planning Manager
Seminole County Planning and Development Department
1101 East First Street
Sanford, Florida 32771

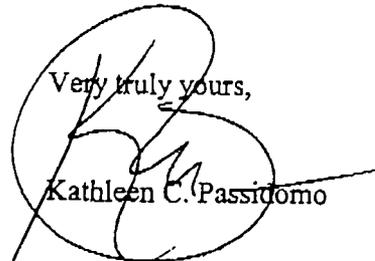
Re: Dodd Road Townhomes
Petition No. Z2005-039

Dear Mr. West:

We represent L.B.S. Investments, Inc. of Iowa. (f/k/a Okoboji's Holidays of Crescent Beach, Inc.) in connection with a notice they received from you pertaining to the above referenced Petition which is scheduled for Public Hearing before the Planning and Zoning Commission this evening, August 3, 2005 as Agenda Item No. VI.-H. (Parenthetically, I was unable to view the agenda item on your website as it appears to be blocked). Our client owns the Walgreens parcel located in Red Bug Lake Plaza adjacent to the property in the Petition.

In any event, our client does not object to the rezone of the property so long as it does not negatively impact or affect the water management system or the water management agreement concerning the parcel which is sought to be rezoned and the adjacent parcels.

In the meantime, if you have any questions or require additional information, please let me know.

Very truly yours,

Kathleen C. Passidomo

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING
AGENCY/PLANNING AND ZONING COMMISSION
AUGUST 3, 2005**

Members Present: Ben Tucker, Beth Hattaway, Dudley Bates, Walt Eismann, Richard Harris and Jason Brodeur.

Member absent: Matthew Brown.

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tony Matthews, Principal Planner; Rebecca Hammock, Principal Planner; Kimberley Romano, Assistant County Attorney; Tom Radzai, Senior Engineer; Jerry McCollum, County Engineer, Pam Hastings, Administrative Manager; Linda Newman, Principal Analyst; and Candace Lindlaw-Hudson, Senior Staff Assistant.

H. Dodd Road Townhomes; Thomas Daly, applicant; approximately 11.59 acres; rezone from PCD (Planned Commercial Development) to PUD (Planned Unit Development) and Preliminary Master Plan approval; located on the east side of Dodd Road approximately 250 feet south of Red Bug Lake Road. (Z2005-039)

Commissioner Dallari – District 1
Matt West, Planning Manager

Matt West stated that this was the last parcel of the Zom Red Bug PUD/PCD. It is 11.59 acres located south of Red Bug and Dodd Road. The current approval is for 109,000 square feet of office in the PCD. To the north is Walgreens. To the west and south are single family residential uses with LDR future land use. Further to the north is the rest of the PCD/PUD, including a Wal-Mart Neighborhood Market and a Stonewood Tavern.

Mr. Daly wants 89 townhomes here, and so he is requesting a rezone. This project will share a frontage road with an adjacent parcel where Walgreens is located. Staff recommendation was for approval.

Mr. West stated that he had received an e-mail from Kathleen Passidomo, the attorney representing Walgreens, who has no objection to the development as long as the project will not negatively impact the drainage on the Walgreens site.

A second e-mail from Robert Walter of the Forest Creek Estates homeowners association stated that he would like to see a change in the DCA: a greater set back for the lift station and a larger setback for the clubhouse.

In addition, Item B, staff does not object to the suggestion to a greater minimum tree size throughout the Development Order.

Item 3C asked for commercial architectural standards. Mr. West said that he was not sure how commercial standards could be applied to a residential project. Mr. Daly could address that concern.

Mr. West had no comment to D, E, F, and G.

The retention pond will act as a buffer. Only one set of buildings will be near the single-family usage. The building will be turned sideways, facing out away from the single-family houses.

Mr. West stated that the proposed townhomes are an adequate transition to the single family homes to the south and west. Staff recommendation was for approval.

Tom Daly stated that he represented Beazer Homes, contract purchaser of the property. He would like a downzoning to PUD. He stated that he had not been able to meet with the homeowners association, but that he would prior to the meeting of the BCC.

