

ITEM # _____

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

SUBJECT: River Run PUD Major Amendment

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Austin Watkins EXT. 7440

Agenda Date 3/5/2008 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the requested PUD Major Amendment, Revised Final Master Plan and Addendum # 2 to the River Run PUD Developer's Commitment Agreement, for 14.96 + acres, located near the northeast corner of the intersection of SR 415 and SR 46 (James Roth, applicant); or
2. **RECOMMEND DENIAL** of the requested PUD Major Amendment, Revised Final Master Plan and Addendum # 2 to the River Run PUD Developer's Commitment Agreement, for 14.96 + acres, located near the northeast corner of the intersection of SR 415 and SR 46 (James Roth, applicant); or
3. **CONTINUE** this item until a time and date certain.

District 5 – Commissioner Carey

Austin Watkins, Senior Planner

BACKGROUND:

The River Run PUD Developer's Commitment Agreement and Final Master Plan were approved by the Board of County Commissioners on April 21, 2001. The River Run PUD allows for a variety of uses including single-family dwellings, recreational vehicle sites, commercial and hotel uses. A Major Amendment to the River Run PUD was approved on April 27, 2004 to allow for a higher amount of single-family dwelling and commercial uses and a reduction in recreational vehicle site area and open space.

Reviewed by:
Co Atty: <u>KET</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-67</u>

The applicant, James Roth is requesting a Major Amendment to the River Run PUD to remove 1.7 acres of hotel uses (60-unit) and decrease the open space/recreation area from 31.24 acres to 28.68 acres in order to increase the commercial/office, from 7.69 acres to 11.95 acres.

The applicant requests to remove hotel and motel as a permitted use from the Developer's Commitment Agreement, reallocate uses permitted and modify one condition of approval. The applicant also desires to modify a condition that requires a children's playground in the residential area to be installed on the 7-acre lake on southeast side of the PUD. The developer has installed a children's playground within the PUD on the eastern portion of the Sterling Meadows subdivision, adjacent to a stormwater retention pond. The applicant proposes that the condition state "In the residential area a children's playground shall be provided near the east side of the PUD adjacent to a stormwater pond."

The applicant is proposing a 46,047 square foot grocery store, 11,200 square feet of retail and a 1.34 acre outparcel. The Final Master Plan provides 6.98 acres of open space and the applicant will amenitize the stormwater retention pond, per the Seminole County Land Development Code. The subject property is adjacent to an existing single-family subdivision located within the River Run PUD. The applicant is proposing a 25' Active buffer and a 50' building setback for the northern property line adjacent to the existing single-family subdivision.

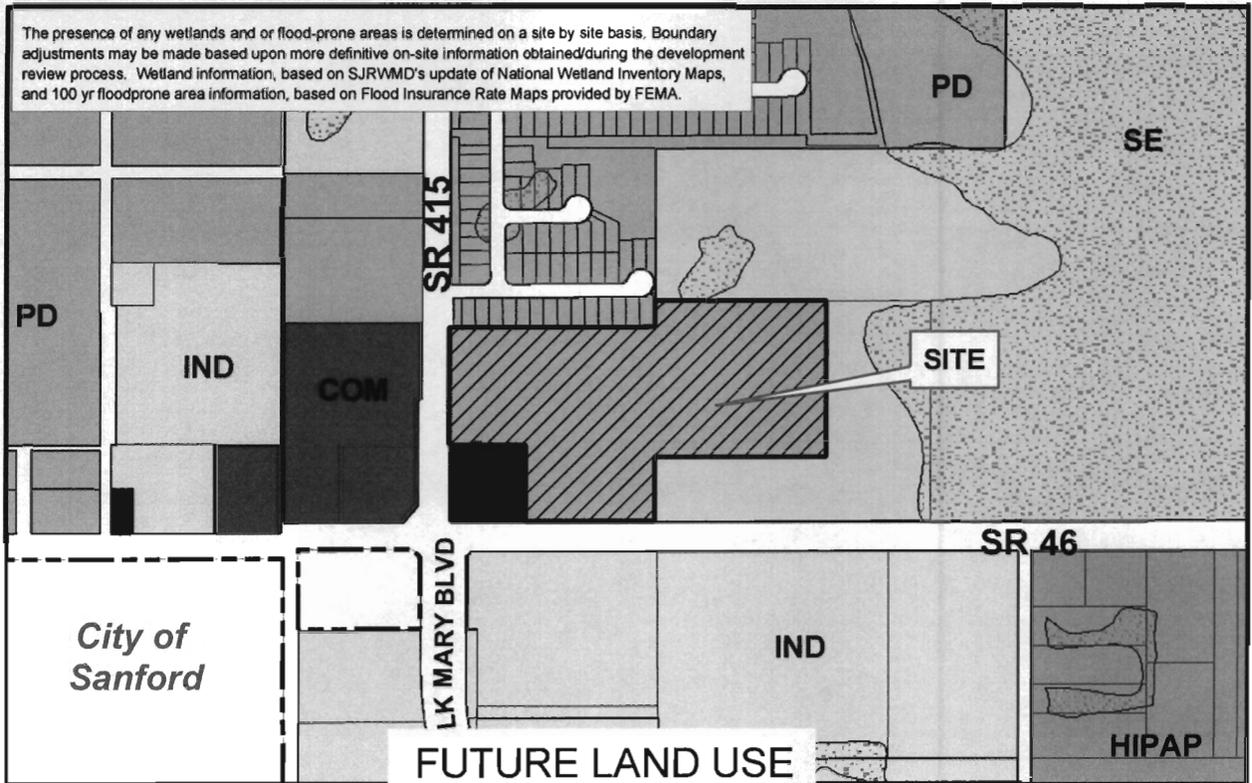
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested PUD Major Amendment, Revised Final Master Plan and Addendum # 2 to the River Run PUD Developer's Commitment Agreement, for 14.96 + acres, located near the northeast corner of the intersection of SR 415 and SR 46.

