

Interoffice Memorandum

DATE: April 21, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A



FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve the Hibiscus Springs Planned Development / Land Use Plan (PD / LUP) received March 24, 2025, subject to the conditions listed under the Planning & Zoning Commission (PZC) Recommendation in the Staff Report. District 2.

PROJECT: Hibiscus Springs Land Use Plan (LUP-24-11-264)

PURPOSE: The subject property is located east of Old Apopka Road, west of Sheeler Avenue, and north of East Cleveland Street. The property is designated LMDR (Low Medium Density Residential) on the Future Land Use Map and is zoned R-3 (Multi-Family Dwelling District), which allow for up to 10 residential dwelling units per acre. The proposed development is located in the Wekiva Study Area and must reserve 35% of the overall project area for permanently protected open space. Through this request the applicant is seeking to rezone 3.47 acres from R-3 to PD in order to construct 30 single-family attached residential dwelling units.

The applicant is also seeking approval of five (5) waivers from Orange County Code to reduce minimum lot size to 1,800 sf in lieu of the required 2,000 sf; to decrease front yard setback to 15 ft. in lieu of the required 20 ft.; to decrease the minimum side street yard setback to 10 ft. in lieu of the required 15 ft.; to decrease the rear yard setback to 15 ft. in lieu of the required 20 ft.; and to decrease the minimum PD boundary setback to 15 ft. in lieu of the required 25 ft.

This proposal received a recommendation of approval from the DRC on March 19, 2025 and a recommendation of approval from PZC on April 24, 2025.

BUDGET: N/A

CASE # LUP-24-11-264

Commission District: # 2

GENERAL INFORMATION

APPLICANT Rick V. Baldocchi, AVCON, Inc.

OWNER Central Florida Home Builders, LLC

PROJECT NAME Hibiscus Springs Planned Development / Land Use Plan (PD / LUP)

PARCEL ID NUMBER(S) 15-21-28-0000-00-057 & 15-21-28-0000-00-060

TRACT SIZE 3.47 acres

LOCATION East of Old Apopka Road / West of Sheeler Avenue
North of East Cleveland Street

REQUEST To rezone 3.47 acres from R-3 (Multi-Family Dwelling District) to PD (Planned Development District) with a proposed development program of up to 30 single-family attached residential dwelling units.

In addition, the applicant is requesting the following five (5) waivers from Orange County Code:

1. A waiver from Orange County Code Section 38-79(20)(f)(2) to allow for a minimum lot size of 1,800 sf in lieu of the required 2,000 sf minimum lot size.

Applicant Justification: A reduction to a minimum lot size of 1,800 sf will provide an additional 20 feet of width to the stormwater and recreation area tracts while still allowing for units which exceed the living area requirements.

2. A waiver from Orange County Code Section 38-79(20)(f)(3) to allow for a front yard setback of 15 feet in lieu of the required 20 foot minimum front yard setback.

Applicant Justification: A reduction to a minimum front yard setback of 15 feet will provide an additional 5 feet of width to the stormwater and recreation area tracts, as well providing a closer connection to the West Orange Trail for units fronting the Land Use Plan boundary line.

3. A waiver from Orange County Code Section 38-79(20)(f)(5) to allow for a minimum side street yard setback of 10 feet in lieu of the required 15-foot minimum side street yard setback

Applicant Justification: A reduction to a minimum side street yard setback of 10 feet will allow for additional vehicular circulation throughout the property, as well as additional room to provide a future cross-access route to South Highland Avenue.

4. A waiver from Orange County Code Section 38-79(20)(f)(6) to allow for a rear yard setback of 15 feet in lieu of the required 20-foot minimum rear yard setback.

Applicant Justification: A reduction to a minimum rear yard setback of 15 feet will provide an additional 5 feet of width to the stormwater and recreation area tracts while still providing a sufficient alleyway width for vehicular traffic.

