

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: GREENWAY SOUTH PUD MAJOR AMENDMENT

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: Mike Rumer EXT. 7431

Agenda Date <u>11/7/06</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. **APPROVE** the Greenway South PUD Major Amendment, rezoning ordinance from PUD to PUD, Amended Greenway South PUD Development Order, and the Greenway South PUD Developer's Commitment Agreement, for 21.32 ± acres located at the southwest corner of SR 417 and SR 426, and authorize the Chairman to execute aforesaid documents based on staff findings (Continental Properties Co., Inc., applicant); or
2. **DENY** the Greenway South PUD Major Amendment, rezoning ordinance from PUD to PUD, Amended Greenway South PUD Development Order, and the Greenway South PUD Developer's Commitment Agreement, for 21.32 ± acres located at the southwest corner of SR 417 and SR 426 and authorize the Chairman to execute the Denial Development Order (Continental Properties Co., Inc., applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 1 – Commissioner Dallari

Mike Rumer, Senior Planner

BACKGROUND:

At the September 26, 2006 Board of County Commissioners meeting, the Board approved the Developer's Commitment Agreement (06-21000013) and Final Master Plan for the Greenway South PUD. At that meeting, the applicant requested to amend the Developer's Commitment Agreement and the Development Order to remove the requirement for the 6' brick or masonry wall along the west property line adjacent to Deep Lake Road and to remove the requirement that the truck wells must be gated. The requirement that they be screened from view will remain in effect.

Reviewed by:	<u>KFT</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
OTHER:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No. <u>ph130pdp07</u>	

An amended Development Order (06-21700008) and Developer's Commitment Agreement are attached for the Board's consideration reflecting additional changes. The Board approved the August 22, 2006, Development Order which removed a condition that a two-acre fire station site be reserved until October 25, 2007, for potential County purchase. However, that order has not yet been executed. This is another request for amendment to the Greenway South PUD Development Order.

This proposed amended Development Order replaces the August 22, 2006 document and supersedes the original Development Order approved on October 25, 2005. The proposed amended Developer's Commitment Agreement supersedes the amendment approved by the Board on September 26, 2006, which was not executed.

The proposed amendment to the PUD will not have any affects on wetlands, floodplains, threatened and endangered species, Concurrency, utilities, traffic, public safety, or schools. Staff has reviewed the request for compatibility with the surrounding properties and finds that it is compatible because the subject property is located across Deep Lake Road from a townhouse development that will have a screen wall along Deep Lake Road. The landscaping on the subject property along Deep Lake Road must also comply with the Lake Mary Boulevard Corridor Overlay standards. The truck wells are separated from SR 417 by a retention pond and will also be screened.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Greenway South PUD Major Amendment, rezoning ordinance from PUD to PUD, Amended Greenway South PUD Development Order, and Greenway South PUD Developer's Commitment Agreement, for 21.32 ± acres located at the southwest corner of SR 417 and SR 426, based on staff findings.

