

Item #

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Revision to the Mystic Cove Final PUD Master Plan and Developer's Commitment Agreement

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

AUTHORIZED BY: Matthew West **CONTACT:** Amanda Smith **EXT.** 7339

Agenda Date 11/06/02 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend approval to the Board of County Commissioners of a revision to the Mystic Cove PUD Final Master Plan and Developer's Commitment Agreement, located on the north side of SR 426 and east of the Greenway, Steve Joos, applicant; or
2. Recommend denial to the Board of County Commissioners of a revision to the Mystic Cove PUD Final Master Plan and Developer's Commitment Agreement, located on the north side of SR 426 and east of the Greenway, Steve Joos, applicant; or
3. Continue until a date certain.

District 1, Maloy

(Amanda Smith, Senior Planner)

BACKGROUND:

The applicant is requesting to revise the Developer's Commitment Agreement and Final Master Plan for the Mystic Cove PUD, located on the north side of SR 426, east of the Greenway, and south of the Cross Seminole Trail. The proposed revisions include allowing the individual lots within the PUD to have less than 25% open space as long as the overall development maintains 25% open space, including a masonry wall within the landscape buffer between tracts A and B; allowing an additional ground sign for Tract B; and other minor changes which do not alter the character of the development. The Final PUD Master Plan and Developer's Commitment Agreement was originally approved by the Board of County Commissioners on April 23, 2002.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. _____

STAFF RECOMMENDATION:

Planning Staff recommends approval of the proposed revisions to the PUD Final Master Plan and Developer's Commitment Agreement for the Mystic Cove development. The proposed changes are consistent with the approved Development Order, Vision 2020 Plan, and Seminole County Land Development Code.

Attachments: Proposed revisions to the Final Master Plan & DCA
Approved Development Order, dated April 23, 2002

MYSTIC COVE APARTMENTS

PLANNED UNIT DEVELOPMENT Developer's Commitment Agreement Commitments, Classifications and District Description (Originally Approved on April 23, 2002)

On November 26, 2002, Seminole County amended the Developer's Commitment Agreement for the Mystic Cove PUD, relating to and touching and concerning the following described property:

LEGAL DESCRIPTION

Legal description is attached as Exhibit "A"

II. PROPERTY OWNER

Tract A Owner: Fox Chase Partners, Ltd.
1551 Sandspur Road, Maitland, Florida 32751.
Tract B Owner: Brantly Clayton, Trustee
617 Wymore Road, Winter Park, Florida 32789

(hereinafter referred to as the "Owners")

III. STATEMENT OF BASIC FACTS

- A.** Total Area: 16.396 Acres
- B.** Zoning: Planned Unit Development
- C** Density of Multi-family: Overall density not to exceed 199 units.
Small Scale Land Use Amendment Site: 4.2 units per acre
- 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 Owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has

Mystic Cove PUD
Developer's Commitment Agreement

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

IV. TRACTING PLAN – LAND USE BREAKDOWN

TRACT NAME	MAX. NUMBER OF DWELLING UNITS	GROSS AREA	NET AREA
A MULTI-FAMILY RESIDENTIAL	199 units	14.609 AC	13.244 AC
B COMMERCIAL		1.787 AC	1.787 AC
TOTAL:	199 units	16.396 AC	15.031 AC

V. OPEN SPACE CALCULATIONS

Open space shall be provided at an overall rate of 25%, or a minimum of 4.09 acres throughout the entire PUD. Open space (as listed below) is achieved through active recreation (such as a tot lot, clubhouse and swimming pool), passive recreation (such as pedestrian access to the Cross Seminole Trail), and other green space in the PUD, subject to approval by the Planning Manager during final site plan approval.

~~Maintenance of the open space shall be funded by the property owner.~~

Maintenance of the open space shall be funded by the respective property owner upon whose land the open space is located.

Total Land Area: 16.396 acres

Required Open Space: $25\% = 16.396 \text{ acres} \times 0.25 = 4.099 \text{ acres open space}$

~~Individual Lots: Within the PUD individual lot shall maintain the open space requirements as required by code.~~

Within the PUD, an individual lot may have less than 25% open space as long as the overall PUD maintains 25% open space.

TOTAL OPEN SPACE REQUIRED... 4.099 acres

VI. BUILDING SETBACKS

Front 25' (SR 426)
Side..... 15' (1 story)
..... 25' (2 story)

Mystic Cove PUD Developer's Commitment Agreement

Rear.....25'
Maximum Building Height
Multi-family 40' (3 story)
Commercial40'

The Lighthouse on the multi-family parcel shall adhere to the same side, front and rear yard setbacks as the multi-family structures – 25 feet.

VII. PERMITTED USES

Tract A: Multi-family and all those uses permitted within the R-4 zoning district, including Schools, Churches, Adult Living Facilities, Hospitals, and Nursing Homes.

Tract B: Commercial Uses, C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, seated and drive-in/drive-thru restaurants, private schools and colleges.

VIII. LANDSCAPE & BUFFER CRITERIA

- 1 Landscape materials/type and size shall conform to Seminole County Land Development Code specifications.
- 2 Landscaping buffers shall be in accordance with the Final Master Plan.
- 3 Landscape buffers along northerly boundary of Tract B will be 10' on Tract B and 15' on Tract A. A masonry wall will be included in the 15' Landscape buffer on Tract A and will be allowed to stop short of the northeast corner to accommodate sight distance requirements.

IX. DEVELOPMENT COMMITMENTS

The following conditions shall be met by the Owner at the time of issuance of permits including impact fee ordinances:

- 1 Tract A and Tract B shall connect to Seminole County water and sewer services.
2. Permitted uses for the subject property shall include, unless otherwise noted, all those uses permitted and conditional uses in the C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, seated and drive-in/drive thru restaurants and private schools and colleges, as well as the permitted uses in the R-4 zoning district, including elementary schools, churches, assisted living facilities,