Mr. Daly stated that he felt the garage requirement of 10 x 20 feet was excessive. He asked for a measured requirement of 10 X 18 feet. He also would like to make the fence along the apartments near the pond to be an option. The pond is already a buffer.

Mr. Daly stated that the existing office plan had no architectural standards imposed. Why should the townhomes have them?

In Item G – final engineering will care for this; curbs are difficult; adjacent to roadway he would like a ribbon curb. He does not agree with Type F.

Mr. Daly stated that these are to be fee-simple townhomes.

Commissioner Tucker asked about Item 2D.

Mr. Daly stated that there would be no dumpsters. There would be curbside pickup of trash.

The lighting used will conform to the lighting standards of the Land Development Code.

Commissioner Bates asked about school impacts.

Commissioner Tucker said that there had been no report.

Matt West stated that he had gotten no communication with the School Board since the departure of Dianne Kramer.

Commissioner Bates asked that someone contact the School Board and ask for feedback on the items submitted.

Robert Walter, representing the neighboring homeowner association stated that the association had met last Wednesday, but did not have a copy of the plans. Restrictions on lighting in the parking areas were important to him. He asked in the Development Order that lighting be no more than 15 feet high above the grade of the road. He also wanted standard ½ foot candle brightness at the property line. He wanted some type of weed control. He also wanted a 6-foot tall masonry wall, not PVC. In addition, he did not want flat roofs, and the air conditioning units should be shielded. Meter boxes should be screened. There should be no outdoor amplification of sound. He also wanted no balconies on the townhomes, frosting on the windows facing the private homes, and a raised curb, not a ribbon curb.

Commissioner Tucker asked why the homeowners association should care about parking inside of a private, gated community.

Mr. Walter stated that his association wanted to have a quality neighborhood there. He wondered if 2.3 parking spaces per home was enough.

Commissioner Tucker stated that there will be a mandatory homeowners association who will take care of the neighborhood.

Commissioner Harris asked Mr. Walter if his homeowners association banned street parties.

Mr. Walter said they did not.

Commissioner Harris pointed out that Mr. Walter was making restrictions on the new neighborhood that his own neighborhood did not have.

Mrs. Fossie stated that she lived south of the development on Aldergate. She wanted to know if the elevation of the lots would be changed.

Commissioner Tucker said that the developers would comply with final engineering standards.

Mrs. Fossie asked if the buffer wall could go in first, prior to construction.

Mr. Daly stated that it would not go up first. Construction can damage such things.

Mrs. Fossie stated that she was concerned about noise and the safety of her children.

Commissioner Hattaway suggested that she put up a temporary fence.

Sam Evan lives across from the entrance to the project. He wanted to know the density. Will there be a traffic light? He was concerned about the regrading of Dodd Road.

Commissioner Tucker asked Mr. Daly about the density of the project.

Mr. Daly said that the density was 9.7 units. There was no light planned at the entrance. He is obligated to build a frontage road with Walgreens. This will be a gated community.

The public hearing was now closed.

Commissioner Eismann made a motion to recommend approval based on the e-mail, excluding items 3C and G, adding the garage dimension of 10 feet by 18 feet, changing 3F.

Commissioner Harris asked about the change for item K, so that a retention pond does not have to be buffered from another retention pond.