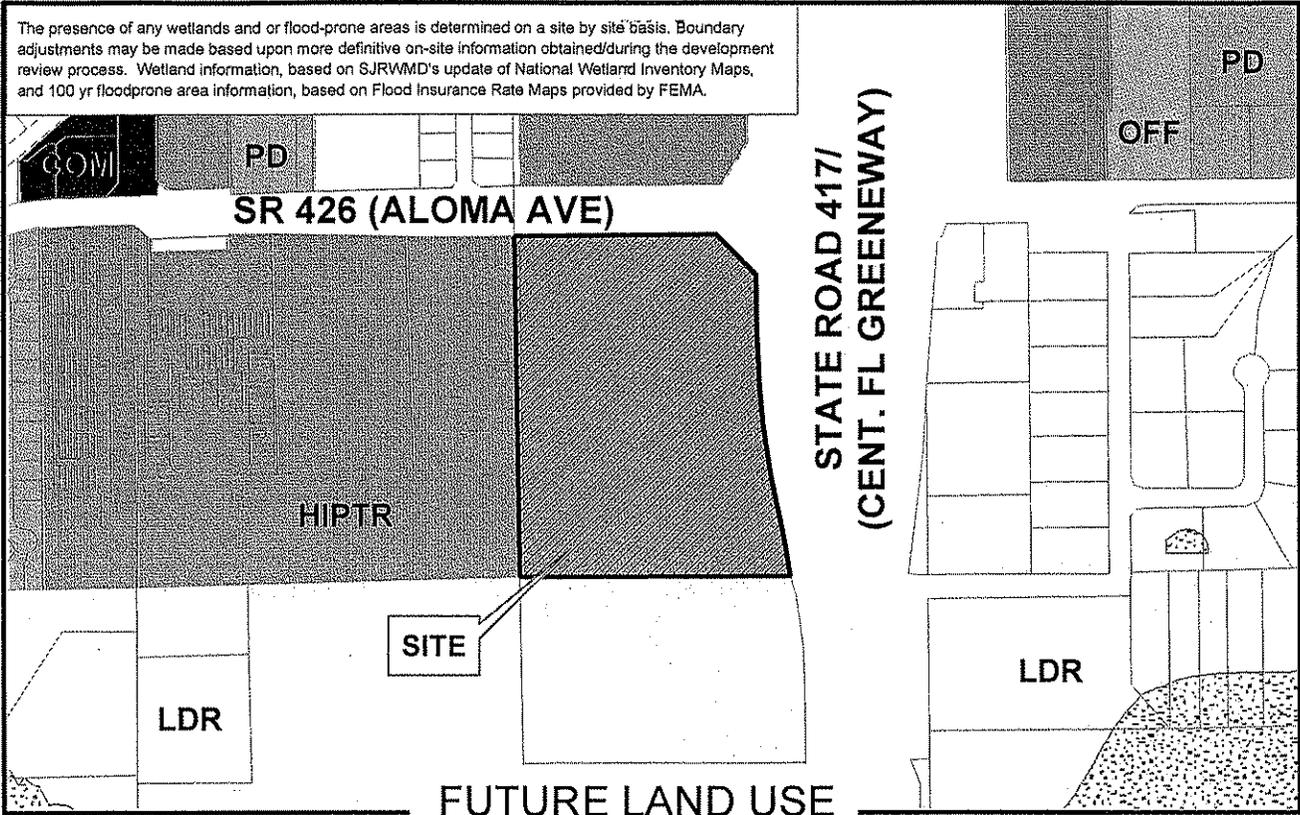
PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission meeting is November 1, 2006. Their recommendation will be provided at the BCC meeting on November 7, 2006.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Amended Development Order
Original Development Order
Greenway South PUD Developer's Commitment Agreement
Approved DCA (not executed) and Final Master Plan
Denial Development Order (applicable if the request is denied)
Rezone Ordinance

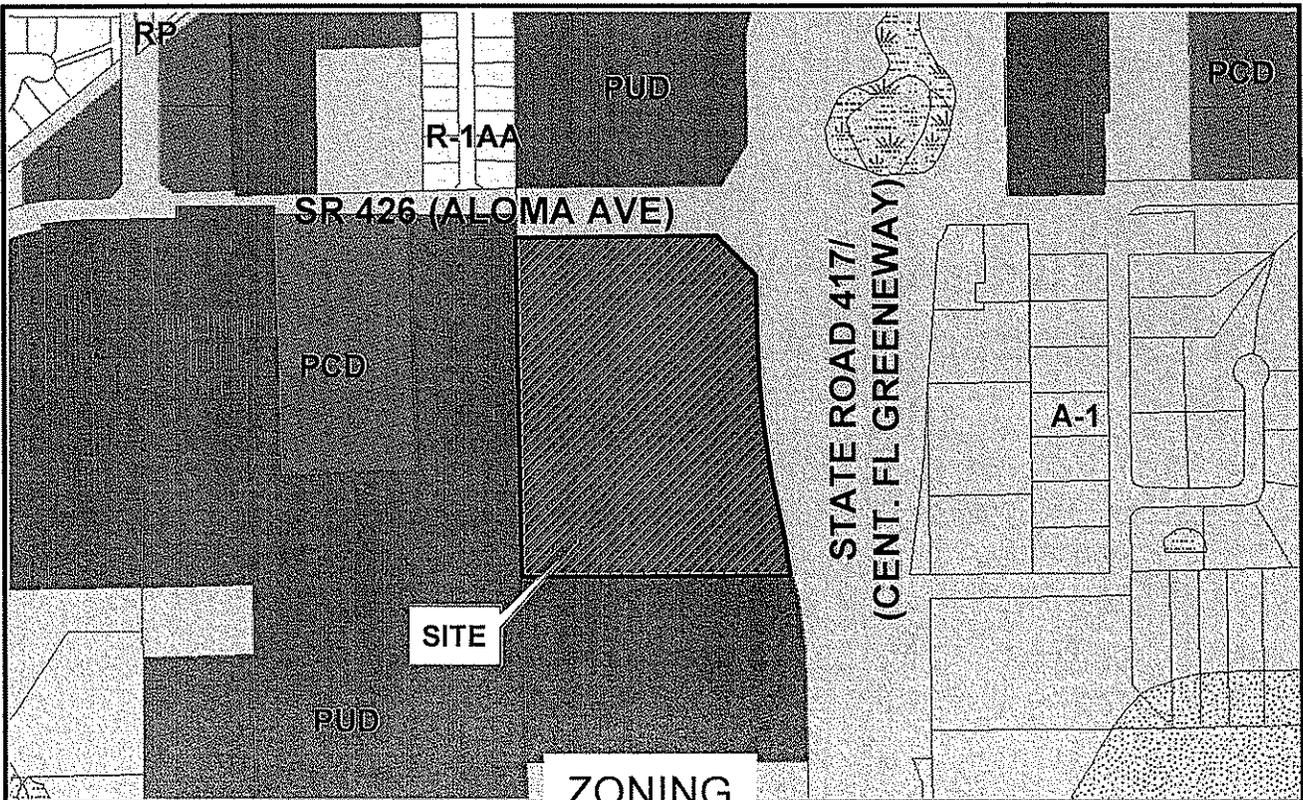
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