Mystic Cove PUD
Developer's Commitment Agreement

- hospitals, nursing homes, and multi-family excluding student housing. Any alcoholic beverage establishments shall require a special exception.
3. Open space shall be developed in accordance with the Land Development Code.
 4. All improvements in the open space areas, i.e., retention, shall be designed and landscaped as an amenity.
 5. Any pedestrian access to the Cross Seminole Trail shall be reviewed and approved by the Florida Department of Environmental Protection's Office of Greenways and Trails.
 6. If a personal mini-storage facility develops on site only dry storage shall be permitted. No retail or commercial activities shall be permitted within the storage facility.
 7. No open storage for the personal mini-storage facility shall be permitted.
 8. If developed as a personal mini-storage facility, the height of the structure shall be limited to one story and the exterior shall be painted in muted colors, such as gray decorative split face block with blue or red trims. No vibrant colors for the exterior of the building.
 9. If developed as a personal mini-storage facility, the facility shall provide a 24 hour secured entry.
 10. All outdoor lighting shall be a maximum of twenty (20) feet in height, shall utilize cut-off fixtures. Lighting in any canopies shall be recessed within the canopy.
 11. Cross access easements shall be provided to the internal tracts and to the property to the east of the entrance road as shown on Final Master Plan.
 12. Prior to final site plan/engineering approval, a full concurrency review will have to be conducted.
 13. Adult entertainment establishments are prohibited.
 14. Based on final judgment of condemnation settlement agreement between FDOT and Brantly Clayton (Circuit Court of the Eighteenth Judicial Circuit in and for Seminole County, FL. Case No. 91-449-CA-13-K, Parcels 102/802, done and ordered April 21, 1994). Owners will pay pro rata share for future signalization at access drive intersection with SR 426.
 15. Both commercial and multi-family parcels of PUD will share cross access easement over entry drive.
 - ~~16. Multi family property will provide signage in median of entrance drive.~~
 16. All systems and lines for sanitary sewer, water, stormwater drainage and detention and fire protection for the PUD shall be designed and built by Developer at a capacity and size so as to accommodate any and all possible uses allowed or permitted for Tract B according to this DCA.
 17. ~~The Owners shall design and build all sewer, water, stormwater, fire protection systems and lines at a capacity or size which will accommodate any and all possible uses allowed for Tract B according to Seminole County Zoning.~~
 17. A separate and independent ground sign shall be allowed for Tract B, which may be located anywhere along its SR 426 frontage (southern boundary) of Tract B.

- ~~18. A separate and independent ground sign shall be allowed for Tract B. To be located anywhere along its SR 426 frontage (southern boundary).~~
18. All signage for the PUD shall adhere to the Lake Mary Boulevard Overlay Standards.
- ~~19. All signage for the PUD shall adhere to the Lake Mary Boulevard Overlay Standards.~~
19. Signage for Tract A, apartment complex shall be permitted a double sided sign to be located in the entry drive island with a limitation of 25 square feet of copy area per side of sign.

X. PUBLIC FACILITIES

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

WATER:

Water service shall 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 to be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection standards.

STORM DRAINAGE:

Storm water drainage shall be designed in accordance with Seminole County and St. Johns River Water Management District standards.

FIRE PROTECTION:

Fire protection provided on site shall comply with the Seminole County adopted Fire Protection Standards.

XI. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinance, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.
2. When the term "Developer" is used herein, the same shall be taken or construed to mean Sandspur Housing Partners, Ltd. All obligations, liabilities, and responsibilities incurred by or implied by the Developer by

Mystic Cove PUD
Developer's Commitment Agreement

this Agreement shall be assumed by any successors in interest of the Planned Unit Development.

3. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the Tract A and Tract B property. ~~of the property.~~
4. 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 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 said property has expressly covenanted and agreed to this provision and all other terms and provisions of the Development Order.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

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

Attest:

Maryanne Morse
Clerk to the Seminole County
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner/Developer, Jay P. Brock, Manager, c/o CED Capital Holdings 2002 J, L.L.C., Seminole Co. State Road 46, Ltd., on behalf of itself and its 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 Developer's Commitment Agreement.

WITNESSES:

OWNER/DEVELOPER of Tract A:

Fox Chase Partners, Ltd., a FL limited partnership

By: CED Capital Holdings 2002 J, L.L.C. a FL
limited liability company, its general partner

WITNESS
(Sign and Print Name)

By: _____
Jay P. Brock, Manager

WITNESS
(Sign and Print Name)

STATE OF FLORIDA }
COUNTY OF _____}

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by Jay P. Brock, Manager of CED Capital Holdings 2002 J, L.L.C., a FL limited liability company, who is personally known to me or who produced his Florida Driver's License as identification.

Notary Public
Print Name:
My Commission Expires
Commission No.

Mystic Cove PUD
Developer's Commitment Agreement

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner, Brantly Clayton, Trustee of the OG Road Trust under Trust Agreement on behalf of himself and his heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

WITNESSES:

OWNER of Tract B:

WITNESS
(Sign and Print Name)

By: _____
Brantly Clayton,
Trustee of the OG Road Trust under
Trust Agreement

WITNESS
(Sign and Print Name)

STATE OF FLORIDA }
COUNTY OF _____}

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by Brantly Clayton, who is personally known to me or who produced his Florida Driver's License as identification.

Notary Public
Print Name:
My Commission Expires
Commission No.

Exhibit "A"

LEGAL DESCRIPTION

TRACT "A" (Multi-Family Parcel) (Mystic Cove Parcel):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 426), also being the POINT OF BEGINNING; thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line; thence departing said Northerly right-of-way line run North 00°57'36" West along said parallel line for a distance of 275.00 feet to a point; thence departing said parallel line run South 89°13'57" West for a distance of 283.07 feet to a point on the West line of the East of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31, also being the Easterly and Southerly right-of-way line of SR 417 (Greenway); thence run North 00°59'02" West along said West line also being said Easterly and Southerly right-of-way line, for a distance of 1177.39 feet; thence departing said West line continue along said Easterly and Southerly right-of-way line, North 45°05'33" East for a distance of 266.86 feet to a point on the Southerly right-of-way line of CSX Railroad; thence departing said Easterly and Southerly right-of-way line run North 73°43'27" East along said Southerly right-of-way line for a distance of 357.81 feet; thence departing said Southerly right-of-way line run South 00°56'10" East for a distance of 813.55 feet; thence run South 89°13'20" West for a distance of 173.34 feet; thence run South 00°57'36" East for a distance of 670.32 feet; thence run South 89°13'57" West for a distance of 20.00 feet to a point on aforesaid East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence run South 00°57'36" East along said East line for a distance of 250.00 feet to aforesaid POINT OF BEGINNING.

Contains 14.590 acres, more or less.

Contains 13.755 upland acres, more or less.

