

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Gassey Jack's PCD, Major Amendment to Preliminary Master Plan
(Michael B. Myers, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Jeff Hopper EXT. 7431

Agenda Date <u>10/14/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>		

MOTION/RECOMMENDATION:

1. APPROVE a revision to the Preliminary Master Plan for Gassey Jack's, located on approximately 3.6 acres at the northwest corner of SR 46 and Elder Road, per conditions listed in the attached addendum to the Developer's Commitment Agreement (Michael Myers, applicant); or
2. DENY a revision to the Preliminary Master Plan for Gassey Jack's, located on approximately 3.6 acres at the northwest corner of SR 46 and Elder Road, (Michael Myers, applicant); or
3. Continue the public hearing until a time and date certain.

(District 5 – Commissioner McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Michael Myers, is requesting to revise the Myers Commercial and Office Park PCD Preliminary Master Plan, also known as "Gassey Jack's," in order to permit outdoor sound amplification at a 26,000 square foot restaurant. The site is approximately 3.61 acres in size and is designated as High Intensity Planned Development (HIP) under the Vision 2020 Plan.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request per the attached staff report and addendum to the Developer's Commitment Agreement. Recommended conditions of approval include:

- hours of operation limited to 10 a.m.–midnight Friday and Saturday, and 10 a.m.-10 p.m. Sunday-Thursday;
- sound levels not to exceed 70 decibels measured at the nearest property line; and
- expansion or relocation of the sound source would require BCC approval.

Reviewed by:	<u>KCC</u>
Co Atty:	<u>KCC</u>
DFS:	
OTHER:	<u>MWJ</u>
DCM:	<u>S</u>
CM:	<u>KCC</u>
File No.:	<u>ph700pdp04</u>

PLANNING & ZONING COMMISSION RECOMMENDATION

At its September 3 meeting, the Planning & Zoning Commission recommended approval of the request, amending staff recommendations as follows:

- Required closing time 2 a.m. Friday and Saturday (staff recommended midnight)
- Required closing time 1 a.m. Sunday-Thursday (staff recommended 10 p.m.)
- No specific opening hour established (staff recommended no sound amplification before 10 a.m.)
- Sound levels not to exceed 85 decibels as measured at the nearest property line (staff recommended 70)
- Expansion or relocation of the sound source could be permitted without BCC approval (staff recommended that BCC approval be required)

**Minutes for the Seminole County
Land Planning Agency / Planning and Zoning Commission
Wednesday, September 3, 2003
7:00 P.M.**

Members present: Alan Peltz, Richard Harris, Ben Tucker, Thomas Mahoney, Chris Dorworth, Beth Hattaway, and Dudley Bates.

Also present: Jeff Hopper, Senior Planner; Cynthia Sweet, Planner; Michael Rumer, Planner; Tony Walter, Principal Planner; Tony Matthews, Principal Planner; Karen Consalo, Assistant County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

I. Shangri-La Lane Rezone; Acorn Development Co / Sandra Bierly, applicant; 27.66 acres; Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located approximately 300 feet south of SR 434, 0.8 mile east of SR 417 (Z2003-030).
Commissioner Morris – District 2
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant, Sandra Bierly, requests approval of R-1A zoning on a 28-acre site located south and west of SR 434. Located in the Low Density Residential (LDR) future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

Mr. Hopper said that the analysis evaluates appropriate zoning for a given parcel on the basis of existing zoning on surrounding properties within 660 feet. The calculations assign differing weights to the various districts according to permitted development intensities within those districts. For example, the R-1A district, with a minimum lot size of 9,000 square feet, has a weight factor of 8, while R-1AAAA, requiring half-acre lots, has a weight factor of 5. Properties zoned for Agriculture (A-1) receive a base weight of 4, but additional points can be assigned where water, sewer, and paved roads are available, for a maximum of 7.

Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the “compatible” zoning for the subject property. The majority of the analysis area adjoining this request is A-1, with several adjoining properties located in the cities of Winter Springs and Oviedo. The analysis yielded a weight rating of 7.42, which corresponds to the R-1AA district, with a minimum lot size requirement of 11,700 square feet. The requested R-1A would permit lots of 9,000 square feet in size.

The subject property lies in an area of transition from rural densities to more suburban forms of development, including neighborhood commercial and recreational uses. While the overall trend is toward higher density and intensity of development, no clear pattern has emerged to support a request of R-1A at this particular location. Nearby developments such as Barrington Estates to the north in the City of Winter Springs, and MacKinley's Mill to the west in Oviedo, are equivalent in density to R-1A. However, Laurel Oaks, located in Oviedo to the east, has a significantly lower density comparable to R-1AAA. In the lot compatibility analysis prepared by staff, a large amount of A-1 property adjacent to the site had a downward influence on density, which was counterbalanced by a church and a golf driving range to the south, with higher intensity ratings. Staff concluded that the recommendation of R-1AA produced by the compatibility calculation is probably the most appropriate reflection of development trends in the vicinity.

A review of existing land uses included:

	Zoning	Future Land Use	Existing Land Use
North	A-1	LDR	SF / vacant
South	A-1 / CITY	LDR / CITY	golf range / church / vacant
East	CITY	CITY	SF
West	A-1 / CITY	LDR / CITY	SF / vacant

In conclusion, Mr. Hopper said that based on an analysis of surrounding densities and intensities, staff recommends denial of the requested R-1A classification. R-1AA should be considered as a more appropriate alternative.

Michele Tanner, representing Ms. Bierly stated that the applicant will accept the R-1AA zoning.

No one spoke from the floor in favor of the application.