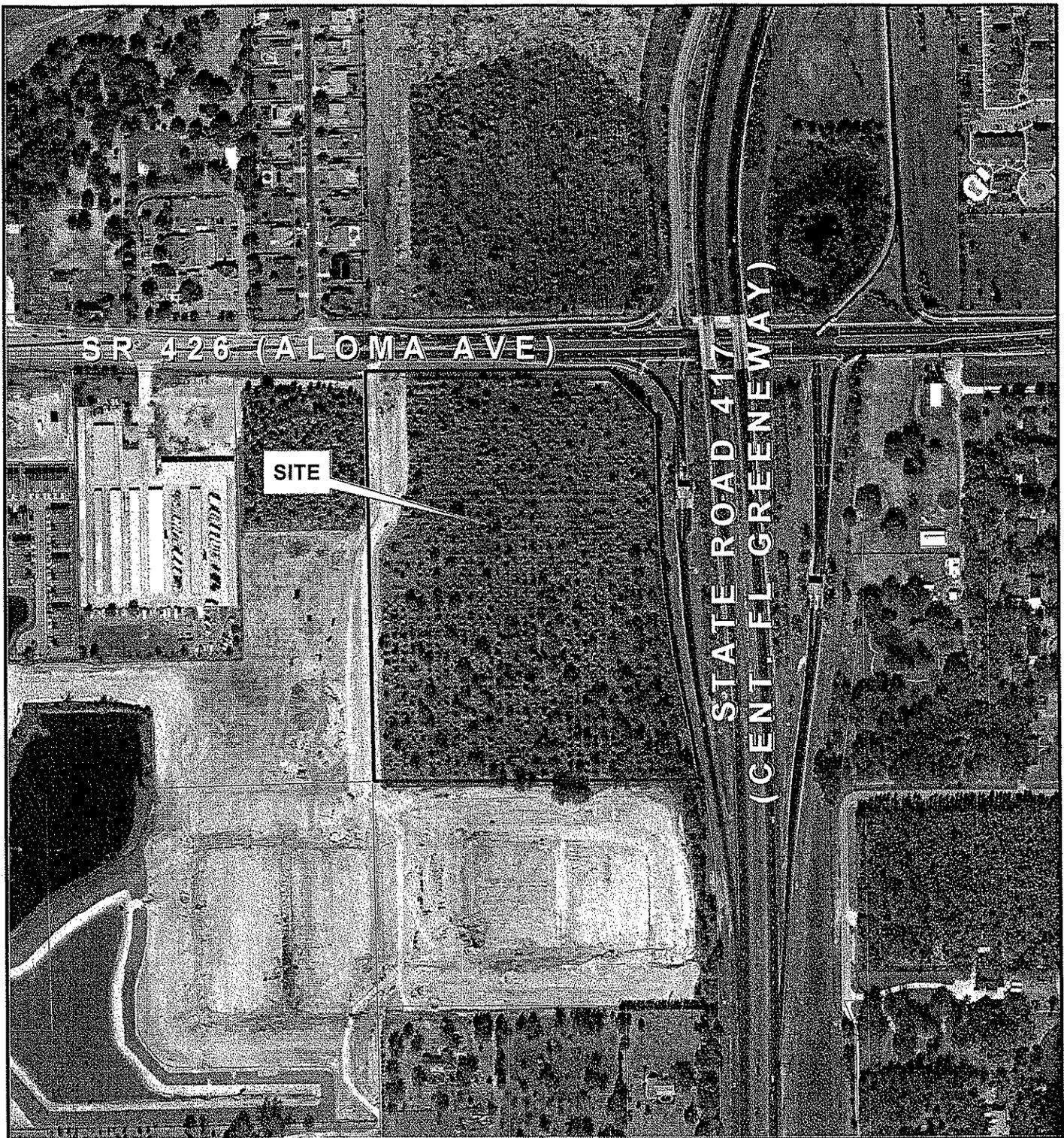
Site
 LDR
 PD
 OFF
 COM
 HIPTR
 CONS

Applicant: Charles W. Clayton, Jr.
 Physical STR: 31-21-31-501-0000-0100
 Gross Acres: 23 +/- BCC District: 1
 Existing Use: Agriculture
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-050	A-1	PUD



Site
 R-1AA
 RP
 PUD
 A-1
 PCD
 FP-1
 W-1



Rezoning No: Z2006-050

From: A-1 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On November 07, 2006, Seminole County issued this Amended Development Order, replacing the amended Development Order approved August 22, 2006, which was not executed, and superseding the original Development Order issued October 25, 2005, relating to and touching and concerning the following described property:

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

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

FINDINGS OF FACT

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

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

Project Name: Greenway South PUD

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

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

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and

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

Prepared by: Michael Rumer
1101 East First Street
Sanford, FL 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

1. The aforementioned application for development approval is **GRANTED**.
2. All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
3. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Permitted uses and special exception uses within the OP (Office District), A-1 (Bona fide Agriculture), C-1 and C-2 (Retail Commercial District) zoning classifications shall be allowed within the PUD development with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.
 - B. The Applicant shall install a signalized full access intersection on SR 426 (Aloma Avenue) and Deep Lake Road per the existing agreement with FDOT.
 - C. Applicant shall obtain a stormwater permit from the Seminole County Expressway Authority and/or Florida Department of Transportation for discharge of drainage to the SR 417 right-of-way or shall design the project to maintain a 100-year, 24 hour storm event onsite.
 - D. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
 - E. Applicant shall execute and maintain an agreement with the property owner to the west regarding joint access road to SR 426, prior to PUD final master plan approval. Said agreement shall include, but not be limited to, the following issues:
 1. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of Deep Lake Road.
