

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO AMEND AN EXISTING SPECIAL EXCEPTION TO INCREASE PRESCHOOL ENROLLMENT OF AN EXISTING DAY CARE CENTER FROM 129 STUDENTS TO 186 STUDENTS AND ALLOW TWO ADDITIONAL BUILDINGS IN THE A-1 (AGRICULTURE DISTRICT); (DAVE & JENNIFER KRUSE, APPLICANTS).

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

AUTHORIZED BY: Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7387

Agenda Date 06-26-05 **Regular** **Consent** **Public Hearing – 6:00**

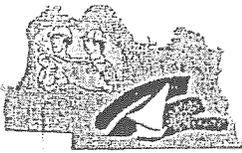
MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO INCREASE PRESCHOOL ENROLLMENT OF AN EXISTING DAY CARE CENTER FROM 129 STUDENTS TO 186 STUDENTS AND ALLOW TWO ADDITIONAL BUILDINGS IN THE A-1 (AGRICULTURE DISTRICT) AT 3612 MCNEIL ROAD; (DAVE & JENNIFER KRUSE, APPLICANTS); OR
2. **DENY** THE REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION TO INCREASE PRESCHOOL ENROLLMENT OF AN EXISTING DAY CARE CENTER FROM 129 STUDENTS TO 186 STUDENTS AND ALLOW TWO ADDITIONAL BUILDINGS IN THE A-1 (AGRICULTURE DISTRICT) AT 3612 MCNEIL ROAD; (DAVE & JENNIFER KRUSE, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	DAVE & JENNIFER KRUSE, APPLICANTS 3612 MCNEIL ROAD	A-1 DISTRICT, LDC SECTION 30.124(B), (4); (PUBLIC AND PRIVATE NURSERY SCHOOLS, KINDERGARTENS, MIDDLE SCHOOLS, HIGH SCHOOLS AND COLLEGES)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS REQUEST TO AMEND AN EXISTING SPECIAL EXCEPTION AND SITE PLAN FOR A CHILD CARE CENTER TO CONSTRUCT A 2,794 SQ. FT. ADDITION, A 750 SQ. FT. COVERED AREA, AND TO INCREASE PRESCHOOL ENROLLMENT FROM 129 TO 186 CHILDREN. 	

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	A-1	LOW DENSITY RESIDENTIAL	PRESCHOOL
	NORTH	R-1A	LOW DENSITY RESIDENTIAL	ASSISTED LIVING FACILITY
	SOUTH	A-1	LOW DENSITY RESIDENTIAL	GROUP HOME
	EAST	R-1A	LOW DENSITY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL
	WEST	R-1A	LOW DENSITY RESIDENTIAL	CHURCH
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</p>	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>THE REQUESTED SPECIAL EXCEPTION WOULD INCREASE ENROLLMENT OF AN EXISTING PRESCHOOL BY 57 STUDENTS AND APPROVE TWO ADDITIONAL BUILDINGS ON THE SITE. THE PROPOSED ADDITIONS WOULD BE LOCATED BETWEEN THE EXISTING SITE AND A CHURCH TO THE WEST.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>THE INCREASED ENROLLMENT WILL GENERATE MORE PEAK HOUR TRAFFIC THAN WHAT IS CURRENTLY GENERATED. TRAFFIC ENGINEERS HAVE REVIEWED THE PROPOSED SITE ADDITIONS WHICH WOULD NOT REQUIRE ANY IMPROVEMENTS TO MCNEIL ROAD OR BEAR LAKE ROAD.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES LOW DENSITY RESIDENTIAL FUTURE</p>			