Dan Beistel of 460 Madison Lane, Oviedo, owns the property next door to this. He is concerned about drainage in the area being restricted. He was also concerned about open access to his property.

John Johnson of 1290 Shangri La Lane was concerned about the trees being taken off of the site and the drainage issues in the area. He showed pictures of the trees that had been removed so far.

John Frost of 1125 Shangri La Lane said that the drainage in the area had changed since the church on the corner had been built. He owns 5 acres to the south of the site. The 2 back acres of his parcel are under water and flooding all of the time.

Tom Ferguson owns the parcel to the north of the site. He gave a 20 foot easement to a small interior lot. He said that there was a drainage ditch between lots. The water table in this area is high. Larger lots are better for drainage. Susan Carroll has lived in the area since 1966. She is not opposed.

Carl Cahill had concerns with stormwater retention. The community to the east will be houses of 400,000 dollars.

The public hearing was now closed.

Commissioner Mahoney said that the applicant has agreed with staff recommendations. He made a motion to recommend approval of the R-1AA zoning as per the staff report.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent. (7-0)

Courtyard and Stage Area



MADDEN
ENGINEERING
CIVIL ENGINEERS
431 E. Florence Avenue
Suite 200
Nederland, Texas 77659
(409) 489-4300

UTILITY PLAN
TOP
GASSEY JACK'S
STAIRCASE

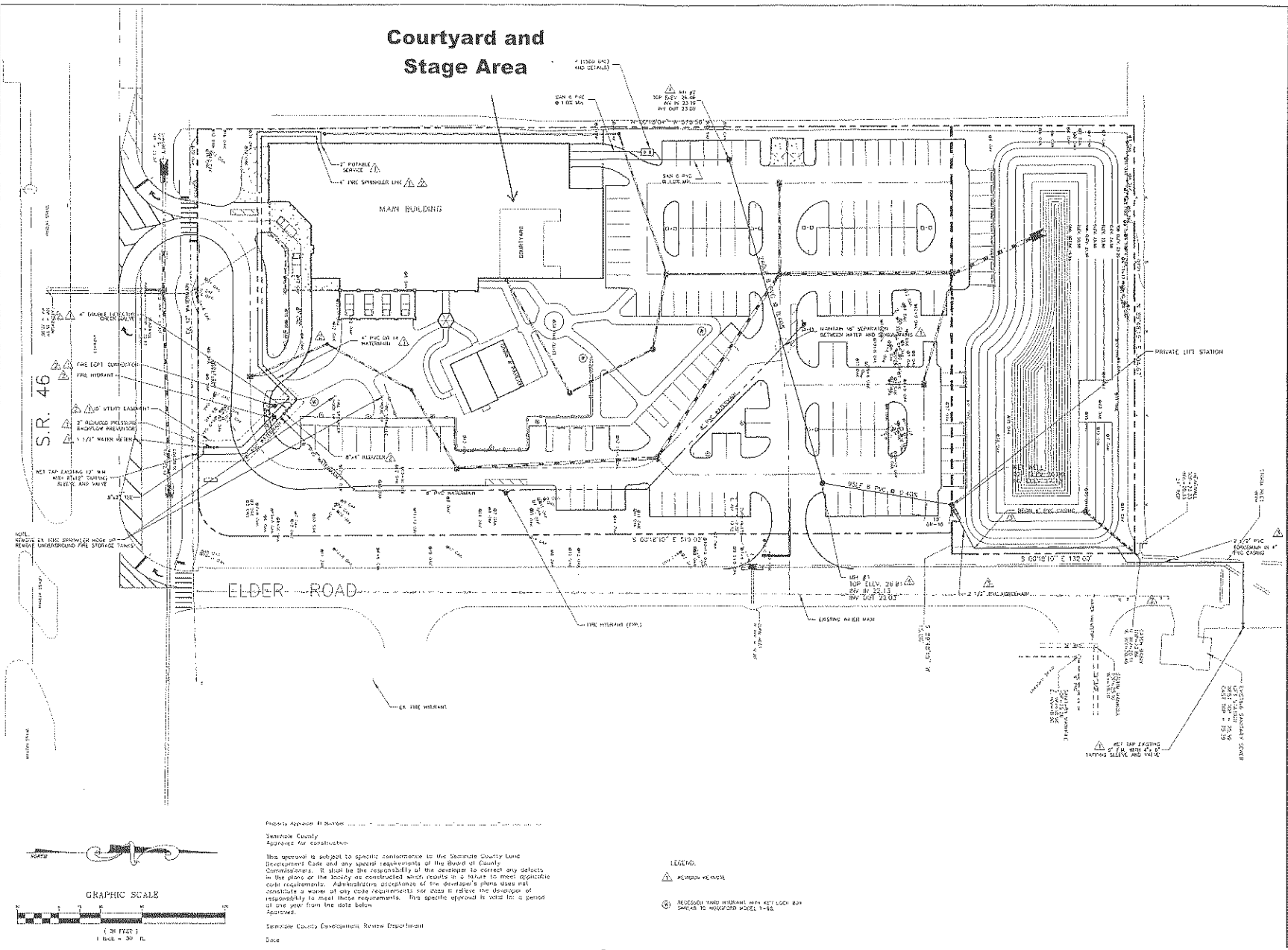
DESIGN
GASSEY JACK'S
1100 S. 46th
Nederland, TX 77659

ENGINEER IN CHARGE
CHARLES M. MADDEN, P.E.
REGISTERED PROFESSIONAL ENGINEER

PROJECT NO.	2007-001
DATE	11/14/07
SCALE	1" = 30'
DESIGNER	CM
DRAWN BY	CM
CHECKED BY	CM
APPROVED BY	CM
DATE	11/14/07

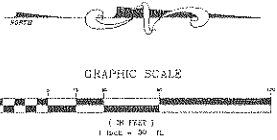
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UT-1