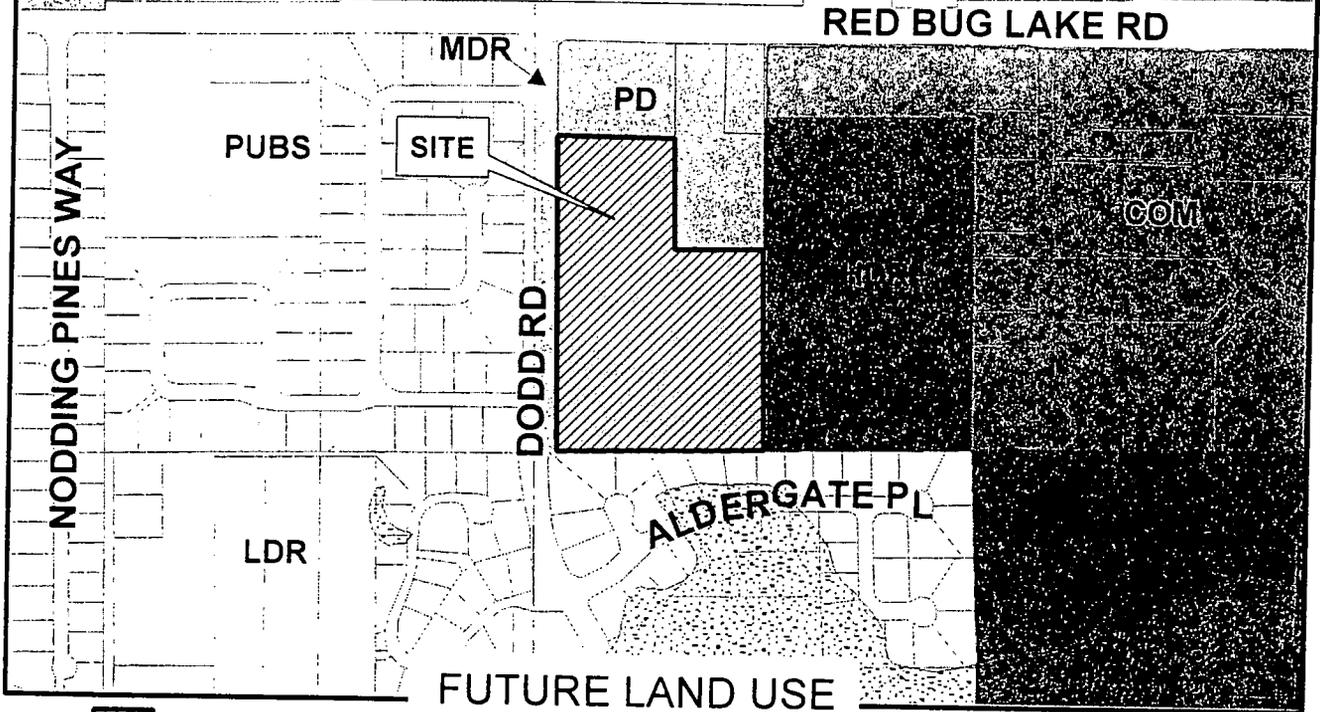
Commissioner Eismann said "yes" to that change also.

Commissioner Tucker summarized: Item 1, 2, and 3 less C and G, and the Development Order in the staff report - item 3F to be 10 feet by 18 feet.

Commissioner Hattaway seconded the motion.

The motion passed unanimously.