 2. Aligning Deep Lake Road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
 3. Specifying driveway locations along the Deep Lake Road for access to the proposed development.
 - F. Landscaping shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.

- G. Applicant shall install a minimum 25 foot landscape buffer along the eastern property line abutting the Central Florida GreeneWay (SR 417) to ensure 100% opacity at six (6) feet in height above grade within one (1) year.
 - H. Mechanical units shall be located and/or screened to avoid off-site view from SR 426 or abutting residential uses.
 - I. Lighting shall be installed in accordance with Seminole County Ordinance 2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance, whichever is more restrictive. Outdoor lighting adjacent to the north property line along SR 426 and adjacent to residential uses shall be limited to decorative lighting affixed to the front of buildings. Security lighting with motion sensors shall be permitted.
 - J. The maximum permitted building height shall be 35 feet.
 - K. The maximum Floor Area Ratio (FAR) shall not exceed 0.35.
 - L. Development shall connect to Seminole County water and sewer service.
 - M. Applicant shall provide a minimum 50 foot building setback and a minimum 25 foot landscape buffer abutting residential uses to the south and west. A six (6) foot brick or masonry wall shall be installed along ~~the western boundary abutting residential uses within the Deep Lake PUD and~~ along the south property line abutting the South Tuskawilla Road Property/Aloma Development LLC. Landscaping along the wall shall consist of eight (8) canopy trees a minimum of 2.5 inches in diameter, with an overall average of 3 inches, as measured one (1) foot above ground, every 100 linear feet.
 - N. Applicant shall install sidewalks, a minimum of five (5) foot in width, to connect building entrances and sidewalks in right-of-way.
 - O. Incorporate the same architectural treatment on all sides of commercial buildings.
 - P. Gate and wall dumpsters and compactors so not to be visible, except when serviced.
 - Q. Remove trash from dumpsters twice a week.
 - R. Clean sweep parking lots twice a week.
 - S. Screen ~~and gate~~ truck wells.
 - T. Prohibit overnight parking onsite.
 - U. Install irrigation system for landscaping.
 - V. The Board of County Commissioners shall review PUD Final Master Plan.
4. This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

OWNER'S CONSENT AND COVENANT

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

Witness

Charles W. Clayton, Jr.