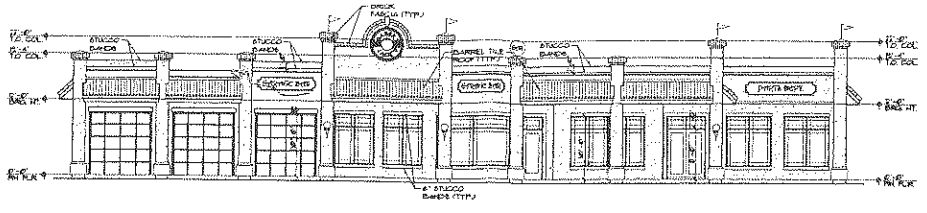
S.R. 46

ELDER ROAD

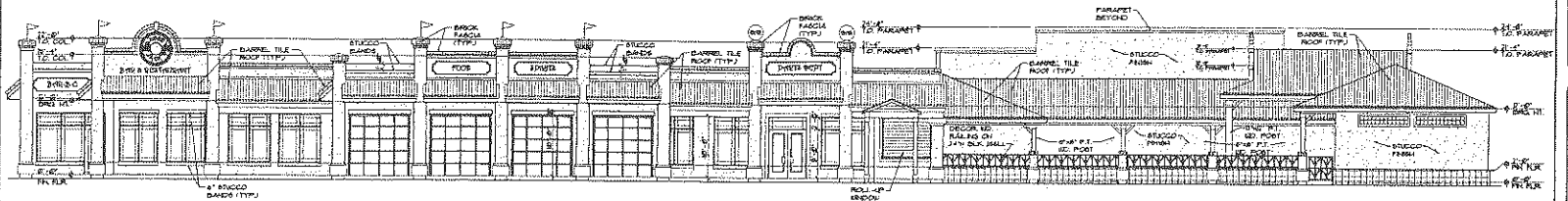


Project Approval # Number
Sevier County
Approved for construction
This approval is subject to specific conformance to the Sevier County Land Development Code and any special requirements of the Board of County Commissioners. It shall be the responsibility of the developer to correct any defects in the plans or the facility as constructed which require it to have to meet applicable code requirements. Administrator acceptance of the developer's plans does not constitute a waiver of any code requirements nor does it relieve the developer of responsibility to meet these requirements. This specific approval is valid for a period of one year from the date below.
Sevier County Equipment Review Department
Date

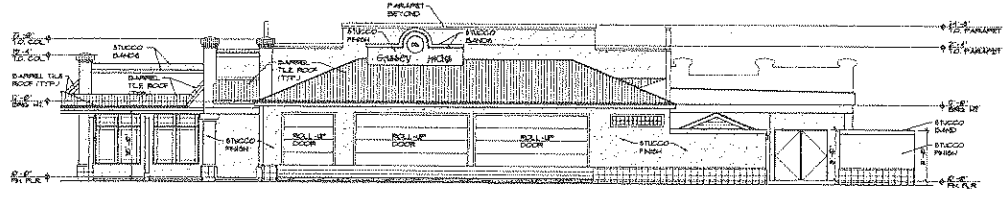
- LEGEND:
- ▲ PERSON WELDER
 - ⊗ NEEDS TO BE INSTALLED WITH MET LODG. 609



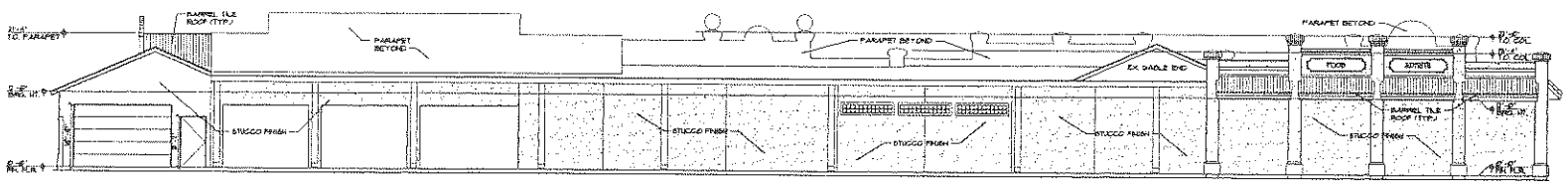
4 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



3 RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



2 REAR ELEVATION
SCALE: 1/8" = 1'-0"



1 LEFT ELEVATION
SCALE: 1/8" = 1'-0"

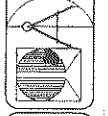


EXTERIOR ELEVATIONS

GASSEY JACK'S RESTAURANT
8 STATE ROAD 46
GAINESVILLE, FLORIDA

TEL (407) 888-0000
TEL (407) 888-0001
4 JAN 2004

Rabbits & Associates
Architect & Planners
224 NORTH ELM AVENUE
SAFEBURG, FL 32771



SHEET
4-3
1

GASSEY JACK'S

REQUEST INFORMATION	
APPLICANT	Michael B. Myers
PROPERTY OWNER	Michael B. Myers
REQUEST	Major Amendment to PCD Preliminary Master Plan
HEARING DATE(S)	P & Z: September 3, 2003 BCC: October 14, 2003
SEC/TWP/RNG	16-19-30-5AC-0000-099C 16-19-30-5AC-0000-0990
LOCATION	Northwest corner of N. Elder Rd. and SR 46
FUTURE LAND USE	Higher Intensity Planned Development (HIP)
FILE NUMBER	Z1988-069
COMMISSION DISTRICT	District 5 (McLain)

OVERVIEW

Zoning Request: The applicant, Michael Myers, is requesting to revise the Myers Commercial and Office Park PCD Preliminary Master Plan, also known as "Gassey Jack's," in order to permit outdoor sound amplification at a restaurant. The site is approximately 3.61 acres and is designated as High Intensity Planned Development (HIP) under the Vision 2020 Plan.