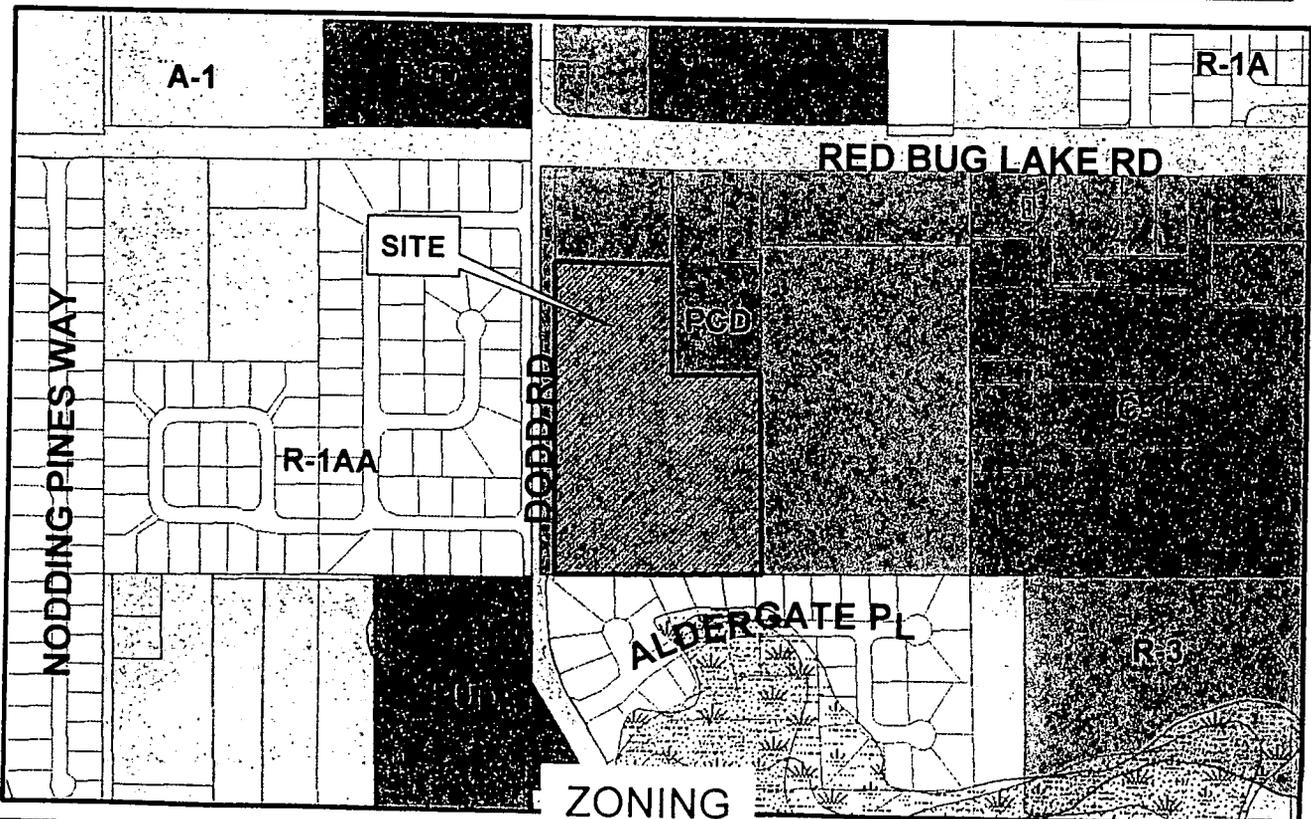
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