5. A waiver from Orange County Code Section 38-1254(a)(1) to allow for a pd boundary setback of 15 feet in lieu of the required 25-foot minimum pd boundary setback.

Applicant Justification: A reduction to a minimum PD boundary of 15 feet will allow for a closer connection to the West Orange Trail for units fronting the Land Use Plan boundary line.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Two hundred and seventy-two (272) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The proposed development is located in the Wekiva Study Area and must reserve 35% of the overall project area for permanently protected open space. The property is also within the Apopka Joint Planning Area which further restricts what can be used to satisfy the Wekiva open space requirement. Specifically, no more than 50% of the open space can be retention/detention. Primary access to the site is from Old Apopka Road. Said access must cross over the West Orange Trail, which runs along the west side of the site, between the site and Old Apopka Road. Potential future access points have been requested in the northeast and southeast corners of the site to provide for potential future north/south connections to adjacent sites.

The applicant is seeking to rezone the 3.47 acre subject property from R-3 (Multi-Family Dwelling District) to PD (Planned Development District) with a proposed development program of 30 single-family attached residential dwelling units. The applicant is also seeking approval of five (5) waivers from Orange County Code to reduce minimum lot size to 1,800 sf in lieu of the required 2,000 sf; to decrease front yard setback to 15 ft. in

lieu of the required 20 ft.; to decrease the minimum side street yard setback to 10 ft. in lieu of the required 15 ft.; to decrease the rear yard setback to 15 ft. in lieu of the required 20 ft.; and to decrease the minimum PD boundary setback to 15 ft. in lieu of the required 25 ft.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-3 (Multi-Family Dwelling District) E: R-1 (Single-Family Dwelling District) W: R-3 (Multi-Family Dwelling District) S: R-3 (Multi-Family Dwelling District)
Adjacent Land Uses	N: Undeveloped Land E: Undeveloped Land W: Single-Family Residences S: Single-Family Residences

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:	15 feet* (<i>waiver requested</i>)
Maximum Building Height:	35 feet / 3 stories
Minimum Lot Size:	1,800 square feet* (<i>waiver requested</i>)
Minimum Lot Width:	20 feet
Minimum Living Area:	500 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback:	15 feet* (<i>waiver requested</i>)
Rear Setback:	15 feet* (<i>waiver requested</i>)
Side Setback:	10 feet* (<i>waiver requested</i>)

Minimum Open Space: 35% per Wekiva Study Area

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-3 (Multi-Family Dwelling District) to PD (Planned Development District) with a proposed development program of up to 30 single-family attached residential dwelling units. In addition, the applicant is requesting five (5) waivers from Orange County Code for reduced lot sizes and setbacks.

The proposed development program is compatible with existing development in the area and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low-Medium-Density Residential (LMDR) which allows for a maximum residential density of ten (10) dwelling unit per net developable acre. The proposed PD zoning district and development program is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

Goal FLU2 – Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

FLU1.1.1 – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

FLU8.2.1 – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2– Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

Overlay Ordinance

The subject property is not located within an Overland Ordinance.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located within the Apopka Joint Planning Area.

Environmental

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for the presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations regarding gopher tortoises and all other listed species found on site. Forward any related permits to the Orange County Environmental Protection Division.

The project site is within the US Fish and Wildlife Service consultation area for sand skinks. The site has suitable soils and elevations to meet the criteria for possible sand skink habitat to occur. Coordinate with U.S. Fish and Wildlife Service (USFWS).

This site is located within the Wekiwa/Rock Springs Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended. Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a). On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

This site could be adversely impacted by existing solid waste management activities from the Keene Road, Vista Landfill and City of Apopka Wastewater Treatment Plant within a mile of the property. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

Portions of this site are immediately adjacent to the Leroy Gilliam Training Facility that may produce noise levels above the normal neighborhood ambient sound. Construction of residential units should consider housing construction techniques and design features to minimize interior noise to the residents.

Transportation Planning

Existing/Valid transportation capacity entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. NOTE: Should this project be located near failing roadways then a traffic study will be required with the CEL application.

Based on the Concurrency Management database (CMS) dated 11/15/2024, capacity exists within the project's impact area. This information is dated and subject to change.

Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Community Meeting Summary

A community meeting for this project was held on January 30, 2025 at Piedmont Lakes Middle School. A total of 242 notices were sent to a 500 foot buffer surrounding the proposed project area. There was approximately one resident in attendance, excluding Orange County staff, a representative from District 2, and the applicant team. Questions were raised regarding affordable housing and how the project will be maintained. Overall, the tone of the meeting was NEUTRAL.

Utilities

Water: City of Apopka

Wastewater: City of Apopka

Schools

Orange County Public Schools (OCPS) has reviewed the request and considers the impact on school capacity to be de minimis.

Parks and Recreation

Parks and Recreation Staff have reviewed the request and identified that the applicant will need to secure an agreement with Orange County Parks and Recreation regarding the West Orange Trail Crossing. Condition of Approval # 9 requires such agreement prior to construction plan submittal for the project.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee – (March 19, 2025)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hibiscus Springs Planned Development / Land Use Plan (PD/LUP), dated "Received March 24, 2025", subject to the following conditions:

1. Development shall conform to the Hibiscus Springs Land Use Plan (LUP) dated "Received March 24, 2025," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 24, 2025," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, as may be amended, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and

does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. The developer shall obtain water and wastewater service from the City of Apopka.
8. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any subsequent development plan and/or preliminary subdivision plan, including but not limited to improvement of East 18th Street and Old Apopka Road. Such off-site improvements within a

publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.

9. Authorization from the Orange County Parks and Recreation Division to cross the West Orange Trail is required prior to submittal of the first Preliminary Subdivision Plan or Development Plan associated with this Planned Development. If authorized, Applicant shall enter into an easement for access which shall be reviewed and approved by the Orange County Attorney's Office, Real Estate Management, Parks and Recreation Division and approved by the Board of County Commissioners. The instrument shall be recorded in the public records of Orange County prior to site construction plan submittal.
10. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
11. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the nearby land use includes the Keene Road, Vista Landfill and City of Apopka Wastewater Treatment Plant located within a mile of the subject property.
12. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the project property is adjacent to Leroy Gilliam Training Center which may temporarily cause a noise disturbance.
13. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
14. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. Pole signs and billboards shall be prohibited. All other signage shall comply with approved master sign plan, as may be amended.
17. Properties abutting West Orange Trail on the western boundary of the PD shall be rear loaded from an alley with the fronts of the townhomes orientated toward West Orange Trail.

18. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
19. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-79(20)(f)(2) to allow for a minimum lot size of 1,800 square feet in lieu of the required 2,000 square feet minimum lot size.
 - b. A waiver from Section 38-79(20)(f)(3) to allow for a front yard setback of 15-feet in lieu of the required 20-foot minimum front yard setback.
 - c. A waiver from Section 38-79(20)(f)(5) to allow for a minimum side street yard setback of 10-feet in lieu of the required 15-foot minimum side street yard setback.
 - d. A waiver from Section 38-79(20)(f)(6) to allow for a rear yard setback of 15-feet in lieu of the required 20-foot minimum rear yard setback.
 - e. A waiver from Section 38-1254(a)(1) to allow for a PD boundary setback of 15-feet in lieu of the required 25-foot minimum PD boundary setback.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning. Staff indicated that two hundred and seventy two (272) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

After a short discussion regarding access to the property, a motion was made by Commissioner Wiggins and seconded by Commissioner Boers to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to nineteen (19) conditions listed in the staff report including five (5) waivers from Orange County Code. The motion carried 5 to 0.

Motion / Second	<i>George Wiggins / David Boers</i>
Voting in Favor	<i>George Wiggins, David Boers, Marjorie Holt, Eric Gray, Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Camille Evans, Nelson Pena, Eddie Fernandez, Michael Arrington</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (April 24, 2025)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Hibiscus Springs Planned Development / Land Use Plan (PD/LUP), dated “Received March 24, 2025”, subject to the following conditions:

1. Development shall conform to the Hibiscus Springs Land Use Plan (LUP) dated "Received March 24, 2025," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 24, 2025," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any

such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, as may be amended, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such

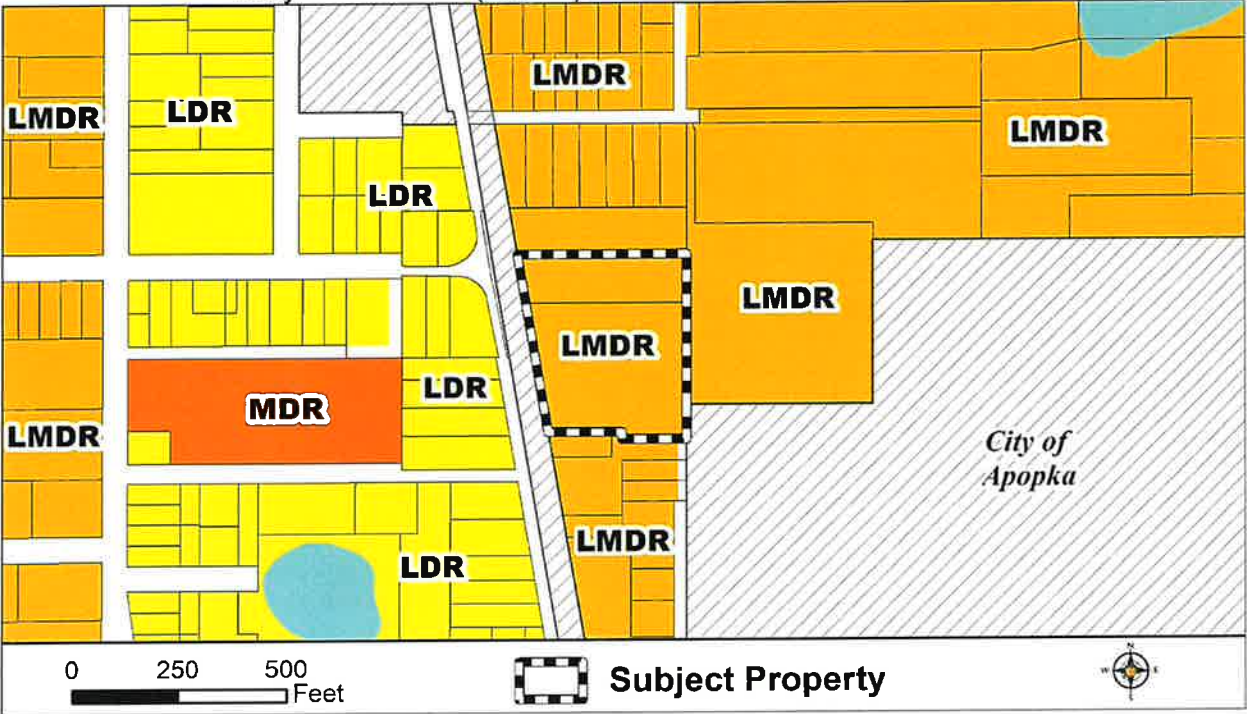
Acknowledgment shall be submitted with all future permit applications for this project.

7. The developer shall obtain water and wastewater service from the City of Apopka.
8. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any subsequent development plan and/or preliminary subdivision plan, including but not limited to improvement of East 18th Street and Old Apopka Road. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.
9. Authorization from the Orange County Parks and Recreation Division to cross the West Orange Trail is required prior to submittal of the first Preliminary Subdivision Plan or Development Plan associated with this Planned Development. If authorized, Applicant shall enter into an easement for access which shall be reviewed and approved by the Orange County Attorney's Office, Real Estate Management, Parks and Recreation Division and approved by the Board of County Commissioners. The instrument shall be recorded in the public records of Orange County prior to site construction plan submittal.
10. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
11. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the nearby land use includes the Keene Road, Vista Landfill and City of Apopka Wastewater Treatment Plant located within a mile of the subject property.
12. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that the project property is adjacent to Leroy Gilliam Training Center which may temporarily cause a noise disturbance.
13. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

14. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
15. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. Pole signs and billboards shall be prohibited. All other signage shall comply with approved master sign plan, as may be amended.
17. Properties abutting West Orange Trail on the western boundary of the PD shall be rear loaded from an alley with the fronts of the townhomes orientated toward West Orange Trail.
18. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
19. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-79(20)(f)(2) to allow for a minimum lot size of 1,800 square feet in lieu of the required 2,000 square feet minimum lot size.
 - b. A waiver from Section 38-79(20)(f)(3) to allow for a front yard setback of 15-feet in lieu of the required 20-foot minimum front yard setback.
 - c. A waiver from Section 38-79(20)(f)(5) to allow for a minimum side street yard setback of 10-feet in lieu of the required 15-foot minimum side street yard setback.
 - d. A waiver from Section 38-79(20)(f)(6) to allow for a rear yard setback of 15-feet in lieu of the required 20-foot minimum rear yard setback.
 - e. A waiver from Section 38-1254(a)(1) to allow for a PD boundary setback of 15-feet in lieu of the required 25-foot minimum PD boundary setback.

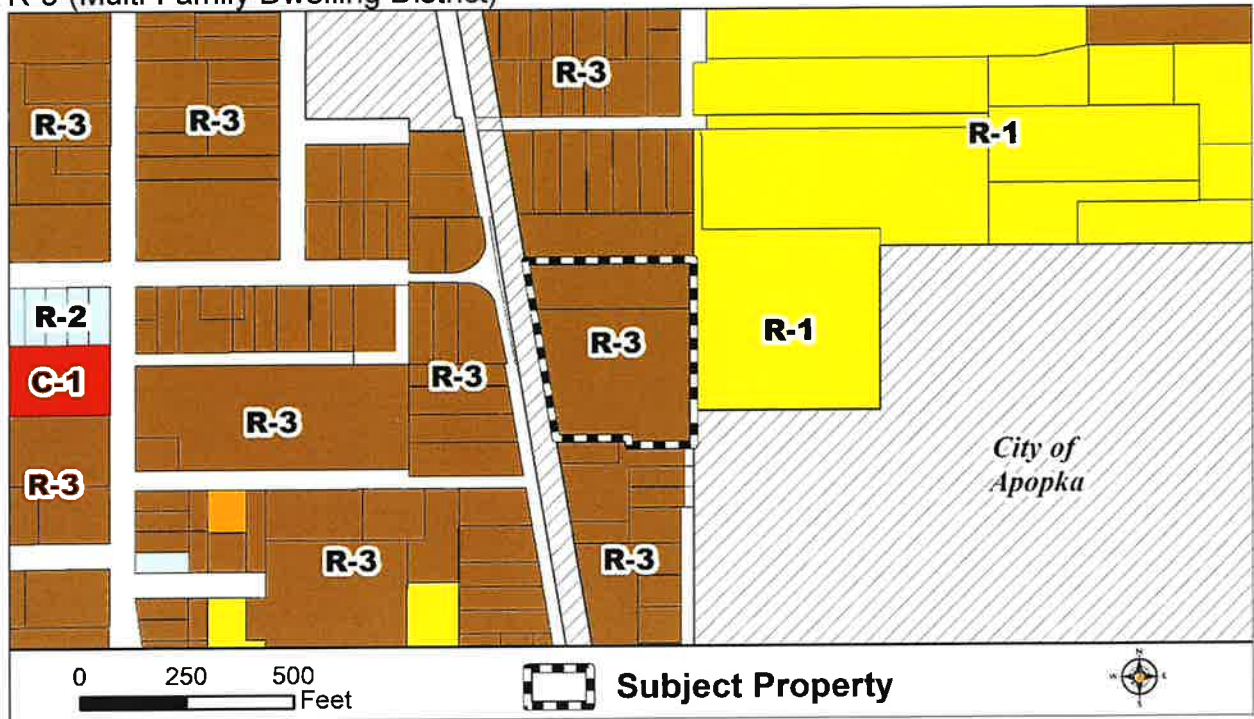
FUTURE LAND USE

Low Medium Density Residential (LMDR)



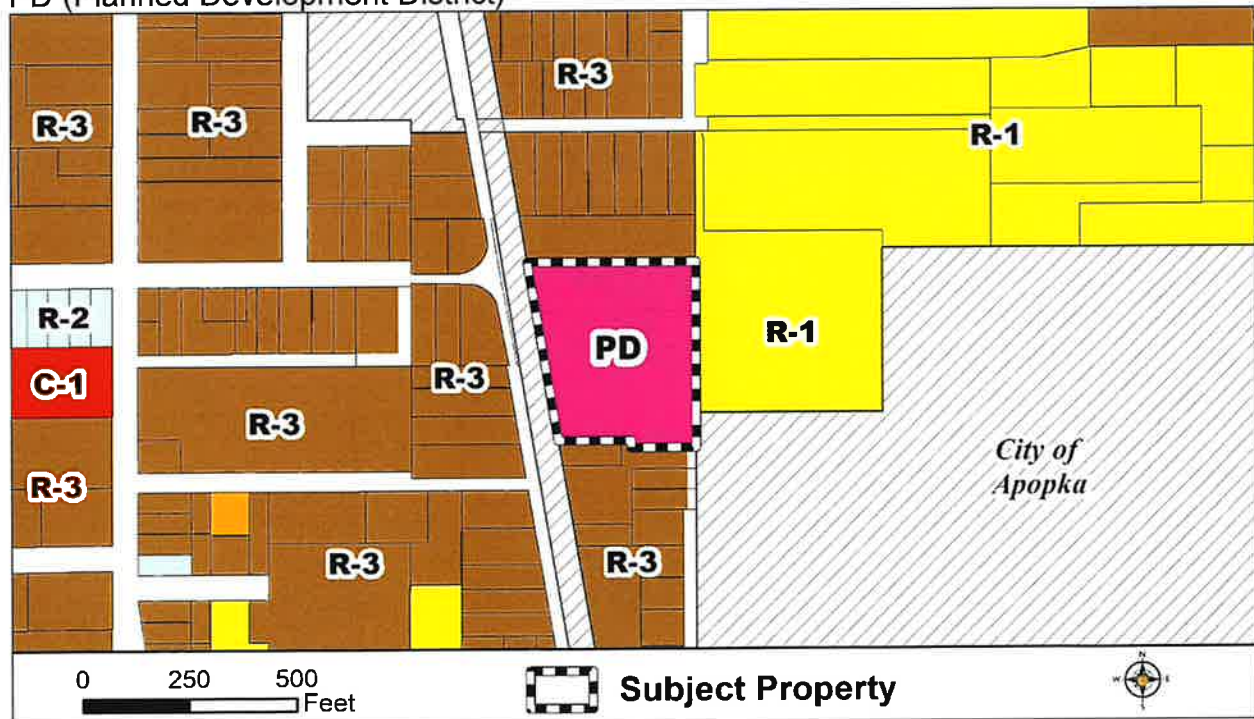
ZONING - CURRENT

R-3 (Multi-Family Dwelling District)



ZONING - PROPOSED

PD (Planned Development District)



17

Notification Map

\\ocnasimgd\pdeph\Business Systems\Board Administration\5 SUBSTANTIAL CHANGE\2025\DRCH\Hibiscus Springs Land Use Plan (LUP-24-11-26)

Public Notification Map

LUP-24-11-264