The PCD was originally approved in 1991 for retail, office and storage uses, and amended in January 2003 to permit a restaurant. The approved site plan for the facility shows approximately 26,000 square feet of building area, including enclosed floor area and open patio area. Included within this total is a stage 569 square feet in size, adjacent to an open courtyard of approximately 1,700 square feet.

This stage and courtyard area is the location of the applicant's proposal for outdoor musical performances, using sound amplification, as a supporting use to the restaurant. Operating hours for this use, as proposed by the applicant, would be 10 a.m. – 2 a.m. Monday through Saturday, and 10 a.m. – midnight on Sunday. (Operating hours as recommended by staff, listed below in this report, are 10 a.m.–midnight Friday and Saturday, and 10 a.m.-10 p.m. Sunday-Thursday.) Information supplied by the applicant indicates that the courtyard area would be enclosed on three sides by the restaurant building. The open fourth side would face east toward Elder Road.

Of primary concern is the potential of this proposal to disturb the occupants of any nearby residential properties. As the subject property and most surrounding properties are in the HIP land use designation, residential uses are not common in the area. However, they are present within a few hundred feet of the site.

Several parcels in the A-1 classification are in use as residential to the south of SR 46, in the range of 600-700 feet from the proposed stage location. Otherwise, the nearest organized residential development is the Seminole Pointe apartment complex, located

800-1,000 feet east of the site. Already existing on intervening property is BJ's Warehouse, a substantial structure which may buffer amplified sound emanating from the Gassey Jack's site.

In order to protect residential uses from possible disturbance generated by this proposal, some limitations on noise levels, as measured at the property lines, should be considered. The following table summarizes noise levels of commonly heard sounds:

Noise Source	Decibels
Rocket launching pad	180
Jet plane	140
Gunshot blast	140
Automobile horn	120
Sandblasting	112
Rock Band	110
Pneumatic drill	100
Average factory	80-90
Noisy restaurant	80
Conversational speech	66
Average home	50
Quiet office	40
Soft Whisper	30

The subject property lies a significant distance from existing residential uses. Also, the HIP future land use designation visualizes commercial and light industrial uses for the general vicinity of this restaurant. Staff believes that, subject to specified hours and a noise limit of 70 decibels as measured at the nearest property line, the proposal is reasonable and consistent with expected patterns of development in this area.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	A-1	HIP	Vacant
South	City / A-1	City / HIP	SR 46 / commercial
East	PCD	HIP	Commercial
West	PUD	HIP	Vacant

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

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.

2. The proposed PCD amendment 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.

Compliance with environmental regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed PCD amendment is compatible with surrounding and commercial development.

STAFF RECOMMENDATION

Staff recommends approval of the requested PCD Major Amendment subject to the following conditions:

1. Live music with outdoor amplification shall be permitted only as an accessory to the permitted restaurant use.
2. Outdoor sources of amplified sound shall be enclosed by a building on at least three (3) sides and meet the following setbacks:

North	250 feet
East	180 feet
South	220 feet
West	50 feet
3. Operating hours shall be limited to:
10:00 a.m. – midnight Friday and Saturday
10:00 a.m. – 10 p.m. Sunday - Thursday
4. Sound levels shall not exceed 70 decibels as measured at the nearest property line.
5. Any expansion or relocation of this use shall require approval of the Board of County Commissioners.

PLANNING & ZONING COMMISSION RECOMMENDATION

At its September 3 meeting, the Planning & Zoning Commission recommended approval of the request, amending staff recommendations as follows:

- Required closing time 2 a.m. Friday and Saturday (staff recommended midnight)
- Required closing time 1 a.m. Sunday-Thursday (staff recommended 10 p.m.)
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Wednesday, September 3, 2003
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Also present: Jeff Hopper, Senior Planner; Cynthia Sweet, Planner; Michael Rumer, Planner; Tony Walter, Principal Planner; Tony Matthews, Principal Planner; Karen Consalo, Assistant County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

H. Gassey Jack's PCD; Madden Engineering, Inc / Michael Myers, applicant; Major Revision to PCD (Planned Commercial Development District) Master Plan and Developer's Commitment Agreement for outdoor sound amplification at a restaurant on 3.61 acres; located on the northwest corner of SR 46 and N. Elder Road (Z1988-069)
Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant, Michael Myers, is requesting to revise the Myers Commercial and Office Park PCD Preliminary Master Plan, also known as "Gassey Jack's," in order to permit outdoor sound amplification at a 26,000 square foot restaurant. The site is approximately 3.61 acres in size and is designated as High Intensity Planned Development (HIP) under the Vision 2020 Plan. The PCD was originally approved in 1991 for retail, office and storage uses, and amended in January 2003 to permit a restaurant. The approved site plan for the facility shows approximately 26,000 square feet of building area, including enclosed floor area and open patio area. Included within this total is a stage 569 square feet in size, adjacent to an open courtyard of approximately 1,700 square feet.

This stage and courtyard area is the location of the applicant's proposal for outdoor musical performances, using sound amplification, as a supporting use to the restaurant. Proposed operating hours for this use would be 10 a.m. – 2 a.m. Monday through Saturday, and 10 a.m. – midnight on Sunday. Information supplied by the applicant indicates that the courtyard area would be enclosed on three sides by the restaurant building. The open fourth side would face east toward Elder Road.