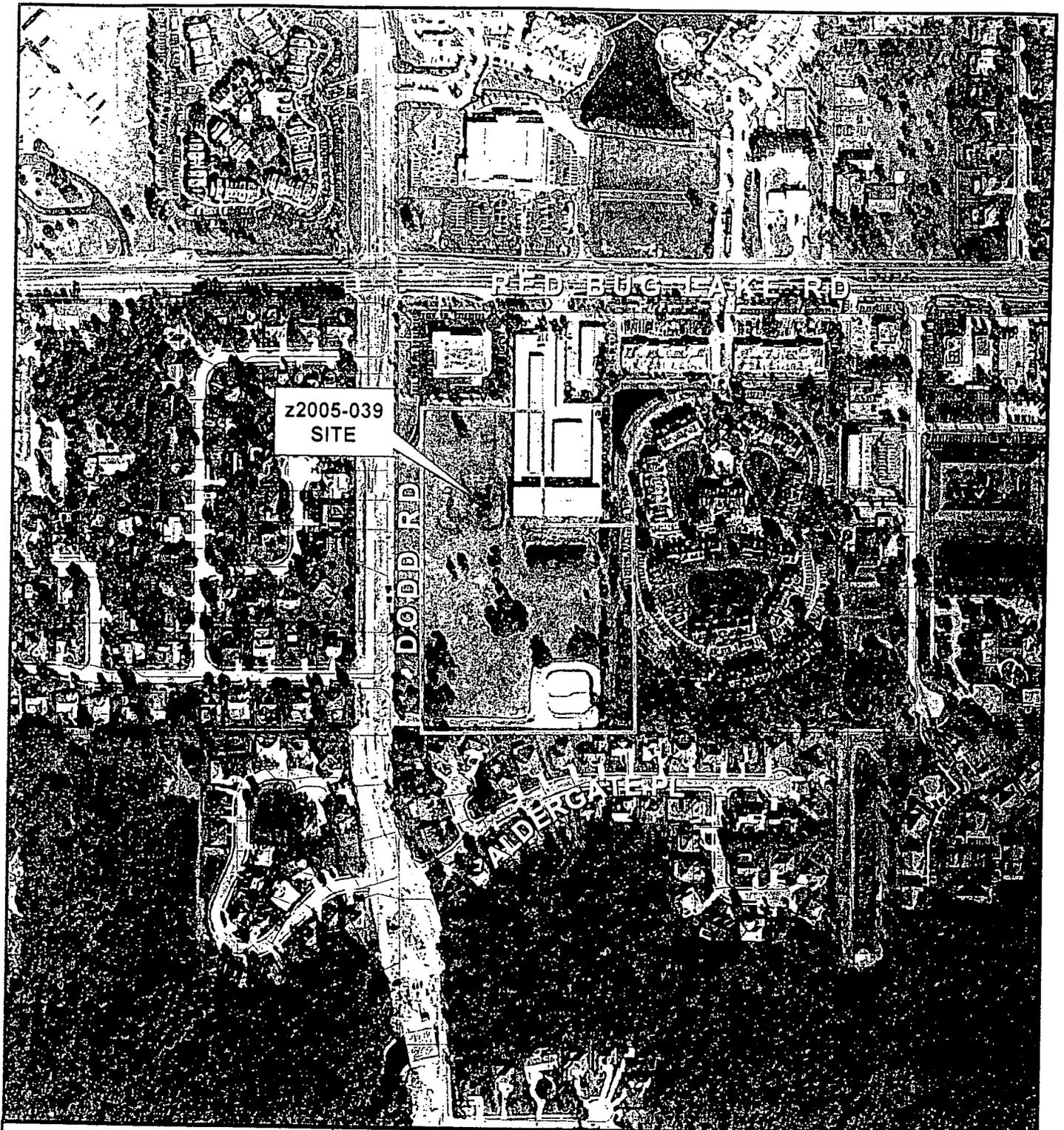
Site
 Municipality
 PUBS
 CONS
 LDR
 MDR
 HDR
 COM
 PD

Applicant: Thomas Daly
 Physical STR: 24-21-30-300-0100-0000
 Gross Acres: 11.52 +/- BCC District: 1
 Existing Use: Vacant Commercial
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-039	PCD	PUD