AND

Mystic Cove PUD

Developer's Commitment Agreement

TRACT "B" (Commercial Parcel):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 46); thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line also being the POINT OF BEGINNING; thence continuing along said Northerly right-of-way line run South 89°13'57" West for a distance of 282.95 feet to a point on the Easterly right-of-way line of S R 417 (Greenway); thence departing said Northerly right-of-way line run North 00°59'02" West along said Easterly right-of-way line for a distance of 275.00 feet; thence departing said Easterly right- of-way line run North 89°13'57" East for a distance of 283.07 feet to a point on aforesaid parallel line; thence run South 00°57'36" East along said parallel line for a distance of 275.00 feet to aforesaid POINT OF BEGINNING.

Contains 1.787 acres, more or less.

EXHIBIT “B”

SITE PLAN

MYSTIC COVE APARTMENTS

FOR

1551 SANDSPUR RD.

MATLAND, FL 32751

PH (407) 741-8500



MADDEN
engineering, inc.
CIVIL ENGINEERS

431 E. HORATIO AVENUE, SUITE 260
MAITLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336

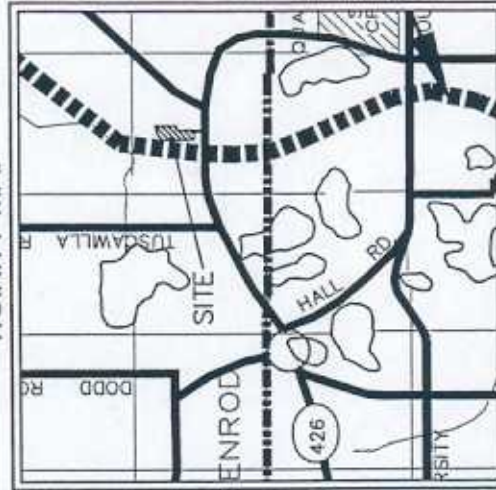
CONTRACTOR SHALL PAY FOR AND OBTAIN ALL THE REQUIRED BOUNDARY COUNTY SITE PERMITS AND HOLD A PRE-CONSTRUCTION CONFERENCE BEFORE STARTING WORK. CONTACT JACOB LARACLETTE, DEVELOPMENT REVIEW DIVISION, (407) 865-7409 FOR INFORMATION ON SETTING YOUR PRE-CONSTRUCTION MEETING. ISSUANCE OF COUNTY PERMITS AND OTHER REQUIREMENTS

INDEX OF SHEETS

C-1.	COVER SHEET
SY-1	SYMBOLS & ABBREVIATIONS
NT-1	NOTES
1-2 - 2-2	BOUNDARY & TOPO
ST-1	SITE PLAN
UT-1	UTILITY PLAN
OF-1	OFTSITE IMPROVEMENTS PLAN
GR-1	GRADING PLAN
DR-1	DRAINAGE PLAN
DT-1 - DT-5	CONSTRUCTION DETAILS
COI-CO3	SEMPHOE COUNTY DETAILS
LS-1	LIFT STATION DETAILS
W-1	WALL DETAILS
L-002 - L-601	LANDSCAPE PLANS

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VICINITY MAP



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Abstract

Abstracts from: Journal of the American Academy of Child and Adolescent Psychiatry

THE UNIVERSITY OF CHICAGO PRESS

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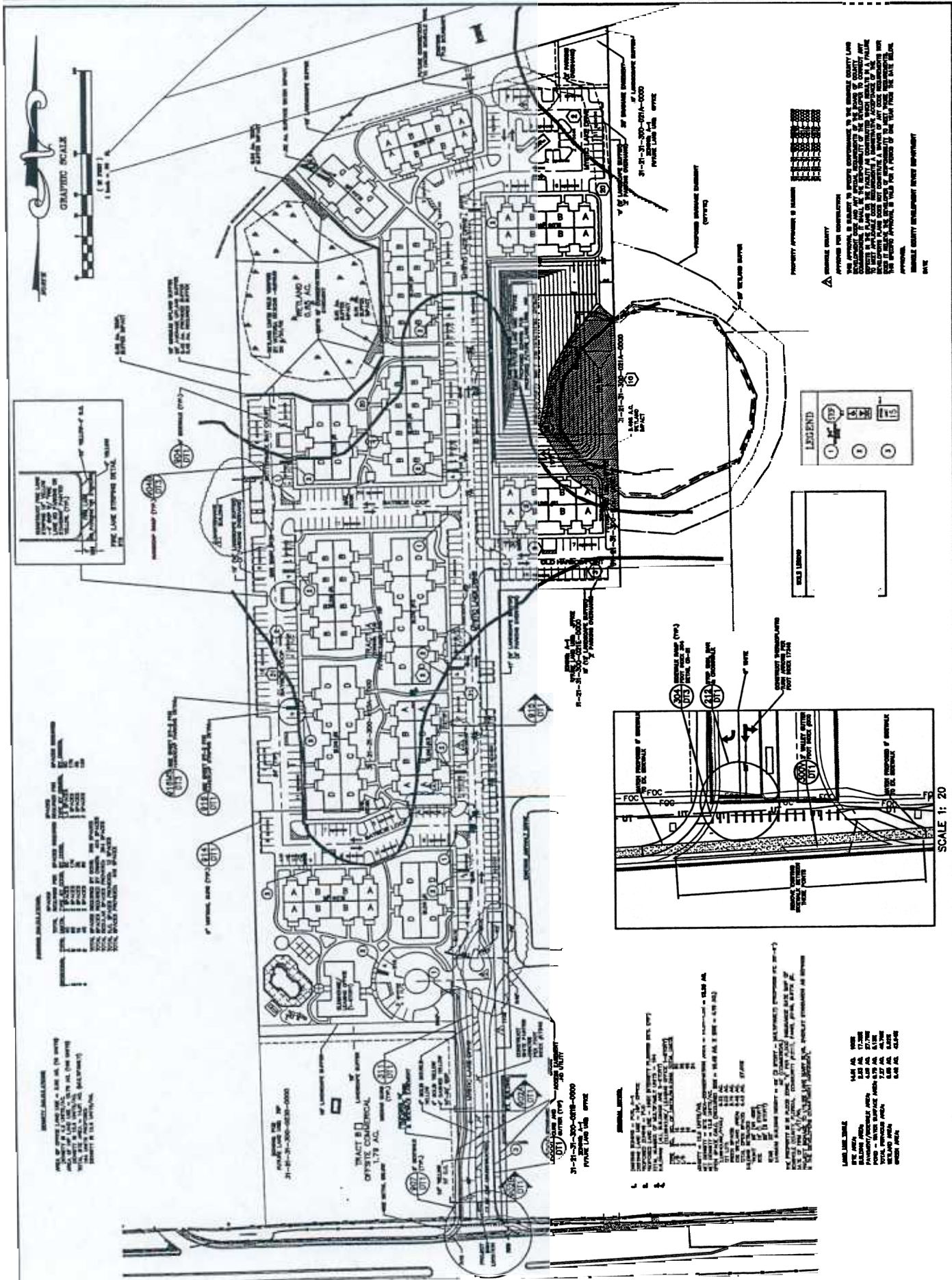
Figure 1

55 EIGHTH AVENUE, NEW YORK, N.Y. 10018

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UTILITY PLAN
FOR
MYSTIC COVE APARTMENTS
DANFORTH COUNTY
FLOOR

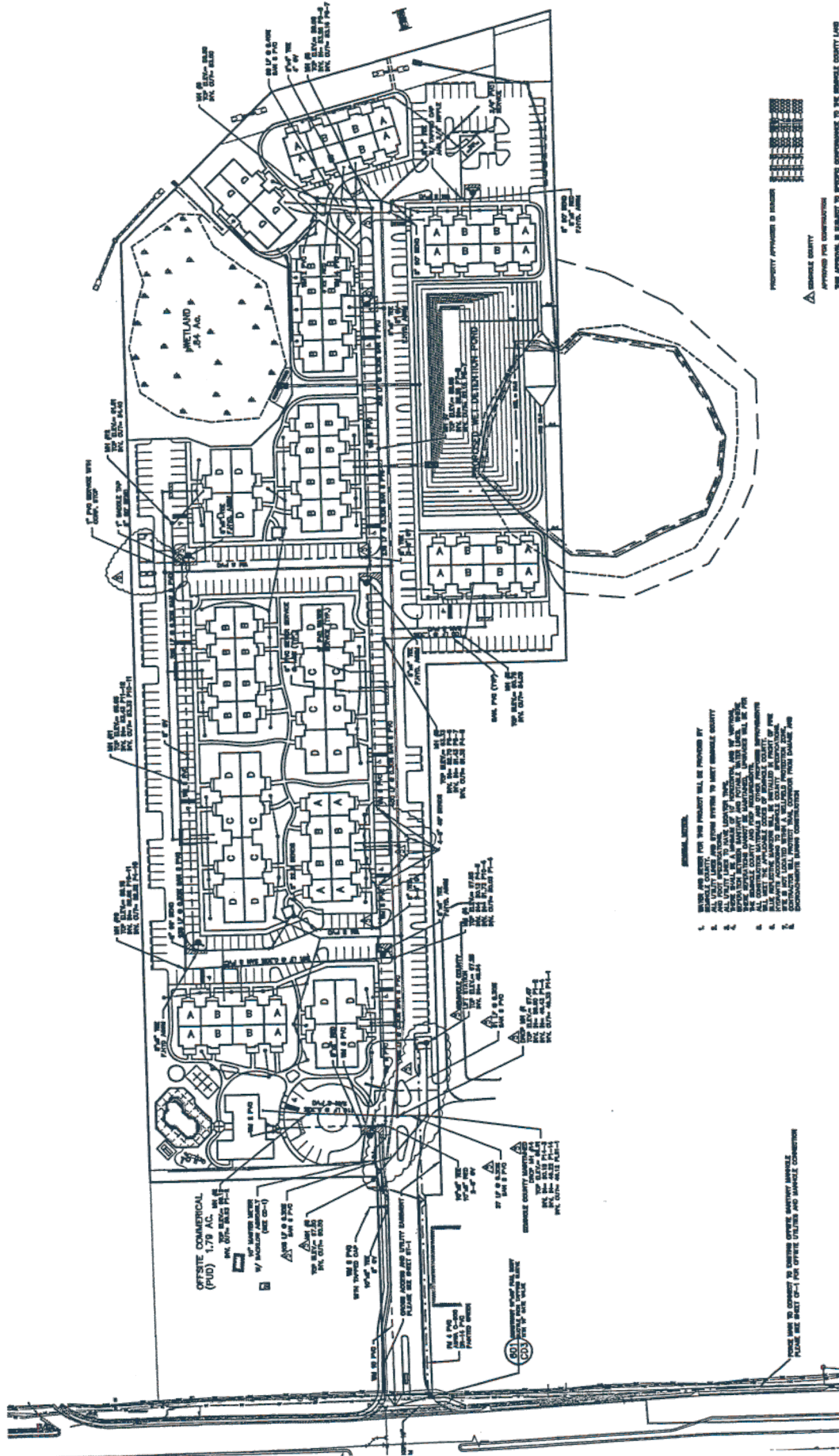
FOX CHASE PARTNERS, LTD.
1501 SANDPUR RD.
MARTINE, P. 3275
(407) 741-8508

DAVID F. GLUNT P.C. 857459

[illegible]

JOB # 21128
 DATE 3/12/02
 SCALE 1"=60'
 DESIGNED BY DFG
 DRAWN BY PWR
 CHECKED BY DFG

UT-1

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APPROVED:
BRATTLE COUNTY DEVELOPMENT REVIEW COMMITTEE

10



GRADING PLAN
FOR
MYSTIC COVE APARTMENTS
LE COUNTY
PLANS

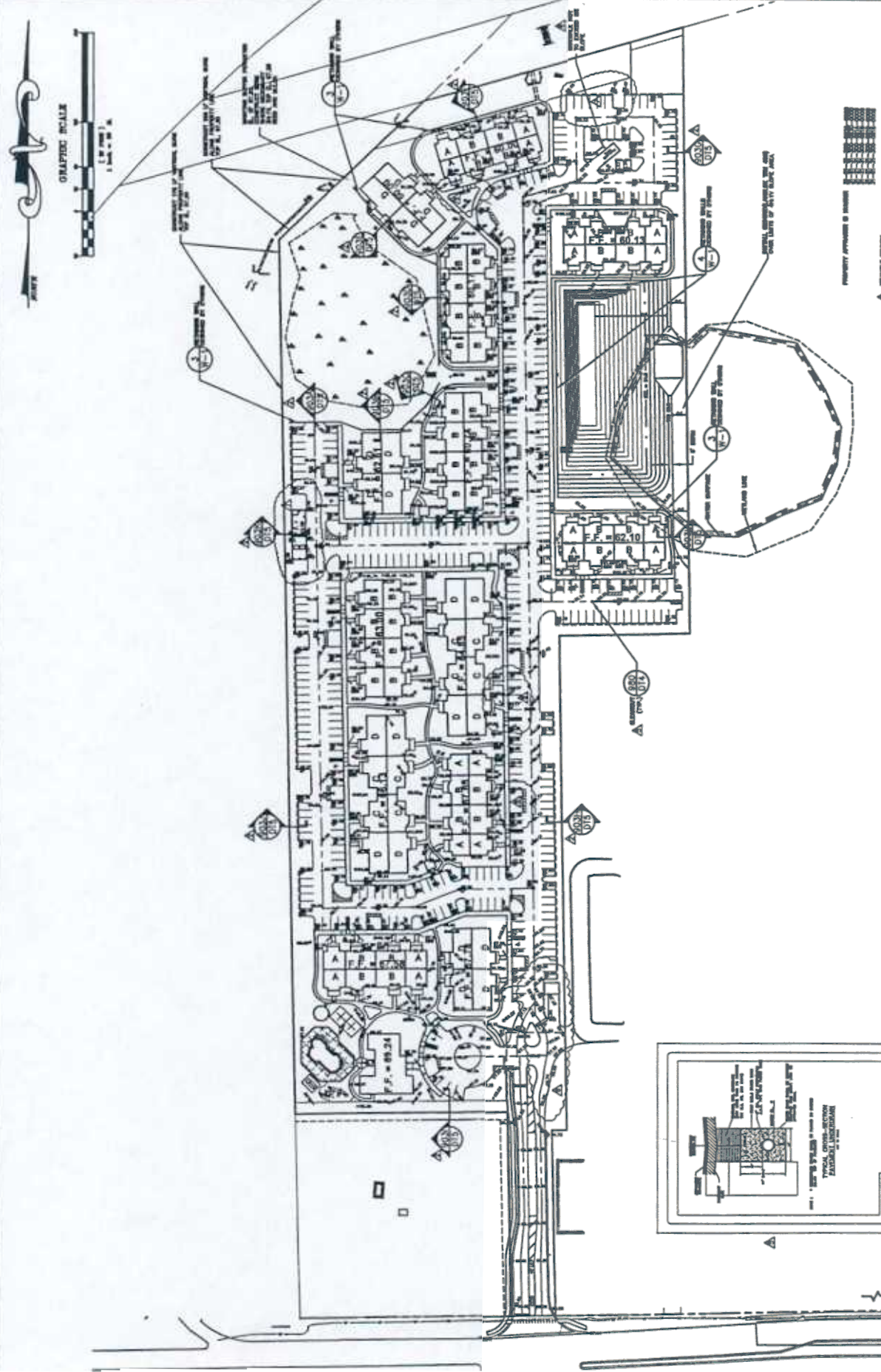
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GR-1

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Approved
Development Order
(dated April 23, 2002)

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

*(This Development Order supercedes the approved
Development Order # 0-21000013, dated December 12, 2000,
formerly known as O. G. Commercial PUD)*

On April 23, 2002, Seminole County issued this Development Order relating to
and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owners: Brantly W. Clayton, Trustee, 617 Wymore Road, Wainter Park, FL 32789
and
Fox Chase Partners, Ltd., 1551 Sandspur Road, Maitland, FL 32751

Project Name: Mystic Cove Apartments PUD

Requested Development Approval: Rezoning from Planned Unit Development (PUD)
and A-1 (Agriculture) zoning classifications to Planned
Unit Development (PUD) zoning classification

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.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY

BK 04488 PG 0452

LE NUM 2002923027

RECORDED 08/12/2002 09:18:37 AM

RECORDING FEES 64.50

RECORDED BY B Coatney

Prepared by: AMANDA SMITH
1101 East First Street
Sanford, Florida 32771

BK 0287 PG 0969


Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**


- (1) The aforementioned application for development approval is **GRANTED**.
- (2) This Development Order shall supercede Seminole County Development Order #94-049 issued on April 18, 1994 and recorded in Book 2759, Page 1305, Seminole County Official Records, regarding property owned by St. Albans Angelican Church
- (3) 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.
- (4) 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. Connect to Seminole County water and sewer services.
 - b. Permitted uses for the subject property shall include, unless otherwise noted, all those uses permitted and conditional uses in the C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, and private schools and colleges, as well as the permitted uses in the R-4 zoning district, including elementary schools, churches, assisted living facilities, hospitals, nursing homes, and multi-family excluding student housing. Any alcoholic beverage establishments shall require a special exception.
 - c. Open space for all parcels shall be developed in accordance with the Land Development Code and designed and designated to allow common access to all tracts.
 - d. All improvements in the open space areas, i.e., retention, shall be designed and landscaped as an amenity.

- e. All truck repair and rental shall be limited to non-commercial/passenger type trucks.
- f. Any pedestrian access to the Cross Seminole Trail shall be reviewed and approved by the Florida Department of Environmental Protection's Office of Greenways and Trails.
- g. If a personal mini-storage facility develops on site only dry storage shall be permitted. No retail or commercial activities shall be permitted within the storage facility.
- h. No open storage for the personal mini-storage facility shall be permitted.
If developed as a personal mini-storage facility, the height of the structure shall be limited to one story and the exterior shall be painted in muted colors, such as gray decorative split face block with blue or red trims. No vibrant colors shall be permitted on the exterior of the building.
- j. If developed as a personal mini-storage facility, the facility shall provide a 24 hour secured entry.
- k. All outdoor lighting shall be a maximum of twenty (20) feet in height, shall utilize cut-off fixtures.
Cross access easements shall be provided to the internal tracts and to the property to the east.
- m. Prior to final site plan/engineering approval, a full concurrency review will have to be conducted.
- n. No adult entertainment establishments.
- o. The maximum height of the buildings for the entire PUD shall be 40 feet.
- p. The maximum density of the small scale land use amendment parcel shall not exceed 4.2 dwelling units per net acre.
- q. The "lighthouse" feature shall adhere to the same setbacks as the multi-story multi-family structure.

(5) 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.

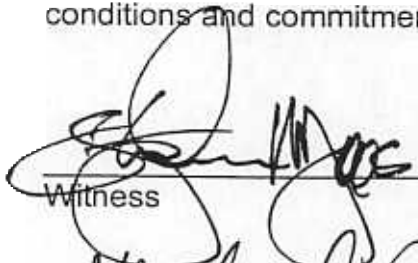

By: 
Daryl G. McLain
Chairman
Seminole County Board of County Commissioners

Attest:


Maryanne Morse
Clerk to the Seminole County
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Brantly W. Clayton, Trustee, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

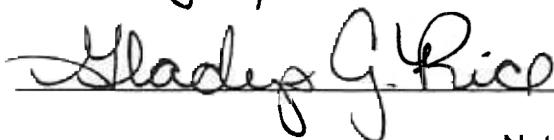

 Witness

 Witness


 BRANTLY W. CLAYTON, TRUSTEE
 Property Owner

STATE OF FLORIDA)
)
 COUNTY OF SEMINOLE)

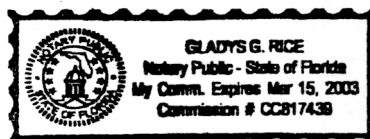
I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Brantly W. Clayton, Trustee, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

10th **WITNESS** my hand and official seal in the County and State last aforesaid this day of July, 2002.



Notary Public, in and for the County and State
 Aforementioned

My Commission Expires:



OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Jay P. Brock, Manager of CED Capital Holdings 2000 LLC, a Florida limited liability company and general partner of Fox Chase Partners, Ltd., a Florida limited partnership, on behalf of the partnership, 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.

FOX CHASE PARTNERS, LTD., a FI
limited Partnership
By: CED Capital Holdings 2000 J, LLC,
a FI limited liability company, as general
partner

By: _____

Jay P. Brock, Manager

Nancy Ellen Carrack

Witness

Gladys G. Rice

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 Jay P. Brock, Manager of CED Capital Holdings 2000J, LLC, a Florida limited liability company and general partner of Fox Chase Partners, Ltd., a Florida limited partnership, who is personally known to me or who has produced _____ as identification and who did execute the foregoing instrument.

9th WITNESS my hand and official seal in the County and State last aforesaid this
day of July, 2002.

Gladys G. Rice
Notary Public
My Commission Expires:



BK 0 2 8 7 PG 0 9 7 4

**EXHIBIT A
LEGAL DESCRIPTION
(Entire PUD project boundaries)**

Mystic Cove Parcel (Parcel 'A'):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida. Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 426), also being the POINT OF BEGINNING; thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line; thence departing said Northerly right-of-way line run North 00°57'36" West along said parallel line for a distance of 275.00 feet to a point; thence departing said parallel line run South 89°13'57" West for a distance of 283.07 feet to a point on the West line of the East 1/2 of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31, also being the Easterly and Southerly right-of-way line of SR 417 (Greenway); thence run North 00°59'02" West along said West line also being said Easterly and Southerly right-of-way line, for a distance of 1177.39 feet; thence departing said West line continue along said Easterly and Southerly right-of-way line, North 45°05'33" East for a distance of 266.86 feet to a point on the Southerly right-of-way line of CSX Railroad; thence departing said Easterly and Southerly right-of-way line run North 73°43'27" East along said Southerly right-of-way line for a distance of 357.81 feet; thence departing said Southerly right-of-way line run South 00°56'10" East for a distance of 817.83 feet; thence run South 88°49'00" West for a distance of 173.34 feet; thence run South 00°57'36" East for a distance of 664.82 feet; thence run South 89°13'57" West for a distance of 20.00 feet to a point on aforesaid East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence run South 00°57'36" East along said East line for a distance of 250.00 feet to aforesaid POINT OF BEGINNING.

Contains 14.609 acres, more or less.

Contains 13.244 upland acres, more or less.

AND

Exhibit "A" cont.**Commercial Parcel (Parcel "B"):**

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 46); thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line also being the POINT OF BEGINNING; thence continuing along said Northerly right-of-way line run South 89°13'57" West for a distance of 282.95 feet to a point on the Easterly right-of-way line of S R 417 (Greenway) also being a point on the West line of the East 1/2 of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31; thence departing said Northerly right-of-way line run North 00°59'02" West along said Easterly right-of-way and said West line for a distance of 275.00 feet; thence departing said Easterly right-of-way line and said West line run North 89°13'57" East for a distance of 283.07 feet to a point on aforesaid parallel line; thence run South 00°57'36" East along said parallel line for a distance of 275.00 feet to aforesaid POINT OF BEGINNING.

Contains 1.787 acres, more or less.

Exhibit "A" cont.

COMP PLAN AMENDMENT PARCEL

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 299.05 feet to the POINT OF BEGINNING; thence continuing along said East line run North 00°57'36" West for a distance of 1430.21 feet to a point on the Southerly right-of-way line of CSX Railroad thence departing said East line run North 73°43'27" East along said Southerly right-of-way line for a distance of 200.81 feet; thence departing said Southerly right-of-way line run South 00°56'10" East for a distance of 813.55 feet; thence run South 89°13'20" West for a distance of 173.34 feet thence run South 00°57'36" East for a distance of 670.32 feet; thence run South 89°13'57" West for a distance of 20.00 feet to aforesaid POINT OF BEGINNING.

Contains 3.803 acres, more or less.

EXHIBIT "B"
SITE PLAN



SITE PLAN

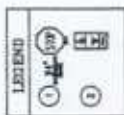
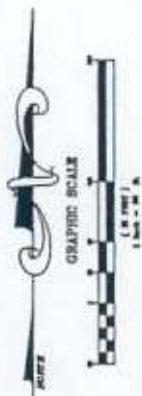
FOR OFFICE PAYMENT, LTD.

WILLIAM H. WILSON & SONS
Sole U.S. Mfg. Firm
CHICAGO, ILL.

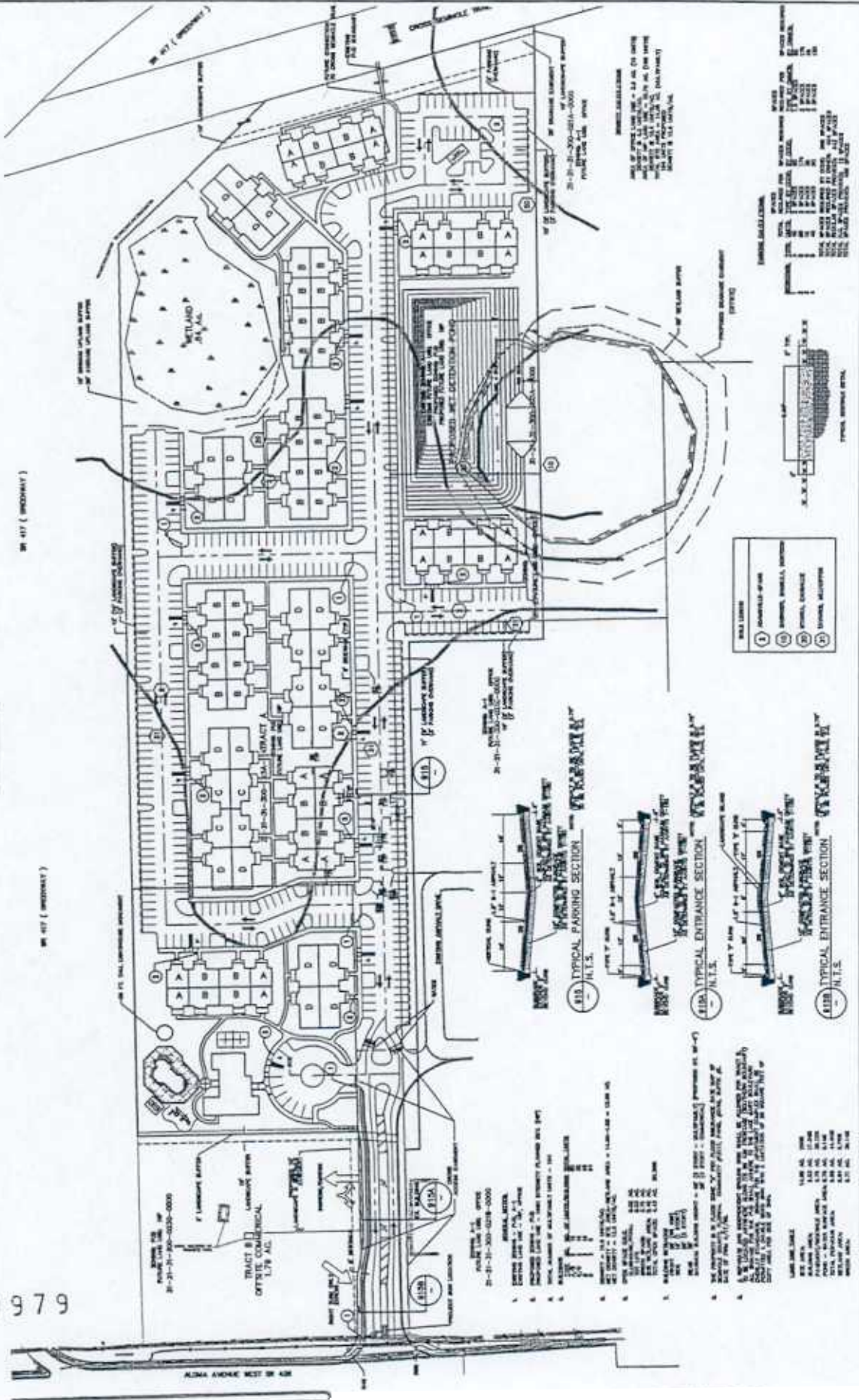
[illegible]

MR F. MILLER
 1100 11/1/91
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ST-1



BK 0 2 8 7 PG 0 9 7 9



GENERAL NOTES:

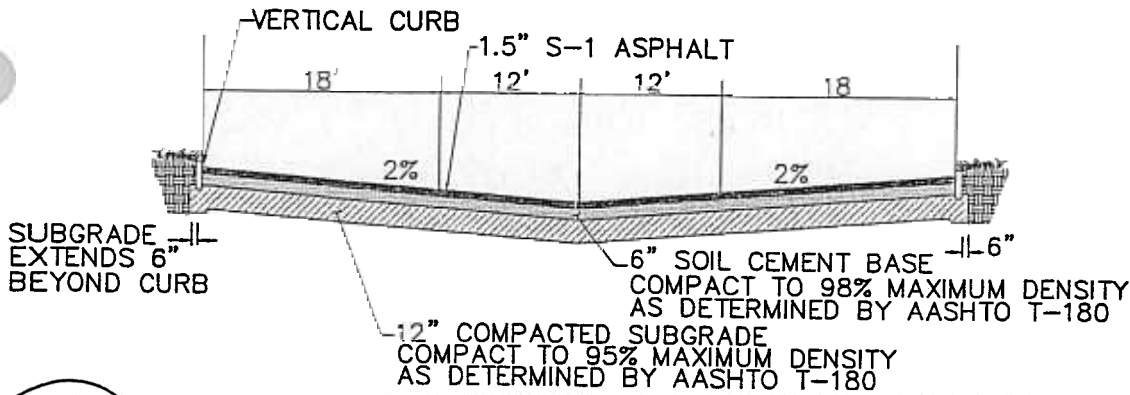
1. EXISTING ZONING - PUD, A-1
EXISTING LAND USE - HIP, OFFICE
2. PROPOSED ZONING - PUD
PROPOSED LAND USE - HIGH INTENSITY PLANNED DEV. (HIP)
3. TOTAL NUMBER OF MULTIFAMILY UNITS - 184
4. BUILDINGS

TYPE	NO.	NO. OF UNITS/BUILDING	TOTAL UNITS
A/B	5	16	80
C/D	2	16	32
B	3	16	48
D	3	8	24
5. DENSITY = 12.6 UNITS/AC.
NET DENSITY = SITE AREA-WETLAND AREA = 14.59-1.03 = 13.56 AC.
NET DENSITY = 13.6 UNITS/AC.
6. OPEN SPACE CALC.
CLUBHOUSE/POOL: 0.22 AC.
TOT LOT: 0.03 AC.
GREEN SPACE: 3.76 AC.
50% WETLAND AREA: 0.42 AC.
TOTAL OPEN SPACE: 4.43 AC. 30.36%
7. BUILDING SETBACKS
FRONT 25' (SR 426)
SIDE 15' (1 STORY)
25' (2 STORY)
REAR 25'
MAXIMUM BUILDING HEIGHT = 45' (3 STORY - MULTIFAMILY) (PROPOSED HT. 28'-6")
35' (3 STORY - COMMERCIAL)
8. THE PROPERTY IS IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP OF SEMINOLE COUNTY, FLORIDA. COMMUNITY #12117, PANEL #0165, SUFFIX #E. DATE OF FIRM 4/17/95.
9. A SEPARATE AND INDEPENDENT GROUND SIGN SHALL BE ALLOWED FOR TRACT B. TO BE LOCATED ANYWHERE ALONG ITS SR 426 FRONTAGE (SOUTHERN BOUNDARY) ALL SIGNAGE FOR THE PUD SHALL ADHERE TO THE LAKE MARY BOULEVARD OVERLAY STANDARDS. SIGNAGE FOR THE APARTMENT COMPLEX SHALL BE PERMITTED A DOUBLE SIDED SIGN WITH A LIMITATION OF 25 SQUARE FEET OF COPY AREA PER SIDE OF SIGN.

LAND USE TABLE

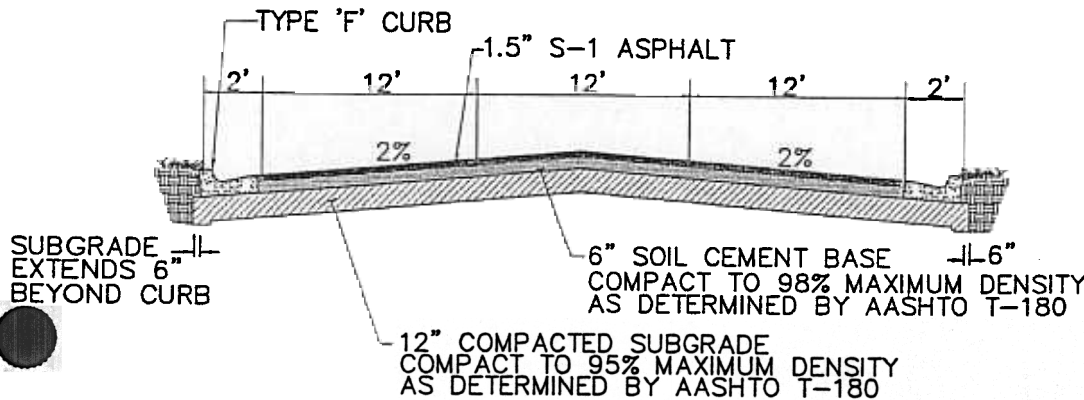
SITE AREA:	14.59 AC.	100%
BUILDING AREA:	2.53 AC.	17.34%
PAVEMENT/SIDEWALK AREA:	4.76 AC.	32.12%
POND - WATER SURFACE AREA:	0.75 AC.	5.14%
TOTAL PERVIOUS AREA:	6.55 AC.	44.90%
WETLAND AREA:	0.84 AC.	5.76%
GREEN AREA:	5.71 AC.	39.14%

ZONING: A-1
FUTURE LAND USE
31 21 31-300-021E-
10' (8' LAND
(2' PARK



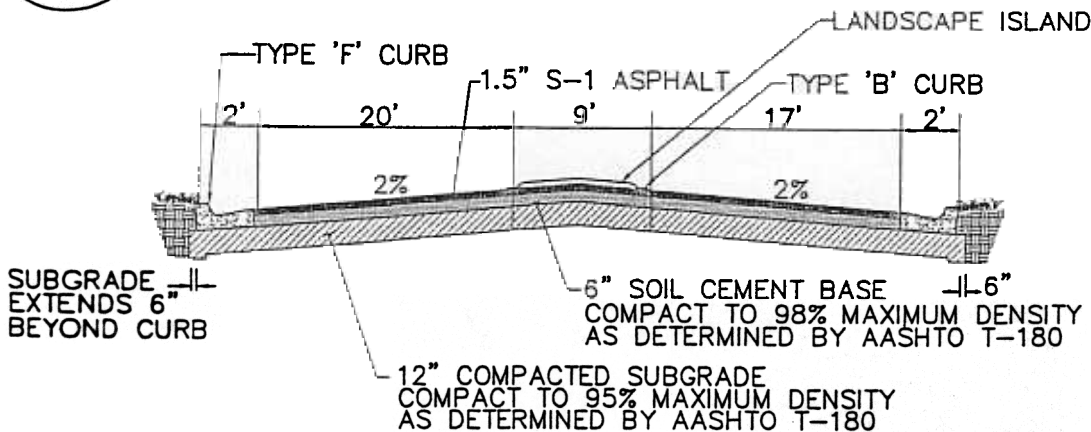
915 TYPICAL PARKING SECTION
- N.T.S.

NOTE: ASPHALT IS TO BE PLACED IN 0.75" LIFTS. THE SECOND LIFT IS NOT TO BE PLACED UNTIL FINAL C.O.



915A TYPICAL ENTRANCE SECTION
- N.T.S.

NOTE: ASPHALT IS TO BE PLACED IN 0.75" LIFTS. THE SECOND LIFT IS NOT TO BE PLACED UNTIL FINAL C.O.



915B TYPICAL ENTRANCE SECTION
- N.T.S.

NOTE: ASPHALT IS TO BE PLACED IN 0.75" LIFTS. THE SECOND LIFT IS NOT TO BE PLACED UNTIL FINAL C.O.

DENSITY CALCULATIONS

AREA OF OFFICE LAND USE = 3.8 AC. (16 UNITS)
 DENSITY IS 4.2 UNITS/AC.

AREA OF HIP LAND USE = 10.79 AC. (168 UNITS)
 DENSITY IS 15.6 UNITS/AC.

TOTAL SITE AREA = 14.59 AC. (MULTIFAMILY)
 184 UNITS PROPOSED
 DENSITY IS 12.6 UNITS/AC.

AND BUFFER

AINAGE EASEMENT
 SITE)

PARKING CALCULATIONS:

BEDROOMS:	TYPE:	TOTAL UNITS:	SPACES REQUIRED PER TYPE BY CODE:	SPACES REQUIRED BY CODE:	SPACES REQUIRED PER TYPE BY OWNER:	SPACES REQUIRED BY OWNER:
1	A	40	2 SPACES	80	1.5 SPACES	60
2	B	88	2 SPACES	176	2 SPACES	176
3	C	16	2 SPACES	32	3 SPACES	48
4	D	40	2 SPACES	80	3 SPACES	120

TOTAL SPACES REQUIRED BY CODE: 368 SPACES
 TOTAL SPACES REQUIRED BY OWNER: 404 SPACES
 TOTAL REGULAR SPACES PROVIDED: 443 SPACES
 TOTAL H.C. SPACES PROVIDED: 12 SPACES
 TOTAL SPACES PROVIDED: 455 SPACES