Of primary concern is the potential of this proposal to disturb the occupants of any nearby residential properties. As the subject property and most surrounding properties are in the HIP land use designation, residential uses are not common in the area. However, they are present within a few hundred feet of the site.

Mr. Hopper said that the HIP future land use designation visualizes commercial and light industrial uses for the general vicinity of this restaurant. Staff believes that, subject to specified hours and a noise limit of 70 decibels, the proposal is reasonable and consistent with expected patterns of development in this area. Mr. Hopper concluded with the specifics of the staff recommendation: approval of the requested PCD Major Amendment subject to the following conditions:

1. Live music with outdoor amplification shall be permitted only as an accessory to the permitted restaurant use.
2. Outdoor sources of amplified sound shall be enclosed by a building on at least three (3) sides and meet the following setbacks:
 - North 250 feet
 - East 180 feet
 - South 220 feet
 - West 50 feet
3. Operating hours shall be limited to:
 - 10:00 a.m. – midnight Friday and Saturday
 - 10:00 a.m. – 10 p.m. Sunday – Thursday
4. Sound levels shall not exceed 70 decibels as measured at the nearest property line.
5. Any expansion or relocation of this use shall require approval of the Board of County Commissioners.

Mike Myers stated that he has owned the property since 1987 and had it rezoned in 1991. He is using a 1930's restaurant theme. The site retains the trees. He owns the acre to the north. The back of BJ's Wholesale Club with a 35 foot high wall is backing up to this site. His business is not a franchise. It has a 50 foot front setback and parking to the rear. The courtyard will be rented out for corporate use.

He has concerns about the hours of operation. 40,000 cars are going by the area daily. He also questions the 70 decibel limitation. BJ's air conditioners emit 120 decibels. As for the proximity of residences: the apartments are 800 feet away. Small houses in the area now are likely to be removed. He wants a local, community bar/restaurant there. The focus is on hospitality. Most restaurants close at 10 P.M. That is too early for this business. He would like to have 12 – 1 A.M. on weekdays and on weekends until 2 A.M.

Mr. Myers concluded with a request for change in the hours of operation and the raising of the decibel level.

Commissioner Harris asked if Mr. Myers had a problem with the setbacks.

Mr. Myers said he would have no problem. All entertainment would be on the stage.

Commissioner Dorworth asked what decibel level would be agreeable to the applicant.

Mr. Myers said that 80 to 90 would be good.

Commissioner Tucker said that 60 to 70 decibels was normal conversational level.

John Mosler spoke representing the PUD property owner immediately to the west. His concern was the noise level.

Commissioner Tucker said that 80 to 90 range was that of a factory.

Mr. Hopper pointed out that sound levels do not increase in a linear fashion, but rather logarithmically.

Mr. Mosler was concerned because the property in his PUD had not been developed. He was concerned about the noise being contained.

Commissioner Tucker said that there was a noise ordinance in the County.

Mr. Myers said that in the afternoon there would be light jazz. This area is a small area. Neighbor's complaints will be addressed immediately. Noise drops off 10% per 10 feet. The outside of the buildings is acoustical wood.

Commissioner Harris made a motion to recommend approval with staff recommendations 1 and 2, but with the revision to number 3 eliminating the opening hours; closing hours of 2 A.M. on Friday and Saturday nights and 1 A.M. on Sunday through Thursday evenings. Criteria 4 to be modified to read: Decibel level at property line not to exceed 85 decibels. Eliminate recommendation number 5 completely.

Commissioner Dorworth seconded the motion.

There was no discussion.

The motion passed unanimously.

**Addendum #2
To The Myers Commercial and Office Park
Developers Commitment Agreement**

On October 14, 2003 the Board of County Commissioners of Seminole County amended the Myers Commercial and Office Park Developers Commitment Agreement ("Myers PCD"), by adding the following language:

II. Statement of Basic Facts:

C. Specific Uses: Live musical performances with outdoor sound amplification shall be permitted accessory to a restaurant use.

III. Building and Lot Restrictions:

Live outdoor musical performances shall be enclosed by a building on at least three (3) sides and shall be set back from property lines as follows:

North	250 feet
East	180 feet
South	220 feet
West	50 feet

Any expansion or relocation of this use shall require approval of the Board of County Commissioners.

VII. Permitted and Conditional Uses:

C. Live musical performances with outdoor sound amplification shall be permitted only as an accessory use to a restaurant. Sound levels shall not exceed 70 decibels as measured at the nearest property line. Operating hours shall be limited to:

10:00 a.m. – midnight Friday and Saturday;
10:00 a.m. – 10 p.m. Sunday – Thursday.

Done and Ordered this 14th day of October, 2003.

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

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

The undersigned party does hereby agree to the terms and conditions set forth herein.

Witness

MICHAEL B. MYERS

Print Name

Date: _____

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 MICHAEL B. MYERS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

The undersigned party does hereby agree to the terms and conditions set forth herein.

Witness

JACQUELINE M. MYERS

Print Name

Date: _____

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 JACQUELINE M. MYERS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

:

MYERS COMMERCIAL AND OFFICE PARK

DEVELOPERS COMMITMENT AGREEMENT

DATE APPROVED BY
BOARD OF COUNTY COMMISSIONERS - January 8, 1991

I. Legal Description:

THE EAST 1/2 OF LOT 99, LESS THE NORTH 132 FEET OF FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD 46 AND ELDER ROAD.