	<p>LAND USE AS APPROPRIATE FOR A VARIETY OF USES (INCLUDING GROUP HOMES, CHURCHES, AND DAY CARE).</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED ADDITIONS WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE A-1 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>WITHIN THE A-1 DISTRICT, DAY CARE CENTERS ARE ALLOWED AS SPECIAL EXCEPTION; THIS SITE HAS RECEIVED PREVIOUS APPROVALS FOR DAY CARE USE AND ENROLLMENT INCREASES. THE ADDITIONS TO THE EXISTING SITE WOULD BE SITUATED TO THE WEST SIDE OF THE PROPERTY, ADJACENT TO AN EXISTING CHURCH.</p>
<p>STAFF FINDINGS</p>	<p>IN THE EVALUATION OF THIS APPLICATION, STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none"> • THE PROPERTY IS CURRENTLY SERVED BY SEMINOLE COUNTY WATER AND IS PROPOSING TO CONNECT TO SEMINOLE COUNTY SEWER. • THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN. • THE PROPERTY IS CURRENTLY USED AS A DAY CARE CENTER; IT IS CONSISTENT WITH THE TREND OF DEVELOPMENT, WITH A CHURCH AND ASSISTED LIVING FACILITY ALONG MCNEIL ROAD. • THE PROPOSED AMENDMENTS WOULD NOT HAVE A SIGNIFICANT IMPACT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS OR VOLUMES. • THE PROPOSED AMENDMENTS WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF LOW DENSITY RESIDENTIAL FUTURE LAND USE FOR THE SUBJECT PROPERTY, AND THE PROPOSED ADDITIONS WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST.
<p>STAFF RECOMMENDATION</p>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> ○ SUBMITTAL OF A FINAL SITE PLAN, IN ACCORDANCE WITH THE CODE, FOR REVIEW BY THE DEVELOPMENT REVIEW COMMITTEE.



COPY

APPL. NO. B59005-004

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for **SPECIAL EXCEPTION** shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE**
- SPECIAL EXCEPTION** PROPOSED ADDITION TO EXIST. DAY CARE and increase approved enrollment from 129 to 195
- MOBILE HOME SPECIAL EXCEPTION**
 - EXISTING (YEAR _____) PROPOSED (YEAR _____)
 - REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
 - ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 - PLAN TO BUILD YES NO IF SO, WHEN _____
 - MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

APR 18 2005

PROPERTY OWNER		AUTHORIZED AGENT*
NAME	DAVE + JENNIFER KRUSE	
ADDRESS	6236 CARRIE ANN CT.	
	ORLANDO, FL	
PHONE 1	(407) 694-5271	
PHONE 2	(407) 616-6304	
E-MAIL		

PROJECT NAME: HAPPY FACES PREP SCHOOL

SITE ADDRESS: 3612 McNEIL RD., APOPKA, FL 32703

CURRENT USE OF PROPERTY: DAY CARE

LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: .998 acre(s) PARCEL I.D. 17-24-29-5B6-0000-052B

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO

This request will be considered at the Board of Adjustment regular meeting on 6/27/09 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

[Signature] DATE: 4-18-05

SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.

05-6000015

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION	
NAME	_____
ADDRESS	_____
PHONE 1	_____
PHONE 2	_____
E-MAIL	_____

