



Interoffice Memorandum

December 7, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Andres Salcedo, Acting Director
Planning, Environmental and Development
Services Department

A handwritten signature in black ink that reads "Andres".

**CONTACT PERSON: Joe Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: January 9, 2024 — Consent Item
First Amendment to Thirteenth Amended Development Order for
Southchase Development of Regional Impact
Case # DO-23-06-202 / District 4
(Related to Case # CDR-23-05-167)

The Southchase Development of Regional Impact (DRI) and the Development Order (DO) were originally approved in 1987. The DO has since undergone 13 amendments, with the most recent approval on May 25, 2022. The DRI is generally located south of W. Wetherbee Road, east of Orange Blossom Trail, west of S. Orange Avenue, and north of the Orange / Osceola County line.

Through this request, the applicant is seeking to amend the Thirteenth Amended DO for Southchase DRI to add to Parcel 11 and 11A the limited C-2 (General Commercial District) uses of outdoor storage and display of equipment, products, and merchandise; equipment rental and leasing with outdoor storage; and truck rental and leasing, and the C-3 (Wholesale Commercial District) use of temporary overnight parking and storage of dual rear wheel vehicles. The subject property is currently a developed Home Depot, located at 13121 S. Orange Blossom Trail, Orlando, FL 32837.

Both the substantial change request (Case CDR-23-05-167) and the DRI amendment (Case DO-23-06-202) received a recommendation of approval from the Development Review Committee on November 15, 2023.

January 9, 2024 – Consent Item
Non-substantial Deviation First Amendment to Thirteenth Amended Development Order for Southchase
Development of Regional Impact
Case # DO-23-06-202 / District 4
Page 2 of 2

**ACTION REQUESTED: Approval and execution of Non-substantial Deviation
First Amendment to Thirteenth Amended Development
Order for Southchase Development of Regional Impact.
District 4**

JS/js
Attachment



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

Phil Diamond, CPA
County Comptroller as
Clerk of the Board of County Commissioners
201 South Rosalind Avenue
Post Office Box 38
Orlando, FL 32802-0038
Telephone: (407) 836-7300
Fax: (407) 836-5359

DATE: January 10, 2024

TO: Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity, State of Florida

THRU: Phil Diamond, County Comptroller *NP for PD*
As Clerk of the Board of County Commissioners

FROM: Dave Rooney, Manager *NP for DR*

SUBJECT: First Amendment to Thirteenth Amended Development Order

Enclosed is a certified copy of the Non-Substantial Deviation First Amendment to Thirteenth Amended Development Order for Southchase Development of Regional Impact, approved by the Board of County Commissioners at its regular meeting on January 9, 2024.

Please advise if you should need further information.

pd:dr:np
CERTIFIED MAIL 9589 0710 5270 0709 4015 70
RETURN RECEIPT REQUESTED

c: Ken Storey, Attn: Comp Plan Review, East Central Florida Regional Planning Council, 455 North Garland Avenue, 4th Floor, Orlando, FL 32801. (w/enclosure)
Joe Kunkel, Director, Public Works Department, BCC (w/ enclosure)
Venerria L. Thomas, Director, Community and Family Services Department, BCC (w/enclosure)
Raul Pino, Director, Health Services Department, BCC (w/enclosure)
Ed Torres, Director, Utilities Department, BCC (w/enclosure)
Jennifer Moreau, Manager, Zoning Division, BCC (w/enclosure)
Alberto Vargas, Manager, Planning Division, BCC (w/enclosure)

BCC Mtg. Date: January 9, 2024

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:

M. Rebecca Wilson, Esq.
**LOWNDES, DROSDICK, DOSTER,
KANTOR & REED, P.A.**
215 N. Eola Drive
Orlando, FL 32801
(407) 418-6250

**NON-SUBSTANTIAL DEVIATION FIRST AMENDMENT TO
THIRTEENTH AMENDED DEVELOPMENT ORDER FOR
SOUTHCHASE DEVELOPMENT OF REGIONAL IMPACT**

WHEREAS, On July 20, 1987, Orange County adopted that certain Development Order for the Southchase Development of Regional Impact (“DRI”), as recorded at Official Records Book 3908, Page 4380, of the Public Records of Orange County, Florida, and approved a Land Use Plan for the Southchase Planned Development (“PD”) on property located in Orange County, Florida;

WHEREAS, the Development Order was amended and restated on numerous prior occasions, through and including the Thirteenth Amended Development Order for Southchase Development of Regional Impact (“Thirteenth Amended DO”), approved on February 7, 2023, Doc # 20230079986, Official Records of Orange County, Florida;

WHEREAS, the purpose of this Non-Substantial Deviation First Amendment to Thirteenth Amended Development Order For Southchase Development of Regional Impact (this “Amendment”) is to add limited C-2 uses and add a C-3 use of temporary overnight parking on Parcel 11 and Parcel 11A;

WHEREAS, the addition of the limited C-2 uses and a C-3 use of temporary overnight parking of dual rear vehicles on Parcel 11 and Parcel 11A does not constitute a substantial deviation to the DRI under the Thirteenth Amended DO or section 380.06, *Florida Statutes*; and

WHEREAS, this Amendment amends only those provisions of the Thirteenth Amendment set forth herein;

ORDER

NOW, THEREFORE, IT IS HERBY ORDERED AND RESOLVED by the Board of County Commissioners of Orange County, Florida (“BCC”) that this Amendment is approved pursuant to Section 380.06, *Florida Statutes*, subject to the following:

1. The foregoing recitals are true and correct and are hereby incorporated herein.
2. Legal descriptions for Parcel 11 and Parcel 11A are provided on the attached Exhibit 1.
3. The Thirteenth Amendment is hereby amended to allow the following additional uses on Parcel 11 and Parcel 11A:
 - a. C-2 uses which are typical to the operation of a Home Depot big box retail store with garden center and rental department:
 - i. Outdoor storage and display of equipment, products, and merchandise;
 - ii. Equipment rental and leasing with outdoor storage; and
 - iii. Truck rental and leasing.
 - b. C-3 use of:
 - a. Temporary overnight parking of dual rear wheeled vehicles.
4. A copy of the Master Development Plan/Land Use Plan (Map H) is attached hereto as Exhibit 2.
5. The following Condition of Approval is added:

Development shall conform to the that certain Development Order for the Southchase Development of Regional Impact, as recorded at Official Records Book 3908, Page 4380, of the Public Records of Orange County, Florida, as subsequently updated and amended, including all BCC approvals for Southchase PD Development of Regional Impact reflected in the revised Land Use Plan dated “Received _____” and to the herein contained Conditions of Approval. Development based on these approvals shall comply with all other applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances and regulations are expressly waived or modified by these Conditions or by action of the BCC.
6. The recording of this document does not constitute a lien, cloud, or encumbrance of property or actual or constructive notice of any such lien, cloud or encumbrance.
7. Except as modified herein, all of the terms and conditions of the Thirteenth Amendment remain in full force and effect.

ADOPTED this 9th day of January, 2024.

ATTEST: PHIL DIAMOND, CPA
County Comptroller, as Clerk of the
Board of County Commissioners

By: Jennifer Lara-Klimetz
Deputy Clerk

Print name: Jennifer Lara-Klimetz

ORANGE COUNTY, FLORIDA

By: Raymond B. Bivens
for Jerry L. Demings
Orange County Mayor



EXHIBIT 1

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION 27, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COWENCE AT THE SOUTHEAST CORNER OF BALCOMBE ROAD, ACCORDING TO THE PLAT OF "BALCOMBE ROAD AND DEERFIELD BOULEVARD" • AS RECORDED IN PLAT BOOK 35 PAGES 23 AND 24 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 89 ° 58 '02" WEST ALONG THE SOUTH LINE OF SAID PLAT, .00 FEET TO THE WESTERLY RIGHT OF WAY OF THE PROPOSED BALCOMBE ROAD EXTENSION; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY THE FOLLOWING COURSES : SOUTH 00 ° 01 '58" EAST, A DISTANCE OF 460 .65 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING THE FOLLOWING ELEMENTS: A RADIUS OF 1965 .00 FEET, A CENTRAL ANGLE OF 07 ° 36 '27" A CHORD LENGTH OF 260.71 FEET AND A CHORD BEARING OF SOUTH 03 ° 46 '15" WEST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 260 .90 FEET, TO THE POINT OF TANGENCY; THENCE RUN SOUTH 07 ° 34 '29" WEST, A DISTANCE OF 37.24

FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 07 ° 34 '29" WEST, A DISTANCE OF 572 .78 FEET TO THE POINT OF CURVATURE OF A

CURVE CONCAVE SOUTHEASTERLY HAVING THE FOLLOWING ELEMENTS: A RADIUS OF 1035.00 FEET, A CENTRAL ANGLE OF 05 ° 30 (25" A CHORD LENGTH OF 99.44 FEET AND A CHORD BEARING OF SOUTH 04 ° 49' 17 " WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 99.48 FEET TO THE NORTHEAST CORNER OF AN ORANGE COUNTY LIFT STATION SITE AS RECORDED IN OFFICIAL RECORDS BOOK 4848, PAGE 4545 OF THE PUBLIC RECORDS OF ORANGE COI.NTY, FLORIDA; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY AND SAID CURVE RUN THE FOLLOWING COURSES AROUND SAID LIFT STATION SITE; SOUTH 89 ° 46 '28" WEST, A DISTANCE OF 128.83 FEET;

THENCE SOUTH 00 ° 01 '23" EAST, A DISTANCE OF 100.00 FEET; SAID POINT LYING ON THE NORTH LINE OF A 60 FOOT FLORIDA POWER CORPORATION EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 4320 PAGE 3753 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89 ° 46 '28" EAST ALONG THE NORTH LINE OF SAID EASEMENT A DISTANCE OF 130 .00 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY OF BALCOMBE ROAD AND THE SOUTHEAST CORNER OF SAID LIFT STATION SITE; SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY HAVING THE FOLLOWING ELEMENTS: A RADIUS OF 1035 .00 FEET, A CENTRAL ANGLE OF 03 ° 20 '03" A CHORD LENGTH OF 60.22 FEET AND A CHORD BEARING OF SOUTH 05 ° 08 '16" EAST; THENCE

DEPARTING SAID LEFT STATION SITE AND EASEMENT FROM A TANGENT BEARING OF NORTH 03 ° 28 ' 14" WEST, RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT

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OF WAY A DISTANCE OF 60.23 FEET TO THE SOUTHERLY LINE OF THE AFOREMENTIONED FLORIDA POWER CORPORATION EASEMENT; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY RUN SOUTH 89 ° 46 ' 28" WEST ALONG SAID SOUTHERLY EASEMENT LINE A DISTANCE OF 1052.66 FEET, TO THE EASTERLY RIGHT OF WAY OF U.S. 441 (STATE ROAD 5010) , RIGHT OF WAY VARIES PER

THE EASTERN CONNECTOR RIGHT OF WAY MAPS OF STATE ROAD 417, MAP SECTION 75301-6445-451, PAGE 4 OF 11; RUN NORTH 00 ° 03 ' 59" WEST, ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 96 .00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN NORTH 89 ° 46 ' 28" EAST , A DISTANCE OF 189.59 FEET; THENCE RUN NORTH 44 ° 51 EAST, A

DISTANCE OF 28 .24 FEET; THENCE RUN NORTH 00 ° 03 ' 52" WEST, A DISTANCE OF 378.00 FEET; THENCE RUN NORTH 45 ° 116 ' 47" WEST, A DISTANCE OF 28.39 FEET; THENCE SOUTH 89 ° 30 ' 17" WEST, A DISTANCE OF 189.41 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF U.S. 441 (STATE ROAD 500) ; THENCE NORTH ' 59" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 51.00 FEET; THENCE DEPARTING SAID

RIGHT-OF-WAY LINE RUN NORTH 89 ° 30 ' 17" EAST, A DISTANCE OF 189.56 FEET; THENCE RUN NORTH 44 ° 43 ' 13 " EAST , A DISTANCE OF 28 .39 FEET;

THENCE RUN NORTH 00 ° 03 ' 52" WEST, A DISTANCE OF 346 .03 FEET; THENCE RUN NORTH 89 ° 56 EAST, A DISTANCE OF ' 4 .25 FEET; THENCE RUN NORTH

00 ° 03 ' 52 WEST , 89 ° 56 08 EAST ,
00 ° 03 52 EAST , 89 ° 56 08 EAST , BEGINNING .

Donley & Associates
Project No. 141.001,
March 15, 1999
OR167301;1