A-1
 R-1A
 R-1AA
 R-3
 PUD
 PCD
 C-1
 FP-1
 W-1



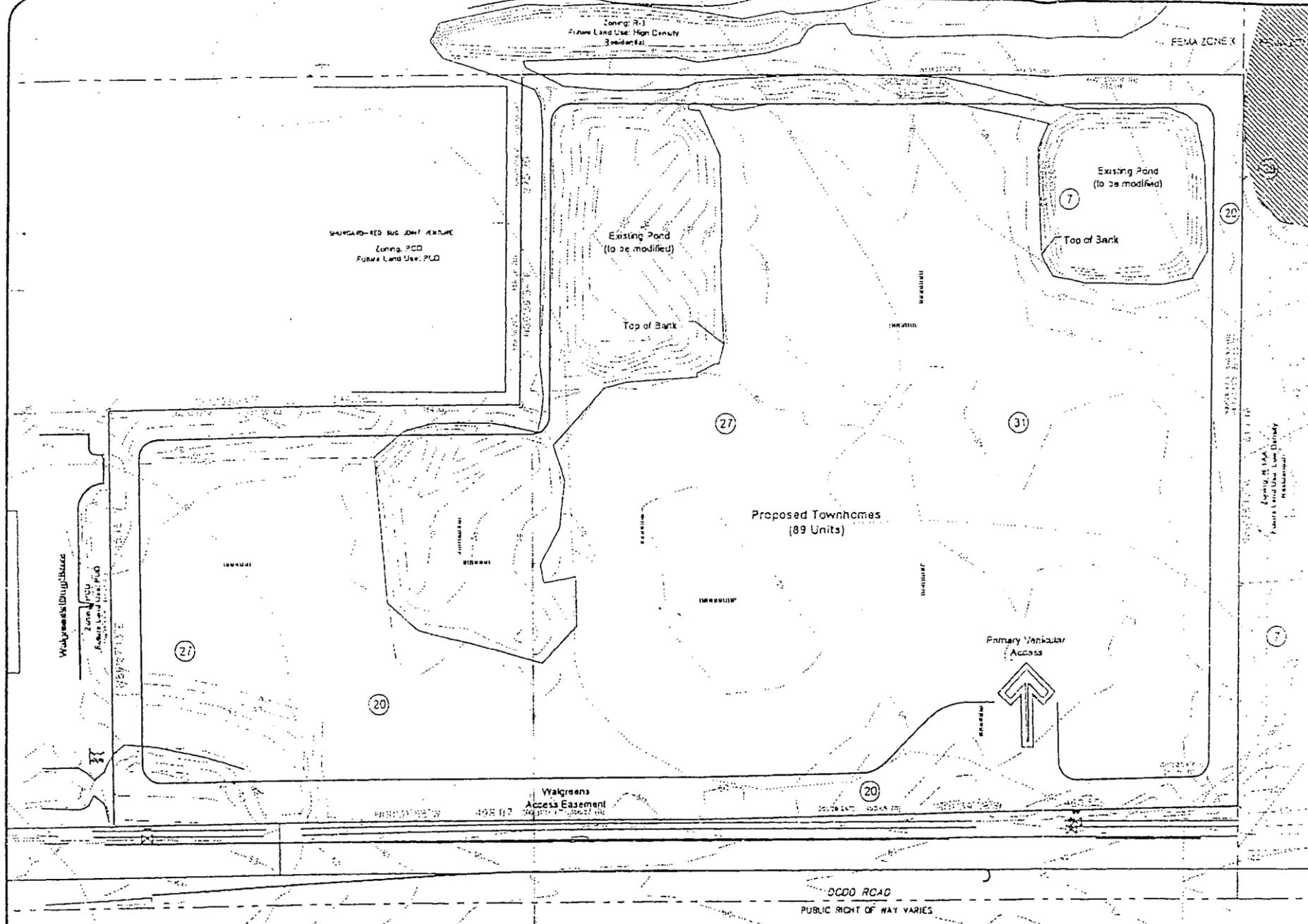
Rezone No: Z2005-039

From: PCD To: PUD

Parcel

Subject Property

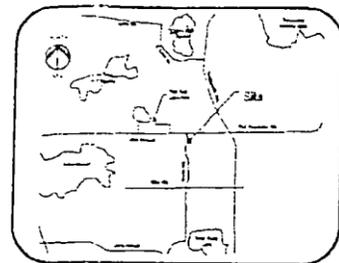
January 2004 Color Aerials



Legal Description:

A portion of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

COMMENCING at the West 1/4 corner of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, thence run South 00°31'58" East, along the West line of the Southwest 1/4 of said Section 24, for a distance of 360.00 feet; thence departing said West line, run North 89°27'13" East, for a distance of 68.01 feet to a point on the Easterly right of way line of Dodd Road, as recorded in Official Records Book 4234, page 1679, and in Official Records Book 4946, page 1139, all of the Public Records of Seminole County, Florida, and also being the POINT OF BEGINNING; thence departing said Easterly right of way line, run North 89°27'13" East, for a distance of 345.16 feet; thence run South 00°32'24" East, for a distance of 344.38 feet; thence run North 89°39'34" East, for a distance of 275.70 feet to a point on the East line of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 24; thence run South 00°23'51" East, along said East line, for a distance of 313.34 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 24, also being a point on the North line of FORREST CREEK ESTATES, as recorded in Plat Book 32, pages 53 through 54 of the aforesaid Public Records of Seminole County, Florida; thence departing said East line, run South 89°29'12" West, along the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 24, and the North line of said FORREST CREEK ESTATES, for a distance of 610.46 feet to a point on the aforesaid Easterly right of way line of Dodd Road; thence departing said South line of the Northwest 1/4 of the Southwest 1/4 of Section 24, and said North line of FORREST CREEK ESTATES, run North 01°39'00" West, along said Westerly right of way line, for a distance of 460.55 feet; thence run North 00°31'58" West, along said Westerly right of way line, for a distance of 498.67 feet to the POINT OF BEGINNING.



Location Map

Soils Legend

- 7 Astatula - Apooka fine sands, 5 to 8 percent slopes
- 20 Myakka and Eau Gallie fine sands
- 27 Pomello fine sand, 0 to 5 percent slopes
- 28 Pompano fine sand, occasionally flooded
- 31 Tavares - Millhopper fine sands, 0 to 5 percent slopes

- Soil information provided by SCS Seminole County Soil Survey
 - Survey information provided by Allen & Company Surveying

Containing 11.42 Acres, more or less

Site Data

Overall Site	
Parcel ID Number	24-21-30-300-010-0000
Gross Land Area	11.42 ac
Approved Zoning	PLC
Approved Land Use Designation	PLC Office
Total Units	89
Proposed Net Density	9.72 Units/ac
Maximum Building Height	35' (2 story)
Tract Lot Size	1,200 s.f. (20' x 70')
Minimum Frontage	30'
Minimum Living Area	1,000
Approved Daily Trips	1,000 ADT
Potential School Age Children	36 Children

Tract Data	
A ¹ Private Roadway	1.17 ac
B ¹ Access Easement	0.30 ac
C ¹ Landscape Buffer & Open-space	1.00 ac
D ¹ Landscape Buffer & Open-space	0.38 ac
E ¹ Open-space	0.21 ac
F ¹ Retention, Open-space, & Buffer	2.00 ac
G ¹ Retention, Open-space, & Buffer	1.32 ac
H ¹ Recreation & Open-space	0.30 ac
T ¹ LR Station	0.03 ac

Soil	Area (Ac)	Area (%)	Soil	Area (Ac)	Area (%)
7	0.15	1.31	27	8.85	77.48
20	0.85	7.44	28	0.10	0.88
27	8.85	77.48	31	0.12	1.05
28	0.10	0.88			
31	0.12	1.05			

Property Setbacks	
North Property Line	25'
South Property Line	45'
East Property Line	35'
West Property Line	15'

Minimum Building Setbacks on Lots	
Front	10'
Rear	10'
Side	7'
*Setbacks to be a minimum of 20' from the front building line.	

Minimum Building Separation Requirements	
Side to Side	30'
Side to Rear	30'
Rear to Rear	40'
Screen Patches in Rear Yard	0'

Parking	
Reserved Spaces	178 (2/Unit)
Garage	89
Driveway	89
Visitor	47
Total Parking	305

Utility Usage	
Water Usage (200 GPD)	5983 GPD
Sanitary Sewer Usage (200 GPD)	4654 GPD
Proposed Trips (5 ADT/Day)	511 ADT

Dodd Road

Planned Development Preliminary Master Plan Seminole County, Florida

June 2005

10.25.04 Revised per DRC meeting

Prepared for:
Beazer Homes

2600 Maitland Center Parkway, Suite 200
Maitland, FL 32751

Owners

Adventus Health
Sunbelt Inc. c/o Florida Hospital
601 Collins St.
Orlando, FL 32803

Developer

Beazer Homes
2600 Maitland Center Parkway, Suite 200
Maitland, FL 32751
(407) 339-4114
Contact: Nick Gargasz

Applicant/Agent

Daly Design Group
913 N. Pansy/Venue Ave.
Winter Park, FL 32789
(407) 740-7373
Contact: Thomas Daly ASLA

Engineer

Madden Engineering, Inc.
431 E. Hiram Ave., Suite 250
Maitland, FL 32751
407-629-8330
Contact: Charlie Madden

Surveyor

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



daly design group, inc.
 Land Planning • Landscape Architecture • Project Management
 913 N. Pansy/Venue Ave., Winter Park, Florida 32789
 Phone: 407.740.7373 • Fax: 407.740.7551 • www.dalydesign.com
 Date: June 2005 • Sheet As Noted • Job No. 2429