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING: _____

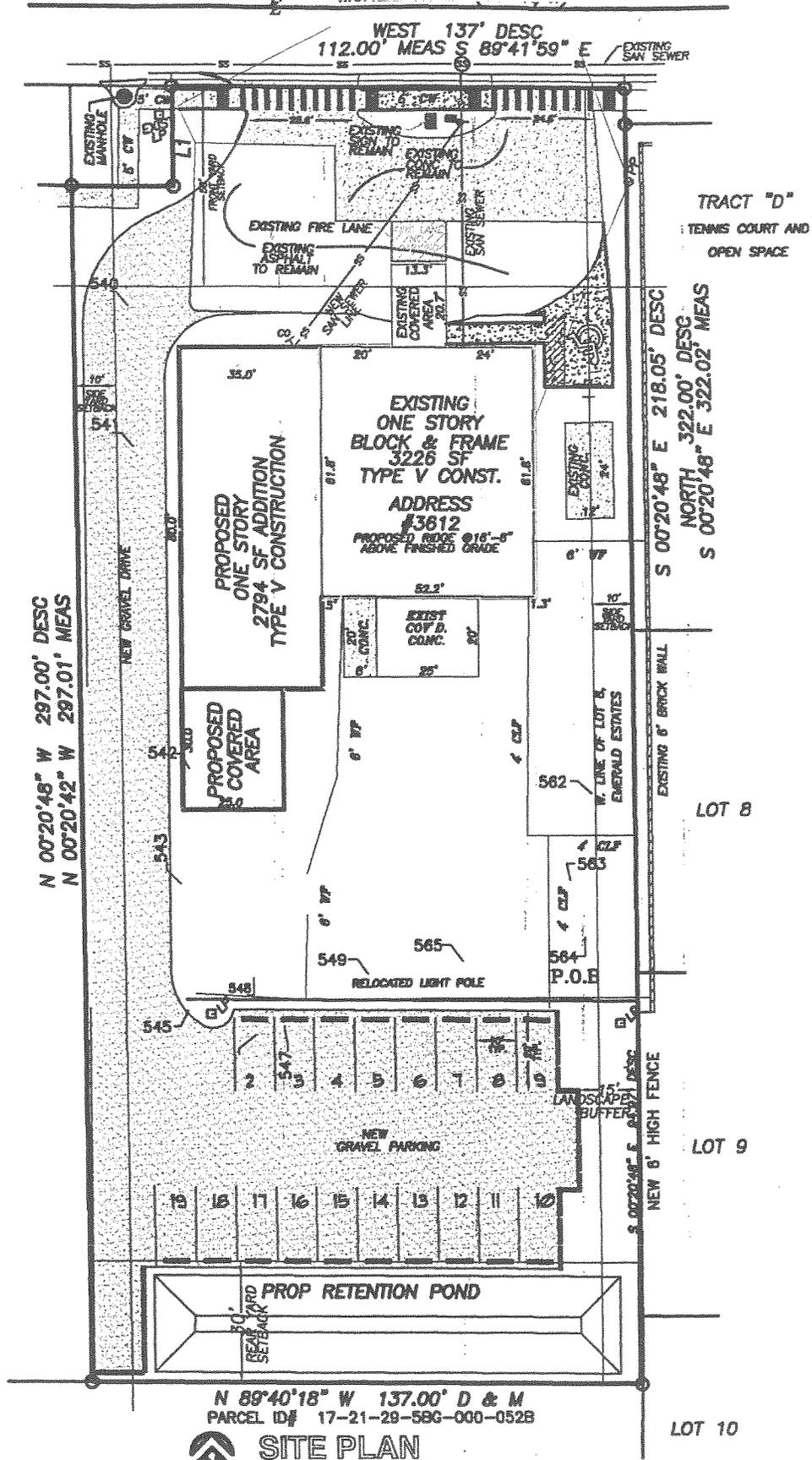
FEE(S): \$370 COMMISSION DISTRICT 3 FLU/ZONING LDR/A-1

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS on s. side of McNeil Rd approx.
320' E of intersect of Bear Lake Rd and McNeil Rd.

PLANNING ADVISOR JV DATE 4/18/05

SUFFICIENCY COMMENTS _____



SITE PLAN
1" = 8'