Witness

Witness

E. G. Banks

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who did not take an oath.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

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

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

FINDINGS OF FACT

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

Project Name: Greenway South PUD

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

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

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

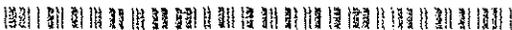
Prepared by: Tony Matthews 1101 East First Street Sanford, FL 32771

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

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

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

RETURN TO SANDY MCCANN



NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

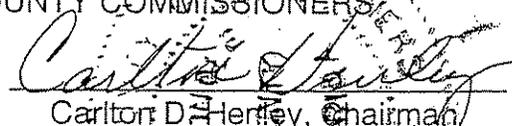
Z2004-065

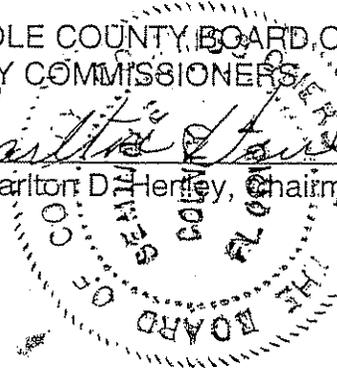
DEVELOPMENT ORDER #04-20500009

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By:


Carlton D. Herley, Chairman



OWNER'S CONSENT AND COVENANT

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

Nancy Husselman
Witness

Charles W. Clayton Jr
Charles W. Clayton, Jr.

Patty Ann Zeman
Witness

Nancy Husselman
Witness

E. G. Banks
E. G. Banks

Patty Ann Zeman
Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CHARLES W. CLAYTON, JR & E. G. BANKS who is personally known to me or who has produced _____ as identification and who did not take an oath.

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

Nancy Husselman

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



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

On November 07, 2006, Seminole County issued this Developer's Commitment Agreement, superseding the original Developer's Commitment Agreement approved September 26, 2006, which was not executed, relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

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

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

2. PROPERTY OWNERS

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

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

3. STATEMENT OF BASIC FACTS

- A. Total Area: 21.32 Acres
- B. Zoning: Planned Unit Development
- C. Maximum FAR: .35 of Net Buildable
- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.
- E. The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

F. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owners are as follows:

4. TRACTING/LOT PLAN – LAND USE BREAKDOWN

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

5. OPEN SPACE CALCULATIONS

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

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

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

(5.18 ac.) / (21.32 ac.) = 24.30% Provided

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

6. BUILDING SETBACKS

Lot/Tract A, B, & C:

Front25'
 Side0'
 Rear.....10'
 Maximum Building Height35'

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

7. PERMITTED USES

Permitted uses and special exception uses within the OP (Office), A-1 (Agriculture), C-1 and C-2 (Retail Commercial) zoning classifications shall be allowed within the PUD with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.

8. LANDSCAPE & BUFFER CRITERIA

North: Minimum 25'

South: Minimum 25' with a 6' masonry wall

East: Minimum 25'

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

9. DEVELOPMENT COMMITMENTS

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

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses and special exception uses within the OP (Office), A-1 (Agriculture), C-1 and C-2 (Retail Commercial) zoning classifications shall be allowed within the PUD with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.
- d. Landscaping shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
- e. Development shall connect to Seminole County water and sewer service.
- f. Applicant shall install sidewalks, a minimum of (5) foot in width, to connect building entrances and sidewalks in Deep Lake Road right-of-way.
- g. Incorporate the same architectural treatment on all sides of commercial buildings.
- h. Dumpsters and compactors are required to be enclosed on three sides by a brick or masonry wall with a gated access so not to be visible, except when serviced.
- i. Empty trash from dumpsters twice a week.
- j. Clean sweep parking lots twice a week.
- k. Screen and gate truck wells.
- l. Prohibit overnight parking onsite.
- m. Install irrigation system for landscaping.
- n. Applicant shall obtain a stormwater permit from the Seminole County Expressway Authority and/or Florida Department of Transportation for

- discharge of drainage to the SR 417 right-of-way or shall design the project to maintain a 100-year, 24 hour storm event onsite.
- o. Applicant shall install a minimum 25 foot landscape buffer along the eastern property line abutting the Central Florida GreenWay (SR 417) to ensure 100% opacity at six (6) feet in height above grade within one (1) year.
 - p. Mechanical units shall be located and/or screened to avoid off-site view from SR 426 or abutting residential uses.
 - q. Lighting shall be installed in accordance with Seminole County Ordinance 2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance, whichever is more restrictive.
 - r. Outdoor lighting adjacent to the north property line along SR 426 and adjacent to residential uses shall be limited to decorative lighting affixed to the front of buildings. Security lighting with motion sensors shall be permitted.
 - s. Applicant shall provide a minimum 50 foot building setback and a minimum 25 foot landscape buffer abutting residential uses to the south and west. A six (6) foot brick or masonry wall shall be installed ~~along the western boundary abutting residential uses within the Deep Lake PUD and~~ along the south property lines abutting the South Tuskawilla Road Property/Aloma Development LLC. Landscaping along the wall shall consist of eight (8) canopy trees a minimum 2.5 inches in diameter, with an overall average of 3 inches, as measured (1) foot above ground, every 100 linear feet.
 - t. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).

PUBLIC FACILITIES

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

WATER:

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

SANITARY SEWER:

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

STORM DRAINAGE:

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

FIRE PROTECTION:

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

STANDARD PROVISIONS

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

INTERPRETATION: RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 04-20500009 as amended by Development Order Number 06-21700008, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

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

OWNERS' CONSENT AND COVENANT

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

WITNESSES:

OWNERS:

Witness (Sign and print name)

CCCH Greenway North Property, LLC

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

Witness (Sign and print name)

By: _____
E. G. Banks an individual

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ORANGE }

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

Notary Public
Print Name:
My Commission expires:

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ORANGE }

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

Notary Public
Print Name:
My Commission expires:

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

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

1. LEGAL DESCRIPTION

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

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

2. PROPERTY OWNERS

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

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

3. STATEMENT OF BASIC FACTS

- A. Total Area: 21.32 Acres
- B. Zoning: Planned Unit Development
- C. Maximum FAR: .35 of Net Buildable
- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.
- E. The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.
- F. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owners are as follows:

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

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

5. **OPEN SPACE CALCULATIONS**

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

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

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

(5.18 ac.) / (21.32 ac.) = 24.30% Provided

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

6. **BUILDING SETBACKS**

Lot/Tract A, B, & C:

Front25'
 Side0'
 Rear10'
 Maximum Building Height.....35'

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

7. PERMITTED USES

Permitted uses and special exception uses within the OP (Office), A-1 (Agriculture), C-1 and C-2 (Retail Commercial) zoning classifications shall be allowed within the PUD with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.

8. LANDSCAPE & BUFFER CRITERIA

North: Minimum 25'

South: Minimum 25' with a 6' masonry wall

East: Minimum 25'

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

9. DEVELOPMENT COMMITMENTS

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

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses and special exception uses within the OP (Office), A-1 (Agriculture), C-1 and C-2 (Retail Commercial) zoning classifications shall be allowed within the PUD with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.
- d. Landscaping shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
- e. Development shall connect to Seminole County water and sewer service.
- f. Applicant shall install sidewalks, a minimum of (5) foot in width, to connect building entrances and sidewalks in Deep Lake Road right-of-way.
- g. Incorporate the same architectural treatment on all sides of commercial buildings.
- h. Dumpsters and compactors are required to be enclosed on three sides by a brick or masonry wall with a gated access so not to be visible, except when serviced.
- i. Empty trash from dumpsters twice a week.
- j. Clean sweep parking lots twice a week.
- k. Screen and gate truck wells.
- l. Prohibit overnight parking onsite.
- m. Install irrigation system for landscaping.
- n. Applicant shall obtain a stormwater permit from the Seminole County Expressway Authority and/or Florida Department of Transportation for discharge of drainage to the SR 417 right-of-way or shall design the project to maintain a 100-year, 24 hour storm event onsite.
- o. Applicant shall install a minimum 25 foot landscape buffer along the eastern property line abutting the Central Florida GreenWay (SR 417) to ensure 100% opacity at six (6) feet in height above grade within one (1) year.

- p. Mechanical units shall be located and/or screened to avoid off-site view from SR 426 or abutting residential uses.
- q. Lighting shall be installed in accordance with Seminole County Ordinance 2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance, whichever is more restrictive.
- r. Outdoor lighting adjacent to the north property line along SR 426 and adjacent to residential uses shall be limited to decorative lighting affixed to the front of buildings. Security lighting with motion sensors shall be permitted.
- s. Applicant shall provide a minimum 50 foot building setback and a minimum 25 foot landscape buffer abutting residential uses to the south and west. A six (6) foot brick or masonry wall shall be installed along the western boundary abutting residential uses within the Deep Lake PUD and along the south property lines abutting the South Tuskawilla Road Property/Aloma Development LLC. Landscaping along the wall shall consist of eight (8) canopy trees a minimum 2.5 inches in diameter, with an overall average of 3 inches, as measured (1) foot above ground, every 100 linear feet.
- t. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).

PUBLIC FACILITIES

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

WATER:

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

SANITARY SEWER:

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

STORM DRAINAGE:

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

FIRE PROTECTION:

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

STANDARD PROVISIONS

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

INTERPRETATION: RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

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

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

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

OWNERS' CONSENT AND COVENANT

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

WITNESSES:

OWNERS:

Witness (Sign and print name)

CCCH Greenway North Property, LLC

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

Witness (Sign and print name)

More witness

E. G. Banks, an individual

By: _____
E. G. Banks

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ORANGE }

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

Notary Public
Print Name:
My Commission expires:

Acknowledgement

STATE OF FLORIDA }
COUNTY OF ORANGE }

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

Notary Public

Print Name:

My Commission expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On November 7, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s):

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

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

Project Name: Greenway South PUD Major Amendment

Requested Development Approval: The applicant is requesting a Major Amendment to the Greenway South PUD.

The Board of County Commissioners has determined that the request for a Major Amendment to the Greenway South PUD is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Greenway South PUD Major Amendment" and all evidence submitted at the public hearing on November 7, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PUD Major Amendment should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

EXHIBIT A

LEGAL DESCRIPTION:

Legal Description as provided by client:

Lots 10 to 15 (Less right of way of Aloma Ave. & SR 417) Subdivision of E.G. Townsends Homestead, according to the plat thereof, as recorded in Plat Book 2, Page 61, of the Public Records of Seminole County, Florida, less that portion to be platted and/or dedicated as Deep Lake Road. (A more particular described of that portion to be platted or dedicated as Deep Lake Road to be forthcoming.)

Also being described as surveyed:

Begin at the most Northeasterly property corner of CLIFTON PARK as recorded in Plat Book 70, Pages 1, of the Public Records of Seminole County, Florida, said corner also being on the Southerly right of way line of State Road 426 per right of way map section 77310-6410 and the Westerly limited access right of way line of State Road 417 (Eastern Beltway) per Order of Taking recorded in O.R. Book 1909, Page 1604-1617; thence run the following courses along said Southerly and Westerly right of way lines; North 89°14'06" East for a distance of 204.50 feet; thence run South 87°46'42" East for a distance of 230.31 feet; thence run North 89°14'06" East for a distance of 120.00 feet ; thence departing said Southerly right of way line, run the following coursed along said Westerly right of way line; South 43°44'13" East for a distance of 189.36 feet; thence run South 01°05'29" East for a distance of 235.55 feet to a point on a curve concave Easterly and having a radius of 3889.72 feet; thence run Southerly along said curve through a central angle of 8°51'00" for an arc distance of 600.81 feet; thence run South 09°56'29" East for a distance of 208.62 feet to a point on the Northerly property line of said CLIFTON PARK plat; thence departing said Westerly right of way line run South 89°34'20" West along said Northerly plat line for a distance of 894.39 feet to a point on the Easterly right of way line of Deep Lake Road per said CLIFTON PARK plat; thence run along said Easterly right of way line the following courses; North 00°34'38" West for a distance of 629.74 feet to a point on a curve concave Easterly and having a radius of 155.00 feet; thence run Northerly along said curve through a central angle of 34°28'05" for an arc distance of 93.25 feet; thence run North 33°53'27" East for a distance of 55.01 feet to a point on a curve concave Westerly and having a radius of 224.00 feet; thence run Northerly along said curve through a central angle of 34°28'05" for an arc distance of 134.75 feet; thence run North 00°34'38" West for a distance of 270.75 feet to a point on a curve concave Southeasterly and having a radius of 25.00 feet; thence run Northeasterly along said curve through a central angle of 89°48'50" for an arc distance of 39.19 feet to the aforesaid POINT OF BEGINNING.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM PUD (PLANNED UNIT DEVELOPMENT DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); 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 document titled "Greenway South PUD".

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

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

LEGAL DESCRIPTION ATTACHED AS 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 the Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida statutes, and this ordinance shall take effect upon filing the ordinance with the Department of State and recording of Development Order #06-21700008 in the Public Records of Seminole County, Florida.

ENACTED this 7th day of November 2006

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley, Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

Lots 10 to 15 (Less right of way of Aloma Ave. & SR 417) Subdivision of E.G. Townsends Homestead, according to the plat thereof, as recorded in Plat Book 2, Page 61, of the Public Records of Seminole County, Florida, less that portion to be platted and/or dedicated as Deep Lake Road. (A more particular described of that portion to be platted or dedicated as Deep Lake Road to be forthcoming.)

Also being described as surveyed:

Begin at the most Northeasterly property corner of CLIFTON PARK as recorded in Plat Book 70, Pages 1, of the Public Records of Seminole County, Florida, said corner also being on the Southerly right of way line of State Road 426 per right of way map section 77310-6410 and the Westerly limited access right of way line of State Road 417 (Eastern Beltway) per Order of Taking recorded in O.R. Book 1909, Page 1604-1617; thence run the following courses along said Southerly and Westerly right of way lines; North 89°14'06" East for a distance of 204.50 feet; thence run South 87°46'42" East for a distance of 230.31 feet; thence run North 89°14'06" East for a distance of 120.00 feet ; thence departing said Southerly right of way line, run the following coursed along said Westerly right of way line; South 43°44'13" East for a distance of 189.36 feet; thence run South 01°05'29" East for a distance of 235.55 feet to a point on a curve concave Easterly and having a radius of 3889.72 feet; thence run Southerly along said curve through a central angle of 8°51'00" for an arc distance of 600.81 feet; thence run South 09°56'29" East for a distance of 208.62 feet to a point on the Northerly property line of said CLIFTON PARK plat; thence departing said Westerly right of way line run South 89°34'20" West along said Northerly plat line for a distance of 894.39 feet to a point on the Easterly right of way line of Deep Lake Road per said CLIFTON PARK plat; thence run along said Easterly right of way line the following courses; North 00°34'38" West for a distance of 629.74 feet to a point on a curve concave Easterly and having a radius of 155.00 feet; thence run Northerly along said curve through a central angle of 34°28'05" for an arc distance of 93.25 feet; thence run North 33°53'27" East for a distance of 55.01 feet to a point on a curve concave Westerly and having a radius of 224.00 feet; thence run Northerly along said curve through a central angle of 34°28'05" for an arc distance of 134.75 feet; thence run North 00°34'38" West for a distance of 270.75 feet to a point on a curve concave Southeasterly and having a radius of 25.00 feet; thence run Northeasterly along said curve through a central angle of 89°48'50" for an arc distance of 39.19 feet to the aforesaid POINT OF BEGINNING.

Contains 21.32 acres more or less.

PLANNING AND DEVELOPMENT DEPARTMENT

**Planning Division****MEMORANDUM**

DATE: 11/2/06
TO: Board of County Commissioners
FROM: Michael Rumer, Senior Planner *MR*
RE: Greenway South PUD Major Amendment

The Planning and Zoning Commission met on November 01, 2006 and voted 5-0 to recommend approval of the Greenway South PUD Major Amendment, rezoning ordinance from PUD to PUD, Amended Greenway South PUD Development Order, and Greenway South PUD Developer's Commitment Agreement, for 21.32 ± acres located at the southwest corner of SR 417 and SR 426. Attached are the minutes of the November 01, 2006, Planning and Zoning Commission meeting.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
NOVEMBER 1, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Jason Brodeur, Dudley Bates

Members absent: Rob Wolf and Walt Eismann

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

Greenway South PUD Major Amendment; Continental Properties Co., Inc., applicant; 21.32 ± acres; Major Amendment to the Greenway South PUD Final Master Plan; located at the southwest corner of the intersection of SR 417 and SR 426. (Z2006-50)

Commissioner Dallari – District 1
Michael Rumer, Senior Planner

Michael Rumer stated that the request for a major amendment to the Greenway South Planned Unit Development would amend the Development Order and Developer's Commitment Agreement. The request would remove a 6-foot brick or masonry wall adjacent to Deep Lake Road, and to remove the requirement that the truck wells be gated. The truck wells will be screened. The landscaping will be executed according to the Lake Mary Boulevard Corridor overlay standards.

Charles Madden stated that he concurred with the staff recommendations. This project has been to this commission previously for Final Master Plan approval.

There were no questions from the audience.

Commissioner Brown asked what the neighboring townhomes will do along Deep Lake Road.

Mr. Madden said there was a 6-foot PVD fence there.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Brodeur seconded the motion.

The motion passed 5 – 0.