II. Statement of Basic Fact:

- A. Total Acreage = 3.76 acres, more or less.
- B. Projected Total Building Square Footage = 35,340 sq. ft.
- C. Permitted Specific Uses = Retail Center, Office, Convenience Store with Car Wash and Gas Pumps, Storage and Conversion of the Existing House to Office

III. Building and Lot Restrictions:

Building Setbacks: Existing residence to be converted to office, the setbacks are existing.

Setbacks for future development to be per adopted code at time of final site plan approval.

Maximum Building Height = 35 Feet

IV. Landscaping and Buffers:

Landscaping will be provided as per Seminole County Code. Five (5) foot wide buffers are provided on the east and south property lines. Ten (10) foot buffers are provided on the north and west property lines.

V. Off-site Improvements:

- A. Dedication of a 40 foot half right-of-way along Elder Road with a corner clip at Elder Road and State Road 46.
- B. Installation of a left turn lane at the intersection of Elder Road and State Road 46 prior to the issuance of the first Certificate of Occupancy with the exception of the existing building conversion to office use.
- C. Installation of left turn lane at the project entrance on Elder Road.
- D. Proposed construction of a 24 foot wide paved road on Elder Road from State Road 46 to the northernmost access drive as submitted.

VI. Facility Commitments:

- A. Water and Sewer: Potable water and wastewater service by Seminole County Environmental Services. The cost of all line extensions and cost to upgrade the existing lift station as necessary to serve this project will be borne by the Developer.
- B. The existing house conversion to office may utilize septic tanks and ground water wells. Any additional commercial or office development to this site will require the entire project to be connected to public water and sewer.
- C. Installation of fire hydrant or on-site water storage tank no later than May 1, 1992 or prior to a new owner or occupant of the existing office conversion. New development to connect to public water with installation of a fire hydrant.

BK 167 PG 0545

VII. Permitted and Conditional Uses:

- A. Permitted and conditional uses of this project are those listed under the Office District (OP) and Retail Commercial (C-2) classifications in the Seminole county Land Development Code. In addition to those uses permitted are gas pumps, car wash and drive through restaurants.
- B. Conversion of the house structure for office uses is permitted.

VIII. Other Commitments:

- A. 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.
- B. Developer Definition: When the term "Developer" is used herein, same shall be taken or constructed to mean Michael Myers. All obligations, liabilities, and responsibilities incurred by or implied by any successors in interest as the overall Development of the Planned Commercial Development.
- C. The Final Site Plan may be revised in the future to include up to 16,000 square feet of retail, 17,000 square feet of office, 1,250 square feet of storage and 1,800 square feet for a convenience store with car wash and gas pumps as depicted on Preliminary Site Plan submitted January 14, 1989 by Harling Locklin & Associates. (Job 88-66)
- D. Maximum sign height shall be 15 feet.
- E. Dedication of cross-access easement/joint use drive during Final Master Plan approval for future development.

Approved by the Board of County Commissioners on January 8, 1991

<u><i>[Signature]</i></u>	<u>12-15-90</u>
Developer	Date
<u><i>[Signature]</i></u>	<u>1-9-91</u>
Board of County Commissioners	Date
Seminole County, Florida	

FILED IN OFFICE
 CITY COMMISSION RECORDS
 HARRISBURG, MISSOURI
 91 JAN 10 AM 9:49
 CLERK TO P.O.C.
 SEMINOLE CO. FL.
 BY *[Signature]* D.C.

AMENDMENT TO MYERS COMMERCIAL AND OFFICE PARK
DEVELOPERS COMMITMENT AGREEMENT

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2003022290 BK 04700 PG 1199 RECD 02/10/2003 09:34:12 AM RECD BY J ESKENRATH

On January 28, 2003 the Board of County Commissioners of Seminole County issued this amendment to the Myers Commercial and Office Park Developers Commitment Agreement ("Myers PCD"), relating to and concerning and binding the following real property situated in Seminole County, Florida:

I. Legal Description

THE EAST ½ OF LOT 99, LESS THE NORTH 132 FEET OF FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S ACCORDING TO THE PLAT BOOK J, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD 46 AND ELDER ROAD.

II. Amendments

The following requirements and specifications shall be construed as additional requirements and specifications of the Myers PCD. In the event of a conflict between the provisions of this Amendment and the Myers PCD, this Amendment shall govern.

III. Developer Definition

When the term "Developer" is used in this amendment, same shall be taken or construed to mean Michael Myers, his heirs, successors or assigns.

IV. Statement of Basic Fact:

- A. Total acreage 3.61 acres, more or less.
- B. Building square footage 22,105 square feet/Main Building
3,474 square feet/Cabin & Pavilion
- C. Specific Use Proposed Restaurant

V. Building and Lot Restrictions:

Building setbacks shall comply with State Road 46 Gateway Corridor Overlay.

VI. Landscaping and Buffers:

Landscaping will be provided as per Seminole County Land Development Code and the State Road 46 Gateway Corridor Overlay.

VII. Water and Sewer:

Potable water and wastewater service by Seminole County Environmental Services. The cost of all line extensions and cost to upgrade the existing lift station as necessary to serve this project will be borne by the Developer.

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

OWNER'S CONSENT AND COVENANT

The undersigned party hereby agrees to the terms and conditions set forth herein this _____ day of _____, 2003.

Kathy Fall
Witness

Michael Myers
Michael Myers, Property Owner

Kathy Fall
Print Name

Bernadette M Smith
Witness

Bernadette M. Smith
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, Michael Myers, who is personally known to me or who has produced personally known as identification and who did take an oath.