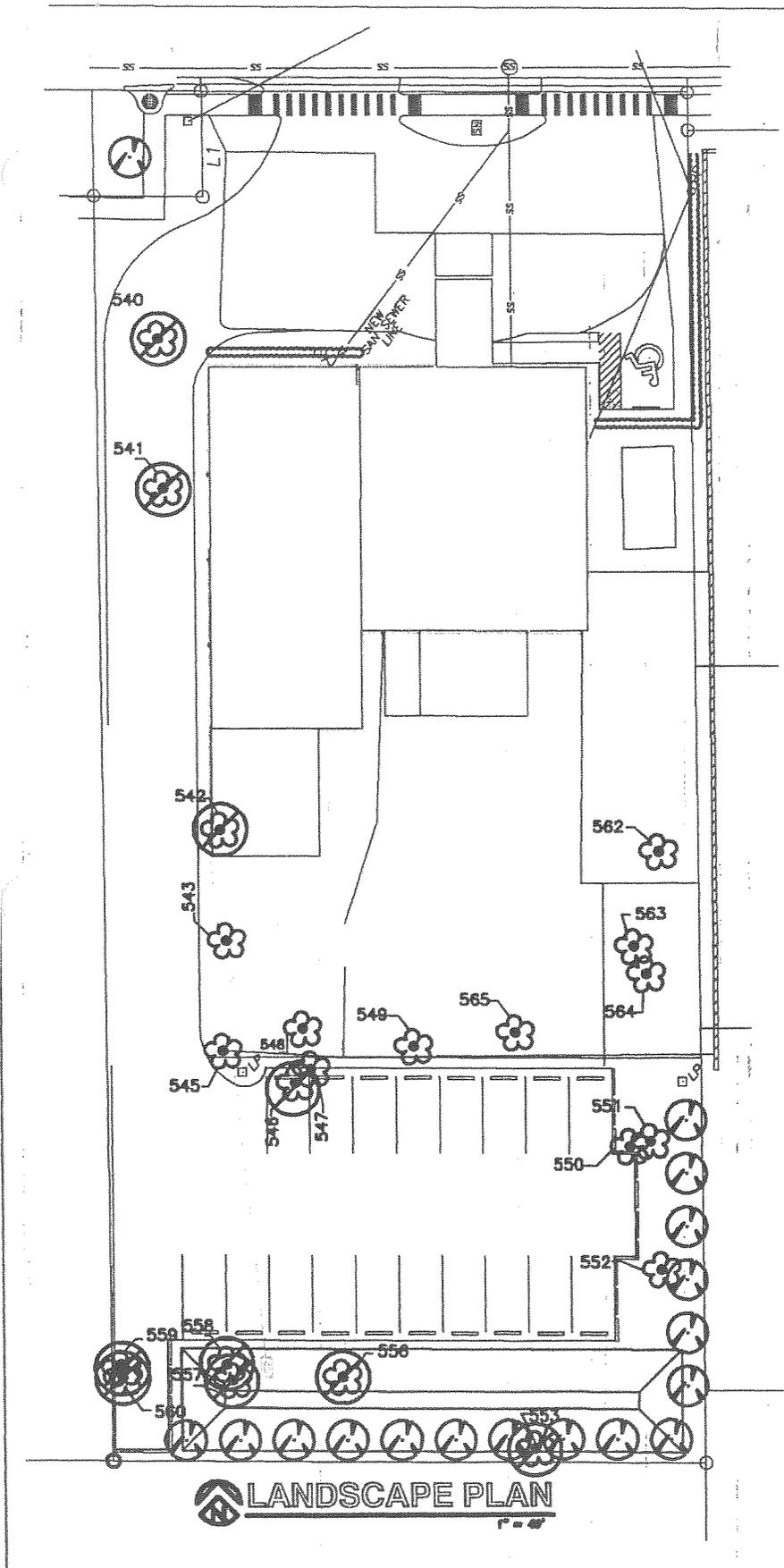
N 89°40'18" W 137.00' D & M
PARCEL ID# 17-21-29-58G-000-052B

A New Site Plan For:
**HAPPY FACES
PREP SCHOOL**

SONYAGI ARCHITECT
10000 W. BAYVIEW BLVD. SUITE 100
LAKELAND, FLORIDA 33809
TEL: 888-333-3333 FAX: 888-333-3333
www.sonyagi.com

NO.	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE



LANDSCAPE PLAN
1" = 40'

ID# PRESERVED		
543	OAK TREE	26" CALIPER
545	OAK TREE	14" CALIPER
548	OAK TREE	8" CALIPER
549	OAK TREE	24" CALIPER
550	OAK TREE	24" CALIPER
551	OAK TREE	32" CALIPER
552	OAK TREE	36" CALIPER
565	OAK TREE	16" CALIPER
564	OAK TREE	16" CALIPER
563	OAK TREE	24" CALIPER
562	OAK TREE	20" CALIPER
	PRESERVED CUMULATIVE DBH	240" CALIPER