Attachments:

Location Map
Zoning and Future Land Use Map
Aerial Map
Revised Final Master Plan
Addendum #2 to the River Run PUD Developer's Commitment Agreement
River Run PUD Developer's Commitment Agreement

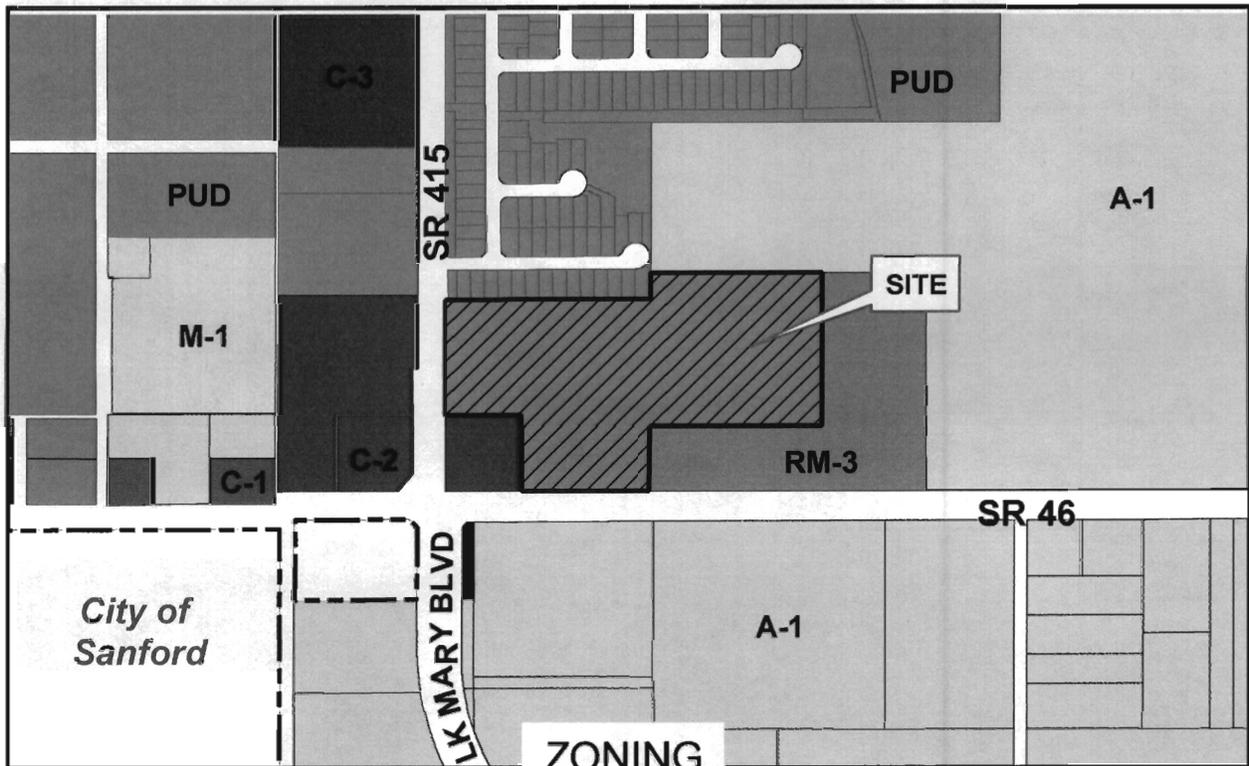
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Site
 COM
 IND
 SE
 PD
 HIPAP
 CONS
 City

Applicant: Sunset Acquisitions Group
 Physical STR: 34-19-31-300-0040-0000
 Gross Acres: 14.96 +/- BCC District: 5
 Existing Use: _____
 Special Notes: PUD Major Amendment

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-067	PUD	PUD



A-1
 M-1
 RM-3
 C-1
 C-2
 C-3
 PUD
 FP-1
 W-1

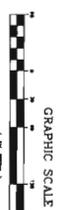
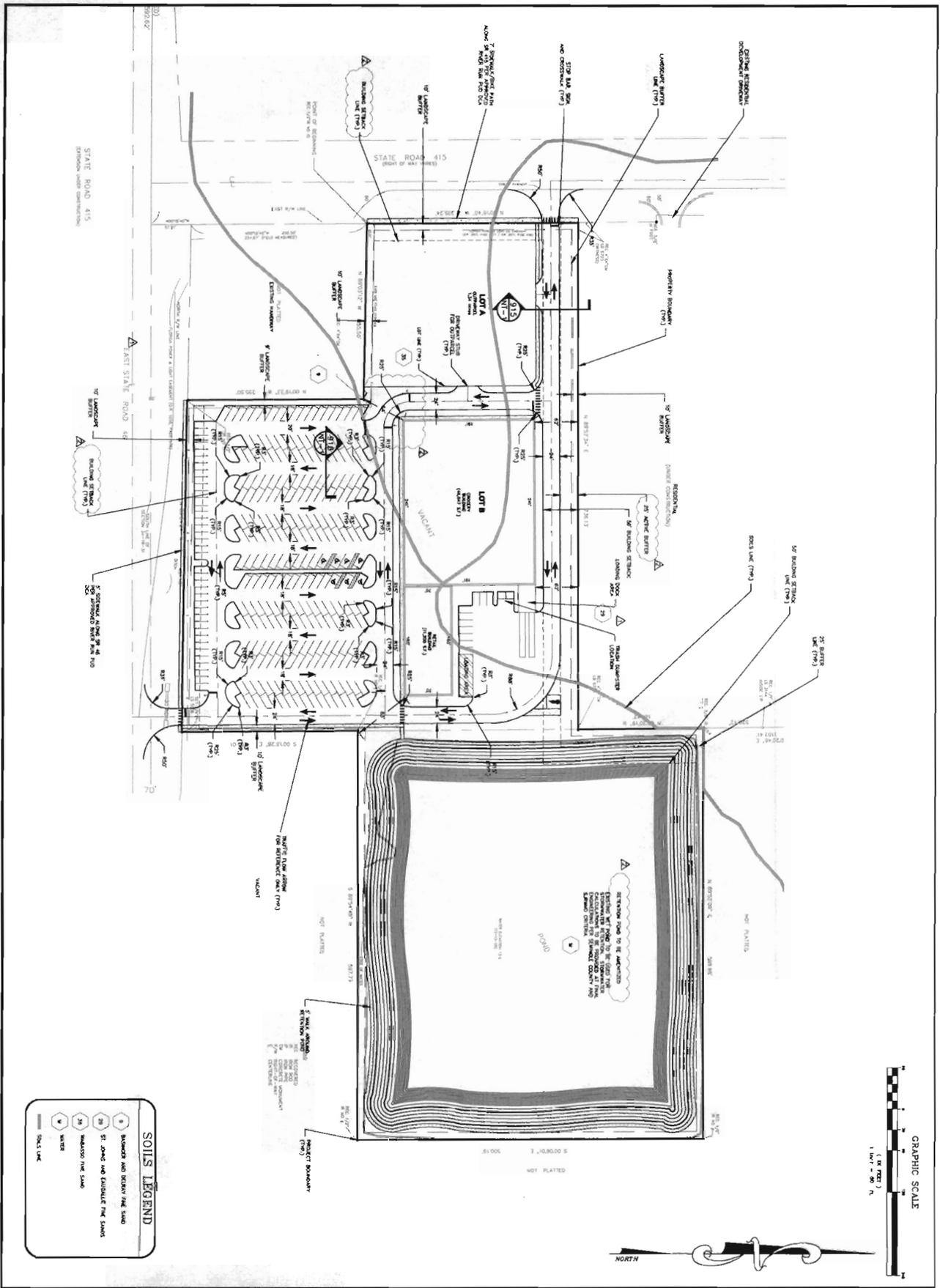


Rezone No: Z2007-067
From: PUD To: PUD
PUD Major Amendment

-  Parcel
-  Subject Property



2007 Color Aerials



SOILS LEGEND	
(Symbol)	Borders and Drive The Same
(Symbol)	St. Johns and Estabate Fine Sands
(Symbol)	Melrose Fine Sand
(Symbol)	Water
(Symbol)	Soils Line

<p>FMP-1</p> <p>DATE: 09/18/07 SCALE: 1"=50' DESIGNED BY: JMS CHECKED BY: JMS APPROVED BY: CHM</p>	<p>DATE REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISIONS				<p>ENGINEER IN CHARGE:</p> <p>CHADWYCK H. MOOREHEAD, P.E. #61781</p> <p>CERTIFICATE OF AUTHORIZATION NO. EB-000723</p>	<p>CLIENT:</p> <p>SUNSET ACQUISITIONS GROUP, LLC 110 WEST MAIN STREET, SUITE 200 LOUISVILLE, KY 40202 (502) 491-4880</p>	<p>FINAL MASTER PLAN FOR RIVER RUN PUD</p> <p>SEMIWEEK COUNTY FLORIDA</p>	<p>MADDEN CIVIL ENGINEERS 431 E. Main Street, Suite 200 Lakeland, Florida 33801 (889) 699-8300</p>
NO.	DATE	REVISIONS									

**ADDENDUM #2
TO**

**RIVER RUN PLANNED UNIT DEVELOPMENT
FINAL PUD MASTER PLAN
DEVELOPERS COMMITMENT AGREEMENT
COMMITMENT, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On April 22, 2008, the Board of County Commissioners of Seminole County issued this Addendum to the "River Run PUD Developer's Commitment Agreement", as amended (the "PUD"), which shall superseded any and all provisions to the contrary in said PUD or other addenda thereto:

(plain text is provided for reference; strikethroughs are deletions and underlines are additions)

III. <u>Land Use</u>	<u>Acres</u>	<u>Units</u>	<u>Density</u>
Single Family	40.13	209	5.21 DU / Acre
Recreational Vehicle	5.60	68	12.14 Sites / A
Commercial Office	7.69 <u>11.95</u>		
Hotel	4.7 <u>0</u>		
Open Space / Recreation	31.24 <u>28.68</u>		
Retention Areas/Lakes	18.11		
Total	104.47 <u>106.17</u>		

IV. **Tract Breakdown**

Phase I. Installation of 209 single family residential lots. Also, the infrastructure such as utilities, roads, retention, etc. to support single family development. The density will conform with that of the overall site plan. The Phase I construction area will impact approximately 47 acres, including retention ponds located in tracts E, K and L. The main entrance was relocated about 200 feet to the south to conform to the entrance of the clinic across the street.

Phase II. Envisions the development and installation of 68 RV sites.

Phase III. Involves the development of 3.88 acres of commercially zoned land located adjacent to CR 415 immediately south of the RV Park. Zoning permits the building of 27,000 square feet of structures.

Phase IV & V. Encompasses the development of the balance of the commercially zoned land, allowing ~~37,000~~ 71,000 square feet of structures, ~~and the development of the hotel site, allowing 60 hotel rooms.~~

V. **Building and Lot Restrictions**

All building and lot restrictions shall be consistent with those approved in the preliminary PUD Plan and may be more restrictive than those hereafter described. All specimen trees will be saved whenever reasonably possible.

C. **Commercial:**

~~Hotel Zoning, and Commercial Zoning~~ permits all C-1 uses, plus amusement and recreation facilities, ~~hotels and motels~~, RV sales and service, drive-in restaurant and mini-storage. Setbacks as approved in the preliminary PUD plan, or if more restrictive, as provided in the Seminole County Land Development Code for C-1 and C-2 Zoning, as applicable. Commercial operating hours will vary for different commercial uses, but generally are proposed between 6 a.m. and 12 ~~p.m.~~ a.m.

VIII. **Landscaping and Buffers:** Landscaping will be installed in the buffer areas as described, concurrent with each respective Phase of development. Also, landscaping will be installed at the main entrance to the RV park, in the RV Park situated commercial areas, and in selected other RV areas, such as the clubhouse, parking lot, tennis court, ~~and swimming pool. Also,~~ and in selected areas of the residential development, ~~and on the hotel site, upon their respective development.~~ In addition, palm trees, to the extent they do not interfere with the natural tree coverage, will be installed along the RV entrance and the RV Boulevard. All Phases of Development will conform and abide by Seminole County's applicable landscaping codes. The Commercial Areas shall provide a 25' buffer and a 50' building setback for the length of commercial uses consistent with the Active buffering standards of the Seminole County Land Development Code.

IX. **Recreation and Open Space:** In addition to the amenities described, tables, benches, barbecues, shuffleboard, horseshoes will be provided within the RV tract. Also, fish will be placed in the aerated wet-retention ponds of the RV site. In the residential area a children's playground shall be ~~installed~~ provided near the ~~7-acre lake on the southeast side of the PUD~~ east side of the PUD adjacent to a stormwater pond. All referenced recreation facilities will be put in place at the time of each respective Phase of development.

XI. **Other commitments:**

- A. All maintenance in the RV Park will be the sole responsibility of the Developer_Owners. A Homeowners Association will be established to maintain all common areas within the residential land. Commercial land improvements and maintenance will be the responsibility of the respective owners, from time to time. Maintenance will also be provided for, Private Road Right-of-Ways, Open Space and Recreational Facilities.
- B. Street lighting is proposed for all developed entrances and throughout all developed areas of the PUD. The installation of such lighting shall be concurrent with each respective Phase of development.
- C. Operating hours for the commercial activities are proposed to be between 6 a.m. and 12 ~~p.m.~~ a.m.
- D. The proposed maximum height for ~~a planned hotel~~ the commercial area is thirty five (35) feet.
- E. Usable open space throughout the PUD shall be pedestrian-accessible from all areas of the PUD.
- F. Unless specifically addressed in this Agreement, or in the Rezoning of August 12, 1997, the development shall fully comply with all Codes and Ordinances, including impact Fee Ordinances, in effect in Seminole County at the time of issuance of any permit.
- G. Subdivision plats establishing residential lots within the limits of the subject property shall include a note in font size twelve (12) point or larger the following:
- The properties delineated on this plat are subject to aircraft noise that may be objectionable.*
- H. The sale of each and every residential lot within the subject property shall include a deed restriction containing the following language in bold type face:

NOTICE OF AIRPORT NOISE

This property is located in proximity to an airport noise zone. Residents will be subject to aircraft noise that may be objectionable.

Developer Definition: When the term "Developer" is used herein, the term shall be taken, or constructed, to mean "River Run, Inc. and or Dr. Randall C. Brown and Dr. Alan J. Devos"- and or Sunset Acquisition Group, LLC." All obligations, liabilities, and responsibilities incurred by, or implied by the Developer in this Agreement, shall be assumed by all successors in interest as the Overall Developer of this Planned Unit Development.

DONE AND ORDERED ON THE DATE
FIRST WRITTEN ABOVE

By: _____
Brenda Carey, Chairman
Seminole County Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Sunset Acquisition Group, LLC, 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 Development Order.

WITNESSES:

OWNER:

Witness

James Roth, Manager Sunset
Acquisition Group, LLC

Witness

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____ who is personally known to me or who has produced their Driver's License as identification.

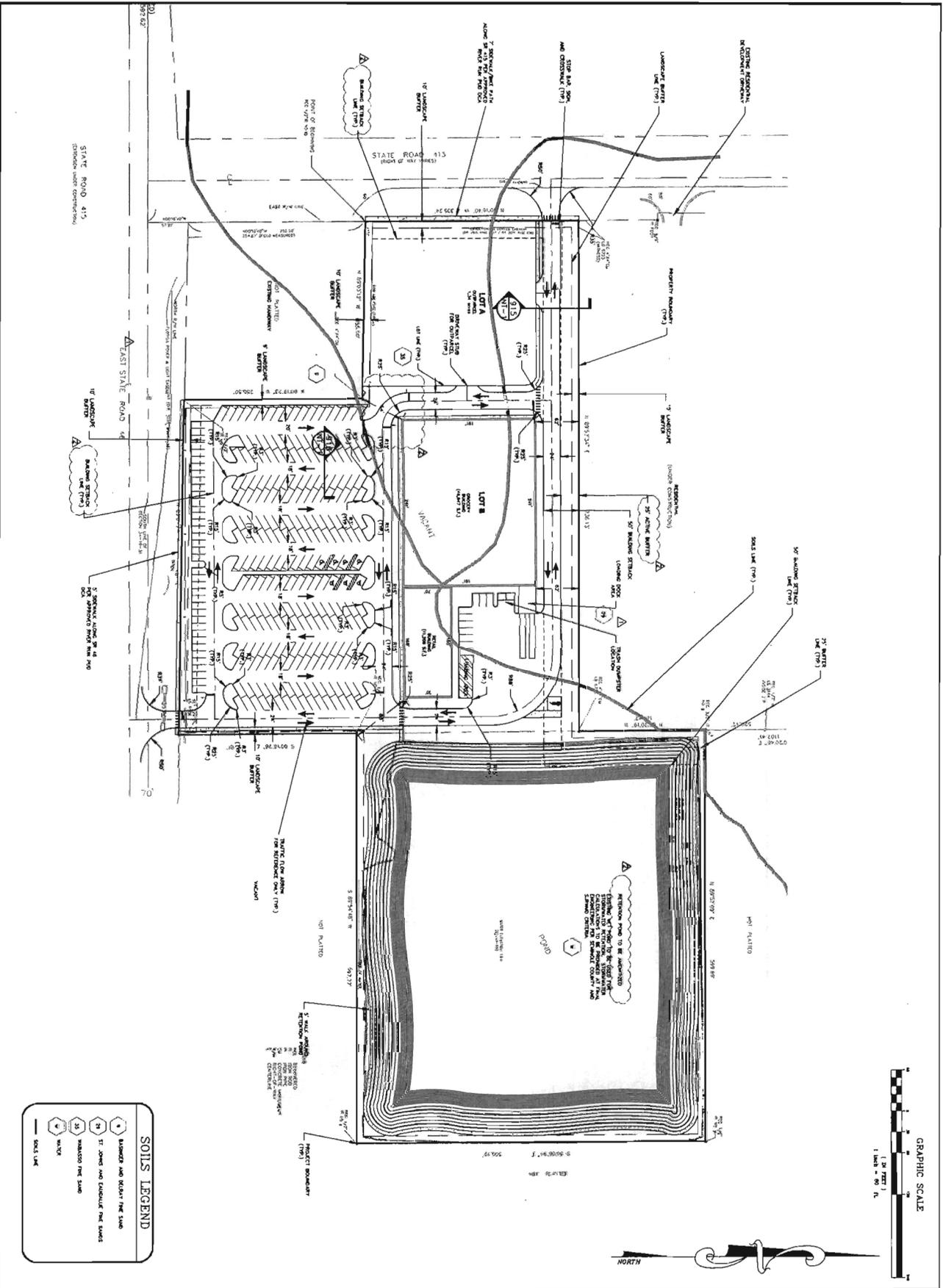
Notary Public
Print Name:
My Commission expires:

Exhibit "A"
LEGAL DESCRIPTION

FROM THE SOUTHWEST CORNER OF THE SW 1/4 OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, RUN N. 89°56'50" E., ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 592.62 FEET; THENCE RUN N. 00°16'40" W., 57.97 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 46 AND THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 415; THENCE CONTINUE N. 00°16'40" W. ALONG SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 415 A DISTANCE OF 255.50 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE 305.24 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE RUN N. 89°52'34" E. 736.13 FEET TO THE EAST LINE OF THE SW 1/4 OF THE SW 1/4 OF AFORESAID SECTION 34; THENCE RUN N. 00°20'46" W. ALONG SAID EAST LINE 181.42 FEET; THENCE N. 89°52'09" E. 599.89 FEET; THENCE S. 00°06'01" E. 500.19 FEET; THENCE S. 89°54'48" W. 597.77 FEET; THENCE S. 00°16'28" E. 255.12 FEET TO THE AFORESAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 46; THENCE RUN N. 89°10'41" W. ALONG SAID NORTH RIGHT-OF-WAY LINE 481.16 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE RUN N. 00°19'23" W. 255.50 FEET; THENCE N. 89°03'12" W. 255.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.96 ACRES MORE OR LESS.

Exhibit "B"
FINAL MASTER PLAN



FMP-1

DATE	REVISIONS

ENGINEER IN CHARGE:
 SHADWICK W. WOODHEAD, P.E. #1781
 CORPORATION OF ARCHITECTS AND ENGINEERS, INC. #007722

CLIENT:
 SUNSET ACQUISITIONS GROUP, LLC
 110 WEST MAIN STREET, SUITE 200
 LOUISVILLE, KY 40202
 (502) 588-8888

FINAL MASTER PLAN
 FOR
RIVER RUN PUD
 SEMINOLE COUNTY FLORIDA

MADDEN
 CIVIL ENGINEERS
 431 E. Kentucky Avenue
 Louisville, KY 40202
 (502) 582-8200

RIVER RUN PLANNED UNIT DEVELOPMENT
FINAL PUD MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENT, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On April 24, 2001, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

I. Legal Description

Parcel A: The South 583.65 feet of the NW ¼ of the SW ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida, lying East of State Road 415, and the SW ¼ of the SW ¼ of said Section 34, lying East of State Road 415, less the South 800.00 feet thereof. Containing 18.8938 acres.

Parcel B: The South 800.00 feet of the SW ¼ of the SW ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida, lying East of State Road 415, less Right-of- Way for State Road 46 and less the following described parcel: From the Southwest corner of of the SW ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida, run N.89°38'04" E, along the South line of said SW ¼, a distance of 592.62 feet, thence run N.00°35'26" W., 57.97 feet to the intersection of the North Right-of Way line of State Road 46 and the East Right-of Way line of State Road 415 for a Point Of Beginning, thence run N.00° 35'26" W., along said East Right-of- Way line of State Road 415, a distance of 255.50 feet, thence run S.89°20'52" E., 255.50 feet to said North Right-of- Way line of State Road 46, thence run N.89°20'52" W., along said North Right-of- Way line 255.50 feet to the Point of Beginning. (Containing 1.4986 acres).

AND ALSO the North 500.00 feet of the South 800.00 feet of the West 600.00 feet of the SE ¼ of the SW ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida, Containing 18.0603 acres.

Parcel C, The South 305.00 feet of the Southwest ¼ of the Northwest ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida, Lying East of the Easterly Right-of-Way of State Road 415.

Parcel D, The South 305 feet of the Southeast ¼ of the Northwest ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida.

Parcel E, The Northeast ¼ of the Southwest ¼ of Section 34, Township 19 South, Range 31 East, Seminole County, Florida.

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

RETURN TO SANDY MCCANN

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2002929257 BK 04321 Pg 1424 RECD 02/09/2002 04:09:50 PM RECD BY L Wbodley

Parcel F, The North 735.40 feet of the Northwest ¼ of the Southwest ¼ Section 34, Township 19 South, Range 31 East, Seminole County, Florida, Lying East of the Easterly Right-of-Way of State Road 415.

Total Site Acreage is approximately 104 Acres +/-.
 Approximately 20.3 Acres are below the 100-Year Flood Elevation of 9.7 M.S.L.
 Approximately 83.7 Acres are above the 100-Year Flood Line.

II. Statement of Basic Facts Total Acreage 104.3

Total Dwelling Units Residential	60
Total Dwelling Units Recreational Vehicles	399
Gross Residential Density	5 Du / Acre
Gross Recreational Vehicles Density	7.5 Sites / Acre

<u>III. Land Use</u>	<u>Acres</u>	<u>Units</u>	<u>Density</u>
Single Family	12.0	60	5 DU / Acre
Recreational Vehicle	39.3	399	7.5 Sites / A
Commercial Office	6.4		
Hotel	1.7		
Open Space / Recreation	<u>44.9</u>		
Total	104.3		

IV. Tract Breakdown

PHASE I. Installation of 215 R V sites in the southern portion of the RV zoned area, along with clubhouse, tennis court, swimming pool and parking facilities to accommodate said amenities. Also, the infrastructure such as utilities, roads, retention, etc. to support the sites and amenities. The density will conform with that of the overall site plan. The Phase I construction area will impact approximately 25 acres. The main entrance was relocated about 200 feet to the south to conform to the entrance of the clinic across the street.

PHASE II. Envisions the development and installation of 184 RV sites.

PHASE III. Involves the development of 2.7 acres of commercially zoned land, situate directly north and south of the RV Park entrance. Zoning permits the building of 27,000 square feet of structures.

PHASE IV. & V. Encompasses the development of the balance of the commercially zoned land, allowing 37,000 square feet of structures, the development of the residential land, allowing 60 residential units and the development of the hotel site, allowing 60 hotel rooms.

V. Building and Lot Restrictions

All building and lot restrictions shall be consistent with those approved in the preliminary PUD Plan and may be more restrictive than those hereafter described. All specimen trees will be saved whenever reasonably possible.

A. Residential:

1. Minimum lot sizes:
 - a. Detached Units: 5,000 square feet
 - b. Duplexes: 9,000 square feet
2. Minimum Unit size:
 - a. Detached Houses: 1,000 square feet
 - b. Duplexes, 700 square feet.
3. Setbacks:
 - a. Detached Units: Front 20 feet, Side 5 feet, Rear 20 feet and side street 15 feet.
 - b. Duplexes: Front 25 feet, Side 7.5 feet, Rear 30 feet and side street 15 feet

Setbacks for accessory structures and swimming pools are the same as Seminole County requirements under R-1A and R-2, Zoning, respectively.

B. Recreational Vehicles:

Typical RV sites are from 1,500 square feet -2,400 square feet. In order to preserve trees, lot size will vary, but will be a minimum of 30 feet x 50 feet, except Road Frontage may be less than 30 feet, if this leads to the saving of important tree(s). All other Seminole County regulations of the RM-3 Zoning will be met.

C. Commercial:

Hotel Zoning, and Commercial Zoning permits all C-1 uses, plus amusement and recreation facilities, hotels and motels, RV sales and service, drive-in restaurant and mini-storage. Setbacks as approved in the preliminary PUD plan, or if more restrictive, as provided in the Seminole County Land Development Code for C-1

and C-2 Zoning, as applicable. Commercial operating hours will vary for different commercial uses, but generally are proposed between 6 a.m. and 12 p.m.

VI. Vehicle and Pedestrian Circulation System:

- A.** A seven feet wide sidewalk will be provided along boundary of PUD on State Road 415 and State Road 46. The sidewalks will be installed in sections, concurrent with each adjacent phase of development, as they occur.
- B.** The Commercial tracts within the RV zoned land may be accessed from the RV sites via a five feet wide pedestrian path, situate within the buffer zone along State Road 415. The Residential tract will provide access north and south via a five feet wide pedestrian path, situate within the buffer on the eastern boundary of the residential tract.
- C.** All roads will be built to county specification for asphalt roads and will be lime-rocked 20 feet wide, with hard surface 16 feet wide for one-way streets. Two-way streets to be designed to county specification. Road easements may vary, as the roads within the PUD are private roads.
- D.** Developer will dedicate additional right of way on SR 46 and SR 415 as needed, to accommodate required improvements, including additional pavement, drainage and sidewalks, as previously stated. Left and right turn lanes shall be constructed in compliance with the FDOT Roadway and Traffic Design Standards on SR 46 and SR 415. Also, will provide signal and/or turn lane improvements upon development of Phase IV & V at the intersection of SR 415 and SR 46, based on intersection capacity analysis combining the PUD project with existing and approved background traffic.

VIII. Landscaping and Buffers: Landscaping will be installed in the buffer areas as described, concurrent with each respective Phase of development. Also, landscaping will be installed at the main entrance to the RV park, in the RV Park situated commercial areas, and in selected other RV areas, such as the clubhouse, parking lot, tennis court and swimming pool. Also, in selected areas of the residential development and on the hotel site, upon their respective development. In addition, palm trees, to the extent they do not interfere with the natural tree coverage, will be installed along the RV entrance and the R V Boulevard. All Phases of development will conform and abide by Seminole County's applicable landscaping codes.

IX. Recreation and Open Space: In addition to the amenities described, tables, benches, barbecue, shuffleboard, horseshoes will be provided within the RV tract. Also, fish will be placed in the aerated wet-retention ponds of the RV site. In the residential area a children's playground shall be installed near the 7-acre lake on the southeast side of the PUD. All

referenced recreation facilities will be put in place at the time of each respective Phase of development.

X Facility Commitments:

- A. All Flood prone and wetland areas will be dedicated to Seminole County as conservation easements with stipulations and covenants as agreed to by the Seminole County Commission and the St Johns River Water Management District.
- B. Water and Sewer will be provided by the City of Sanford. A ten-inch water line runs along the west of the property. A sewer line, approved by the City of Sanford and permitted by the DEP for 50,000 gal/day will be tied into the Beardall Avenue sewer terminus.

XI. Other Commitments:

- A. All maintenance in the RV Park will be the sole responsibility of the Developer-Owners. A Homeowners Association will be established to maintain all common areas within the residential land. Commercial land improvements and maintenance will be the responsibility of the respective owners, from time to time. Maintenance will also be provided for, Private Road-Right-of-Ways, Open Space and Recreational Facilities.
- B. Street lighting is proposed for all developed entrances and throughout all developed areas of the PUD. The installation of such lighting shall be concurrent with each respective Phase of development.
- C. Operating hours for the commercial activities are proposed to be between 6 a.m.-12 p.m.
- D. The proposed maximum height for a planned hotel is thirty-five (35) feet.
- E. Usable pen space throughout the PUD shall be pedestrian-accessible from all areas of the PUD.
- F. Unless specifically addressed in this Agreement, or in the Rezoning of August 12, 1997, the development shall fully comply with all Codes and Ordinances, including Impact Fee Ordinances, in effect in Seminole County at the time of issuance of any permit.

Developer Definition: When the term "Developer" is used herein, the term shall be taken, or construed, to mean "River Run, Inc. and or Dr. Randall C. Brown and Dr. Alan J. Devos". All obligations, liabilities, and responsibilities incurred by, or implied by the Developer in this Agreement, shall be assumed by all successors in interest as the Overall Developer of this Planned Unit

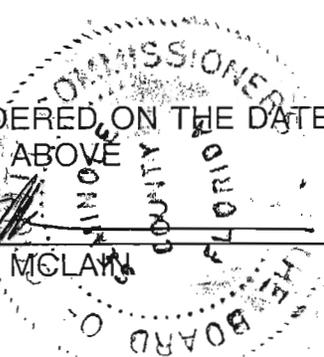
Development.

XII. STANDARD COMMITMENTS

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. 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 property.
- C. The 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 Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.
- D. 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.

DONE AND ORDERED, ON THE DATE FIRST WRITTEN ABOVE

By: *[Signature]*
DARYL G. MCLAIN
Chairman

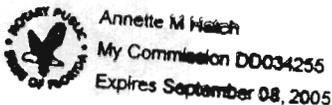


STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 17th day of Feb, 2002 by Daryl G. McLain, who is personally known to me

Annette M. Hatch
Signature of Notary Public

AFFIX NOTARY STAMP



Annette M. Hatch
(Print Notary Name)
My Commission Expires: 09/08/05
Commission No.: D0034255

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, River Run, Inc., 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 the Development Order:

OWNER:

River Run, Inc. by:

WITNESS:

Tamara J. Miller
(Sign)

Rolf Bergmann
Rolf Bergmann, President

Tamara J. Miller
(Print Name)

Midge Smith
(Sign)

Midge Smith
(Print Name)

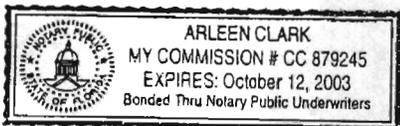
STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 27 day of Nov., 2001 by Rolf Bergmann, as President of River Run, Inc., who is personally known to me or who produced his FL. DL or Driver's License as identification.

8625-720-34-207-0

Arleen Clark
Signature of Notary Public

AFFIX NOTARY STAMP



Arleen Clark
(Print Notary Name)
My Commission Expires: 10-12-03

Commission No.: CC879245
 Personally Known, or
 Produced Identification
Type of Identification Produced:
Driver's license

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Dr. Randall C. Brown, 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 the Development Order:

OWNER:

WITNESS:

Dana L. Evans
(Sign)

Dana L. Evans
(Print Name)

Diana F. Pargouzas
(Sign)

Diana F. Pargouzas
(Print Name)

Dr. Randall C. Brown
Dr. Randall C. Brown

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 27th day of Nov, 2001 by Dr. Randall C. Brown, as Owner, who is personally known to me or who produced his Driver's License as identification.

Carol F. Larson
Signature of Notary Public

AFFIX NOTARY STAMP



Carol F. Larson
(Print Notary Name)
My Commission Expires: 8-25-04
Commission No.: CC 960143
 Personally Known, or
 Produced Identification
Type of Identification Produced: _____

FILE NUM 2002029257
OR BOOK 04321 PAGE 1431

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Dr. Alan J. Devos, 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 the Development Order:

OWNER:

WITNESS:

Elizabeth A. Andres
(Sign)

Dr. Alan J. Devos
Dr. Alan J. Devos

ELIZABETH A. ANDRES
(Print Name)

Jane A. Guth
(Sign)

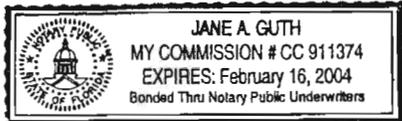
Jane A. Guth
(Print Name)

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 30th day of Nov., 2001 by Dr. Alan J. Devos, as Owner, who is personally known to me or who produced his NA - Driver's License as identification.

Jane A. Guth
Signature of Notary Public

AFFIX NOTARY STAMP



Jane A. Guth
(Print Notary Name)
My Commission Expires: _____
Commission No.: _____
 Personally Known, or
 Produced Identification
Type of Identification Produced: _____

EXHIBIT "A"

FINAL PUD MASTER PLAN

FINAL MASTER PLAN RIVER PLANNED UNIT DEVELOPMENT SEMINOLE COUNTY, FLORIDA

OWNERS
[Illegible text]

ENGINEER
[Illegible text]

SURVEYOR
[Illegible text]

**WATER & WASTEWATER
UTILITY PROVIDER**
[Illegible text]

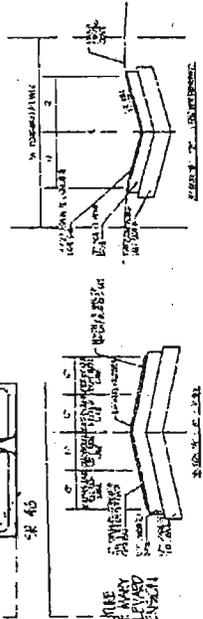
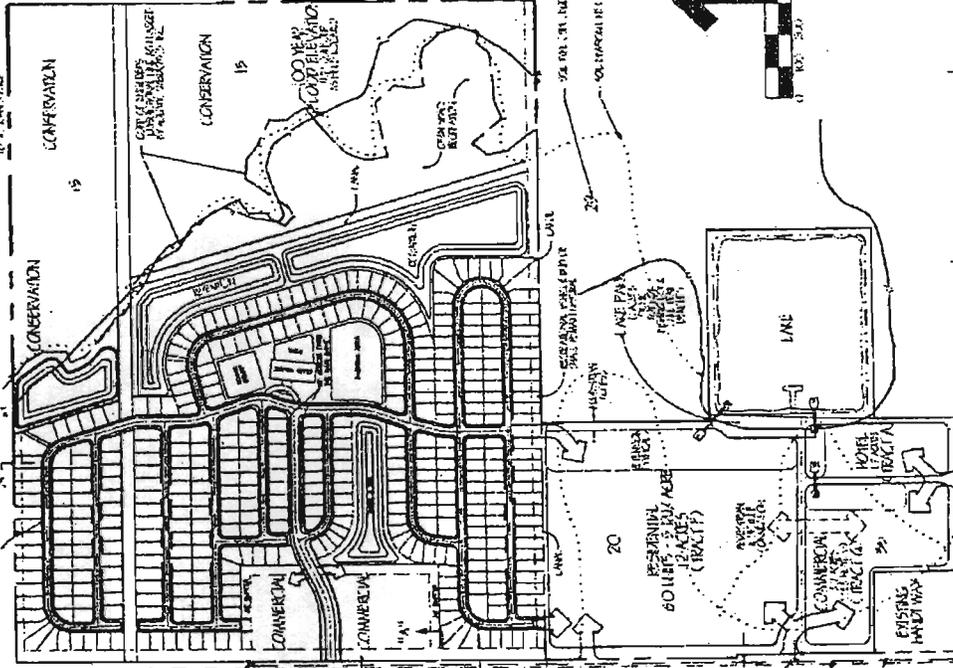
PROPOSED LAND USE TABLE
[Illegible table content]

TRAFFIC IMPACTS
[Illegible text]

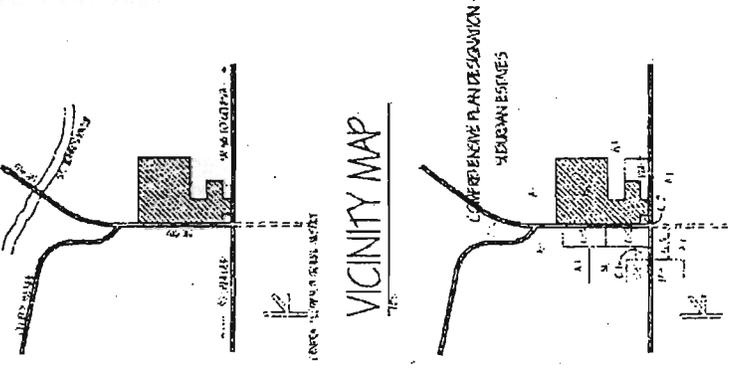
UTILITY IMPACTS
[Illegible text]

NOTES
[Illegible text]

RUN



CROSS SECTIONS



EXISTING ZONING MAP

SOILS TYPE LEGEND

- 15 PL. SOILS
- 20 PL. SOILS
- 22 PL. SOILS
- 25 PL. SOILS
- 30 PL. SOILS
- 35 PL. SOILS



DATE	DESCRIPTION	DATE	REVISION

FINAL MASTER PLAN
RIVER RUN
PLANNED UNIT DEVELOPMENT

SHEET NO. 1 OF 2
SCALE: 1" = 200'

MARYANNE MORSE, CLERK OF CIRCUIT COURT
 SEMINOLE COUNTY
 BK 05352 PGS 0131-0136
 CLERK'S # 2004095267
 RECORDED 06/18/2004 09:20:22 AM
 RECORDING FEES 52.50
 RECORDED BY J Eckenroth

**ADDENDUM #1
 TO
RIVER RUN PLANNED UNIT DEVELOPMENT;
 FINAL PUD MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENT, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On April 27, 2004, the Board of County Commissioners of Seminole County issued this Addendum to the "River Run PUD Developer's Commitment Agreement," as amended (the "PUD"), which shall supersede any and all provisions to the contrary in said PUD or other addenda thereto:

<u>II. Statement of Basic Facts</u>	Total Acreage	104.3 <u>104.47</u>
Total Dwelling Units Residential	60	<u>209</u>
Total Dwelling Units Recreational Vehicles	399	<u>68</u>
Gross Residential Density	5	<u>5.21</u> DU / Ac
Gross Recreational Vehicles Density	7.5	<u>12.14</u> Sites / Ac

<u>III. Land Use</u>	<u>Acres</u>	<u>Units</u>	<u>Density</u>
Single Family	12.0 <u>40.13</u>	60	<u>209</u> 5 <u>5.21</u> DU / Ac
Recreational Vehicle	39.3 <u>5.60</u>	399	<u>68</u> 7.5 <u>12.14</u> Sites / Ac
Commercial Office	6.4		<u>7.69</u>
Hotel	1.7		
Open Space / Recreation	44.9		<u>31.24</u>
<u>Retention Areas/Lakes</u>			<u>18.11</u>
Total	104.3 <u>104.47</u>		

IV. Tract Breakdown

PHASE I. Installation of ~~215 R V sites in the southern portion of the RV zoned area~~ 209 single family residential lots. Also, the infrastructure such as utilities, roads, retention, etc. to support single family development. The density will conform with that of the overall site plan. The Phase I construction area will impact approximately ~~25~~ 47 acres, including retention ponds located in tracts E,

RETURN TO SANDY McCANN

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

K and L. The main entrance was relocated about 200 feet to the south to conform to the entrance of the clinic across the street.

PHASE II. Envisions the development and installation of ~~184~~ 68 RV sites.

PHASE III. Involves the development of ~~2.7~~ 3.88 acres of commercially zoned land, ~~situate directly north and south of the RV Park entrance located adjacent to CR 415, immediately south of the RV Park.~~ Zoning permits the building of 27,000 square feet of structures.

PHASE IV. & V. Encompasses the development of the balance of the commercially zoned land, allowing 37,000 square feet of structures; and the development of the hotel site, allowing 60 hotel rooms.

V. Building and Lot Restrictions

All building and lot restrictions shall be consistent with those approved in the preliminary PUD Plan and may be more restrictive than those hereafter described. All specimen trees will be saved whenever reasonably possible.

A. Residential:

1. Minimum lot sizes:
 - a. Detached Units: 5,000 square feet
 - b. ~~Duplexes: 9,000 square feet~~
2. Minimum Unit size:
 - a. Detached Houses: 1,000 square feet
 - b. ~~Duplexes, 700 square feet.~~
3. Setbacks:
 - a. Detached Units: Front 20 feet, Side 5 feet, Rear 20 feet and side street 15 feet.
 - b. ~~Duplexes: Front 25 feet, Side 7.5 feet, Rear 30 feet and side street 15 feet~~

~~Setbacks for accessory structures and swimming pools are the same as Seminole County requirements under R-1A and R-2, Zoning, respectively.~~

Setbacks for swimming pools and screen enclosures shall be as follows:

- 7' from edge of pool
- 5' from screen enclosure

Setbacks for accessory structures shall be 7' from rear lot line, 5' from side lot line (interior) or 15' from side lot line (corner lot).

All residential structures shall be constructed utilizing sound attenuation blankets in a manner acceptable to the Seminole County Building Official.

XI. Other Commitments

- G. Subdivision plats establishing residential lots within the limits of the subject property shall include a note in font size twelve (12) point or larger the following:

The properties delineated on this plat are subject to aircraft noise that may be objectionable.

- H. The sale of each and every residential lot within the subject property shall include a deed restriction containing the following language in bold type face:

NOTICE OF AIRPORT NOISE

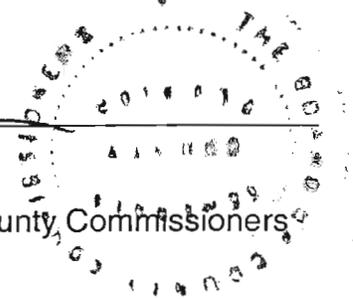
This property is located in proximity to an airport noise zone. Residents will be subject to aircraft noise that may be objectionable.

Done and Ordered this 27th day of April, 2004.

By: _____

Daryl G. McLain
Chairman

Seminole County Board of County Commissioners



OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, River Run, Inc., 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 the Development Order:

OWNER:

River Run, Inc. by:

Rolf Bergmann
Rolf Bergmann, President

WITNESS:

Robert Zlatkiss
(Sign)

Robert Zlatkiss
(Print Name)

Wendy Fues
(Sign)

Wendy Fues
(Print Name)

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 6th day of May, 2004 by Rolf Bergmann, as President of River Run, Inc., who is personally known to me or who produced his DL 10 or Driver's License as identification.

Mary B. Palumbo
Signature of Notary Public

AFFIX NOTARY STAMP

MARY B. PALUMBO
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION #DD038062
MY COMMISSION EXPIRES JULY 01, 2005

Mary B. Palumbo
(Print Notary Name)

My Commission Expires: 07/01/05

Commission No.: DD038062

Personally Known, or
 Produced Identification

Type of Identification Produced:

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Dr. Randall C. Brown, 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 the Development Order:

OWNER:

WITNESS:

Robert Watkins
(Sign)

Robert Watkins
(Print Name)

Mindy Lee
(Sign)

Mindy Lee
(Print Name)

Dr. Randall C. Brown
Dr. Randall C. Brown

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 6th day of May, 2004 by Dr. Randall C. Brown, as Owner, who is personally known to me or who produced his DLID Driver's License as identification.

Mary B. Palumbo
Signature of Notary Public

AFFIX NOTARY STAMP

MARY B. PALUMBO
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION #DD038062
MY COMMISSION EXPIRES JULY 01, 2005

Mary B. Palumbo
(Print Notary Name)
My Commission Expires: 07/01/05
Commission No.: DD038062
 Personally Known, or
 Produced Identification
Type of Identification Produced:

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Dr. Alan J. Devos, 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 the Development Order:

OWNER:

WITNESS:

Robert Zlatkiss
(Sign)

Dr. Alan J. Devos
Dr. Alan J. Devos

Robert Zlatkiss
(Print Name)

Wendy Ives
(Sign)

Wendy Ives
(Print Name)

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 6th day of May 2004 by Dr. Alan J. Devos, as Owner, who is personally known to me or who produced his DL ID Driver's License as identification.

Mary B. Palumbo
Signature of Notary Public

AFFIX NOTARY STAMP

MARY B. PALUMBO
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION #DD038062
MY COMMISSION EXPIRES JULY 01, 2005

Mary B. Palumbo
(Print Notary Name)
My Commission Expires: 07/01/05
Commission No.: DD038062
 Personally Known, or
 Produced Identification
Type of Identification Produced:
