

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

SUBJECT: Hawthorne Glen PUD Major Amendment

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Ian Sikonia EXT. 7398

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

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the Hawthorne Glen PUD Major Amendment, Addendum #2 to Development Order #03-2050005, Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement, and the revised Final Master Plan, for 1.46± acres, located on the northwest corner of the intersection of Old Lockwood and McCulloch Road, based on staff findings (Jack Reynolds, applicant); or
2. **RECOMMEND DENIAL** of the Hawthorne Glen PUD Major Amendment, Addendum #2 to Development Order #03-2050005, and Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement, for 1.46± acres, located on the northwest corner of the intersection of Old Lockwood and McCulloch Road (Jack Reynolds, applicant); or
3. **CONTINUE** until a time and date certain.

District #1 – Dallari

Ian Sikonia, Senior Planner

BACKGROUND:

The Hawthorne Glen PUD Developer's Commitment Agreement and Final Master Plan were approved by the Board of County Commissioners on September 23, 2003. The first Addendum to the Development Order and Developer's Commitment Agreement were approved on December 12, 2006 which amended certain uses, buffering, and setback requirements for the site.

At this time, the applicant is requesting to amend certain buffer, landscape, hours of operation, access, and permitted use requirements for commercial Tract F of the Hawthorne Glen PUD as follows:

| | |
|---------------------------|-------|
| Reviewed by: | _____ |
| Co Atty: | _____ |
| DFS: | _____ |
| OTHER: | _____ |
| DCM: | _____ |
| CM: | _____ |
| File No. <u>Z 2007-58</u> | |

I. LANDSCAPING AND BUFFER CRITERIA

| Buffers | Existing | Proposed |
|----------------|---|---|
| North | Shall comply with the SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback requirements, a six-foot masonry wall and a double-row of canopy trees shall be required | 25' buffer with a 6 foot masonry wall and 2 rows of canopy trees containing 4 trees per row per 100 linear feet. |
| South | 5' landscape buffer containing all required landscaping per SCLDC Section 30.1230 which is stated below; If consistent with sound engineering practices and permitted by federal and state law, a screen of landscaping, composed of natural and/or man-made materials, shall be arranged or planted in the designated landscape buffer in order that a height of at least three (3) feet shall be attained within one (1) year after planting and shall screen a minimum of seventy-five (75) percent of the parking areas to that height, as viewed from the right-of-way line. Four (4) canopy trees shall be planted for every one hundred (100) linear feet, or fraction thereof, of frontage along a street or other public rights-of-way. | 5' landscape buffer containing 5 understory trees per 100 linear feet, plus a single row of hedges 30" high, 30" o/c. |
| East | 20-foot wide buffer containing a 2-foot high berm the entire length of the buffer with plantings on top of and throughout the berm, with the following planted every 100 feet: <ol style="list-style-type: none"> 1. Six, 5 inch caliper canopy trees, 2. Ten, 3 inch caliper sub-canopy trees, 3. Forty shrubs at 3 feet high within one year of planting | 20' landscape buffer with 5' wide sidewalk, 10 understory trees per 100 linear feet, plus 2 rows of hedges 30" tall, 30" o/c on a 2' tall berm. |
| West | The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards. A six-foot masonry wall shall be required along the northerly 50 feet. Thereafter, along the west property line to the south property line), a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double-row of canopy trees shall be required along the entire west property line. | The northerly 50' - 25' buffer width and the southerly 128' a 10' buffer width containing 4 trees per row per 100 linear feet, plus 2 rows of canopy trees, and a 6' tall masonry wall. |

The applicant is requesting a modification to the existing approved buffers because of the 58.25 foot Progress Energy Easement lying on the eastern portion of the property. Due to the nature of the easement the applicant has been working with Progress Energy on allowable plantings within the easement. Staffs feels the proposed landscaping requirements still meet the intent of the previously approved Developer's Commitment Agreements landscaping requirements and are compatible with the surrounding area.

II. Permitted Uses

| Uses | Existing | Proposed |
|-----------------|--|--|
| Permitted Uses | All uses allowed in the CS zoning district, restaurants, banks with drive-through. | All uses allowable in the Neighborhood Commercial (CN), Commercial Convenience (CS) zoning district, specialty item drive through (coffee, bakery, donuts, bakery type sales), and drive through banks. |
| Prohibited Uses | Gasoline pumps, car lots, marine Lots, flea markets, car washes, auto repair, drive through restaurants, laundry mat facilities, package store or bar. | Package liquor stores, bars serving alcohol, gasoline pumps, car lots, drive through high volume restaurants (fast food), arcades, marine lots, flea markets, car washes, auto repair, Laundromats, animal clinics, federal post offices, public, private and parochial schools. |

The proposed permitted uses on site are similar to other commercial shopping centers in the surrounding area. The proposed limitation on drive through facilities will not allow the major chain fast food restaurants, however they will allow a coffee/bakery drive through, which are a moderate traffic generator. The southeast section of the intersection of Old Lockwood Road and McCulloch Road is a Fifth Third Bank with drive through facilities. The adjacent single-family subdivisions need to travel approximately 2 miles west to the intersection of McCulloch Road and Alafaya Trail to obtain most of their commercial shopping needs. Staffs feels the proposed permitted uses are compatible and complimentary to the surrounding area of single-family subdivisions.

III. Hours of Operation

| | Existing | Proposed |
|--------------------|---------------|---------------|
| Hours of Operation | 7 AM to 11 PM | 6 AM to 11 PM |

Staff feels that the proposed hours of operation are acceptable due to the use of the site for a coffee/bakery because a majority of the business is done in the early morning hours.

III. Access Points

The approved final master plan doesn't allow for an access point on Old Lockwood Road due to the approved 50' Landscape Buffer on the eastern portion of the site. The applicant is proposing a right in/right out access point near the northern portion of the eastern property line. The decrease in size of the landscape buffer along the eastern portion will allow for an access to accommodate and improve the circulation of the site to mitigate the proposed drive in facilities of the coffee/bakery and bank uses.

COMPATIBILITY WITH THE SURROUNDING AREA:

The subject site is located in an area of Seminole County which is mainly comprised of single-family subdivisions. To achieve a balanced mixture of uses in this area, there is a need for some commercial development. The Hawthorne Glen PUD was designed as a mixed use development providing for a commercial center on the south eastern portion of the PUD. Due to the sensitivity of the area and the Econ River Wilderness Area a majority of the access points have been directed at McCulloch Road instead of Old Lockwood Road. In allowing for the right in/right out access point along Old Lockwood Road the circulation of the site will improve and create more options for motorists. Since this site is adjacent to several single family subdivisions, the applicant has provided a bike rack and pedestrian access along McCulloch Road to encourage non motorized traffic. The proposed site allows mainly neighborhood and convenience commercial uses, which foster commercial growth and allow for decrease trip lengths and pedestrian mobility for the residents of the surrounding subdivisions in Seminole and Orange Counties. The design of this site has also utilized some LEED suggested commitments such as designated hybrid car parking spaces and energy efficient mechanical equipment with the highest SEER (Seasonal Energy Efficiency Ratio) rating. Staff feels that this PUD Major Amendment is consistent and compatible with the trend of development of the area and helps provide for a more compatible mixture of uses for the surrounding residents.

INTERGOVERNMENTAL NOTIFICATION:

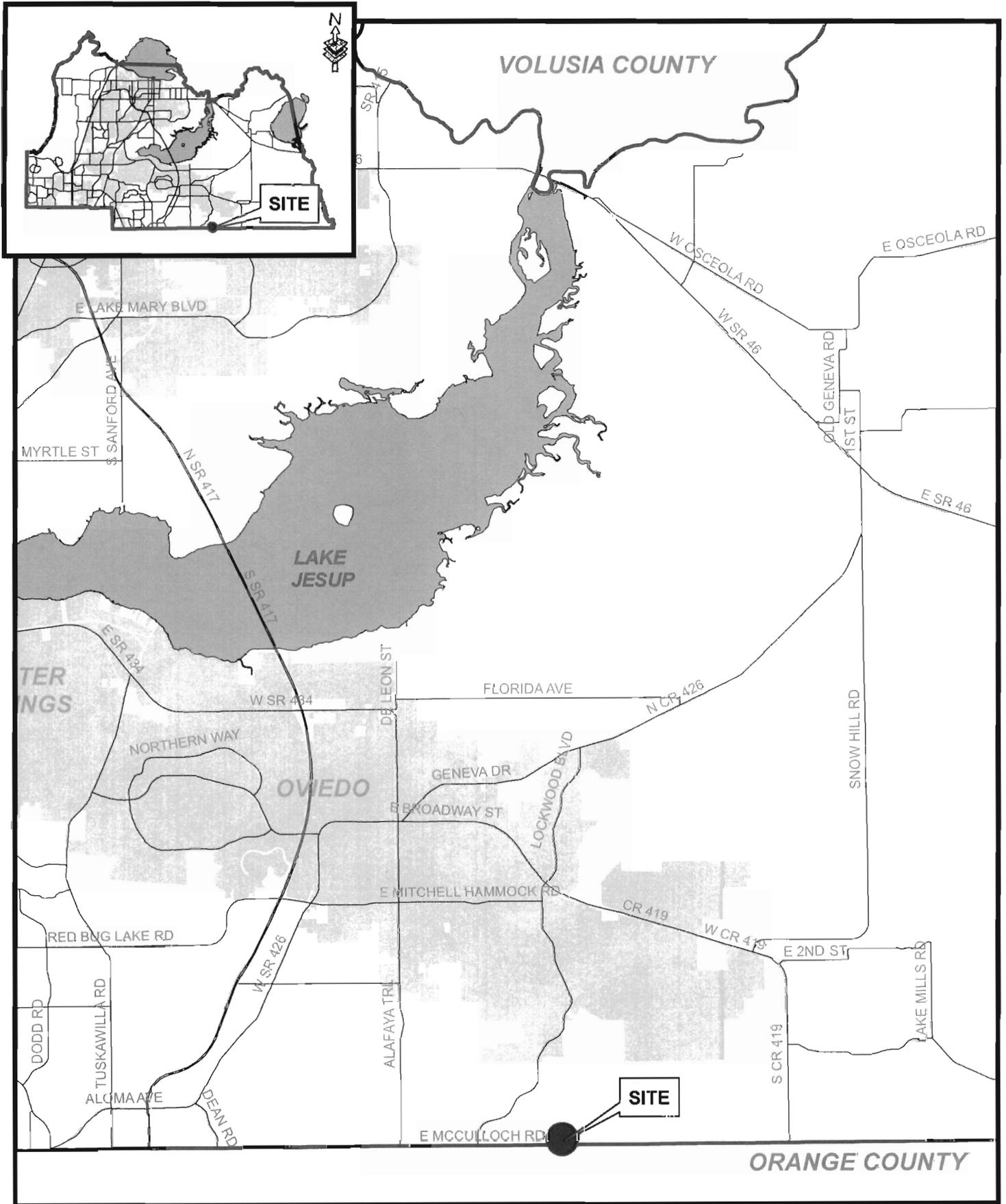
An intergovernmental notice was sent to Orange County on April 8, 2008.

STAFF RECOMMENDATION:

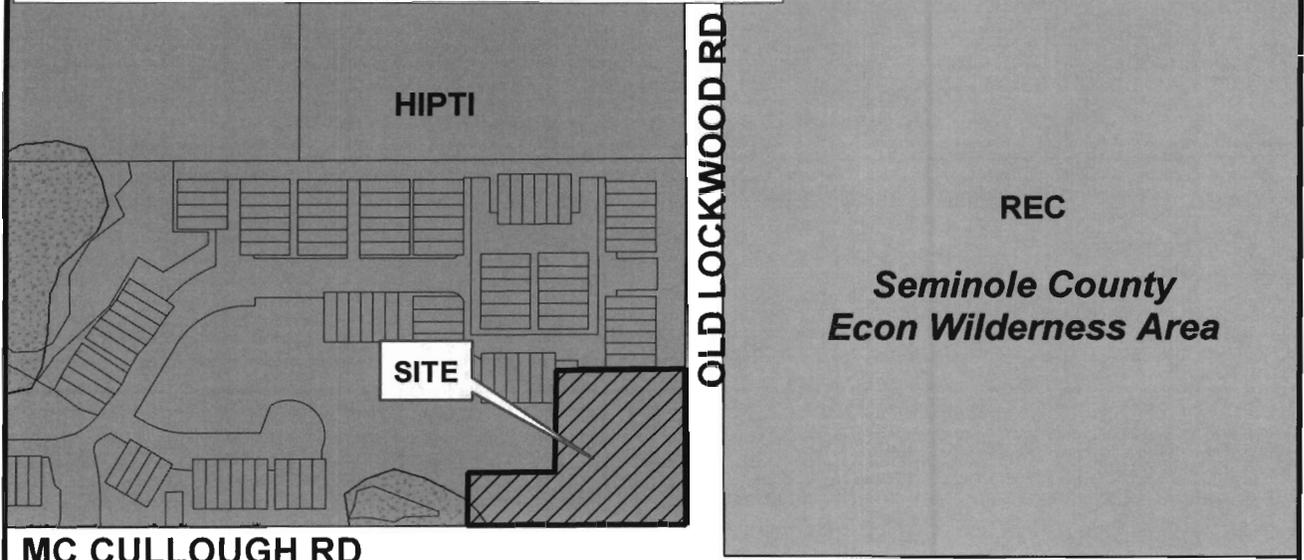
Staff recommends APPROVAL of the Hawthorne Glen PUD Major Amendment, Addendum #2 to Development Order #03-2050005, Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement, and the revised Final Master Plan, for 1.46± acres, located on the northwest corner of the intersection of Old Lockwood and McCulloch Road.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Final Master Plan
Architectural Renderings
Addendum #2 to Development Order #03-20500005
Addendum #1 to Development Order #03-20500005
Development Order #03-20500005
Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement
Addendum #1 to the Hawthorne Glen PUD Developer's Commitment Agreement
Approved DCA and Final Master Plan
Denial Development Order (applicable if the request is denied)
Rezone Ordinance



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



MC CULLOUGH RD

OLD LOCKWOOD RD

REC

**Seminole County
Econ Wilderness Area**

SITE

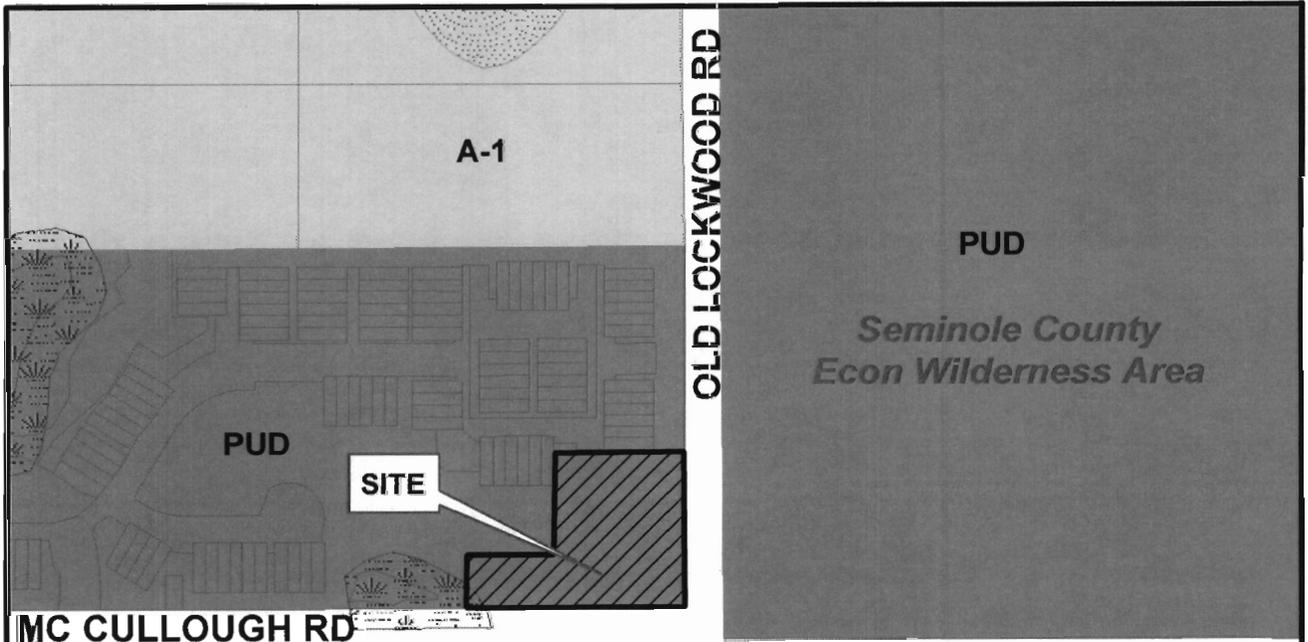
Orange County

FUTURE LAND USE

REC
 HIPTI
 Site
 CONS
 Municipality

Applicant: Hank Boxley / Jack Reynolds
 Physical STR: 36-21-31-300-0050-0000
 Gross Acres: 1.73 +/- BCC District: 1
 Existing Use: vacant
 Special Notes: _____

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | -- | -- | -- |
| Zoning | Z2007-058 | PUD | PUD |



MC CULLOUGH RD

OLD LOCKWOOD RD

PUD

**Seminole County
Econ Wilderness Area**

SITE

Orange County

ZONING

A-1
 PUD
 FP-1
 W-1



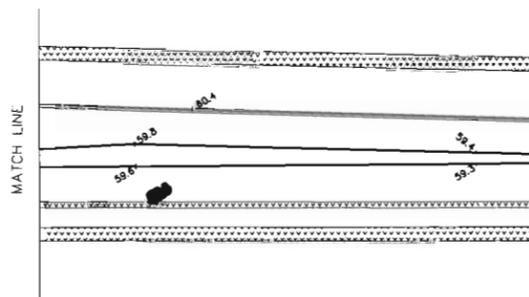
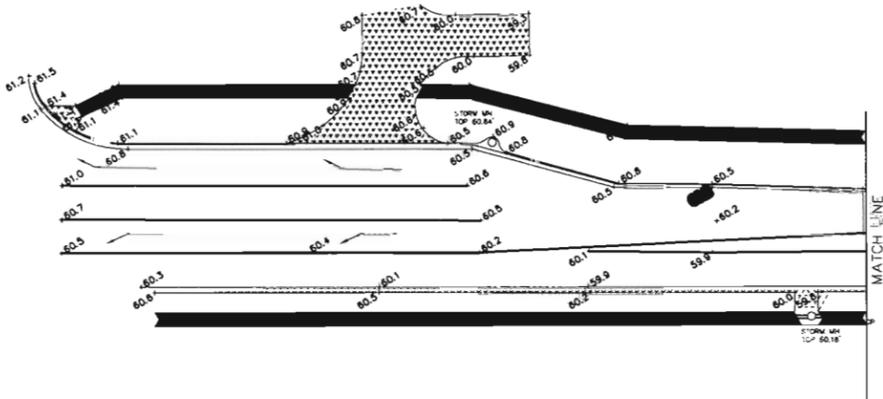
Rezone No: Z2007-58
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

- NOTES:
1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
 2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
 3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
 4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
 5. BEARINGS ARE BASED ON DESCRIPTIVE DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
 6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0235 E DATED 04-17-95.
 7. ELEVATIONS HERE REFERENCED TO SEMINOLE COUNTY DATUM (NAVD '88).



SCALE 1" = 30'

- ATT - AT & T CONTROL BOX
- H2OMLV - WATER VALVE
- H2OMTR - WATER METER
- TELBOX - TELEPHONE BOX
- TWC - TIME WARNER CABLE BOX

| LEGEND | |
|---------------------------|------------------------------|
| REC - RECOVERED | PRO - POINT OF REVERSE CURVE |
| I.P. - IRON PIPE | R.P. - RADIUS POINT |
| C.M. - CONCRETE MONUMENT | R - RADIUS |
| NS - NEAR | L - LENGTH OF ARC |
| RAD. - RADIAL | CA - CENTRAL ANGLE |
| N.R. - NOT RADIAL | U.E. - UTILITY EASEMENT |
| (P) - PER PLAT | D.E. - DRAINAGE EASEMENT |
| (M) - AS MEASURED | L.E. - LANDSCAPE EASEMENT |
| (D) - PER DESCRIPTION | S.E. - SIDEWALK EASEMENT |
| P.O.L. - POINT ON LINE | P.P. - POWER POLE |
| P.C. - POINT OF CURVATURE | C.L.F. - CHAIN LINK FENCE |
| P.T. - POINT OF TANGENCY | W.F. - WOODEN FENCE |

Boundary
And
Mapping
Associates, Inc.

LAND
SURVEYORS
LB 4565

100 W. ORANGE ST.
ALTA MONTE SPRINGS, FL.
32714
PH. (407) 696-1155

DESCRIPTION:
SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN S. 89°08'31"W. 206.28', THENCE S 0°45'00"W. 178.00', THENCE S 89°59'20"W. 181.72', THENCE S 0°45'00"W. 76.00', THENCE N 89°59'20"E. 361.72', THENCE N 0°08'00"W. 266.89' TO THE POINT OF BEGINNING.

CERTIFIED TO:
BOXLEY ENTERPRISES
MARGARET A. WHARTON, P.A.
COMMONWEALTH
CITIZENS BANK OF FLORIDA
FIDELITY NATIONAL TITLE
AMERICAN CENTERFIT

REVISED CERTS: 02-02-07
REVISED CERTS: 02-13-07

REVISED: 02-08-08 ADD TOPOGRAPHICAL SURVEY

PLAT OF SURVEY

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

James W. Jackson
JAMES W. JACKSON PSM 4243

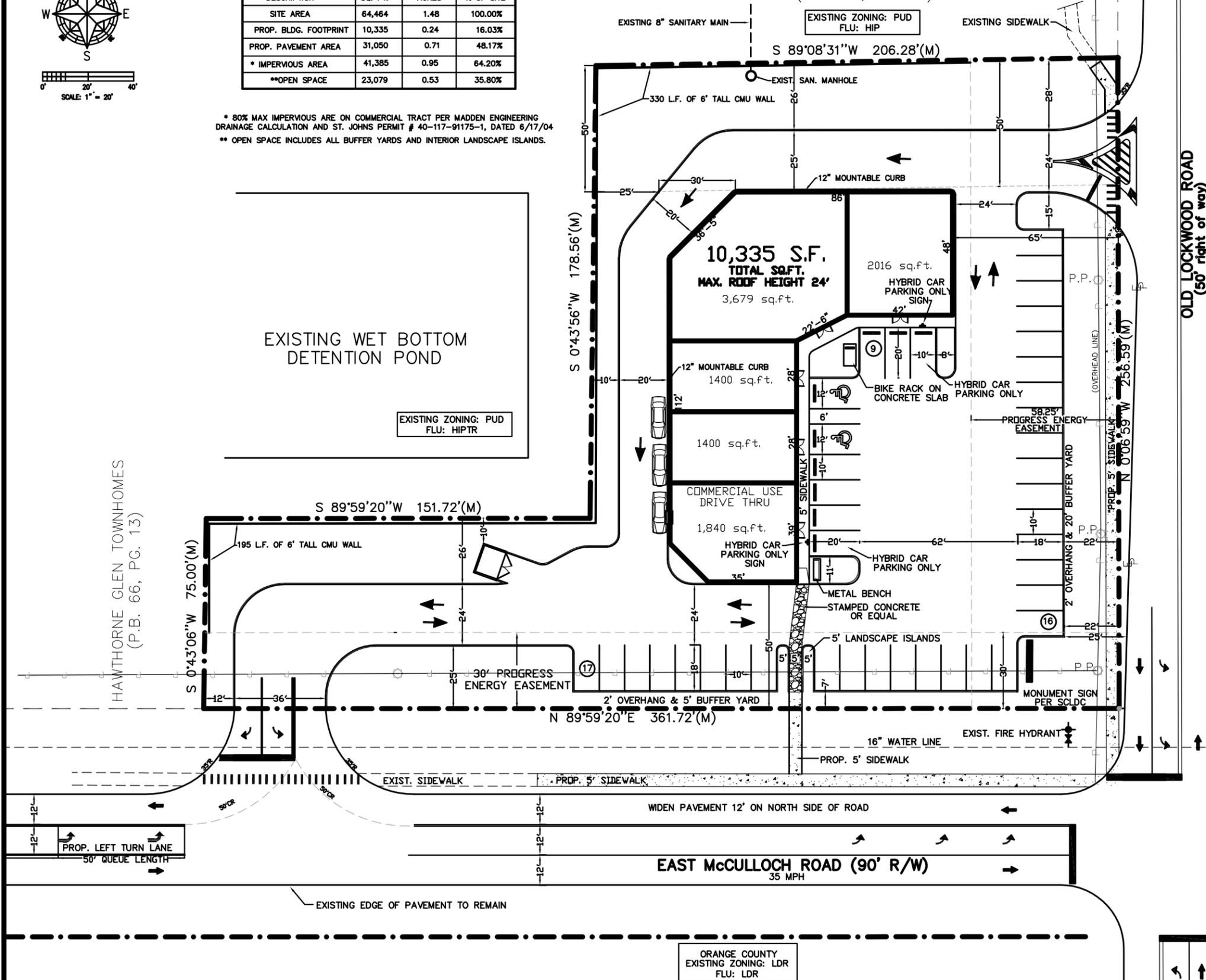




| SITE STATISTICAL DATA | | | |
|-----------------------|---------|-------|-----------|
| DESCRIPTION | SQ. FT. | ACRES | % OF SITE |
| SITE AREA | 64,464 | 1.48 | 100.00% |
| PROP. BLDG. FOOTPRINT | 10,335 | 0.24 | 16.03% |
| PROP. PAVEMENT AREA | 31,050 | 0.71 | 48.17% |
| * IMPERVIOUS AREA | 41,385 | 0.95 | 64.20% |
| **OPEN SPACE | 23,079 | 0.53 | 35.80% |

* 80% MAX IMPERVIOUS ARE ON COMMERCIAL TRACT PER MADDEN ENGINEERING DRAINAGE CALCULATION AND ST. JOHNS PERMIT # 40-117-91175-1, DATED 6/17/04
 ** OPEN SPACE INCLUDES ALL BUFFER YARDS AND INTERIOR LANDSCAPE ISLANDS.

HAWTHORNE GLEN TOWNHOMES (P.B. 66, PG. 13)



ORANGE COUNTY
EXISTING ZONING: LDR
FLU: LDR

SITE DATA

- STATEMENT OF BASIC FACTS**
 - Total area: 1.48 acres
 - Zoning: Planned Unit Development
 - Allowable area of development: 1.48 acres
 - The development approval sought is consistent with the Seminole County comprehensive plan and will be developed consistent with and in compliance with 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 commitment run with, follow and perpetually burden the aforesaid property.
- LAND USE BREAKDOWN**

| LAND USE | AREA | % |
|-------------------------------|-----------------------------|-------------|
| Pavement & Building Area | 41,385 s.f./ 0.95 ac | 64.20% |
| Open Space | 23,079 s.f./ 0.53 ac | 35.80% |
| Total Developable Area | 64,464 s.f./ 1.48 ac | 100% |
- OPEN SPACE AREAS**

Maintenance of the open space shall be funded by the owner.
 Total Land Area: 1.48 acres
 Required Open Space: 25.00%/0.37 acres
 Open Space Provided: 35.80%/0.53 acres
 Open Space shall consist of required landscaped buffer yards and interior landscaped islands.
- BUILDING SETBACKS**

| | REQUIRED | PROVIDED |
|---|----------|----------|
| NORTH PROPERTY LINE (ACTIVE COMMERCIAL) | 50' | 51' |
| WEST PROPERTY LINE | | |
| NORTHERLY 50' (ACTIVE/ COMMERCIAL) | 50' | 55' |
| SOUTHERLY 128' | 10' | 31' |
| SOUTH PROPERTY LINE (McCULLOUGH RD) | 25' | 50' |
| EAST PROPERTY LINE (LOCKWOOD RD) | 25' | 65' |
- PERMITTED USES**

Permitted uses in Neighborhood Commercial, Commercial Convenience zoning districts and specify item drive thru restaurants (coffee, donuts, bakery type sales) and drive thru banks.
- PROHIBITED USES**

Package liquor stores and bars serving alcohol, gasoline pumps, car lots, drive through high volume restaurants (fast food, multiple menu items), arcades, marine lots, flea markets, car washes, auto repair, laundromats, animal clinics, federal post offices, public, private and parochial schools.
- LANDSCAPE & BUFFER CRITERIA**
 - West:
 - Northerly 50' - 25' buffer width, 6' tall masonry wall
 - Southerly 128' - 10' buffer width, 6' tall masonry wall
 - 8 canopy trees per 100 l.f. planted in 2 rows
 - 18 canopy trees required, 18 canopy & 4 understory provided
 - East:
 - 20' landscape buffer with 5' wide sidewalk
 - Understory trees, 10 per 100 l.f.
 - 2 rows of hedge 30" tall, 30" o/c on 2' tall berm
 - 26 understory trees required, 26 understory trees provided
 - North:
 - 25' buffer width, 6' tall masonry wall with 2 rows of canopy trees
 - 8 canopy trees per 100 l.f. planted in 2 rows
 - 24 canopy trees required, 26 canopy trees & 4 under story trees provided
 - South:
 - 5' buffer width, Understory trees, 5 per 100 l.f.
 - Single row of hedge 30" high, 30" o/c
 - 18 understory trees required, 21 understory trees provided
- BUFFER YARDS WIDTHS**

| | |
|---|---------------------------------|
| NORTH PROPERTY LINE (ACTIVE/COMMERCIAL) | 25' (6' MASONRY WALL) |
| SOUTH PROPERTY LINE (McCULLOUGH RD) | 5' |
| EAST PROPERTY LINE (OLD LOCKWOOD RD) | 20' SIDEWALK SHALL BE IN BUFFER |
| WEST PROPERTY LINE | |
| NORTHERLY 50' (ACTIVE/ COMMERCIAL) | 25' (6' MASONRY WALL) |
| SOUTHERLY 128' | 10' (6' MASONRY WALL) |
- SIGNAGE**
 - One monument sign located at the Southwest property corner.
 - Directional signage at entrances
 - Signage square footage to meet Seminole County Land Development Code
- PARKING REQUIREMENTS**
 - Parking spaces shall be 10'x20' or 10'x18' adjacent to buffer yards with a 2' overhang exclusive of required buffer yard width.
 - Parking calculations shall be based on:
 One space per 250 s.f. of retail space (net), excluding storage areas
 Total spaces provided = 42 spaces
- WATER, SEWER AND STORMWATER**

WATER: Water services shall be provided by Seminole Co. Public Utilities design of water lines and fire hydrants shall conform to all Seminole Co. and Florida Department of Environmental Protection.

SANITARY SEWER: Orange County Public Utilities

STORMWATER: Stormwater drainage and stormwater management shall be provided by off-site master retention pond. The system will be reviewed and approved by Seminole County and St. Johns RWMD.

FIRE PROTECTION: Fire protection shall be provided by Seminole Co. Fire flow will be a minimum of 1250 gpm w/ 20 psi. Fire Hydrants shall be located according to Seminole Co. Fire Loss Management regulations. Building shall be protected by automatic fire sprinkler system.
- PHASING**

Proposed development shall be developed in single phase.
- STANDARD COMMITMENTS**
 - Unless specifically addressed otherwise herein, all development shall fully comply with all the codes and ordinances, including impact fees ordinances, in effect in Seminole County at the time of permit issuances.
 - 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.
 - The DCA touches and concerns the aforesaid property, and the conditions, commitments and provisions of the DCA 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 Co. 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 DCA.
 - The terms and provisions of the DCA are not severable, and in the event any portion of this DCA shall be found to be invalid or illegal, then the entire DCA shall be null and void.
- ENVIRONMENTAL SITE COMMITMENTS AGREED TO BY OWNER**
 - (2) Parking spaces shall be reserved for hybrid cars
 - Site will be irrigated with reclaim water
 - A photometric plan will be submitted. Shoe box type lights will be used. Lighting will not exceed .1' candle at 10' from property lines.
 - Energy efficient mechanical equipment with highest SEER will be used. Insulation will have max. R-value. All glazing will be tinted.
 - Bike rack and pedestrian bench
- HOURS OF OPERATION**

HOURS OF OPERATION 6 AM TO 11 PM

| DATE | SCALE | DESIGNED | DRAWN | CHECKED BY | CAUD FILE TITLE | CAUD FILE NO. | PROJECT NO. |
|---------|----------|----------|-------|------------|-----------------|---------------|-------------|
| 7/12/07 | 1" = 20' | JHR | JHR | JHR | BOULEY PLAZA | | |

JHR CONSULTANTS, INC.
 478 EAST ALTA MONTANE DRIVE #162
 ALTA MONTANE SPRINGS, FLORIDA 32701
 TELEPHONE: 407-282-8176 FAX: 407-282-8170
 E-MAIL: jactrey@jhrconsultants.com

**BOXLEY PLAZA
FINAL MASTER PLAN**
 McCULLOUGH ROAD
 ORLANDO, FLORIDA

THOMAS B. SEWSON, P.E.
 STATE OF FLORIDA
 REG. NO. 45728

FILE NAME: HAWTHORNE GLEN

JOB # 07000

SHEET: 3 OF 4



BUFFERYARDS:

NORTH PROPERTY LINE (ACTIVE/COMMERCIAL) 25' (6' MASONRY WALL)
 SOUTH PROPERTY LINE (McCULLOCH RD) 5'
 EAST PROPERTY LINE (LOCKWOOD RD) 20' BUFFER WIDTH
 5' SIDEWALK SHALL BE IN BUFFER
 WEST PROPERTY LINE
 NORTHERLY 50' (ACTIVE/ COMMERCIAL) 25' (6' MASONRY WALL)
 SOUTHERLY 128' 10' (6' MASONRY WALL)

INTERIOR LANDSCAPING

10% OF PAVEMENT 31,050 (.1) = 3,105 SQ.FT. REQUIRED
 4,860 SQ.FT. PROVIDED

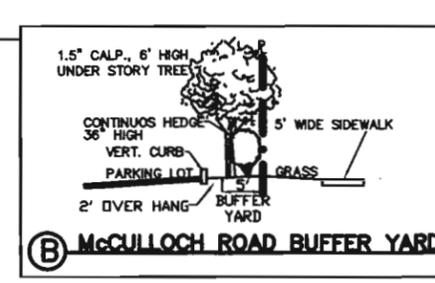
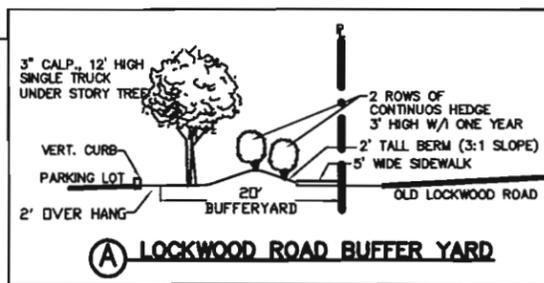
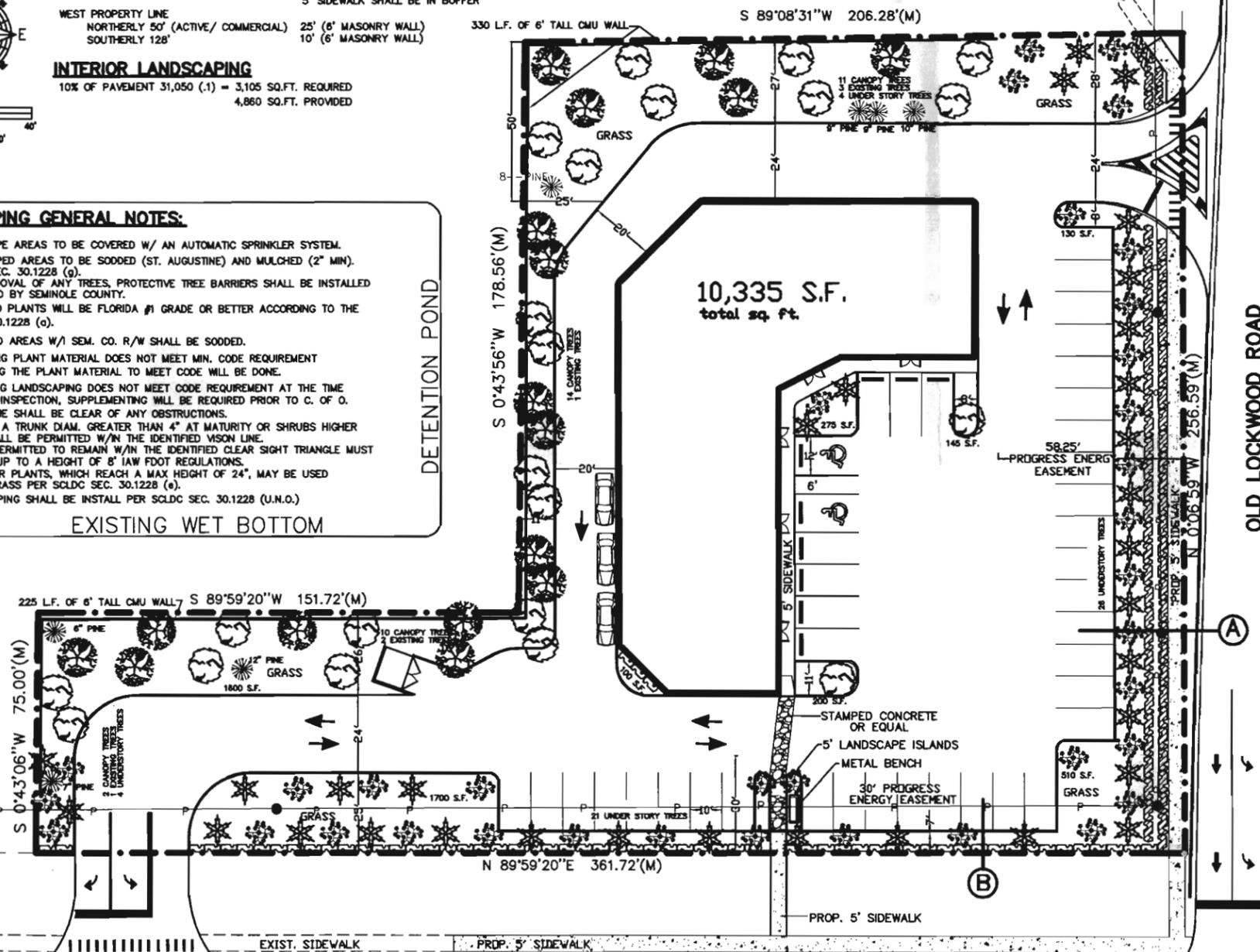
LANDSCAPING GENERAL NOTES:

- ALL LANDSCAPE AREAS TO BE COVERED W/ AN AUTOMATIC SPRINKLER SYSTEM.
- ALL LANDSCAPED AREAS TO BE SOODED (ST. AUGUSTINE) AND MULCHED (2" MIN.) PER SOLDC SEC. 30.1228 (g).
- PRIOR TO REMOVAL OF ANY TREES, PROTECTIVE TREE BARRIERS SHALL BE INSTALLED AND INSPECTED BY SEMINOLE COUNTY.
- ALL PROPOSED PLANTS WILL BE FLORIDA #1 GRADE OR BETTER ACCORDING TO THE SOLDC SEC. 30.1228 (c).
- ALL DISTURBED AREAS W/1 SEM. CO. R/W SHALL BE SOODED.
- IF THE EXISTING PLANT MATERIAL DOES NOT MEET MIN. CODE REQUIREMENT SUPPLEMENTING THE PLANT MATERIAL TO MEET CODE WILL BE DONE.
- IF THE EXISTING LANDSCAPING DOES NOT MEET CODE REQUIREMENT AT THE TIME OF THE FINAL INSPECTION, SUPPLEMENTING WILL BE REQUIRED PRIOR TO C. OF O.
- THE VISION LINE SHALL BE CLEAR OF ANY OBSTRUCTIONS.
- NO TREES W/ A TRUNK DIAM. GREATER THAN 4" AT MATURITY OR SHRUBS HIGHER THAN 2.5' SHALL BE PERMITTED W/IN THE IDENTIFIED VISION LINE.
- ANY TREES PERMITTED TO REMAIN W/IN THE IDENTIFIED CLEAR SIGHT TRIANGLE MUST BE TRIMMED UP TO A HEIGHT OF 8' IAW FDOT REGULATIONS.
- GROUND COVER PLANTS, WHICH REACH A MAX HEIGHT OF 24", MAY BE USED IN LIEU OF GRASS PER SOLDC SEC. 30.1228 (h).
- ALL LANDSCAPING SHALL BE INSTALL PER SOLDC SEC. 30.1228 (U.N.O.)

EXISTING WET BOTTOM

DETENTION POND

HAWTHORNE GLEN TOWNHOMES
(P.B. 66, PG. 13)



LANDSCAPING LEGEND

- OLD LOCKWOOD ROAD ***
- (13) WAX MYRTLE (10 PER 100 L.F.)
12' HIGH AT PLANTING, 6' SPREAD
6' CLEAR, 3" CALIPER SINGLE TRUNK
LOW WATER USE
 - (13) GRAPE MYRTLE (10 PER 100 L.F.)
12' HIGH AT PLANTING, 6' SPREAD
6' CLEAR, 3" CALIPER SINGLE TRUNK
LOW WATER USE
 - (180) WALTER VIBURNUM HEDGE, DOUBLE ROW (30" HGT. PLANTED AT 30" O/C.)
TO GROW TO 36" W/1 ONE YEAR (MED. WATER USE)

- McCULLOCH ROAD (PER NEW LANDSCAPE CODE) ***
- (58) WALTER VIBURNUM HEDGE (16 PER 100')
36" TALL, MEDIUM WATER USE
 - (10) WAX MYRTLE (5 PER 100 L.F.)
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE
 - (11) GRAPE MYRTLE (5 PER 100 L.F.)
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE

- NORTH PROPERTY LINE**
- (12) LIVE OAK
OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER
MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
8 TREES PER 100 L.F. ALONG INTERIOR PROPERTY LINES PLANTED IN A DOUBLE ROW
 - (9) WINGED ELM
OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER
MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
8 TREES PER 100 L.F. ALONG INTERIOR PROPERTY LINES PLANTED IN A DOUBLE ROW
 - (5) EXISTING PINE TREES
 - (2) WAX MYRTLE (5 PER 100 L.F.)
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE
 - (2) GRAPE MYRTLE (10 PER 100 L.F.)
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE

- WEST PROPERTY LINE**
- (10) LIVE OAK
OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER
MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
4 TREES PER 100 L.F. ALONG INTERIOR PROPERTY LINES
 - (8) WINGED ELM
OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER
MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
4 TREES PER 100 L.F. ALONG INTERIOR PROPERTY LINES
 - (2) WAX MYRTLE
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE
 - (2) GRAPE MYRTLE
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE
 - (2) EXISTING PINE TREES

- INTERIOR LANDSCAPING**
- (2) LIVE OAK
OVERALL AVERAGE OF 2.5" CALIPER WITH AN OVERALL AVERAGE OF 3" CALIPER
MEASURED @ 1' ABOVE GROUND (LOW WATER USE)
 - (5) WAX MYRTLE
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE
 - (8) GRAPE MYRTLE
6' HIGH AT PLANTING, 6' SPREAD
1.5" CALIPER SINGLE TRUNK
LOW WATER USE

* PROGRESS ENERGY HAS A PREFERRED UNDERSTORY AND SHRUB PLANT LIST THE CALLED OUT UNDERSTORY TREE AND HEDGE ARE ON THEIR PLANT LIST

Seminole County
Approved for construction
This approval is subject to specific conformance to the Seminole County Land Development Code and any special requirements of the Board of County Commissioners. It shall be the responsibility of the developer to correct any errors in the plans or the facility as constructed which results in a failure to meet applicable code requirements. Administrative acceptance of the developer's plans does not constitute a waiver of any code requirements nor does it release the developer of responsibility to meet those requirements. This specific approval is valid for a period of one year from the date below.

Approved:
Seminole County Development Review Department
Date

| DATE | SCALE | DESIGNED | DRAWN | CHECKED BY | DATE | CADD FILE TITLE | DATE | CADD FILE | DATE | PROJECT NO. |
|---------|----------|----------|-------|------------|----------|--|------|-----------|------|-------------|
| 7/29/07 | 1" = 20' | AM | AM | AM | 7/29/07 | | | | | |
| | | | | | 4/9/08 | ADDRESS SEMINOLE COUNTY'S COMMENTS (3/29/08) | AM | | | |
| | | | | | 12/21/07 | ADDRESS SEMINOLE COUNTY'S COMMENTS (6/1/07) | AM | | | |

JHR CONSULTANTS, INC.
 476 EAST ALAMONTE DRIVE #162
 ALAMONTE SPRINGS, FLORIDA 32701
 TELEPHONE: 407-282-8176 FAX: 407-282-8170
 E-MAIL: jchrysnold@embarrasmail.com

BOXLEY PLAZA
FINAL MASTER LANDSCAPE PLAN
 McCULLOCH ROAD
 OWENSO, FLORIDA



South Elevation



East Elevation

**SEMINOLE COUNTY ADDENDUM #2 TO DEVELOPMENT
ORDER #03-20500005**

On June 24, 2008, Seminole County issued this Addendum #2 amending certain provisions as to Tract F in Development Order 03-20500005 that was approved on June 24, 2003 relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner(s): Boxley Enterprises Inc.

Project Name: Hawthorne Glen PUD Major Amendment

Requested Development Approval: The applicant is requesting a Major Amendment to the Hawthorne Glen PUD Tract F.

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 afordescribed property.

Prepared by: Ian Sikonia, Senior Planner
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 (underlines are additions, strikethroughs are deletions):

- a. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
- b. The building setback shall be 175 feet from the west property line.
- c. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- d. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
- e. The buildings (except for the commercial tract) shall be setback a minimum of 50 feet from the right-of-way line along McCulloch Road and Old Lockwood Road.
- f. The following setback standards apply for the commercial tract:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards;

East Property Line (Old Lockwood Road): 25' building setback;

South Property Line (McCulloch Road): 25' building setback; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. Thereafter (to the south property line) the building setback shall be 10'.

- g. The townhome tract shall provide a 50' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native plant and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on east property line.
- h. The development shall not exceed 225 townhomes.
- i. The following landscaping and buffer standards will apply to the commercial tract:

~~*North Property Line:* Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback requirements, a six foot masonry wall and a double row of canopy trees shall be required; 25' buffer with a 6 foot masonry wall and 2 rows of canopy trees containing 4 trees per row per 100 linear feet.~~

East Property Line (Old Lockwood Road):

- ~~a. 20 foot wide buffer containing a 2 foot high berm the entire length of the buffer with plantings on top of and throughout the berm, with the following planted every 100 feet:
 - i. Six, 5 inch caliper canopy trees
 - ii. Ten, 3 inch caliper sub-canopy trees
 - iii. Forty shrubs at 3 feet high within one year of planting~~
 - ~~b. The buffer must be installed following site work but prior to any site construction and must be at 100% opacity at 6 feet high within one year.~~
 - ~~c. The side of building adjacent to the east property line must be passive without any access points and any windows must be tinted so as to reduce light spillage into the outside environment.~~
- 20' wide landscape buffer shall consist of the following:
- 5' wide sidewalk
 - 10 understory trees per 100 linear feet
 - 2 rows of hedges 30" tall, 30" o/c on a 2' tall berm

South Property Line (McCulloch Road): ~~5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met; and~~

- 5' landscape buffer shall consist of the following:
- 5 understory trees per 100 linear feet

- Single row of hedges 30" high, 30" o/c

~~West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards. A six foot masonry wall shall be required along the northerly 50 feet. Thereafter, along the west property line to the south property line), a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double row of canopy trees shall be required along the entire west property line.~~

The northerly 50' - 25' buffer width and the southerly 128' - 10' buffer width shall contain:

- 2 rows of canopy trees, 4 trees per row per 100 linear feet
- 6' tall masonry wall

All landscape buffers within Tract F shall be maintained by the property owner of Tract F.

- ~~j. Cross access easement for access to the commercial tract from McCullough Road between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued~~ may be constructed by the developer of the commercial tract if approved by the homeowners association of the townhome tract. Written documentation by the homeowners association agreeing to the cross access must be provided to Seminole County prior to the issuance of a building permit for the access.
- ~~k. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive thru restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars permitted. All uses allowable in the Neighborhood Commercial (CN), Commercial Convenience (CS) zoning district, specialty item drive through restaurants (coffee, bakery, donuts, bakery type sales), restaurants, and drive through banks. Prohibited uses shall include package liquor stores, bars serving alcohol, gasoline pumps, car lots, drive through high volume restaurants (fast food), arcades, marine lots, flea markets, car washes, auto repair, Laundromats, animal clinics, federal post offices, public, private and parochial schools.~~
- ~~l. Lighting on the commercial track's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.~~
- m. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure

compatibility with the surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.

- n. Operating hours for any business shall be limited to the hours between ~~7:00~~ 6:00 am and 11:00 pm.
- o. Developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one year; prohibiting more than one lease per residential unit per year; prohibiting lease of any residential unit to more than one party and prohibiting lease of individual rooms within the same residential unit.
- p. There shall be a right-in/right-out access point located in tract F along Old Lockwood Road as depicted on the Final Master Plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

By: _____
Brenda Carey
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, Henry O. Boxley, Boxley Enterprises Inc., on behalf of itself and its agents, 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 Addendum.

Boxley Enterprises Inc.

Witness

By: Henry O. Boxley
Registered Agent

Witness

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____ 2008 by Henry O. Boxley, Boxley Enterprises Inc., who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 200__.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT "A"
LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, THENCE RUN S. 89°08'31"W. 206.28', THENCE S 0°43'56"W 178.56', THENCE S 89°59'20"W 151.72', THENCE S 0°43'06"W 75.00', THENCE N 89°59'20"E 361.72', THENCE N 0°06'59"W 256.59' TO THE POINT OF BEGINNING.

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 (underlines are additions, strikethroughs are deletions):

- a. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
- b. The building setback shall be 175 feet from the west property line.
- c. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- d. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
- e. The buildings (except for the commercial tract) shall be setback a minimum of 50 feet from the right-of-way line along McCulloch Road and Old Lockwood Road.
- f. The following setback standards apply for the commercial tract:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards;

East Property Line (Old Lockwood Road): 25' building setback;

South Property Line (McCulloch Road): 25' building setback; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. Thereafter (to the south property line) the building setback shall be 10'.

- g. The townhome tract shall provide a 50' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native plant

and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on east property line.

- h. The development shall not exceed 225 townhomes.
- i. The following landscaping and buffer standards will apply to the commercial tract:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback requirements, a six-foot masonry wall and a double-row of canopy trees shall be required;

East Property Line (Old Lockwood Road):

- d. 20-foot wide buffer containing a 2-foot high berm the entire length of the buffer with plantings on top of and throughout the berm, with the following planted every 100 feet:
 - i. Six, 5 inch caliper canopy trees
 - ii. Ten, 3 inch caliper sub-canopy trees
 - iii. Forty shrubs at 3 feet high within one year of planting
- e. The buffer must be installed following site work but prior to any site construction and must be at 100% opacity at 6 feet high within one-year.
- f. The side of building adjacent to the east property line must be passive without any access points and any windows must be tinted so as to reduce light spillage into the outside environment.

South Property Line (McCulloch Road): 5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards. A six-foot masonry wall shall be required along the northerly 50 feet. Thereafter, along the west property line to the south property line), a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double-row of canopy trees shall be required along the entire west property line.

All landscape buffers within Tract F shall be maintained by the property owner of Tract F.

- j. Cross access easement for access to the commercial tract from McCullough Road between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued.
- k. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-thru restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars permitted.
- l. Lighting on the commercial tract's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.
- m. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure compatibility with the

surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.

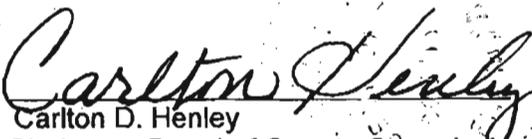
- n. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.
- o. Developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one year; prohibiting more than one lease per residential unit per year; prohibiting lease of any residential unit to more than one party and prohibiting lease of individual rooms within the same residential unit.

(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:


Carlton D. Henley
Chairman, Board of County Commissioners



OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the John C. Polasek Trust, on behalf of itself and its agents, 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 Addendum.

Esther Barchfeld
Witness Esther Barchfeld

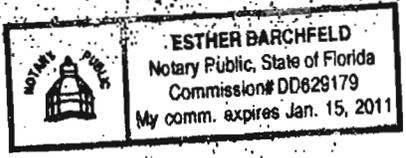
The John C. Polasek Family Trust
John C. Polasek, Sr.
By: John C. Polasek, Sr., Trustee

Bobbie Joyce
Witness Bobbie Joyce

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 11 day of September, 2008 by John C. Polasek, Sr., Trustee of the The John C. Polasek Family Trust, who is personally known to me or who presented a Florida Drivers License as identification and who took an oath. RIDC

WITNESS my hand and official seal in the County and State last aforesaid this 11 day of September, 2008.



Esther Barchfeld
Notary Public, in and for the County and State
Aforementioned

My Commission Expires: Jan 15 2011

EXHIBIT "A"

LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE RUN S. $89^{\circ}08'31''$ W. 206.28', THENCE S $0^{\circ}43'56''$ W 178.56', THENCE S $89^{\circ}59'20''$ W 151.72', THENCE S $0^{\circ}43'06''$ W 75.00', THENCE N $89^{\circ}59'20''$ E 361.72', THENCE N $0^{\circ}06'59''$ W 256.59' TO THE POINT OF BEGINNING.

SEMINOLE COUNTY DEVELOPMENT ORDER

RETURN TO SANDY MCCANN

On June 24, 2003, 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 Owner: Cloonfush Properties, LLC
25 Interlaken Road
Orlando, Fl 32804

Project Name: Hawthorn Glen

Requested Development Approval: Rezoning from UC (University Community) zoning classification to PUD (Planned Unit Development) 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.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04949 PG 1678
FILE NUM 2003135856
RECORDED 08/05/2003 11:00:24 AM
RECORDING FEES 24.00
RECORDED BY J Eckenroth

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

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:

- a. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
- b. The building setback shall be 175 feet from the west property line.
- c. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- d. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
- e. The buildings shall be setback a minimum of 50 feet from the right-of-way line along McCulloch Road and Old Lockwood Road.
- f. The owner shall provide a 50' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native plant and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on east property line.
- g. The development shall not exceed 225 townhomes.
- h. The commercial tract shall provide active setbacks and buffers along the north and the west property lines that are adjacent to the residential use. Such setback and buffer shall entail an active buffer of 50 feet in width with a six foot masonry wall, a double row of canopy trees and a 50 foot-wide building setback.
- i. Cross access easement for access to the commercial tract from McCullough Road between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued.
- j. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-

- thru restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars permitted.
- k. Lighting on the commercial tract's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.
- l. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure compatibility with the surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.
- m. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.
- n. Developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one year; prohibiting more than one lease per residential unit per year; prohibiting lease of any residential unit to more than one party and prohibiting lease of individual rooms within the same residential unit.

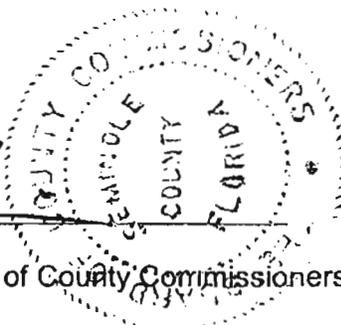
(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by 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:


 Daryl G. McLain
 Chairman, Board of County Commissioners



OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Cloonfush Properties, LLC, on behalf of itself and its agents, 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.

Cindy S. Johnson
Witness Cindy S. Johnson

Joseph Devine
Joseph Devine, President
Cloonfush Properties, LLC

Mirta Brooks
Witness Mirta Brooks

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 Joseph Devine, who is the authorized representative of Cloonfush Properties, LLC, and is personally known to me or who has produced FLDL # D150-496-29-245-0 ^{Exp:} 7-5-09 as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 17th day of July, 2003.

Cindy S. Johnson
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Cindy S Johnson
My Commission DD177793
Expires January 15, 2007

EXHIBIT "A"

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 35; thence North 00° 13' 35" West along the East line of the Southeast 1/4 of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South 89° 57' 28" West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 926.01 feet; thence North 00° 19' 24" West along the East line of the West 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1284.74 feet; thence North 89° 48' 32" East along the North line of the Southeast 1/4 of the Southeast 1/4 of Section 35 for a distance of 928.18 feet; thence South 00° 13' 35" East along the East of the Southeast 1/4 of said Section 35 for a distance of 663.57 feet; thence North 89° 58' 56" East along the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South 00° 06' 39" East along a line 25.00 feet West of and parallel to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 5, Page 82 Public Records of Seminole County, Florida, for a distance of 623.72 feet; thence South 89° 59' 20" West along a line 40.00 feet North of and parallel to the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

Contains: 45.970 Acres, more or less.

Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement

This Addendum is relative to and Amends certain provisions as to Tract F in that document entitled, "Hawthorne Glen PUD Developer's Agreement" (hereinafter, the "Agreement") executed on September 23, 2003; and amended on December 12, 2006 in the document titled "Addendum #1 to the Hawthorne Glen PUD Developer's Commitment Agreement".

This Addendum augments the Agreement (in its current form), and all terms and definitions of said Agreement are binding hereto. Where this Addendum otherwise may materially conflict with the Agreement, the terms and definitions of the Agreement shall prevail and be applied. Any subsequent modification of the Agreement, unless requested by the owner of Tract F, shall not affect Tract F.

This addendum pertains solely to that parcel described in the Agreement as "Tract F" (Legal Description Attached as Exhibit A).

VII. PERMITTED USES

~~All uses allowed in the CS zoning district, restaurants, banks with drive ins. No Gasoline pumps, car Lots, marine Lots, flea markets, car washes, auto repair, drive through restaurants, laundry mat facilities, package store or bar.~~

All uses allowable in the Neighborhood Commercial (CN), Commercial Convenience (CS) zoning district, specialty item drive through restaurants (coffee, bakery, donuts, bakery type sales), restaurants, and drive through banks. Prohibited uses shall include package liquor stores, bars serving alcohol, gasoline pumps, car lots, drive through high volume restaurants (fast food, multiple menu items, arcades, marine lots, flea markets, car washes, auto repair, Laundromats, animal clinics, federal post offices, public, private and parochial schools.

VIII. LANDSCAPING AND BUFFER CRITERIA

The following landscaping and buffer criteria apply to Tract F:

North Property Line:

~~Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback requirements, a six foot masonry wall and a double row of canopy trees shall be required;~~

25' buffer with a 6 foot masonry wall and 2 rows of canopy trees containing 4 trees per 100 linear feet per row.

East Property Line (Old Lockwood Road):

- ~~a. 20 foot wide buffer containing a 2 foot high berm the entire length of the buffer with plantings on top of and throughout the berm, with the following planted every 100 feet:
 - ~~i. Six, 5 inch caliper canopy trees~~
 - ~~ii. Ten, 3 inch caliper sub-canopy trees~~
 - ~~iii. Forty shrubs at 3 feet high within one year of planting~~~~
- ~~b. The buffer must be installed following site work but prior to any site construction and must be at 100% opacity at 6 feet high within one year.~~
- ~~c. The side of building adjacent to the east property line must be passive without any access points and any windows must be tinted so as to reduce light spillage into the outside environment.~~

20' wide landscape buffer shall consist of the following:

- 5' wide sidewalk
- 10 understory trees per 100 linear feet
- 2 rows of hedges 30" tall, 30" o/c on a 2' tall berm

South Property Line (McCulloch Road):

~~5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met; and~~

5' landscape buffer shall consist of the following:

- 5 understory trees per 100 linear feet
- Single row of hedges 30" high, 30" o/c

West Property Line:

~~The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards. A six foot masonry wall shall be required along the northerly 50 feet. Thereafter, along the west property line to the south property line), a ten foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double row of canopy trees shall be required along the entire west property line.~~

The northerly 50' - 25' buffer width and the southerly 128' - 10' buffer width shall contain:

- 2 rows of canopy trees, 4 trees per 100 linear feet per row
- 6' tall masonry wall

All landscape buffers within Tract F shall be maintained by the property owner of Tract F.

IX. DEVELOPMENT COMMITMENTS

- e. Operating hours of for any business shall be limited to the hours of 6:00 7:00 AM to 11:00 PM.
- g. There shall be a right-in/right-out access point located in tract F along Old Lockwood Road.

DONE AND ORDERED ON
THIS 24th DAY OF JUNE, 2008

By: _____

Brenda Carey, Chairman
Seminole County Board of Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, Henry O. Boxley, Boxley Enterprises Inc., on behalf of itself and its agents, 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 Addendum.

Boxley Enterprises Inc.

Witness

By: Henry O. Boxley
Registered Agent

Witness

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____ 2008 by Henry O. Boxley, Boxley Enterprises Inc., who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 200__.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, THENCE RUN S. 89°08'31"W. 206.28', THENCE S 0°43'56"W 178.56', THENCE S 89°59'20"W 151.72', THENCE S 0°43'06"W 75.00', THENCE N 89°59'20"E 361.72', THENCE N 0°06'59"W 256.59' TO THE POINT OF BEGINNING.

**Addendum #1 to the Hawthorne Glen PUD
Developer's Commitment Agreement**

This Addendum is relative to and Amends certain provisions as to Tract F in that document entitled, "Hawthorne Glen PUD Developer's Agreement" (hereinafter, the "Agreement") executed on September 23, 2003; and recorded in the Official Records of Seminole County, Florida, on September 26, 2003 at Book 05036; Pages 0904-0911.

This Addendum augments the Agreement (in its current form), and all terms and definitions of said Agreement are binding hereto. Where this Addendum otherwise may materially conflict with the Agreement, the terms and definitions of the Agreement shall prevail and be applied. Any subsequent modification of the Agreement, unless requested by the owner of Tract F, shall not affect Tract F.

This addendum pertains solely to that parcel described in the Agreement as "Tract F" (Legal Description Attached as Exhibit A).

VI. BUILDING SETBACKS

The following building setbacks apply to Tract F:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards;

East Property Line (Old Lockwood Road): 25' building setback;

South Property Line (McCulloch Road): 25' building setback; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. Thereafter (to the south property line) the building setback shall be 10'.

VIII. LANDSCAPING AND BUFFER CRITERIA

The following landscaping and buffer criteria apply to Tract F:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback requirements, a six-foot masonry wall and a double-row of canopy trees shall be required;

RETURN TO SANDY McCANN

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06854 Pgs 0385 - 388; (4pgs)
FILE NUM 2007153140
RECORDED 10/29/2007 10:54:01 AM
RECORDING FEES 35.50
RECORDED BY L McKinley

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

East Property Line (Old Lockwood Road):

- a. 20-foot wide buffer containing a 2-foot high berm the entire length of the buffer with plantings on top of and throughout the berm, with the following planted every 100 feet:
 - i. Six, 5 inch caliper canopy trees
 - ii. Ten, 3 inch caliper sub-canopy trees
 - iii. Forty shrubs at 3 feet high within one year of planting
- b. The buffer must be installed following site work but prior to any site construction and must be at 100% opacity at 6 feet high within one-year.
- c. The side of building adjacent to the east property line must be passive without any access points and any windows must be tinted so as to reduce light spillage into the outside environment.

South Property Line (McCulloch Road): 5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards. A six-foot masonry wall shall be required along the northerly 50 feet. Thereafter, along the west property line to the south property line), a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double-row of canopy trees shall be required along the entire west property line.

All landscape buffers within Tract F shall be maintained by the property owner of Tract F.

A separate Final Master Plan (as detailed in Section IX(d) of the Agreement) shall still be required prior to development of Tract F, but said Final Master Plan will be prepared and submitted by the owner of Tract F.

DONE AND ORDERED ON
THIS 12th DAY OF DECEMBER, 2006

By:


Carlton D. Henley, Chairman
Seminole County Board of Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the John C. Polasek Trust, on behalf of itself and its agents, 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 Addendum.

Robbie H Joyce
Witness Robbie H Joyce

Esther Bauer
Witness Esther Barchfeld

The John C. Polasek Family Trust

John C. Polasek Sr.
By: John C. Polasek, Sr., Trustee
FLDL 331-0 X 9-11

STATE OF FLORIDA
COUNTY OF SEMINOLE Orange

The foregoing instrument was acknowledged before me this 21 day of Sept 2008 by John C. Polasek, Sr., Trustee of the The John C. Polasek Family Trust, who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 21 day of Sept, 2008.

Robbie H Joyce
Notary Public, in and for the County and State
Aforementioned

My Commission Expires: Dec 29, 2009

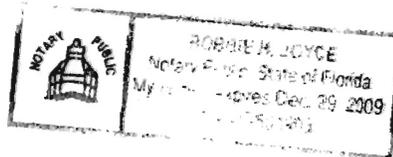


EXHIBIT A

LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE RUN S. $89^{\circ}08'31''$ W. 206.28', THENCE S $0^{\circ}43'56''$ W 178.56', THENCE S $89^{\circ}59'20''$ W 151.72', THENCE S $0^{\circ}43'06''$ W 75.00', THENCE N $89^{\circ}59'20''$ E 361.72', THENCE N $0^{\circ}06'59''$ W 256.59' TO THE POINT OF BEGINNING.

RETURN TO SANDY MCCANN

**HAWTHORN GLEN PUD
DEVELOPER'S COMMITMENT AGREEMENT**

On September 23, 2003 the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION:

See Exhibit A

II. PROPERTY OWNER

Cloonfush Properties, LLC
25 Interlaken Road
Orlando, Fl 32804

III. STATEMENT OF BASIC FACTS

- A. Total Area: 45.97 Acres
- B. Zoning: Planned Unit Development
- C. Gross Density 4.87 units/acre
- D. The development approval sought is consistent with the Vision 2020 Plan and will be developed consistent with and in compliance with 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 covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.

IV. LAND USE BREAKDOWN

| <i>LAND USE</i> | <i>AREA (acres)</i> |
|---|---------------------|
| Residential Lots | 8.78 |
| Commercial (Tract F) | 1.48 |
| Open space (Tracts H-J) | 15.97 |
| Conservation (Tracts B-E) | 14.61 |
| Utility Areas & Access R/W (Tracts A and G) | 5.13 |
| TOTAL AREA | 45.97 |

V. OPEN SPACE AND RECREATION AREAS

Required Open Space: 45.97 acres x 0.25 = 11.49 acres
Open Space Provided: 15.97 Acres

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 05036 PG 0904
FILE NUM 2003173218
RECORDED 09/26/2003 07:14:36 AM
RECORDING FEES 37.50
RECORDED BY J Eckenroth

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

VI. BUILDING SETBACKS

| | |
|--|------|
| North Property Line: | 25' |
| East Property Line (Old Lockwood Road) | 65' |
| South Property Line (McCulloch Road) | 50' |
| West Property Line | 175' |

Tract F: A 50-foot setback shall be provided along the north and west property lines.

VII. PERMITTED USES

- Attached single family dwelling units
- Single Family Homes
- Group Homes
- Home offices

Permitted uses in Tract F are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-through restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars shall be permitted.

VIII. LANDSCAPE & BUFFER CRITERIA

East Property Line (Old Lockwood Rd.):

- The owner shall provide a 50' landscaped buffer, exclusive of yards within privately owned lots, consisting of existing native plants and trees, supplemented with additional native plants and trees, to create 100% opacity to a height of 6 feet.

South Property Line (McCulloch Rd.)

- Brick columns and decorative aluminum fencing
- Landscaping per code

West Property Line

- The owner shall provide a 30' landscaped buffer consisting of existing native plants and trees, supplemented with additional native plants and trees, to create 100% opacity to a height of 6 feet.

North Property Line

- 10' landscape buffer
- Landscaping per code

Tract F: A 50-foot landscape buffer shall be provided along the north and west property lines. Such buffer shall include a 6-foot masonry wall and a double row of canopy trees.

All landscape buffers and common areas within the residential portion of the development shall be maintained by a homeowners association. Landscape buffers within Tract F shall be maintained by the property owner of Tract F.

IX. DEVELOPMENT COMMITMENTS

- a. Prior to Final Engineering Approval, the applicant shall provide the County with a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- b. Prior to Final Engineering Approval, the applicant shall provide a letter from Florida Power & Light approving the location of site improvements within the power line easement.
- c. The development shall not exceed 225 townhomes.
- d. A separate Final Master Plan and addendum to this developer's commitment agreement shall be required prior to any site plan approval on Tract F. Issues to be addressed in such Final Master Plan shall include, but not be limited to, the following:
 - standards of architectural scale and design reflecting neighborhood commercial standards, to ensure compatibility with surrounding residential uses
 - site lighting, including recessed lighting fixtures on gas pump canopy structures
- e. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.
- f. The developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one (1) year; prohibiting more than one (1) lease per residential unit per year; prohibiting lease of any residential unit to more than one (1) party and prohibiting lease of individual rooms within the same residential unit.

X. WATER, SEWER AND STORMWATER

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County or Orange County subject to a wholesale agreement.

STORMWATER: Stormwater drainage and stormwater management shall be according to Seminole County regulations.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrant shall be located according to Seminole County regulations.

XI. PHASING

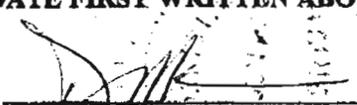
The development will be constructed in 1 phase except for Tract F, which will be developed separately.

XII. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
2. 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.
3. The developer's commitment agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the developer's commitment agreement 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 by 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 developer's commitment agreement.
4. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

**DONE AND ORDERED ON
THE DATE FIRST WRITTEN ABOVE**

By:


Daryl G. McLain
Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Cloonfish Properties, LLC, on behalf of itself and its agents, 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.

Patricia A. Kellyman
 Witness

Joseph Devine
 Joseph Devine, President
 Cloonfish Properties, LLC

Kevin Vazquez
 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 Joseph Devine, who is the authorized representative of Cloonfish Properties, LLC, and is personally known to me or who has produced Florida Driver License as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of September, 2003.

Patricia A. Kellyman

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

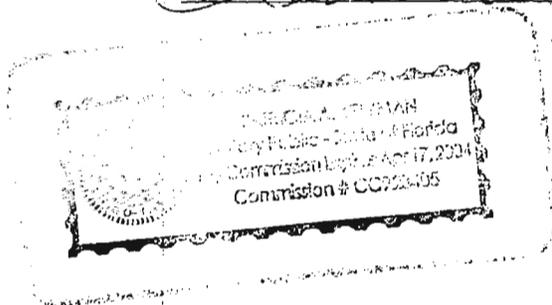


EXHIBIT A

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

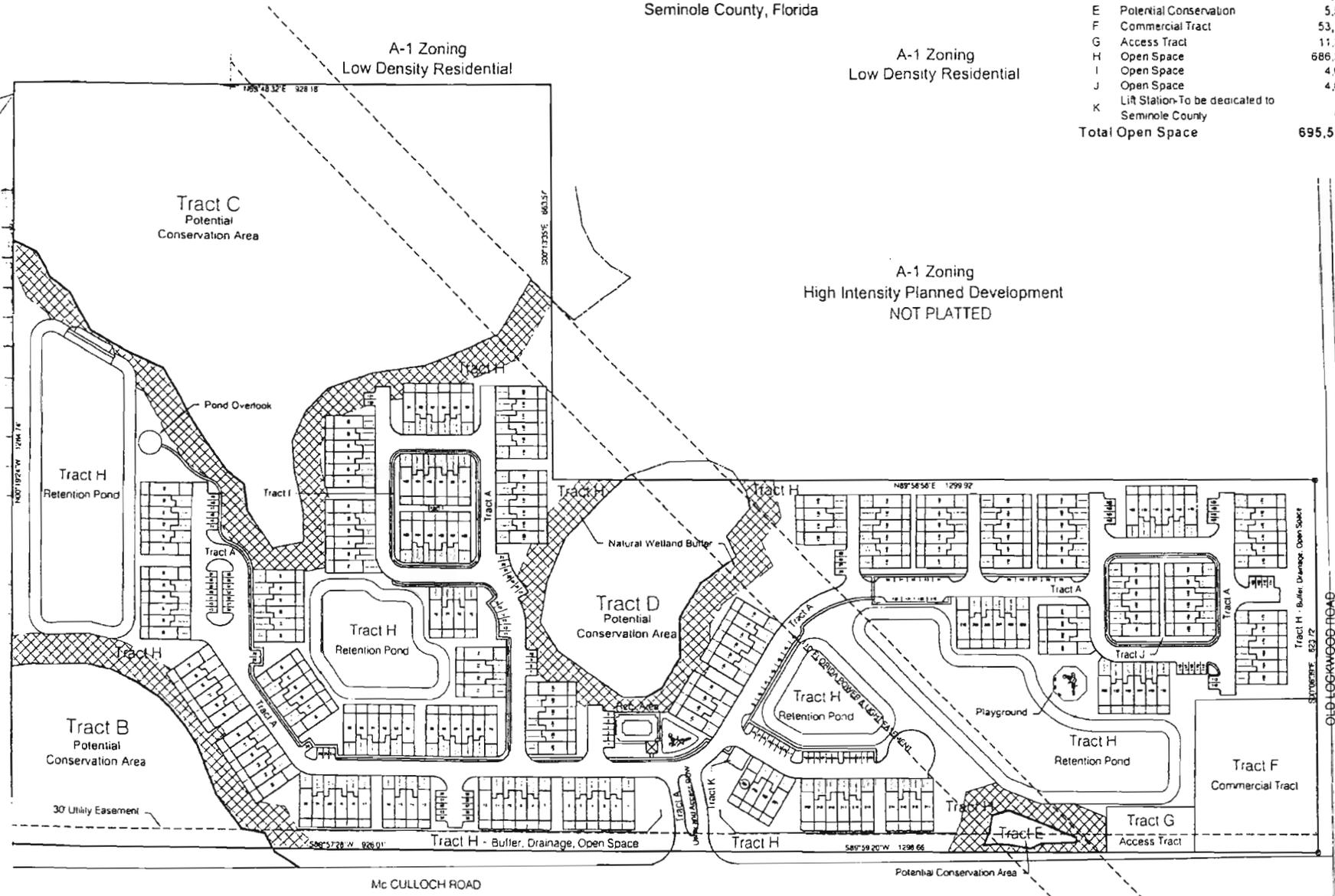
Commence at the Southeast corner of said Section 35; thence North $00^{\circ} 13' 35''$ West along the East line of the Southeast 1/4 of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South $89^{\circ} 57' 28''$ West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 926.01 feet; thence North $00^{\circ} 19' 24''$ West along the East line of the West 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1264.74 feet; thence North $89^{\circ} 48' 32''$ East along the North line of the Southeast 1/4 of the Southeast 1/4 of Section 35 for a distance of 928.18 feet; thence South $00^{\circ} 13' 35''$ East along the East of the Southeast 1/4 of said Section 35 for a distance of 663.57 feet; thence North $89^{\circ} 58' 56''$ East along the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South $00^{\circ} 06' 39''$ East along a line 25.00 feet West of and parallel to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 6, Page 82 Public Records of Seminole County, Florida, for a distance of 623.72 feet; thence South $89^{\circ} 59' 20''$ West along a line 40.00 feet North of and parallel to the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

Contains: 45.970 Acres, more or less.

EXHIBIT B

Final Master Plan

Final Master Plan Hawthorn Glen Seminole County, Florida



Tract Area Table

| Tract | Tract Use | Sq. Foot | Acre |
|-------------------------|---|-------------------|--------------|
| A | Utility & Access Right-of-Way | 211,931.60 | 4.87 |
| B | Potential Conservation | 95,887.16 | 2.20 |
| C | Potential Conservation | 451,180.93 | 10.36 |
| D | Potential Conservation | 83,796.62 | 1.92 |
| E | Potential Conservation | 5,567.71 | 0.13 |
| F | Commercial Tract | 53,108.97 | 1.22 |
| G | Access Tract | 11,361.55 | 0.26 |
| H | Open Space | 686,248.38 | 15.75 |
| I | Open Space | 4,672.40 | 0.11 |
| J | Open Space | 4,672.40 | 0.11 |
| K | Lift Station To be dedicated to Seminole County | 900.00 | 0.02 |
| Total Open Space | | 695,593.19 | 15.97 |

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 24, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Boxley Enterprises Inc.

Project Name: Hawthorne Glen PUD Major Amendment

Requested Development Approval: Hawthorne Glen PUD Major Amendment and Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement, for 1.46± acres, located on the northwest corner of the intersection of Old Lockwood and McCulloch Road.

The Board of County Commissioners has determined that the rezone request from PUD (Planned Unit Development) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Hawthorne Glen PUD Major Amendment" and all evidence submitted at the public hearing on June 24, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Brenda Carey, Chairman

Exhibit A

Legal Description

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE RUN S. $89^{\circ}08'31''$ W. 206.28', THENCE S $0^{\circ}43'56''$ W 178.56', THENCE S $89^{\circ}59'20''$ W 151.72', THENCE S $0^{\circ}43'06''$ W 75.00', THENCE N $89^{\circ}59'20''$ E 361.72', THENCE N $0^{\circ}06'59''$ W 256.59' TO THE POINT OF BEGINNING.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Hawthorne Glen PUD Major Amendment."

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

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

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

ORDINANCE NO.

SEMINOLE COUNTY, FLORIDA

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Addendum #2 to Development Order #03-20500005 and Addendum #2 to the Hawthorne Glen PUD Developer's Commitment Agreement.

ENACTED this 24th day of June 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT A
LEGAL DESCRIPTION

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, THENCE RUN S. 89°08'31"W. 206.28', THENCE S 0°43'56"W 178.56', THENCE S 89°59'20"W 151.72', THENCE S 0°43'06"W 75.00', THENCE N 89°59'20"E 361.72', THENCE N 0°06'59"W 256.59' TO THE POINT OF BEGINNING.