ID# TO BE REMOVED		
559	OAK TREE	15" CALIPER
560	OAK TREE	13" CALIPER
558	OAK TREE	16" CALIPER
557	OAK TREE	24" CALIPER
556	OAK TREE	16" CALIPER
553	OAK TREE	8" CALIPER
547	OAK TREE	12" CALIPER
546	OAK TREE	7" CALIPER
542	OAK TREE	12" CALIPER
541	OAK TREE	6" CALIPER
540	OAK TREE	8" CALIPER
	CUMULATIVE DBH	137" CALIPER

• PROPOSED		
17	LAUREL OAK	3" CALIPER
	CUMULATIVE DBH	51" CALIPER

REVISIONS		
REV.	DESCRIPTION	DATE

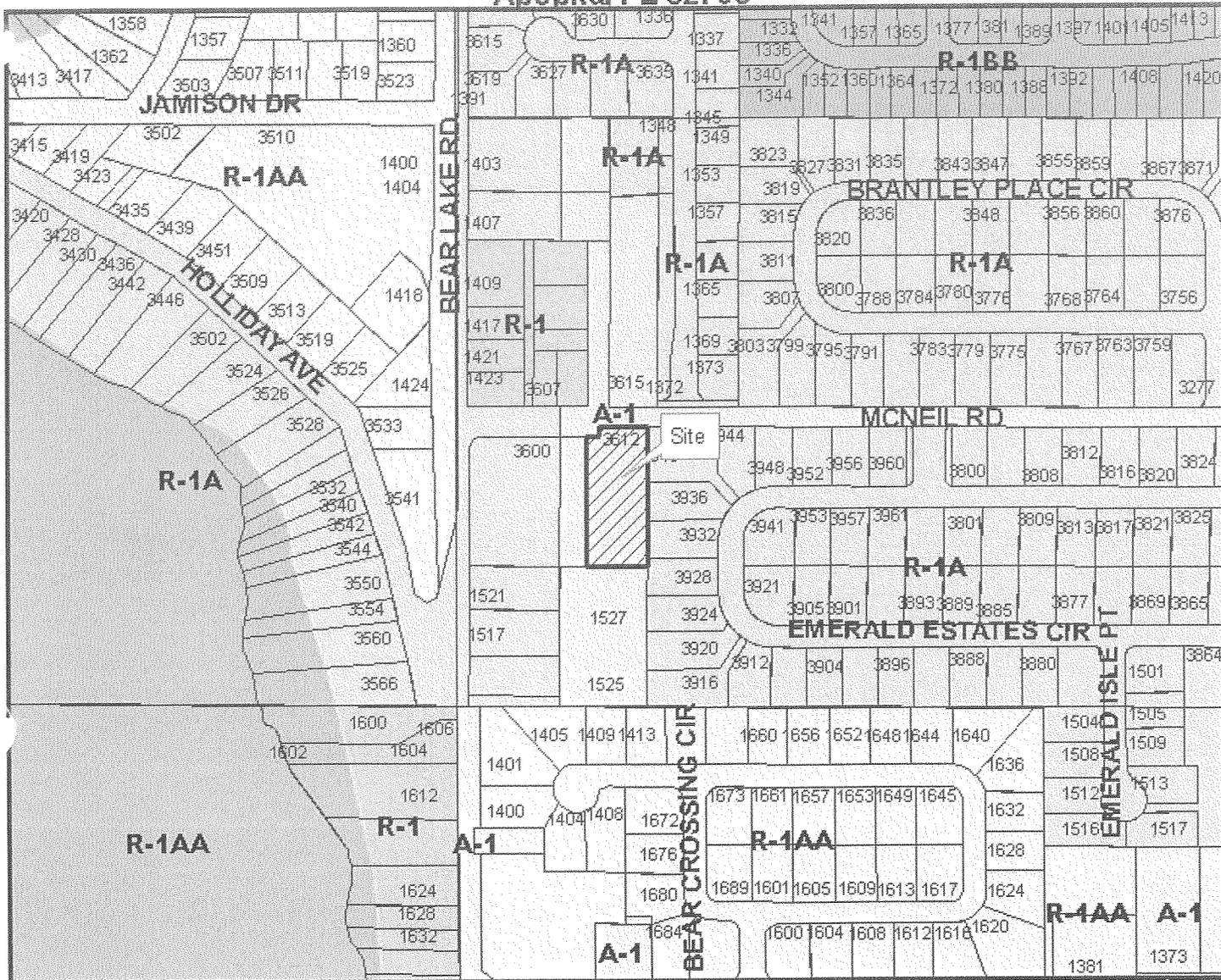
A New Site Plan For:
**HAPPY FACES
PREP SCHOOL**