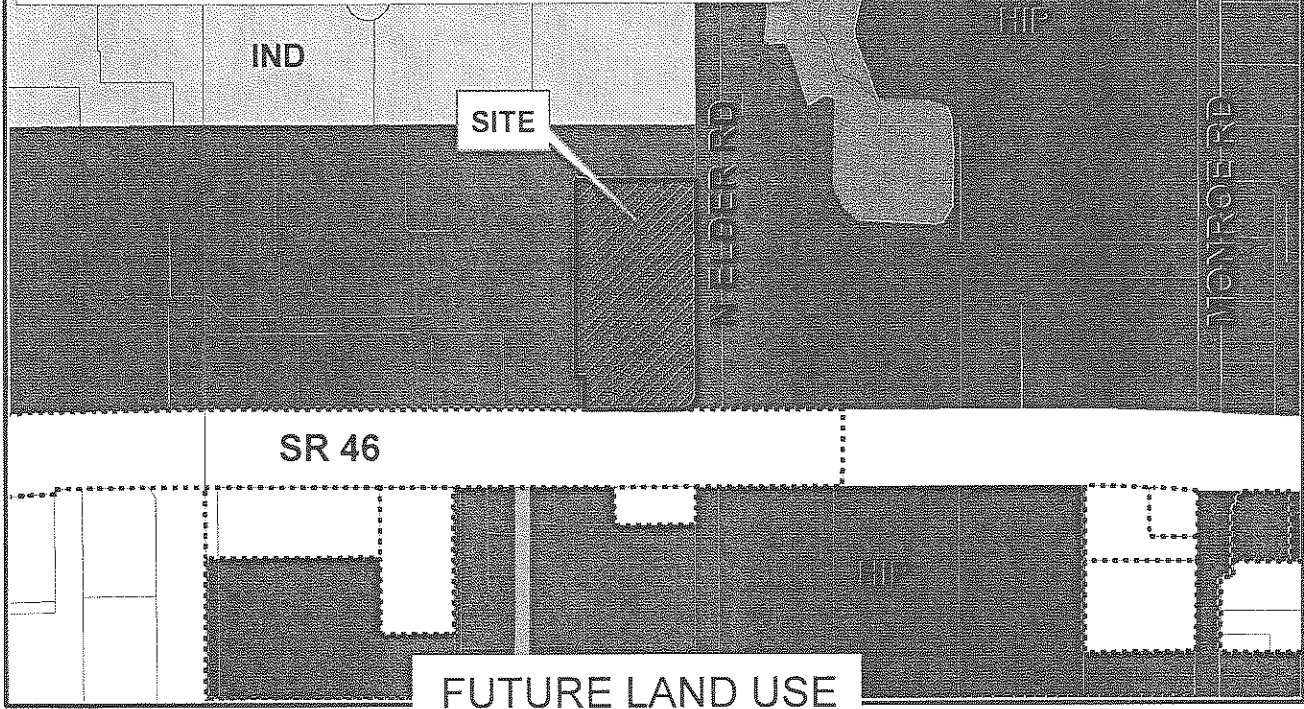
WITNESS my hand and official seal in the County and State last aforesaid this 28th day of January, 2003.

Nancy G. Baillargeon
Notary Public, in and for the County and State
Aforementioned

My Commission Expires: August 28, 2006

 Nancy G Baillargeon
My Commission DD144949
Expires August 26, 2006

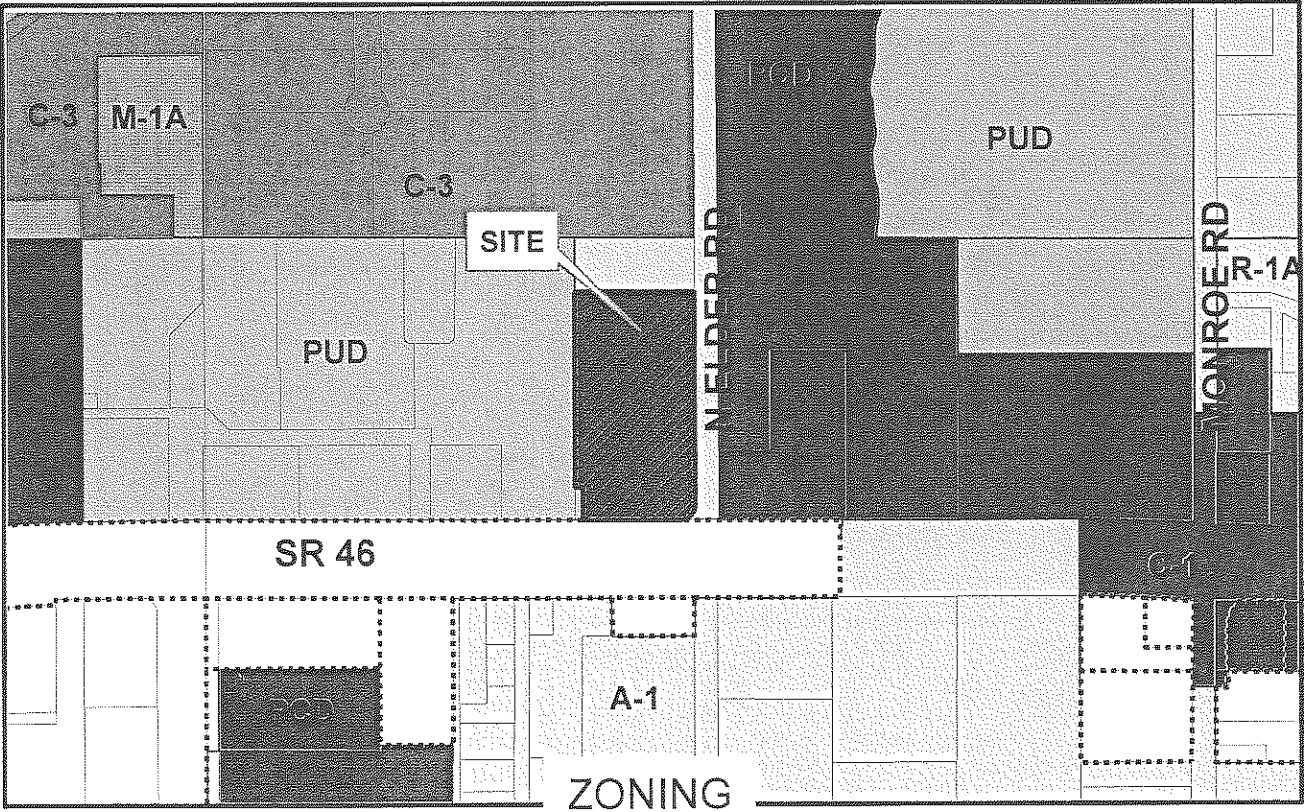
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



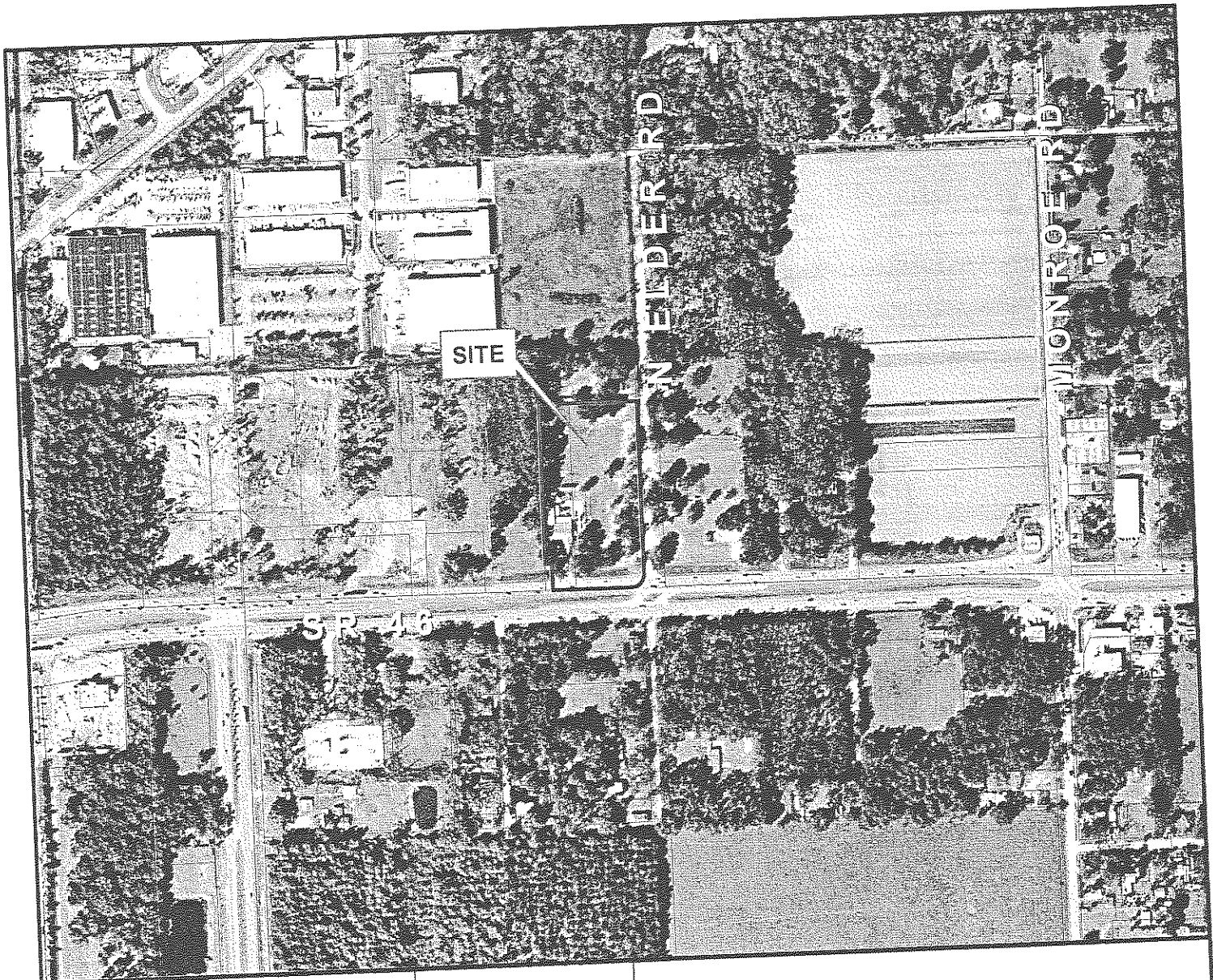
Site
 Municipality
 IND
 HIP
 CONS
 PUBC

Applicant: Michael B. Myers
 Physical STR: 16-19-30-5AC-0000-099C
 Gross Acres: +/- 3.04 BCC District: 5
 Existing Use: Vacant
 Special Notes: PCD Major Amendment



	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z1988-069	PCD	PCD



Site
 Municipality
 A-1
 C-1
 C-2
 C-3
 M-1A
 PCD
 PUD
 R-1A



Rezone No: Z1988-069
From: PCD To: PCD

-  Parcel
-  Subject Property



February 1999 Color Aerials