

ITEM # _____

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

SUBJECT: Gunter Village Rezone from PUD (Planned Unit Development) to PUD

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

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

Agenda Date 12/10/2008 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the request to rezone 12.20 ± acres, located north of the intersection of International Parkway and S. Metz Avenue, from PUD (Planned Unit Development) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan and Development Order, based on staff findings (J. Michael Nidiffer, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 12.20 ± acres, located north of the intersection of International Parkway and S. Metz Avenue, from PUD (Planned Unit Development) to PUD (Planned Unit Development), (J. Michael Nidiffer, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Austin Watkins, Senior Planner

BACKGROUND:

The applicant, J. Michael Nidiffer, is requesting a rezone from PUD (Planned Unit Development) to PUD. The subject property was rezoned from A-1 (Agriculture) and PUD to PUD on October 24, 2006. The Gunter Village PUD is a mixed-use PUD which allows for commercial, retail, office, multi-family and hotel uses. The current entitlements are 274 condominium units; 17 live/work condominiums;

Reviewed by: _____
Co Atty: KFT
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2008-32

5,020 square feet of restaurant; 16,110 square feet of retail/bank; 72,000 square feet Class A Office space; and a 211 key hotel with 11,000 square feet of conference space. On November 7, 2006 the Board of County Commissioners approved the Final Master Plan for the Gunter Village PUD.

The applicant is requesting the rezone from PUD to PUD to increase intensities and allow for a more flexible development plan. Currently, the project has an approved Final Master Plan which has details such as building locations, uses, setbacks, buffers and other development conditions.

Proposed and Approved Intensities

| Uses | Approved | | Uses | Proposed |
|-----------------------------|--|--|----------------------------|-------------------------------|
| Condos | 274 units | | Multi-Family | 350 units |
| Live/Work Condos | 17 units | | None Proposed | None Proposed |
| Restaurant | 5,020 sq. ft. | | Restaurant | 15,000 sq. ft. (600 seats) |
| Retail/Bank | 16,110 sq. ft. | | Retail | 40,000 sq. ft. |
| Class A Office Space | 72,000 sq. ft. | | Class A Office/Bank | 80,000 sq. ft. |
| Hotel | 211 keys 11,000 sq. ft. Conference Space | | Hotel | 200 Keys |

The increases in retail and restaurant square footages indicate a 206% increase from the original approval. However, the applicant has agreed to limit the square footage of the non-target industry uses (retail and restaurant) to no more than 30% of the square footage of the target industry uses (office, hotel and bank). The final square footage allocation, building layout and site design will occur at the time of Final Master Plan approval.

The uses requested in the new PUD are as follows: multi-family dwelling units (excluding home occupations); office uses (per the OP zoning classification); hotel with conference space; and commercial uses (per the C-1 zoning classification, excluding veterinary clinics and funeral homes). The applicant is also requesting a maximum building height of 110 feet for the site. To buffer this more intensive maximum building height the applicant is committing to a 5-story or 60 foot maximum building height for the western portion of the development. The 5-story limitation would apply from the western property line to 200 feet eastward. A 110 foot maximum building height is consistent with the trend of development in the area, as the Lake Mary Westin and Rockefeller PUDs are approved for a similar maximum building height. All other conditions of approval from the Gunter Village Development Order will remain the same.

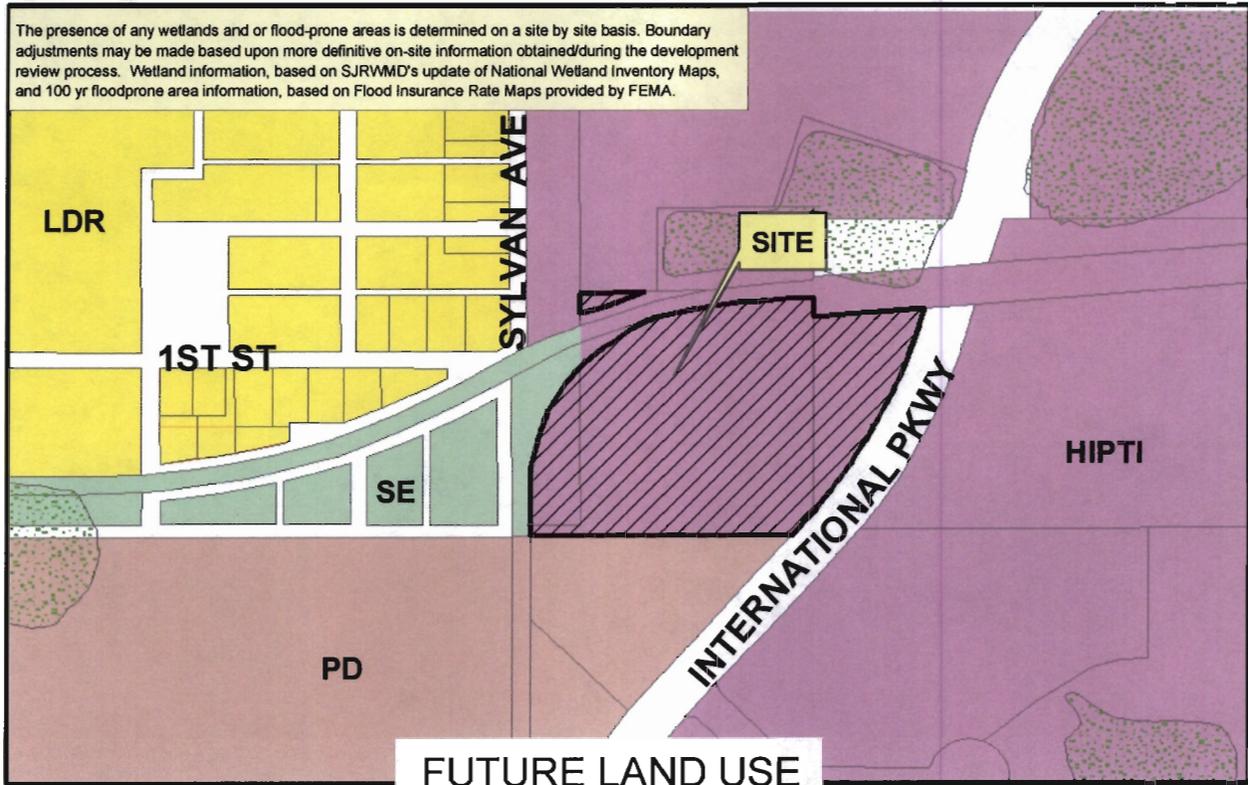
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 12.20 ± acres, located north of the intersection of International Parkway and S. Metz Avenue, from PUD (Planned Unit Development) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan and Development Order.

Attachments:

Location Map
Zoning and Future Land Use Map
Aerial Map
Preliminary Master Plan
Approval Development Order
Gunter Village PUD Developer's Commitment Agreement
Gunter Village PUD Development Order
Rezone Ordinance
Denial Development Order (applicable only if denied)
School Impact Analysis
Ownership Disclosure Form

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.



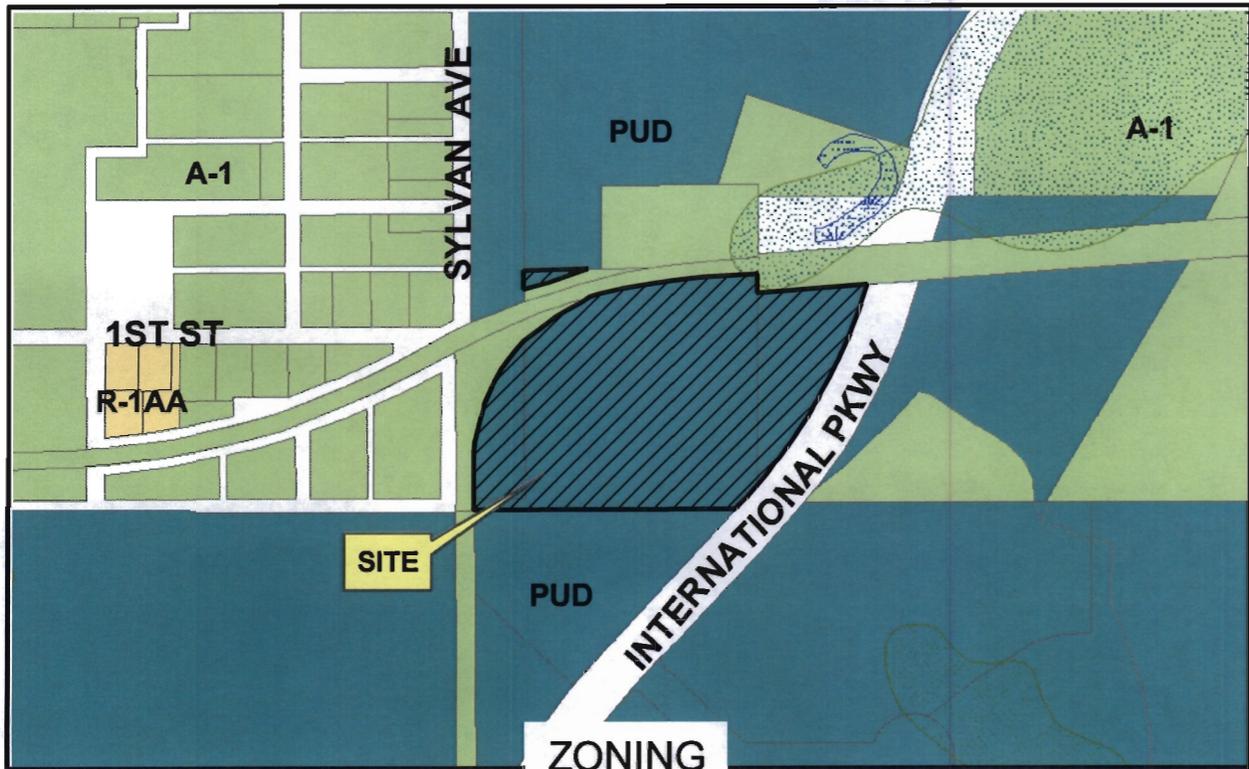
FUTURE LAND USE

- Site
- Municipality
- LDR
- SE
- PD
- HIPTI
- CONS



Applicant: Kimley-Horn and Assoc, Inc.
 Physical STR: 3-19-30
 Gross Acres: 12.28 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | -- | -- | -- |
| Zoning | Z2008-032 | PUD | PUD |