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ALL RIGHTS RESERVED

BONYADI ARCHITECT
1243 68th Ave
P.O. Box 10110
Lakewood, Florida 33411
Tel: 754-326-7888
Fax: 754-326-7888
BonyadiArchitect.com

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																				
GENERAL Parcel Id: 17-21-29-5BG-0000-052B Tax District: 01-COUNTY-TX DIST 1 Owner: HAPPY FACES PREP SCHOOL INC Exemptions: 30-EDUCATION Address: 3612 MC NEIL RD City,State,ZipCode: APOPKA FL 32703 Property Address: 3612 MC NEIL RD S APOPKA 32703 Facility Name: Dor: 7201-DAY CARE/PRE SCHOOL		2005 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$177,551 Depreciated EXFT Value: \$2,877 Land Value (Market): \$77,600 Land Value Ag: \$0 Just/Market Value: \$258,028 Assessed Value (SOH): \$258,028 Exempt Value: \$258,028 Taxable Value: \$0 Tax Estimator																		
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>08/2001</td> <td>04154</td> <td>1017</td> <td>\$400,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1989</td> <td>02054</td> <td>0834</td> <td>\$160,000</td> <td>Improved</td> </tr> </tbody> </table> Find Comparable Sales within this DOR Code		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	08/2001	04154	1017	\$400,000	Improved	WARRANTY DEED	03/1989	02054	0834	\$160,000	Improved	2004 VALUE SUMMARY 2004 Tax Bill Amount: \$0 2004 Taxable Value: \$0 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp															
WARRANTY DEED	08/2001	04154	1017	\$400,000	Improved															
WARRANTY DEED	03/1989	02054	0834	\$160,000	Improved															
LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>.970</td> <td>80,000.00</td> <td>\$77,600</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	.970	80,000.00	\$77,600	LEGAL DESCRIPTION PLAT PT OF LOT 52 DESC AS BEG 285 FT E OF NW COR RUN S 322 FT E 137 FT N TO SLY R/W MC NEIL RD W 112 FT S TO A PT E OF BEG W 25 FT TO BEG MC NEILS ORANGE VILLA PB 2 PG 99						
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value															
ACREAGE	0	0	.970	80,000.00	\$77,600															
BUILDING INFORMATION																				
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New												
1	MASONRY PILAS	1979	6	3,378	1	CONCRETE BLOCK - MASONRY	\$177,551	\$251,846												
Subsection / Sqft			CARPORT FINISHED / 352																	
Subsection / Sqft			OPEN PORCH FINISHED / 32																	
EXTRA FEATURE																				
Description		Year Blt	Units	EXFT Value	Est. Cost New															
COMMERCIAL ASPHALT DR 2 IN		1979	2,400	\$797	\$1,992															
4' CHAIN LINK FENCE		1979	300	\$480	\$1,200															
CANOPY AVG COMM		1989	400	\$1,600	\$4,000															
NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																				

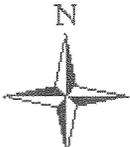
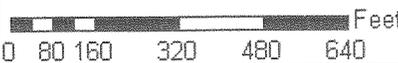
**Dave & Jennifer Kruse
3612 McNeil Road
Apopka, FL 32703**