ZONING

- A-1
- R-1AA
- PUD
- FP-1
- W-1

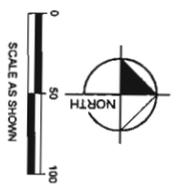
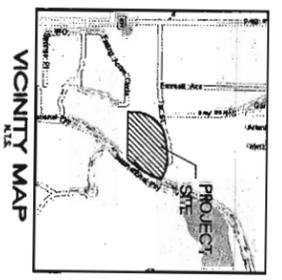
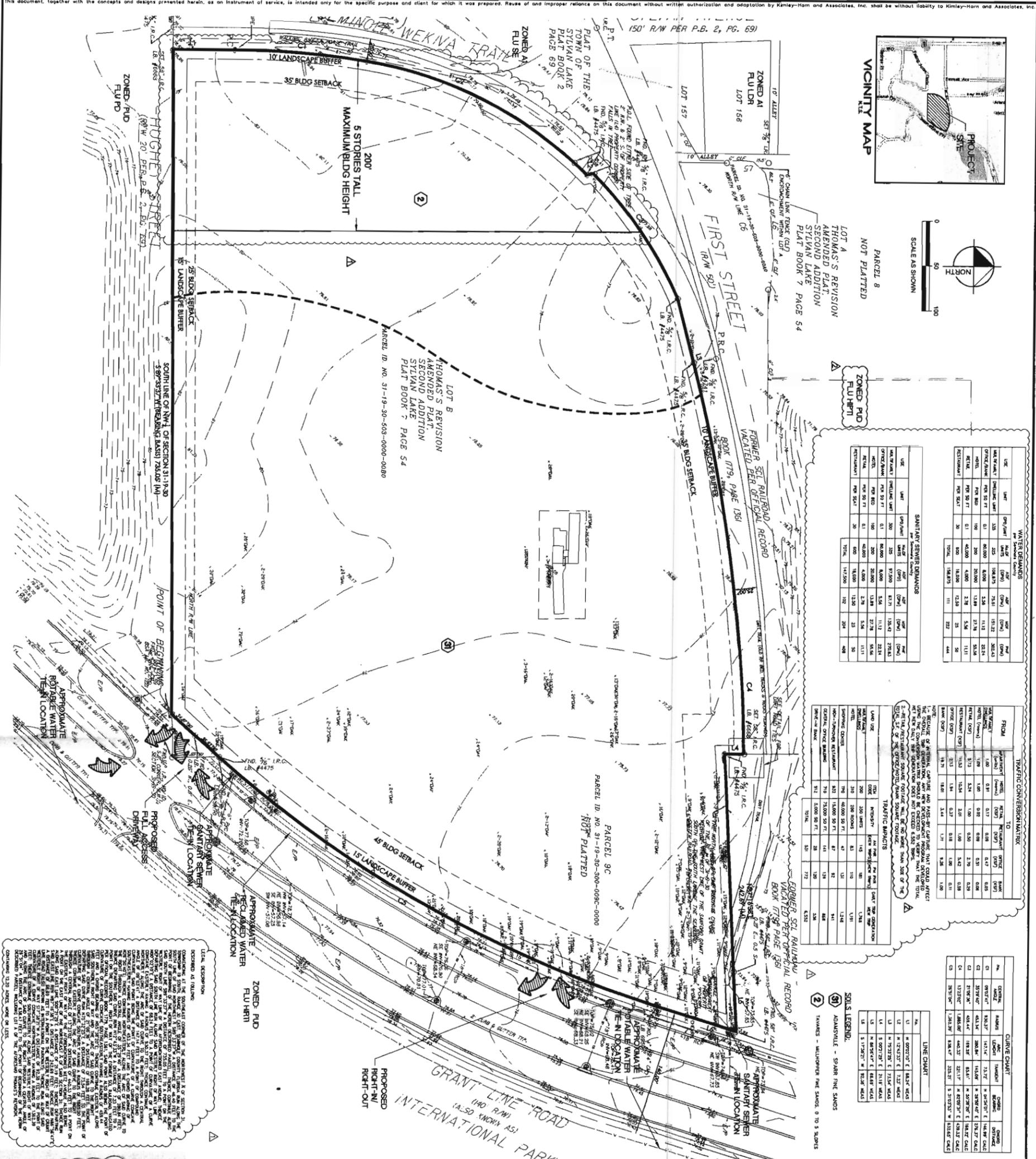


Rezone No: Z2008-32
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials



WATER DEMANDS

| USE | UNIT | QTY/UNIT | UNIT DEMAND | TOTAL DEMAND | UNIT DEMAND | TOTAL DEMAND |
|--------------|---------|----------|-------------|----------------|-------------|----------------|
| RESIDENTIAL | SQ. FT. | 100 | 0.5 | 50,000 | 0.5 | 50,000 |
| OFFICE | SQ. FT. | 100 | 1.0 | 100,000 | 1.0 | 100,000 |
| RETAIL | SQ. FT. | 100 | 1.5 | 150,000 | 1.5 | 150,000 |
| RESTAURANT | SQ. FT. | 100 | 2.0 | 200,000 | 2.0 | 200,000 |
| INDUSTRIAL | SQ. FT. | 100 | 3.0 | 300,000 | 3.0 | 300,000 |
| TOTAL | | | | 600,000 | | 600,000 |

TRAFFIC CONVERSION MATRIX

| FROM | TO | CONVERSION FACTOR |
|--------------|------------|-------------------|
| RESIDENTIAL | OFFICE | 0.5 |
| RESIDENTIAL | RETAIL | 0.5 |
| RESIDENTIAL | INDUSTRIAL | 0.5 |
| OFFICE | RETAIL | 0.5 |
| OFFICE | INDUSTRIAL | 0.5 |
| RETAIL | INDUSTRIAL | 0.5 |
| TOTAL | | 1.5 |

SOILS LEGEND

| NO. | SYMBOL | DESCRIPTION |
|-----|----------|---|
| 1 | (Symbol) | ADAMSVILLE - SPARSE PINE SANDS |
| 2 | (Symbol) | WAKULLA - WAKULLA PINE SANDS, 0 TO 2' SLATS |

DEVELOPERS INFO

DEVELOPER: KIMLEY-HORN AND ASSOCIATES, INC.
 3680 MAGUIRE BLVD., SUITE 100, ORLANDO, FL 32803
 (407) 898-1511
 FBPE No. CA00000696

DEVELOPMENT NOTES:

1. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
 2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 36" BELOW FINISHED GRADE.
 3. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 24" BELOW FINISHED GRADE.
 4. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 18" BELOW FINISHED GRADE.
 5. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 12" BELOW FINISHED GRADE.

LOCAL DESCRIPTION:

The site is located in the City of Sanford, Florida, within the Guntar Village area. The site is bounded by First Street to the north, Grant Line Road to the east, and International Parkway to the south. The site is currently undeveloped and is zoned for residential use. The site is adjacent to the former Sanford International Airport, which is now a park area. The site is also adjacent to the Sanford Water Treatment Plant, which is located to the west of the site. The site is a large, irregularly shaped lot with a total area of approximately 100,000 square feet. The site is currently zoned for residential use, but the proposed development is for a multi-story office building. The proposed development is a 5-story office building with a total area of approximately 100,000 square feet. The proposed development is a 5-story office building with a total area of approximately 100,000 square feet. The proposed development is a 5-story office building with a total area of approximately 100,000 square feet.

AMENDMENT CONDITIONS OF APPROVAL:

1. THE DEVELOPER SHALL PROVIDE A DETAILED TRAFFIC IMPACT STUDY TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 2. THE DEVELOPER SHALL PROVIDE A DETAILED WATER AND SEWER UTILITY PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 3. THE DEVELOPER SHALL PROVIDE A DETAILED STORMWATER MANAGEMENT PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 4. THE DEVELOPER SHALL PROVIDE A DETAILED LANDSCAPING AND IRRIGATION PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 5. THE DEVELOPER SHALL PROVIDE A DETAILED LIGHTING PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 6. THE DEVELOPER SHALL PROVIDE A DETAILED SIGNAGE PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 7. THE DEVELOPER SHALL PROVIDE A DETAILED ACCESS PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 8. THE DEVELOPER SHALL PROVIDE A DETAILED UTILITIES PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 9. THE DEVELOPER SHALL PROVIDE A DETAILED SITE PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 10. THE DEVELOPER SHALL PROVIDE A DETAILED CONSTRUCTION SCHEDULE TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.

| | | | | | |
|---|---------------------------------------|---|--|---|-------------------------------------|
| <p>GUNTER VILLAGE</p> <p>FLORIDA</p> | <p>PRELIMINARY MASTER PLAN</p> | <p>SCALE: AS SHOWN</p> | <p>DESIGN ENGINEER: JONATHAN A. MARTIN</p> <p>FLORIDA REGISTRATION NUMBER: 54055</p> | <p>Kimley-Horn and Associates, Inc.</p> <p>3680 MAGUIRE BLVD., SUITE 100, ORLANDO, FL 32803 (407) 898-1511 FBPE No. CA00000696</p> | <p>REVISION PER COUNTY COMMENTS</p> |
| | | <p>DATE: 04/15/2008</p> <p>PROJECT NO: 049488001</p> <p>SHEET NUMBER: PMP-1</p> | <p>REVISION PER COUNTY COMMENTS</p> | | |

| NO. | REVISIONS | DATE | BY |
|----------|-----------|------|----|
| 09-16-08 | SS | | |
| 10-27-08 | SS | | |
| 11-21-08 | SS | | |

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

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

FINDINGS OF FACT

Property Owner(s): Gunter Village, LLC
2151 Volunteer Parkway
Bristol, TN 37620

Project Name: Gunter Village Rezone

Requested Development Approval: Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development).

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: Austin Watkins
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A. The project shall consist of no more than 350 multi-family units; 15,000 square feet of restaurant; 40,000 square feet of retail; 200 key hotel; and 80,000 square feet of Class A office space.
- B. Retail/restaurant square footage will be no more than 30% of the total square footage of the target industry uses (office/hotel/bank).
- C. The development must be a mixed-use development and the proposed uses and square footages must be consistent with the HIP-TI standards. This determination will be made at the time of the Final Master Plan approval by the Seminole County Planning Manager.
- D. Permitted Uses:
 - 1. Multi-Family Dwelling Units (excluding home occupations)
 - 2. Office Uses (Per the OP zoning classification)
 - 3. Hotel with conference space
 - 4. Commercial Uses (Per the C-1 zoning classification, excluding veterinary clinics and funeral homes)

E. The setbacks shall be as follows:

North: 35' (Abutting 1st Street)
South: 25' (Abutting Hughey Street)
East: 45' (Abutting International Parkway)
West: 35' (Abutting the Wekiva Trail and Sylvan Avenue)

F. The buffers shall be as follows:

The buffers shall meet the following criteria:

North: 10' landscape buffer containing 1 canopy tree with a minimum 4" caliper, 40' on center with a continuous shrub hedge with a minimum height of 3'.

South: 15' landscaped buffer containing understory tree clusters 30' on center with a continuous shrub hedge with a minimum height of 3'.

East: 15' landscape buffer containing 1 canopy tree with a minimum 4" caliper, 40' on center with a continuous shrub hedge with a minimum height of 3'.

West: 10' landscape buffer containing 1 canopy tree with a minimum 4" caliper, 25' on center with a continuous shrub hedge with a minimum height of 3'.

- G. Open Space amenities shall include a café/clubhouse, pool(s), newsstand and trail connection. These open space amenities can be substituted at time of Final Master Plan for equivalent amenities, if determined appropriate, by the Planning Manager. 25% usable open space shall be provided on the subject property.
- H. Maintenance of the open space and buffers shall be the responsibility of the property owner's association.
- I. Swales shall be planted with native species to achieve a natural look.
- J. Wet detention areas shall be designed so that they will be of a natural pond shape and curvilinear in nature, planted with species (canopy trees, understory trees, and shrubs. The wet detention areas shall not be fenced.
- K. Multi-family density shall not exceed 40 dwelling units per net buildable acre.
- L. The retail/restaurant FAR shall not exceed .35 and the overall non-residential project FAR shall not exceed 1.0.
- M. Maximum building height: A 5-story or 60 foot maximum building height from the western property line to 200 feet east of the western property boundary line. The maximum building height east of the 5-story restriction is 110 feet. The maximum building height shall be consistent with the attached Preliminary Master Plan, Exhibit B.
- N. All mechanical equipment, ground or roof-mounted shall be screened from off-site view.
- O. Building elevations and architectural renderings shall be submitted and approved as a part of the Final Master Plan.
- P. The Developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- Q. A pedestrian and bicycle linkage plan with trail connections shall be submitted during the Final Master Plan
- R. Bicycle racks shall be provided within 25' of the main entrance of every building.
- S. Development shall comply with the Preliminary Site Plan attached as Exhibit "B".

(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.

property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Gunter Village, LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

J. Michael Nidiffer, Manager

Printed Name

Witness

Printed Name

STATE OF FLORIDA)
)
COUNTY OF)

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared J. Michael Nidiffer, who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT "A"
Legal Description

PARCEL A:

ALL OF THOMAS'S REVISION, AMENDED PLAT SECOND ADDITION, SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 54, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LOTS 1, 2 AND 3, PLAT OF THE TOWN OF SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 69, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA,

PARCEL B:

TOGETHER WITH THE SOUTH 13 CHAINS OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, WEST OF THE WESTERN RIGHT OF WAY OF INTERNATIONAL PARKWAY AND SOUTH OF THE SOUTH LINE OF SEABOARD SYSTEM RAILROAD RIGHT OF WAY, SEMINOLE COUNTY, FLORIDA

PARCEL C:

TOGETHER WITH METZ AVENUE RIGHT OF WAY, HUGHEY STREET RIGHT OF WAY, EAST AVENUE RIGHT OF WAY AND A 10 FEET ALLEY VACATED AND DESCRIBED IN BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY RESOLUTION NO.: 2007-R-39, RECORDED APRIL 2, 2007 IN OFFICIAL RECORDS BOOK 6643, PAGE 1838, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA,

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA RUN ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 S89°33'37"W A DISTANCE OF 46.40 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID SOUTH LINE S89°33'37"W A DISTANCE OF 735.05 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE AFOREMENTIONED EAST AVENUE; THENCE DEPARTING SAID SOUTH LINE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE N00°02'10"E A DISTANCE OF 68.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 930.37 FEET; THENCE CONTINUE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 09°03'41" A DISTANCE OF 147.14 FEET TO A POINT OF COMPOUND CURVATURE, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 453.34 FEET AND A CHORD BEARING OF N26°50'40"E; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35°29'40" A DISTANCE OF 280.84 FEET; THENCE DEPARTING SAID CURVE RUN N12°43'33"W A DISTANCE OF 7.23 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF THE FORMER SCL RAILROAD, VACATED PER OFFICIAL RECORDS BOOK 1779, PAGE 1361, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 459.44 FEET AND A CHORD BEARING OF N55°38'20"E; THENCE CONTINUE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY AND THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 21°06'36" A DISTANCE OF 169.28 FEET; THENCE DEPARTING SAID CURVE RUN N75°32'25"E A DISTANCE OF 73.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1885.00 FEET; THENCE CONTINUE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 13°23'02" A DISTANCE OF 440.33 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF THE AFOREMENTIONED METZ AVENUE ALSO BEING A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE RUN ALONG SAID EAST LINE S00°21'29"E A DISTANCE OF 21.19 FEET; THENCE DEPARTING

SAID EAST LINE RUN $N87^{\circ}16'38''E$ A DISTANCE OF 242.69 FEET; THENCE RUN $N86^{\circ}56'47''E$ A DISTANCE OF 66.69 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF GRANT LINE ROAD (ALSO KNOWN AS INTERNATIONAL PARKWAY); THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY $S17^{\circ}38'21''W$ A DISTANCE OF 92.38 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1362.39 FEET; THENCE CONTINUE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $26^{\circ}51'04''$ A DISTANCE OF 638.47 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL; INCLUDING LOT A OF THE AFORESAID THOMAS'S REVISION.

CONTAINING 12.28 ACRES, MORE OR LESS.

EXHIBIT "B"

Preliminary Site Plan

V. OPEN SPACE CALCULATIONS.

Open Space shall be provided at an overall rate of 25% useable open space. Open space (as listed below) is achieved through active recreation, passive recreation, and other green space. Open space amenities shall include the café/clubhouse, pool, newsstand and trail connection. Wet detention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code and shall include a landscaped area.

Maintenance of the Common Open Space shall be the responsibility of the Property Owners Association.

Total Land Area: 12.20 acres
Open Space Required: 25% = 12.20 acres x 0.25 = 3.05 acres
Open Space Provided: 3.43 acres

VI. LAND USE BREAKDOWN.

| Use | Acreage | % of Site |
|---------------------------------------|-------------|-----------|
| Multi-Family Units | 4.04 acres | 33.12% |
| Hotel | 0.38 acres | 3.12% |
| Office/Retail | 0.36 acres | 2.95% |
| Restaurant | 0.12 acres | 0.98% |
| Buffer Areas | 1.16 acres | 9.51% |
| Drive Aisles, Parking and Paved Areas | 2.71 acres | 22.21% |
| Detention/Rec Areas/ Open Space | 3.43 acres | 28.11% |
| Total | 12.20 acres | 100.00% |

VII. BUILDING SETBACKS AND STANDARDS

A. Site Building Setbacks

- 25' from the south property line
- 35' from the west property line (abutting the Seminole Wekiva Trail and Sylvan Avenue)
- 35' from the north property line (abutting 1st Street)
- 45' from the east property line (abutting International Parkway)

B. Maximum Building Heights

Building 1:

- 4 stories residential over 1 level parking = 70 ft
- 4 stories residential over 3 level parking = 95 ft
- 7 stories residential = 95 ft

Building 2A:

- 4 stories residential over 1 level parking = 70 ft

Building 2B:

- 4 stories residential over 1 level parking = 70 ft

Building 3:

- 5 stories residential over 2 level parking = 95 ft
- 7 stories residential = 95 ft
- 8 stories residential over parking/conference/retail = 110 ft
- 8 stories hotel/office = 110 ft

Bank/Retail:

- 2 stories = 35 ft

Restaurant/Retail:

- 2 stories = 35 ft

VIII. PERMITTED USES.

Multi-family condominiums and customary accessory uses, commercial, restaurants, hotel with conference space, and Class-A office. The Gunter Village PUD shall consist of no more than 274 condominium units; no more than 17 live/work condominiums; 5,020 square feet of restaurant; and 16,110 square feet of retail/bank. The project shall consist of a hotel with a minimum of 211 keys and 11,000 square feet of conference space, or a minimum 72,000 square feet of Class A Office space.

IX. LANDSCAPE AND BUFFER CRITERIA.

- A. The buffer adjacent to International Parkway shall be 15' in width, consisting of one (1) shade tree with a minimum 4" caliper, 40' on center with a continuous shrub hedge with a minimum height of 3'.
- B. The buffer adjacent to the south property line shall be 10' in width, consisting of accent tree clusters 30' on center with a continuous shrub hedge with a minimum height of 3'.
- C. The buffer adjacent to the north property line shall be 10' in width, consisting of one (1) shade tree with a minimum 4" caliper, 40' on center with a continuous shrub hedge with a minimum height of 3'.
- D. The shrubs at each entrance shall not exceed 2' in height as to not hinder visibility.
- E. Landscape material style and size shall meet or exceed Seminole County Land Development Code.
- F. The Property Owner's Association shall maintain all landscape buffers and open space.

X. MISCELLANEOUS DEVELOPMENT COMMITMENTS.

- A. All development shall comply with the Final Master Plan attached as Exhibit B and the architectural renderings attached as Exhibit C.
- B. All mechanical equipment, ground or roof-mounted, shall be screened from offsite view.
- C. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

XI. PUBLIC FACILITIES.

WATER:

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

SANITARY SEWER:

Sanitary sewer shall be provided by Seminole County. Service lines shall conform to Seminole County and Department of Environmental Protection Standards.

STORM DRAINAGE:

Storm water pollution abatement and attenuation for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District requirements.

FIRE PROTECTION:

Fire Protection shall be provided by Seminole County. Fire hydrants shall be located according to Seminole County regulations.

XII. STANDARD COMMITMENTS.

A. Unless specifically addressed otherwise herein, all development shall fully comply with the codes and ordinances, including the impact fee ordinance, of Seminole County.

B. All obligations, liabilities, and responsibilities incurred or implied by the Owners of this agreement shall be assumed by any successors-in-interest of any portion of the Property.

C. This agreement concerns the Property, and the conditions, commitments and provisions of the agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in full or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of the Property have expressly covenanted and agreed to the provision and all other terms and provisions of this agreement.

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

XIII. INTERPRETATION; RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER.

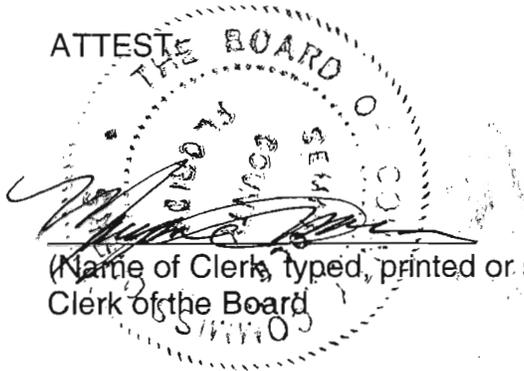
This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the

event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 06-20500006, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTESTE

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA



(Name of Clerk, typed, printed or stamped)
Clerk of the Board

Carlton D. Henley
Carlton D. Henley,
Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Gunter Village, LLC, on behalf of itself and its heirs 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 Commitment Agreement.

WITNESSES:

Michael D. Hamlin
Print Name: MICHAEL D. HAMLIN
Catherine Rich
Print Name: Catherine Rich

OWNERS:

Gunter Village, LLC
J. Michael Nidiffer
J. Michael Nidiffer, Member

STATE OF ~~FLORIDA~~ TENNESSEE
COUNTY OF Sullivan

The foregoing instrument was acknowledged before me this 22nd day of December, 2006, by J. Michael Nidiffer, as member, who is personally known to me or who has produced _____ as identification.

Susan K. Lloyd
Notary Public

SUSAN K. Lloyd
(Name of Notary, typed, printed or stamped)
My Commission Expires:

5-28-07

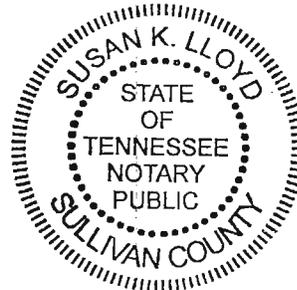


EXHIBIT A

Legal Description

ALL OF THOMAS'S REVISION, AMENDED PLAT SECOND ADDITION, SYLVAN LAKE, ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 7, PAGE 54, PUBLIC RECORDS OF SEMINOLE COUNTY FLORIDA, AND LOTS 1, 2 AND 3, PLAT OF THE TOWN OF SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 69, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND THE SOUTH 13 CHAINS OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, WEST OF THE WESTERN RIGHT-OF-WAY OF INTERNATIONAL PARKWAY AND SOUTH OF THE SOUTH LINE OF SEABOARD SYSTEM RAILROAD RIGHT-OF-WAY, SEMINOLE COUNTY, FLORIDA.

EXHIBIT B

Final Master Plan

DEVELOPMENT NOTES:

PARCELS: 1. 100' x 100' 2. 100' x 100' 3. 100' x 100' 4. 100' x 100' 5. 100' x 100' 6. 100' x 100' 7. 100' x 100' 8. 100' x 100' 9. 100' x 100' 10. 100' x 100'

SITE DATA:
 TRACT SIZE: 100' x 100'
 PROPOSED ZONING: FLU: HIPT
 CURRENT FUTURE LAND USE: HIGH DENSITY RESIDENTIAL
 PROPOSED FUTURE LAND USE: HIGH DENSITY RESIDENTIAL

DEVELOPMENT PROGRAM:
 1. 100' x 100'
 2. 100' x 100'
 3. 100' x 100'
 4. 100' x 100'
 5. 100' x 100'
 6. 100' x 100'
 7. 100' x 100'
 8. 100' x 100'
 9. 100' x 100'
 10. 100' x 100'

LANDSCAPE SUPPLY:
 1. 100' x 100'
 2. 100' x 100'
 3. 100' x 100'
 4. 100' x 100'
 5. 100' x 100'
 6. 100' x 100'
 7. 100' x 100'
 8. 100' x 100'
 9. 100' x 100'
 10. 100' x 100'

MAXIMUM BUILDING HEIGHTS:
 1. 100' x 100'
 2. 100' x 100'
 3. 100' x 100'
 4. 100' x 100'
 5. 100' x 100'
 6. 100' x 100'
 7. 100' x 100'
 8. 100' x 100'
 9. 100' x 100'
 10. 100' x 100'

UTILITIES:
 1. 100' x 100'
 2. 100' x 100'
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 8. 100' x 100'
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REQUIREMENTS:
 1. 100' x 100'
 2. 100' x 100'
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NOTES:
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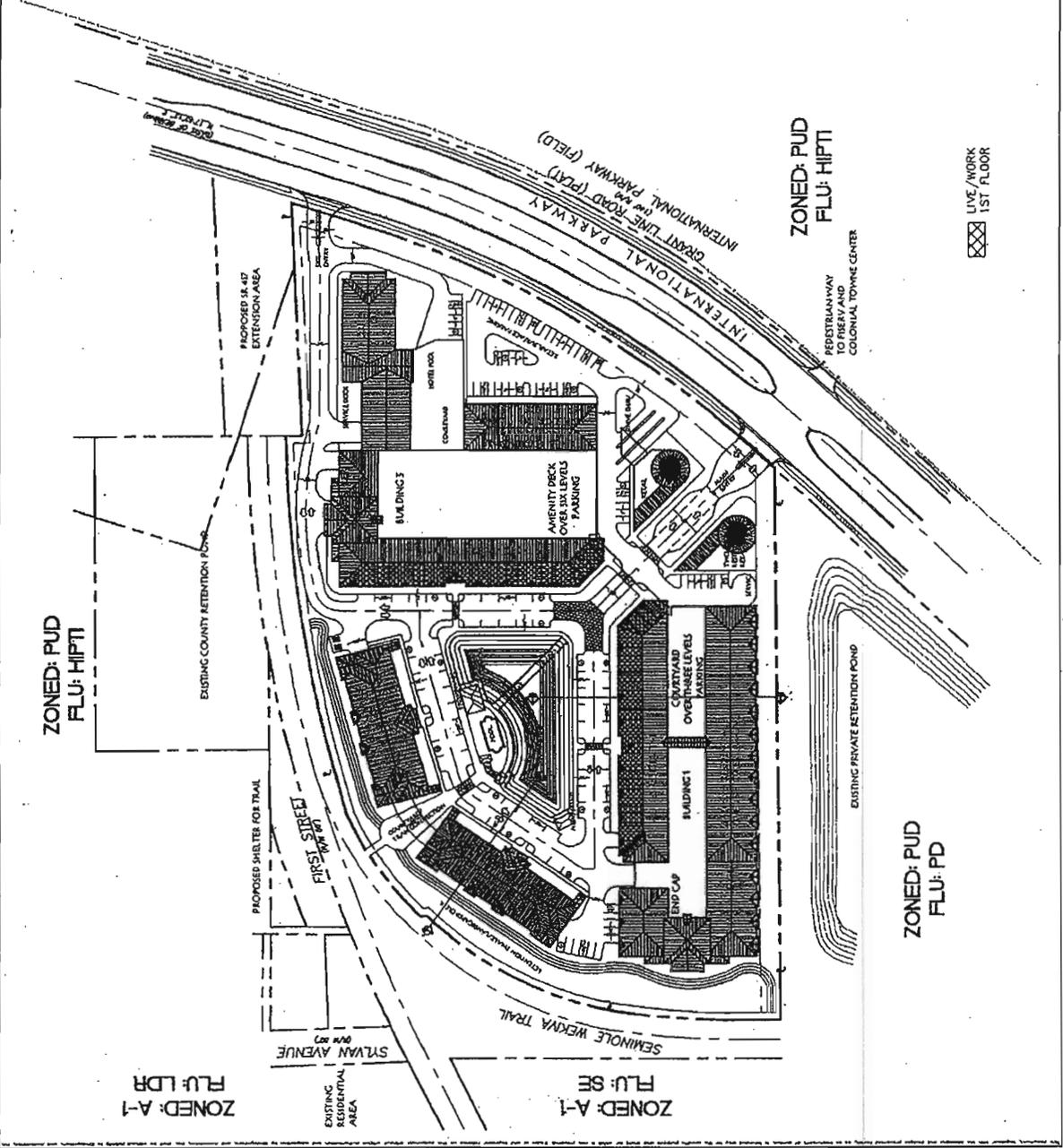
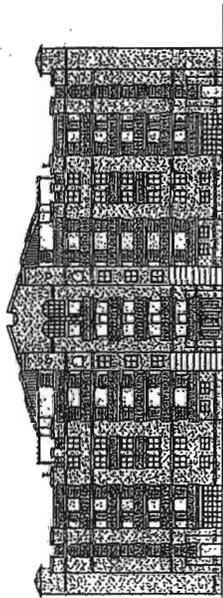


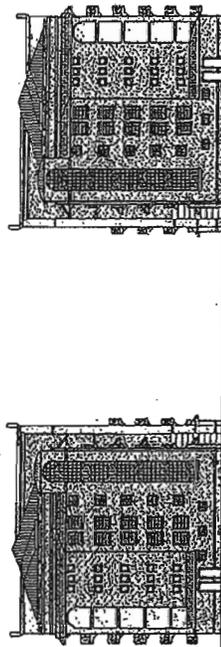
EXHIBIT C

Architectural Renderings



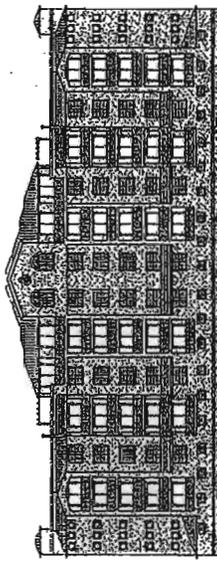
FRONT CONCEPTUAL ELEVATION OF BLDG. 2A and 2B

SCALE 1" = 20'-0"



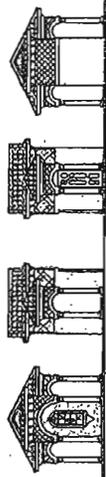
SIDE CONCEPTUAL ELEVATIONS OF BLDG. 2A and 2B

SCALE 1" = 20'-0"



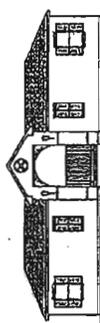
REAR CONCEPTUAL ELEVATION OF BLDG. 2A and 2B

SCALE 1" = 20'-0"



PAVILION ELEVATIONS

SCALE 1" = 10'-0"



LAGOON AMENITIES ELEVATION

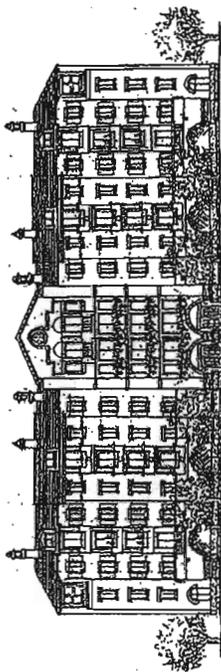
SCALE 1" = 10'-0"

INTERSTATE DEVELOPMENT COMPANY
 3100 UNIVERSITY AVENUE
 SUITE 100
 TAMPA, FLORIDA 33606
 TEL: 813-288-1111
 FAX: 813-288-1111

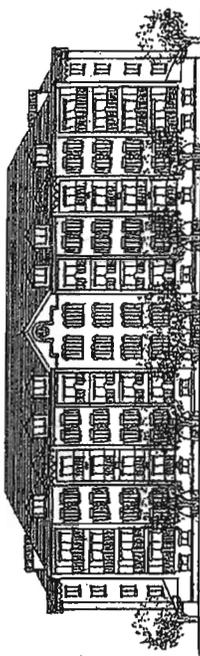
GUNTER VILLAGE
 A PLANNED URBAN DEVELOPMENT
 LAKE MARY, SEMINOLE COUNTY, FLORIDA
 PROJECT ARCHITECT
 DATE: OCTOBER 19, 2004

ELI

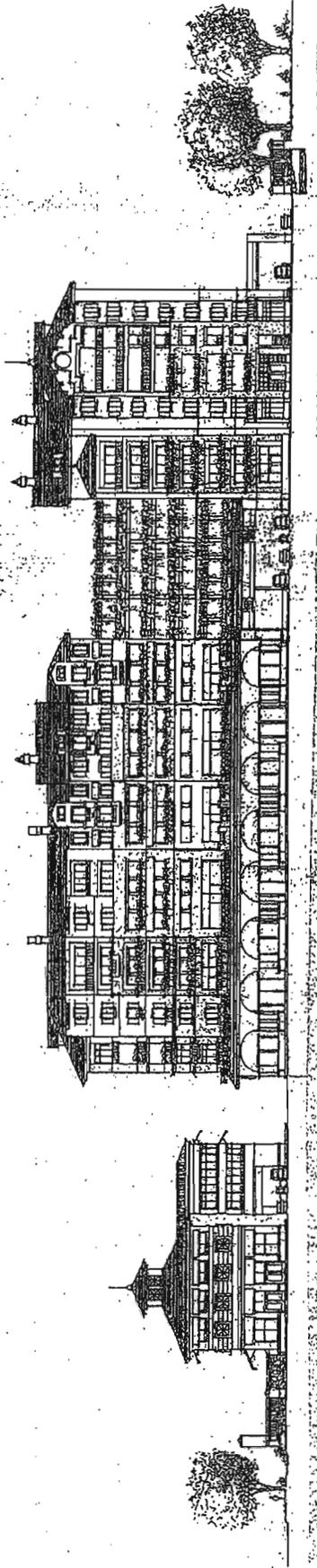
EVANS ARCHITECTURE & PLANNING
 1000 UNIVERSITY AVENUE
 SUITE 100
 TAMPA, FLORIDA 33606
 TEL: 813-288-1111
 FAX: 813-288-1111
 WWW.EVANSARCHITECT.COM
 PROJECT ARCHITECT
 DATE: OCTOBER 19, 2004



BUILDING 2 - SOUTH CONCEPTUAL ELEVATION
SCALE 1"=30'-0"



BUILDING 2 - NORTH CONCEPTUAL ELEVATION
SCALE 1"=30'-0"



BUILDING 3 - EAST CONCEPTUAL ELEVATION
SCALE 1"=30'-0"

EL2

1000 AVENUE OF THE ARTS, SUITE 100
 MIAMI, FLORIDA 33136
 TEL: 305.375.1111
 FAX: 305.375.1112
 WWW.EVANSARCH.COM

EVANS *group*

ARCHITECTURE & PLANNING

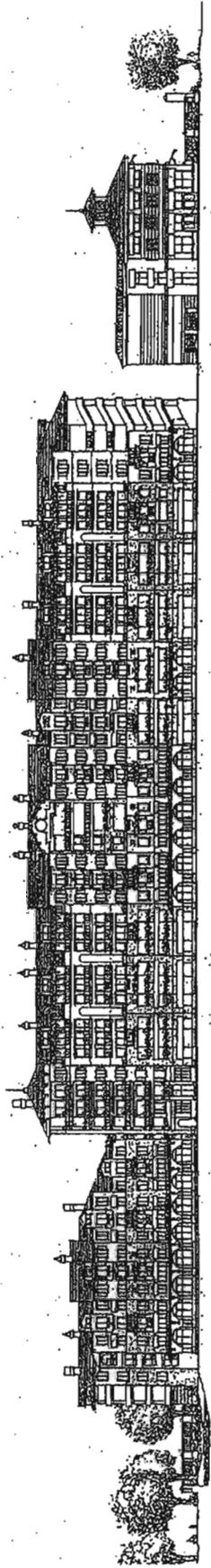
A SEPTOCHILLES, INC. COMPANY
 ONE VILLAGE CENTER DRIVE
 MIAMI, FLORIDA 33156

GUNTER VILLAGE
 A PLANNED URBAN DEVELOPMENT
 LAKE MARY, SEMINOLE COUNTY, FLORIDA

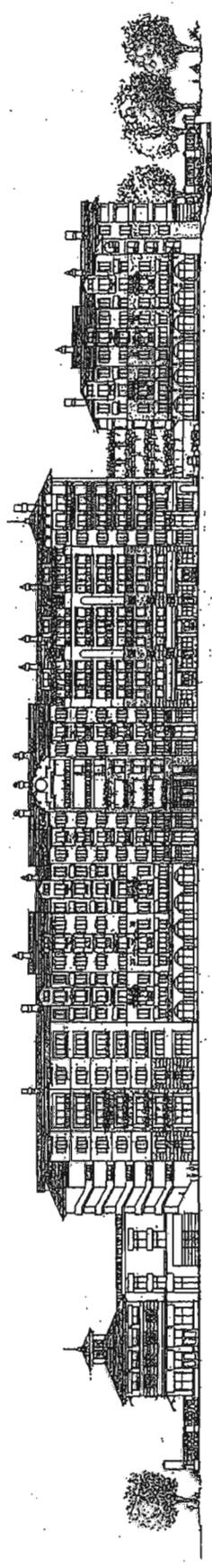
PROJECT ARCHITECT
 2007-2012

GUNTER VILLAGE LLC

 2007-2012
 2007-2012
 2007-2012



BUILDING 1- SOUTH CONCEPTUAL ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING 1- NORTH CONCEPTUAL ELEVATION
SCALE: 1/8" = 1'-0"

GUNTER VILLAGE LLC.
 10000 W. UNIVERSITY BLVD.
 SUITE 100
 DALLAS, TEXAS 75241
 TEL: 214.343.1111
 FAX: 214.343.1111

GUNTER VILLAGE
 A PLANNED URBAN DEVELOPMENT
 LAKE MARY, SEMINOLE COUNTY, FLORIDA
 PROJECT # 14-0000000-0000
 REGISTERED IN FLORIDA

EL3

FOR THE CLIENT: GUNTER VILLAGE LLC.
 PROJECT LOCATION: LAKE MARY, FLORIDA
 DATE: 08/14/2014
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT MANAGER: J. HARRIS

EVANS *group*
 ARCHITECTURE & PLANNING
 10000 W. UNIVERSITY BLVD., SUITE 100
 DALLAS, TEXAS 75241

SEMINOLE COUNTY DEVELOPMENT ORDER

On October 24, 2006, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

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

FINDINGS OF FACT

Property Owner(s): Gunter Village, LLC

Project Name: Gunter Village PUD

Requested Development Approval: Rezone from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development).

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.

RETURN TO SANDY McCANN

Prepared by: April Boswell
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06558 Pgs 0406 - 410; (5pgs)
FILE NUM 2007008816
RECORDED 01/17/2007 03:00:18 PM
RECORDING FEES 44.00
RECORDED BY G Harford

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

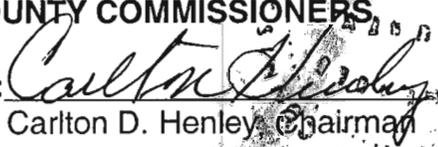
NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

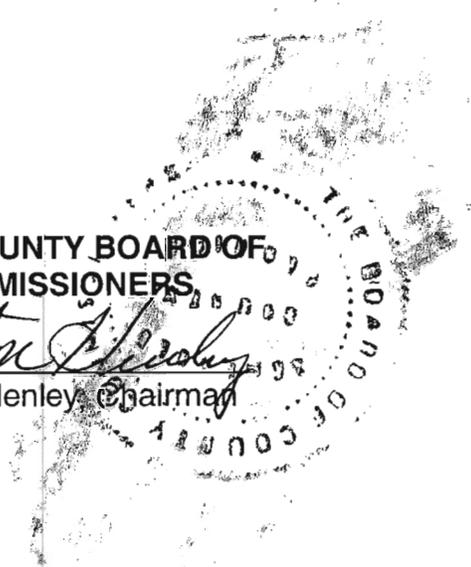
- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval 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 project shall consist of no more than 274 condominium units; 17 live/work condominiums; 5,020 square feet of restaurant; 16,110 square feet of retail/bank.
- B. The project shall consist of a minimum of a hotel with 211 keys and 11,000 square feet of conference space or a minimum 72,000 square feet Class A Office space.
- C. Open space amenities shall include a café/clubhouse, pool(s), newsstand and Trail connection.
- D. Maintenance of the Open Space and Buffers shall be the responsibility of the Property Owners Association.
- E. Unless the developer provides landscaping and buffering that is greater, all landscaping and buffering shall be provided in accordance with Off-Street Parking and Landscaping Regulations and the Lake Mary Boulevard Gateway Corridor Overlay Standards Classification of the Seminole County Land Development Code.
- F. Swales shall be planted with native species to achieve a natural look.
- G. Wet detention areas shall be designed so that they will not be required to be fenced, unless part of a recreation amenity approved at Final Master Plan.
- H. Density shall not exceed 32.69 dwelling units per net buildable acre.
- I. Minimum building setbacks from the property perimeter boundary shall be:
 1. 25' from the south property line (abutting Hughey Street)
 2. 35' from the west property line (abutting the Seminole Wekiva Trail and Sylvan Avenue)
 3. 35' from the north property line (abutting 1st Street)
 4. 45' from the east property line (abutting International Parkway)
- J. Maximum building heights are as follows:
 1. Building 1-
 - 4 Stories Residential Over 1 Level Parking= 70 feet
 - 4 Stories Residential Over 3 Level Parking= 95 feet
 - 7 Stories Residential= 95 feet
 2. Building 2A- 70 feet
 3. Building 2B- 70 feet

- 4. Building 3-
 - 5 Stories Residential Over 2 Level Parking= 95 feet
 - 7 Stories Residential= 95 feet
 - 8 Stories Residential Over Parking/Conference/Retail= 110 feet
 - 8 Stories Hotel/Office= 110 feet
- 5. Main Entry Out parcel (2 Stories Retail/Restaurant/Bank)= 35 feet
- K. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.
- L. Building elevations and architectural renderings shall be submitted and approved as part of the Final Master Plan.
- M. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: 
Carlton D. Henley, Chairman



OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Gunter Village, LLC, on behalf of itself and its heirs 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 Commitment Agreement.

WITNESSES:

Michael D. Hamlin
Print Name: MICHAEL D. HAMLIN
Catherine Rich
Print Name: Catherine Rich

OWNERS:

Gunter Village, LLC
J. Michael Nidiffer
J. Michael Nidiffer, Member

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this 22ND day of DECEMBER, 2006, by J. Michael Nidiffer, as member, who is personally known to me or who has produced _____ as identification.

Susan K. Lloyd
Notary Public

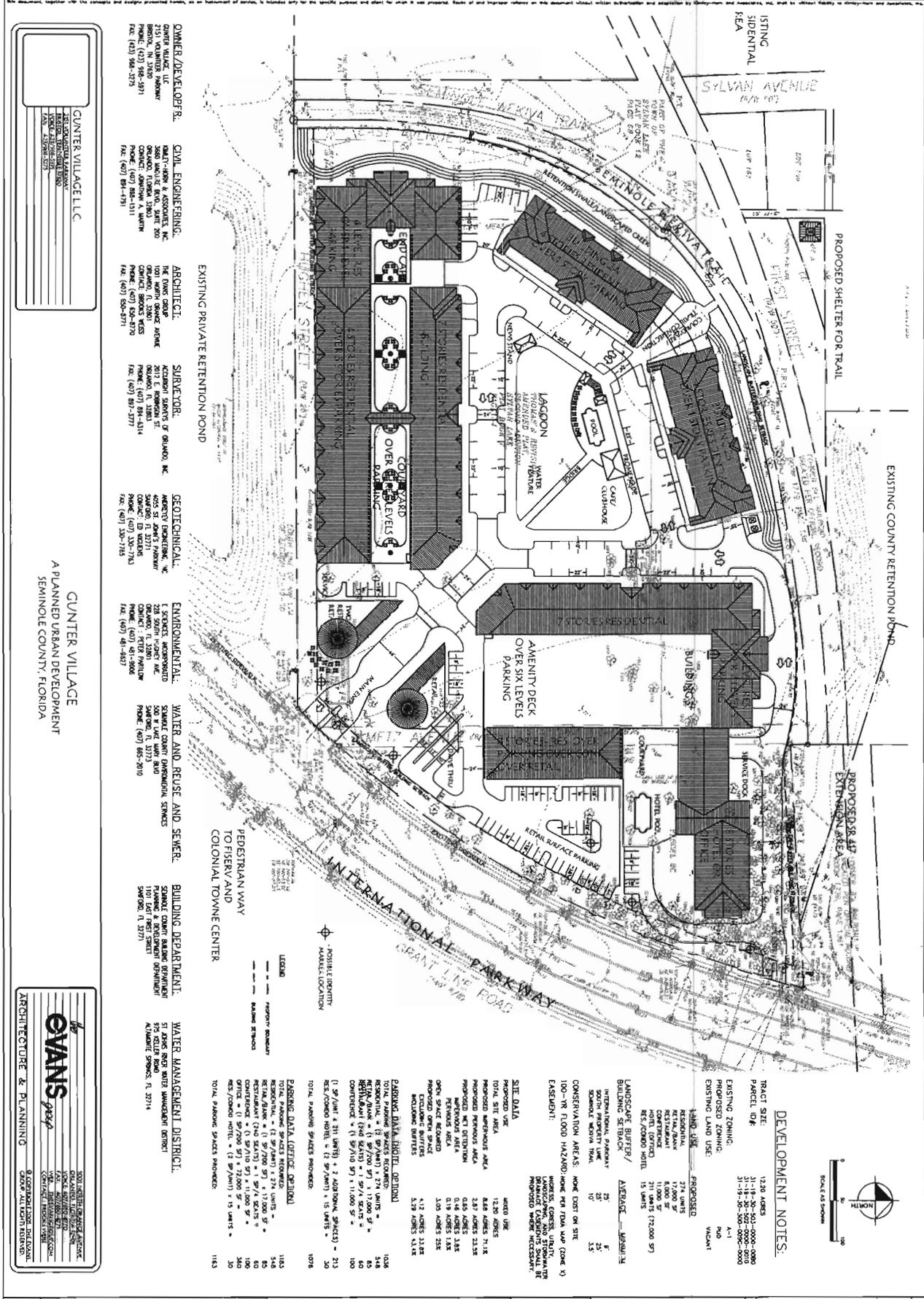
SUSAN K Lloyd
(Name of Notary, typed, printed or stamped)
My Commission Expires: 5-28-07



EXHIBIT A

Legal Description

ALL OF THOMAS'S REVISION, AMENDED PLAT SECOND ADDITION, SYLVAN LAKE, ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 7, PAGE 54, PUBLIC RECORDS OF SEMINOLE COUNTY FLORIDA, AND LOTS 1, 2 AND 3, PLAT OF THE TOWN OF SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 69, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND THE SOUTH 13 CHAINS OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, WEST OF THE WESTERN RIGHT-OF-WAY OF INTERNATIONAL PARKWAY AND SOUTH OF THE SOUTH LINE OF SEABOARD SYSTEM RAILROAD RIGHT-OF-WAY, SEMINOLE COUNTY, FLORIDA.



OWNER/DEVELOPER:
 GUNTER VILLAGE, LLC
 2101 VOLUNTEER ROAD
 ORLANDO, FL 32829
 PHONE: (407) 298-5971
 FAX: (407) 298-5975

CIVIL ENGINEERING:
 KIMLEY-HORN & ASSOCIATES, INC.
 3840 WINDY HILL ROAD, SUITE 200
 ORLANDO, FL 32834
 PHONE: (407) 881-1311
 FAX: (407) 881-1311

ARCHITECT:
 THE EVANS GROUP
 1001 NORTH GRAND AVENUE
 SUITE 200
 ORLANDO, FL 32801
 PHONE: (407) 536-8700
 FAX: (407) 536-8711

SUB-CONTRACTOR:
 ACCORDION SUPPORTS OF ORLANDO, INC.
 2017 E. GORHAM ST.
 ORLANDO, FL 32801
 PHONE: (407) 891-4314
 FAX: (407) 891-2777

GEOTECHNICAL:
 GEOTECHNICAL ENGINEERING, INC.
 4605 ST. JOHN'S PARKWAY
 SUITE 100
 ORLANDO, FL 32810
 PHONE: (407) 330-7743
 FAX: (407) 330-7743

ENVIRONMENTAL:
 E. SPACKS ASSOCIATED
 728 SOUTH WINTER AVE.
 SUITE 200
 ORLANDO, FL 32801
 PHONE: (407) 491-8006
 FAX: (407) 491-8827

WATER AND REUSE AND SEWER:
 SEMINOLE COUNTY ENVIRONMENTAL SERVICES
 500 N. WAVE WAY ROAD
 SUITE 200
 ORLANDO, FL 32801
 PHONE: (407) 852-2010

BUILDING DEPARTMENT:
 SEMINOLE COUNTY BUILDING DEPARTMENT
 PLANNING & DEVELOPMENT DIVISION
 515 ZELLER ROAD
 SUITE 200
 ORLANDO, FL 32714

WATER MANAGEMENT DISTRICT:
 ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
 515 ZELLER ROAD
 SUITE 200
 ORLANDO, FL 32714

ARCHITECTURE & PLANNING:
 THE EVANS GROUP
 1001 NORTH GRAND AVENUE
 SUITE 200
 ORLANDO, FL 32801
 PHONE: (407) 536-8700
 FAX: (407) 536-8711

DATE: 4/29/2006
PROJECT NO.: 06010000000000000000
SHEET NUMBER: 3 OF 3

GUNTER VILLAGE, LLC

GUNTER VILLAGE
 A PLANNED URBAN VILLAGE
 SEMINOLE COUNTY, FLORIDA

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 A PLANNED URBAN VILLAGE
 SEMINOLE COUNTY, FLORIDA

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DEVELOPMENT NOTES:

TRACT SIZE: 1234 ACRES
 PARCEL ID: 1234-5678-9012-3456
 EXISTING ZONING: R-100
 PROPOSED ZONING: R-100
 EXISTING LAND USE: RESIDENTIAL
 PROPOSED LAND USE: RESIDENTIAL

LAND USE:

| LAND USE | PROPOSED | VACANT |
|--------------|------------|------------|
| RESIDENTIAL | 1234 ACRES | 0.00 ACRES |
| COMMERCIAL | 0.00 ACRES | 0.00 ACRES |
| INDUSTRIAL | 0.00 ACRES | 0.00 ACRES |
| AGRICULTURAL | 0.00 ACRES | 0.00 ACRES |
| UNDEVELOPED | 0.00 ACRES | 0.00 ACRES |

CONSERVATION AREAS: NONE EXIST ON SITE

100-YR FLOOD HAZARD: NONE FROM LHM (CODE X) EXEMPT

MOBILE IDENTITY MODEL LOCATION: NONE

SITE DATA:

| PROPOSED USE | ACRES |
|---------------------------------|---------|
| TOTAL SITE AREA | 1234.56 |
| PROPOSED RESIDENTIAL AREA | 1234.56 |
| PROPOSED COMMERCIAL AREA | 0.00 |
| PROPOSED INDUSTRIAL AREA | 0.00 |
| PROPOSED AGRICULTURAL AREA | 0.00 |
| PROPOSED UNDEVELOPED AREA | 0.00 |
| TOTAL PROPOSED SPACES PROVIDED: | 1234 |

PARKING DATA (MOBILE IDENTITY MODEL LOCATION):

| RESIDENTIAL | COMMERCIAL | INDUSTRIAL | AGRICULTURAL | UNDEVELOPED |
|-------------|-------------|------------|--------------|-------------|
| 1234 SPACES | 0 SPACES | 0 SPACES | 0 SPACES | 0 SPACES |
| TOTAL | 1234 SPACES | 0 SPACES | 0 SPACES | 0 SPACES |

SCALE AS SHOWN

LEGEND

- PROPOSED ROADWAY
- EXISTING ROADWAY
- PROPOSED TRAIL
- EXISTING TRAIL
- PROPOSED PARKING
- EXISTING PARKING
- PROPOSED LANDSCAPE
- EXISTING LANDSCAPE
- PROPOSED UTILITIES
- EXISTING UTILITIES
- PROPOSED RETENTION POND
- EXISTING RETENTION POND
- PROPOSED SHUTTER FOR TRAIL
- EXISTING SHUTTER FOR TRAIL
- PROPOSED EXTENSION AREA
- EXISTING EXTENSION AREA

SCALES NOTED:

DESIGN ENGINEER: JONATHAN A. MARTIN
 FLORIDA REGISTRATION NUMBER: 54055
 SEAL

Kimley-Horn and Associates, Inc.
 3840 WINDY HILL ROAD, SUITE 200, ORLANDO, FL 32834
 (407) 881-1311
 FAX: (407) 881-1311

| NO. | REVISIONS | DATE |
|-----|-----------|------|
| | | |
| | | |
| | | |

GUNTER VILLAGE
 SEMINOLE COUNTY, FLORIDA

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY 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 CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Gunter Village Rezone, dated January 27, 2009.

(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. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

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 on the recording date of the Development Order # 08-21700002 in the Official Land Records of Seminole County.

ENACTED this 27th day of January 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL A:

ALL OF THOMAS'S REVISION, AMENDED PLAT SECOND ADDITION, SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 54, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LOTS 1, 2 AND 3, PLAT OF THE TOWN OF SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 69, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA,

PARCEL B:

TOGETHER WITH THE SOUTH 13 CHAINS OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, WEST OF THE WESTERN RIGHT OF WAY OF INTERNATIONAL PARKWAY AND SOUTH OF THE SOUTH LINE OF SEABOARD SYSTEM RAILROAD RIGHT OF WAY, SEMINOLE COUNTY, FLORIDA

PARCEL C:

TOGETHER WITH METZ AVENUE RIGHT OF WAY, HUGHEY STREET RIGHT OF WAY, EAST AVENUE RIGHT OF WAY AND A 10 FEET ALLEY VACATED AND DESCRIBED IN BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY RESOLUTION NO.: 2007-R-39, RECORDED APRIL 2, 2007 IN OFFICIAL RECORDS BOOK 6643, PAGE 1838, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA,

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA RUN ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 S89°33'37"W A DISTANCE OF 46.40 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID SOUTH LINE S89°33'37"W A DISTANCE OF 735.05 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE AFOREMENTIONED EAST AVENUE; THENCE DEPARTING SAID SOUTH LINE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE N00°02'10"E A DISTANCE OF 68.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 930.37 FEET; THENCE CONTINUE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 09°03'41" A DISTANCE OF 147.14 FEET TO A POINT OF COMPOUND CURVATURE, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 453.34 FEET AND A CHORD BEARING OF N26°50'40"E; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35°29'40" A DISTANCE OF 280.84 FEET; THENCE DEPARTING SAID CURVE RUN N12°43'33"W A DISTANCE OF 7.23 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF THE FORMER SCL RAILROAD, VACATED PER OFFICIAL RECORDS BOOK 1779, PAGE 1361, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 459.44 FEET AND A CHORD BEARING OF N55°38'20"E; THENCE CONTINUE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY AND THE ARC OF SAID CURVE TO THE RIGHT

THROUGH A CENTRAL ANGLE OF $21^{\circ}06'36''$ A DISTANCE OF 169.28 FEET; THENCE DEPARTING SAID CURVE RUN $N75^{\circ}32'25''E$ A DISTANCE OF 73.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1885.00 FEET; THENCE CONTINUE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $13^{\circ}23'02''$ A DISTANCE OF 440.33 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF THE AFOREMENTIONED METZ AVENUE ALSO BEING A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE RUN ALONG SAID EAST LINE $S00^{\circ}21'29''E$ A DISTANCE OF 21.19 FEET; THENCE DEPARTING SAID EAST LINE RUN $N87^{\circ}16'38''E$ A DISTANCE OF 242.69 FEET; THENCE RUN $N86^{\circ}56'47''E$ A DISTANCE OF 66.69 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF GRANT LINE ROAD (ALSO KNOWN AS INTERNATIONAL PARKWAY); THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY $S17^{\circ}38'21''W$ A DISTANCE OF 92.38 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1362.39 FEET; THENCE CONTINUE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $26^{\circ}51'04''$ A DISTANCE OF 638.47 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL; INCLUDING LOT A OF THE AFORESAID THOMAS'S REVISION.

CONTAINING 12.28 ACRES, MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

FINDINGS OF FACT

Property Owner: Gunter Village, LLC
2151 Volunteer Parkway
Bristol, TN 37620

Project Name: Gunter Village Rezone

Requested Development Approval:

Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on approximately 12.20 acres, located at 6259 Linneal Beach Drive.

The Board of County Commissioners has determined that the request for rezone 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 "Gunter Village Rezone from PUD (Planned Unit Development) to PUD" and all evidence submitted at the public hearing on January 27, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval 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: _____
Bob Dallari, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL A:

ALL OF THOMAS'S REVISION, AMENDED PLAT SECOND ADDITION, SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 54, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LOTS 1, 2 AND 3, PLAT OF THE TOWN OF SYLVAN LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 69, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA,

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TOGETHER WITH THE SOUTH 13 CHAINS OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, WEST OF THE WESTERN RIGHT OF WAY OF INTERNATIONAL PARKWAY AND SOUTH OF THE SOUTH LINE OF SEABOARD SYSTEM RAILROAD RIGHT OF WAY, SEMINOLE COUNTY, FLORIDA

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FILE # Z2008-32

DEVELOPMENT ORDER # 08-21700002

SAID EAST LINE RUN $N87^{\circ}16'38''E$ A DISTANCE OF 242.69 FEET; THENCE RUN $N86^{\circ}56'47''E$ A DISTANCE OF 66.69 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF GRANT LINE ROAD (ALSO KNOWN AS INTERNATIONAL PARKWAY); THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY $S17^{\circ}38'21''W$ A DISTANCE OF 92.38 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1362.39 FEET; THENCE CONTINUE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $26^{\circ}51'04''$ A DISTANCE OF 638.47 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL; INCLUDING LOT A OF THE AFORESAID THOMAS'S REVISION.

CONTAINING 12.28 ACRES, MORE OR LESS.



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Mike Nidiffer, Gunter Village, LLC
Seminole County Board of County Commissioners

From: Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

Date: August 13, 2008

RE: **Gunter Village PUD**

Seminole County Public Schools (SCPS), in reviewing the above request, has determined that if approved, the new FULM designation and/or zoning will have the effect of increasing residential density, and as a result generate additional school age children.

Description – The project is located at 3300 International Parkway on +/- 12.67 acres in unincorporated Seminole County. The applicant is requesting a change in the PUD zoning entitlements and seeks approval to include a residential component containing approximately 325 multifamily dwelling units. Parcel ID(s): 31-19-30-503-0000-00B0; 31-19-30-502-0000-0010; 31-19-30-300-0000-09C0.

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

| Type | Concurrency Service Area | Enrollment | Capacity | Students Generated by Project | Programmed 3 Year Additions | Reserved Capacity | Remaining Capacity |
|------------|--------------------------|------------|----------|-------------------------------|-----------------------------|-------------------|--------------------|
| Elementary | E-9 | 5015 | 4999 | 40 | 1003 | 121 | 826 |
| Middle | M-1 | 5037 | 5419 | 15 | 0 | 55 | 312 |
| High | H-1 | 6377 | 6685 | 15 | 0 | 59 | 232 |

Comments:

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not received final approval do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

Terms and Definitions:

Capacity: The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Class Size Reduction (CSR): Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

Florida Inventory of School Houses (FISH): The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

Full Time Equivalent (FTE): A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Level of Service Standard (LOS): A standard or condition established to measure utilization within a concurrency service area. Current Level of Service is determined by the sum of the FTE student count at the same type of schools within a concurrency service area, divided by the sum of the permanent FISH capacity of the same type of schools within a concurrency service area. Projected or future Level of Service is determined by the sum of the projected COFTE enrollments at the same type of schools within a concurrency service area, divided by the sum of the planned permanent FISH capacity of the same type of schools within a concurrency service area."

Projected Number of Additional Students: is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Reserved Capacity: School capacity that is assigned to a proposed project once it has received a SCALD and has applied for or received a final development approval for the project's development application.

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Students Resulting from Recently Approved Developments is the sum of students generated from residential developments receiving plats or final approved site plans since the January 1, 2008 implantation date for school concurrency. Student enrollment changes due to existing housing are excluded from these totals.

Student Stations: The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____ :

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

| | |
|----------------|----------------|
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| Phone #: _____ | Phone #: _____ |
| | |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| Phone #: _____ | Phone #: _____ |

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

| | |
|----------------------------|----------------------------|
| Name of Corporation: _____ | Name of Corporation: _____ |
| Officers: _____ | Officers: _____ |
| Address: _____ | Address: _____ |
| Directors: _____ | Directors: _____ |
| Address: _____ | Address: _____ |
| Shareholders: _____ | Shareholders: _____ |
| Address: _____ | Address: _____ |

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

| | |
|----------------------|----------------------|
| Name of Trust: _____ | |
| Trustees: _____ | Beneficiaries: _____ |
| Address: _____ | Address: _____ |

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

| | |
|---|---|
| Name of Partnership: <u>Gunter Village, LLC</u> | Name of Partnership: <u>Gunter Village, LLC</u> |
| Principal: <u>J. Michael Nidiffer</u> | Principal: <u>J. Brent Roswall</u> |
| Address: <u>2151 Volunteer Parkway, Bristol, TN 37620</u> | Address: <u>2151 Volunteer Parkway, Bristol, TN 37620</u> |

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

| | |
|---|---|
| Contract Vendee: Name: _____ Address: _____ | Contract Vendee: Name: _____ Address: _____ |
|---|---|

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

7-28-08
Date

J. Michael Nidiffer
Owner, Agent, Applicant Signature

STATE OF ~~FLORIDA~~ TENNESSEE
COUNTY OF SULLIVAN

Sworn to (or affirmed) and subscribed before me this 28th day of July, 2008 by

J. Michael Nidiffer

Susan K. Lloyd
Signature of Notary Public

SUSAN K. LLOYD
Print, Type or Stamp Name of Notary Public



Personally Known X OR Produced Identification _____
Type of Identification Produced _____

| | |
|--|---------------------------|
| For Use by Planning & Development Staff | |
| Date: _____ | Application Number: _____ |