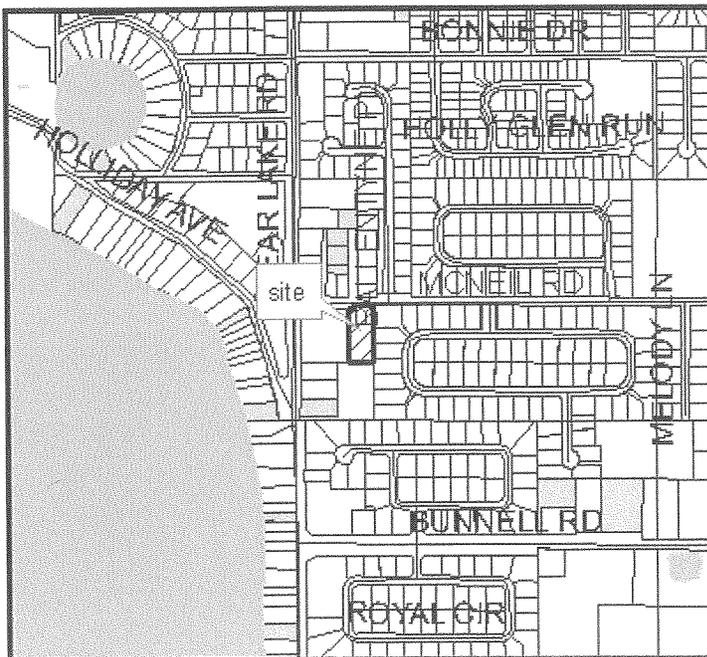


**Seminole County Board of Adjustment
June 27, 2005
Case: BS2005-004
Parcel No: 17-21-29-5BG-0000-052B**

Zoning

 A-1 Agricultural-1Ac	 All Other Values
 R-1 AA Single Fam-11 700	 Vacant Residential
 R-1 A Single Fam-9000	 Single Family Residential
 R-1 Single Fam-8400	 Mobile Home
 R-1 BB Single Fam-5000	
 BS2005-004	



June 3, 2005

Seminole County Government
1101 E. First Street
Sanford, Florida 32771

Dear Government Officials:

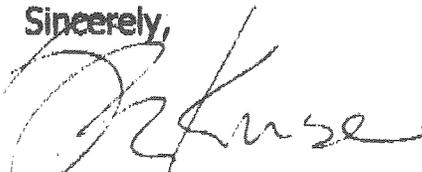
This is a request for a special exemption by Happy Faces Prep School located at 3612 McNeil Road, Apopka, Florida 32703. The request is to expand the current preschool building to increase the student capacity from 129 students to a total of 186 students (increase of 57 students).

The Happy Faces original parcel was ID # 17-21-29-5BG-0000-052B. This parcel was originally listed under the name of Happy Faces Child Care & Preschool, Inc. The name change to Happy Faces Prep School has been completed.

The church Templo Adonai, on the contingent property, sold Happy Faces Prep School parcel ID # 17-21-29-5BG-0000-52C. The parcel ID # 17-21-29-5BG-0000-052B and parcel ID # 17-21-29-5BG-0000-052C have been combined. The combined parcel now carries the original ID # 17-12-29-5BG-0000-52B.

If there are any further questions pertaining to this issue, you may reach me on my cell # 407-694-5271 or you could try to reach my husband, David Kruse, on his cell # 407-616-6304.

Sincerely,



Jennifer Brown-Kruse
President/Owner
Happy Faces Prep School

June 3, 2005

Seminole County Government
1101 E. First Street
Sanford, Florida 32771

Dear Government Officials:

This letter is to explain the nature and purpose for the expansion of Happy Faces Prep School, located at 3612 McNeil Road, Apopka, Florida 32703. The goal is to expand the current preschool building in order to increase the student capacity by 57 students from 129 students to 186 students.

Happy Faces is a quality preschool program in a rapidly growing community. The preschool cannot currently meet the demand of our community families. The school turns away students on a weekly basis.

For quality indicators: Happy Faces is on of the few Florida state gold seal accredited preschool programs.

- Supportive data: The last survey done and publicly presented by Seminole County School Readiness Coalition (Fall 2004) determined the number of Seminole accredited preschool programs at 22. Accreditation certificate attached.

Happy Faces was one of seven programs to receive a 100% kindergarten readiness score.

- Supportive data: Seminole County School Readiness Coalition recognized Happy Faces publicly for that achievement (~152 programs were evaluated in Seminole county). Certificate attached.

A demographic study done by the Claritis Corporation in March 2005 supports a preschool expansion at this location within this community.

The intent of this expansion is to provide two more preschool classrooms and an all-purpose hall for enrichment activities, after school programs and parent events. A larger, modern kitchen and additional parking are included to support the expansion implementation.

If there are any further questions pertaining to this issue. You may reach me on my cell #407-694-5271 or you could try to reach my husband David Kruse on his cell #407-616-6304.

Sincerely,

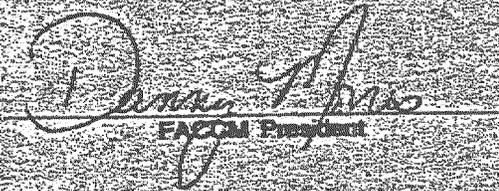
Jennifer Brown-Kruse
President/Owner
Happy Faces Prep School

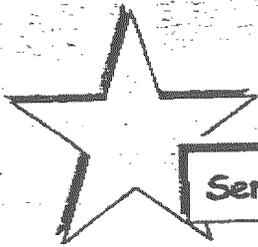
The Florida Association for Child Care Management

verifies that

**Happy Faces Child Care
Accredited Professional Preschool
Learning Environment Accreditation
Program**

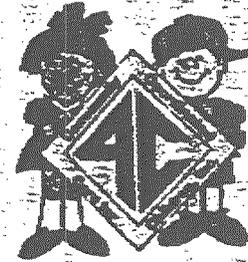
awarded this 19th day of December 2003


FACCOM President



Quality Recognition

Seminole County Coalition for School Readiness, Inc.



This Certificate is Awarded to

Happy Faces

For Achieving 100% in All Areas of the

2002-2003 School Readiness Program Evaluation

Tammy Tener

9/16/03

Tammy Tener, Chair
Seminole County School Readiness Coalition, Inc.

Date

Dorothy M. Dukes

9/16/03

Dorothy Dukes, CEO
Community Coordinated Care
For Children, Inc.

Date

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

PT OF LOT 52 DESC AS BEG 285 FT E OF NW COR RUN S 322 FT E 137 FT N TO SLY R/W MC NEIL RD W 112 FT S TO A PT E OF BEG W 25 FT TO BEG MC NEILS ORANGE VILLA PB 2 PG 99

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

FINDINGS OF FACT

Property Owner: DAVE & JENNIFER KRUSE
3612 MCNEIL ROAD
APOPKA, FL 32703

Project Name: MCNEIL ROAD (3612)

Requested Development Approval:

AMEND AN EXISTING SPECIAL EXCEPTION TO INCREASE PRESCHOOL ENROLLMENT OF AN EXISTING DAY CARE CENTER FROM 129 STUDENTS TO 186 STUDENTS AND ALLOW TWO ADDITIONAL BUILDINGS IN THE A-1 (AGRICULTURE DISTRICT) AT 3612 MCNEIL ROAD, AS DEPICTED ON THE ATTACHED SITE PLAN.

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: Michael Rumer
1101 East First Street
Sanford, Florida 32771

Order

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:
 1. SUBMITTAL OF A FINAL SITE PLAN, IN ACCORDANCE WITH THE CODE, FOR REVIEW BY THE DEVELOPMENT REVIEW COMMITTEE.;
- (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.

By: _____
Matthew West
Planning Manager

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 executed the foregoing instrument.

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: