Interoffice Memorandum



DATE:

November 16, 2018

TO:

Mayor Jerry L. Demings

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Director

Community, Environmental and Development

Services Department

CONTACT PERSON:

Eric Raasch, Interim DRC Chairman

Development Review Committee

Planning Division (407) 836-5523

SUBJECT:

December 18, 2018 - Public Hearing

David Evans, Evans Engineering, Inc.

Grand Cypress Resort Planned Development

Case # LUPA-17-11-360 / District 1

The Grand Cypress Resort Planned Development (PD) is generally located north and east of Winter Garden Vineland Road and west of Apopka Vineland Road.

The applicant is seeking to to rezone two (2) parcels totaling 15.13 gross acres from R-CE (Country Estate District) to PD (Planned Development District), incorporate the property into the existing Grand Cypress Resort PD, increase the "dwelling unit" development program of the PD from 1,466 dwelling units to 1,668 dwelling units (an overall increase of 202 dwelling units), and revise the land use entitlement chart to reflect entitlements by zones instead of by PD parcels. No waivers are associated with this request.

On October 18, 2018, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

December 18, 2018 – Public Hearing
David Evans, Evans Engineering, Inc.
Grand Cypress Resort PD / Case # LUPA-17-11-360 / District 1
Page 2 of 2

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan (CP) and approve the Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP) dated "Received September 19, 2018", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

DISTRIC

Attachments

JVW/EPR/stt

PZC Recommendation Staff Report Commission District: # 1

GENERAL INFORMATION

APPLICANT

David Evans, Evans Engineering, Inc.

OWNER

Grand Cypress Orlando, LLC

PROJECT NAME

Grand Cypress Resort Planned Development (PD)

HEARING TYPE

Planned Development / Land Use Plan Amendment (PD /

LUPA)

REQUEST

R-CE (Country Estate District) and PD (Planned Development District) to PD (Planned Development District)

A request to rezone two (2) parcels totaling 15.13 gross acres from R-CE (Country Estate District) to PD (Planned Development District), incorporate the property into the existing Grand Cypress Resort PD, increase the "dwelling unit" development program of the PD from 1,466 dwelling units to 1,668 dwelling units (an overall increase of 202 dwelling units), and revise the land use entitlement chart to reflect entitlements by zones instead of by PD parcels. No waivers are associated with this request.

Generally located north and east of Winter Garden Vineland

Road and west of Apopka Vineland Road

PARCEL ID NUMBERS

08-24-28-5844-00-710 and 21-24-28-0000-00-007 (parcels

to be aggregated)

TRACT SIZE

LOCATION

1,578.73 gross acres (existing PD)

15.13 gross acres (parcels to be aggregated)
1,593.86 gross acres (overall aggregated PD)

PUBLIC NOTIFICATION

The notification area for this public hearing extended beyond 1,500 feet [Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet]. One hundred thirty-nine (139) notices were mailed to those property owners in the mailing area. A community meeting was not required for this request.

PROPOSED USE

202 dwelling units (1,668 dwelling units overall)

STAFF RECOMMENDATION

Development Review Committee – (September 12, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP), dated "Received September 19, 2018", subject to the following conditions:

- 1. Development shall conform to the Grand Cypress Resort PD Land Use Plan (LUP) dated "Received September 19, 2018," 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 September 19, 2018" 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 of County Commissioners ("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, 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.

- 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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- Construction plans within this PD shall be consistent with an approved and up-todate Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
- 8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- 9. The following Education Condition of Approval shall apply:
 - a) <u>Developer shall comply with all provisions of the Capacity Enhancement</u> <u>Agreement entered into with the Orange County School Board [and Orange County]</u> as of MM DD, YYYY.

- b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the ## residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013 shall apply:
 - a) The following waivers from Orange County Code are applicable for internal lots only (as depicted on the PD/LUP):
 - A waiver from Orange County Code Section 38-1258(d) is granted to increase the maximum building height allowed for multi-family to 75' (6stories) in lieu of 40' (3-stories); and
 - 2) A waiver from Orange County Code Section 38-1272(5) is granted to increase the maximum building height allowed for hotel / timeshare / commercial uses to 75' (6-stories) in lieu of 40' (3-stories).
- 11. All previous applicable BCC Conditions of approval dated March 4, 2008 and March 29, 2005 shall apply:
 - a) Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
 - b) Outdoor storage and display shall be prohibited.
 - c) A waiver of Section 38-1254(2) is granted to allow a 25-foot setback from State Road 535.

IMPACT ANALYSIS

Special Information

The Grand Cypress Resort Planned Development (PD) contains approximately 1,579 gross acres, and is generally located on the east side of Winter Garden Vineland Road between Lake Sheen Reserve Boulevard and South Apopka Vineland Road (C.R. 535). The overall PD has existing land use entitlements for 1,505 hotel rooms, 1,466 dwelling units (which can any combination of hospitality hotel-type units, residential villas, traditional residential units, and condominiums), 207 multi-family residential units, 100,000 square feet of retail / entertainment uses, a spa facility and other resort-related uses.

Through this request, applicant is seeking to rezone two (2) parcels totaling 15.13 gross acres from R-CE (Country Estate District) to PD (Planned Development District), incorporate the property into the existing Grand Cypress Resort PD, increase the "dwelling unit" development program of the PD from 1,466 dwelling units to 1,668 dwelling units (an overall increase of 202 dwelling units), and revise the land use entitlement chart to reflect entitlements by zones instead of by PD parcels.

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

Development (PD), which does not have a maximum allowable density and Parcel -007 has an underlying FLUM designation of Medium Density Residential (MDR) and Rural (R), which allows for a density of twenty (20) units per acre and 1 unit per 10 acres, respectfully. The proposed PD zoning district and development program is consistent with properties FLUM designation and the following CP provisions:

FLU1.2.7 states that if the Urban Service Area boundary intersects any tax parcel of land, the total parcel shall be included in the Urban Service Area unless the parcel of land intersected is of such size or nature that inclusion within the Urban Service Area constitutes a substantial alteration of the Urban Service Area boundary. The term "parcel" shall not include any alterations to the property's tax parcel legal description that are made after the adoption of the original Growth Management Policy (June 1980). A substantial alteration is determined to exist if:

- 1. More than forty acres of the parcel is outside the Urban Service Area boundary;
- 2. The property is intersected by a natural or man-made boundary that also serves as the Urban Service Area boundary; or
- 3. The developable land that is located outside the Urban Service Area is separated from the Urban Service Area by a substantial area designated as a Conservation Area by the CP process.

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that 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.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with 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.

FLU8.2.11 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.

Community Meeting Summary

A community meeting was not required for this request.

SITE DATA

Parcel 08-24-28-5844-00-710

Existing Use

Undeveloped Land

Adjacent Zoning

N: PD (Planned Development District) (Zen Luxury Living PD)

(2014)

E: PD (Planned Development District) (Grand Cypress Resort

PD) (1986)

W: PD (Planned Development District) (Ivey Groves PD)

(2013)

S: PD (Planned Development District) (Grand Cypress Resort

PD) (1986)

Adjacent Land Uses N: Multi-Family Residential

E: Golf Course

W: Single-Family Residential

S: Golf Course

Parcel 21-24-28-0000-00-007

Existing Use Undeveloped Land

Adjacent Zoning N: R-CE (Country Estate District) (1968)

E: R-CE (Country Estate District) (1968)

W: R-CE (Country Estate District) (1968)

S: PD (Planned Development District) (Grand Cypress Resort

PD) (1981)

Adjacent Land Uses N: Wetland

E: Undeveloped ResidentialW: Undeveloped Residential

S: Undeveloped Commercial

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback 25 feet

Maximum Building Height:

75' (6-story) or 40' (3-story) or 60' (5-story)

Minimum Living Area:

1,000 Square Feet (under HVAC)

Minimum Open Space:

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone two (2) parcels totaling 15.13 gross acres from R-CE (Country Estate District) to PD (Planned Development District), incorporate the property into the existing Grand Cypress Resort PD, increase the residential development program of the PD from 1,466 dwelling units to 1,668 dwelling units (an overall increase

of 202 dwelling units), and revise the land use entitlement chart to reflect entitlements by zones instead of by PD parcels.

Comprehensive Plan (CP) Amendment

Parcel -710 has an underlying Future Land Use Map (FLUM) designation of Planned Development (PD) and Parcel -007 has an underlying FLUM designation of Medium Density Residential (MDR) and Rural (R). Per Future Land Use Policy 1.2.7, as this parcel is bisected by the Urban Service Area (USA) boundary, and has existed with its current boundaries since at least 1955, the entire parcel is considered within the USA. The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Overlay District.

Environmental

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from EPD. Reference Orange County Code Chapter 15, Article X, Section 15-376. Approval of this plan does not authorize any direct or indirect impacts to conservation areas or protective buffers.

A Binding Determination of Exemption (CAD-18-02-015) was granted for Parcel -710, which indicating that there are no wetlands on-site.

A Conservation Area Determination (CAD-18-01-005) for Parcel -007 was issued indicating 4.99 acres of Class I wetlands and 0.85-acre of uplands on site.

Transportation / Concurrency

Existing development is vested from Transportation Concurrency under Vested Rights Certificate 92-293. A copy of this certificate is required with building permit application.

The applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) for the added parcels prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Water / Wastewater / Reclaim

Existing service or provider

Water:

Orange County Utilities

Wastewater:

Orange County Utilities

Reclaimed:

Orange County Utilities

Schools

A Capacity Enhancement Agreement (CEA) between Orange County Public Schools and the applicant was approved on October 9, 2018 (OC-18-017) that addresses the vesting of all previously approved units within the PD and the addition of the new units to the PD with this request.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not provide any comments.

Code Enforcement

There are no Code Enforcement violations on the subject property.

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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

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 Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP), subject to the eleven (11) conditions outlined in the staff report.

Staff indicated that one hundred thirty-nine (139) notices were mailed to surrounding property owners within a buffer extending 1,500 feet from the subject property, with zero (0) commentaries received in favor of the request and zero (0) in opposition. The applicant was present and agreed with the staff recommendation of approval.

After brief discussion, a motion was made by Commissioner Melwani to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP), dated "Received September 19, 2018", subject to eleven (11) conditions. Commissioner Gusler seconded the motion, which then carried on a 9-0 vote.

Motion / Second

Yog Melwani / William Gusler

Voting in Favor

Yog Melwani, William Gusler, JaJa Wade, Jose Cantero, Paul Wean, Tina Demostene, Pat DiVecchio, Gordon

Spears, and James Dunn

Voting in Opposition

None

Absent

None

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (October 18, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Grand Cypress Resort Planned Development / Land Use Plan (PD/LUP), dated "Received September 19, 2018", subject to the following conditions:

- 1. Development shall conform to the Grand Cypress Resort PD Land Use Plan (LUP) dated "Received September 19, 2018," 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 September 19, 2018" 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 of County Commissioners ("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.
- 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.

- 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).
- All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- Construction plans within this PD shall be consistent with an approved and up-to-date <u>Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities</u> at least thirty (30) days prior to the corresponding construction plan submittal. The <u>updated MUP must be approved prior to construction plan approval.</u>
- 8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
- 9. The following Education Condition of Approval shall apply:
 - a) <u>Developer shall comply with all provisions of the Capacity Enhancement</u>
 <u>Agreement entered into with the Orange County School Board [and Orange County]</u> as of October 9, 2018.

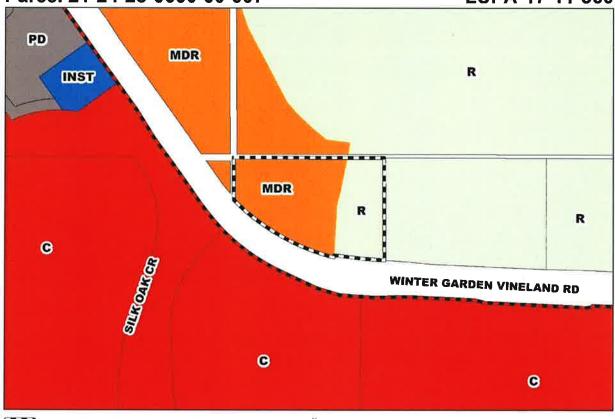
- b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 1,446 residential units allowed under the zoning existing prior to the approval of this PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013 shall apply:
 - a) The following waivers from Orange County Code are applicable for internal lots only (as depicted on the PD/LUP):
 - 1) A waiver from Orange County Code Section 38-1258(d) is granted to increase the maximum building height allowed for multi-family to 75' (6-stories) in lieu of 40' (3-stories); and
 - 2) A waiver from Orange County Code Section 38-1272(5) is granted to increase the maximum building height allowed for hotel / timeshare / commercial uses to 75' (6-stories) in lieu of 40' (3-stories).
- 11. All previous applicable BCC Conditions of approval dated March 4, 2008 and March 29, 2005 shall apply:
 - a) Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
 - b) Outdoor storage and display shall be prohibited.

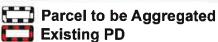
c) A waiver of Section 38-1254(2) is granted to allow a 25-foot setback from State Road 535.

LUPA-17-11-360 Parcel 08-24-28-5844-00-710 Parcel 21-24-28-0000-00-007 Parcels to be Aggregated 1 inch = 1,900 feet Existing PD

Parcel 21-24-28-0000-00-007

LUPA-17-11-360







🌟 Subject Property

Future Land Use Map

FLUM:

Medium Density Residential (MDR) and

Rural (R)

APPLICANT: David Evans, Evans Engineering, Inc.

LOCATION: Generally located north and east of Winter

Garden Vineland Road and west of Apopka

Vineland Road

TRACT SIZE: 1,578.73 gross acres (existing PD)

15.13 gross acres (aggregated parcels)

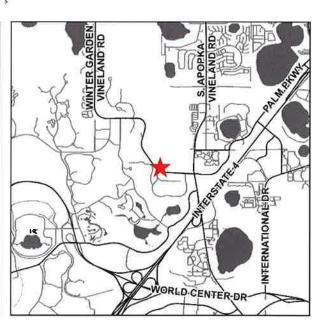
1,593.86 gross acres (aggregated PD)

DISTRICT: # 1

S/T/R:

08/24/28, 21/24/28

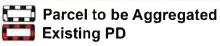
1 inch = 350 feet



Parcel 08-24-28-5844-00-710

LUPA-17-11-360









Future Land Use Map

FLUM:

Planned Development (PD)

APPLICANT: David Evans, Evans Engineering, Inc.

LOCATION: Generally located north and east of Winter Garden Vineland Road and west of Apopka

Vineland Road

TRACT SIZE: 1,578.73 gross acres (existing PD)

15.13 gross acres (aggregated parcels)

1,593.86 gross acres (aggregated PD)

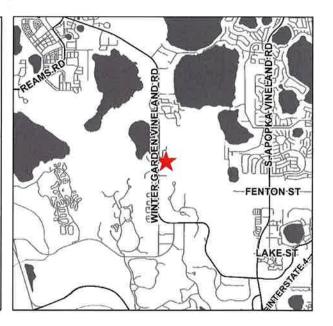
DISTRICT:

1

S/T/R:

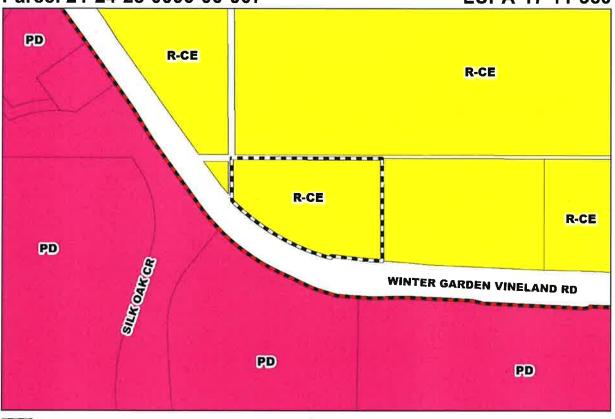
08/24/28, 21/24/28

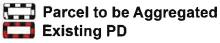
1 inch = 400 feet



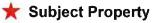
Parcel 21-24-28-0000-00-007

LUPA-17-11-360









Zoning Map

ZONING:

R-CE (Country Estate District) to PD (Planned Development District)

APPLICANT: David Evans, Evans Engineering, Inc.

LOCATION: Generally located north and east of Winter

Garden Vineland Road and west of Apopka

Vineland Road

TRACT SIZE: 1,578.73 gross acres (existing PD)

15.13 gross acres (aggregated parcels)

1,593.86 gross acres (aggregated PD)

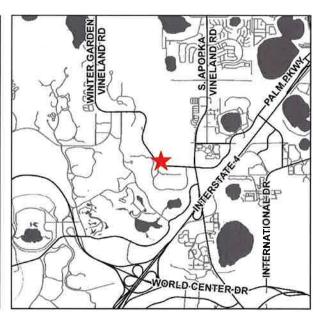
DISTRICT: #

1

S/T/R:

08/24/28, 21/24/28

1 inch = 350 feet



Parcel 08-24-28-5844-00-710 LUPA-17-11-360 VISTA OAKS CT PD-HDR PD PD ROYALISIANDCT **WINTER GARDEN VINELAND RD** PD R-CE ROYAL CYPRESSWY PD PD

Zoning Map

Parcel to be Aggregated

ZONING:

R-CE (Country Estate District) to

PD (Planned Development District)

APPLICANT: David Evans, Evans Engineering, Inc.

Existing PD

LOCATION: Generally located north and east of Winter Garden Vineland Road and west of Apopka

Vineland Road

TRACT SIZE: 1,578.73 gross acres (existing PD)

15.13 gross acres (aggregated parcels)

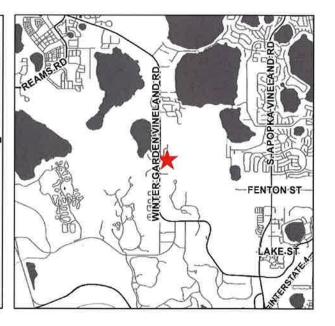
1,593.86 gross acres (aggregated PD)

DISTRICT: #1

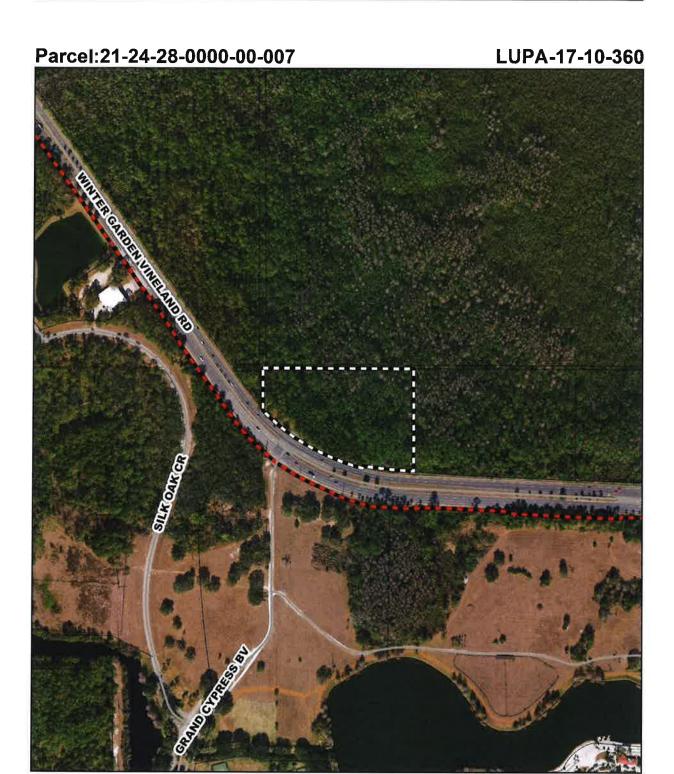
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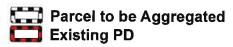
08/24/28, 21/24/28

1 inch = 400 feet



🜟 Subject Property





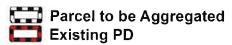


1 inch = 350 feet

Parcel: 08-24-28-5844-00-710

LUPA-17-10-360





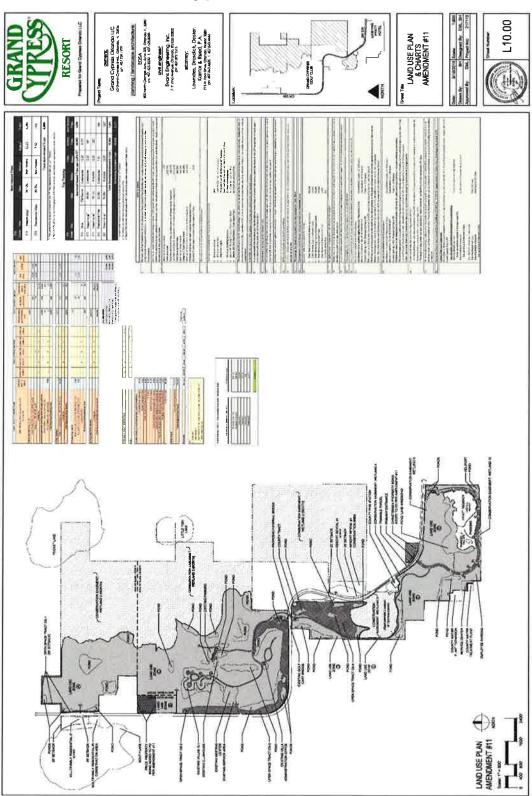


1 inch = 350 feet

Grand Cypress Resort PD / LUP (Cover Sheet)

Case No. LUPA-17-11-360 (DE) RECEIVED By DRC OFFICE at 12:26 pm, Sep 19, 2018 06-24-28-5844-00-710 (Price Parcel) 21-24-28-0000-00-007 (Christensen Parcel) : Grand Cypress Resol 21-24-28-3125-00-030 21-24-28-3125-00-050 21-24-28-3125-00-060 21-24-28-3125-00-070 21-24-28-3125-00-090 21-24-28-3125-00-090 21-24-28-3125-00-100 21-24-28-3125-00-110 21-24-28-3125-00-120 **Parcel ID Numbers Project Location** 17-24-28-5844-00-390 17-24-28-5844-00-590 17-24-28-5844-00-600 17-24-28-5844-00-130 09-24-28-5844-00-130 16-24-28-0000-00-001 16-24-28-0000-00-001 08-24-28-5844-00-000 18 September 2018 PD Amendment 11 Summary of Changes, Attachment #1, BCC Conditions of Approval 800 North Orange Ave., Suite 300, Orlando, FL 32801 ph. 407.425.3330 f. 407.425.8058 planning / landscape architecture: Konfor & Reed, P.A. 215 N. Eda Drive, Orlando, Rordo 32801 ph: 407.843.4600 ft 407.843.4444 Lowndes, Drosdick, Doster, Cover, Sheet Index, Project Location, Parcel ID Numbers PD Amendment #11 LUP & Land Use Entitlement Chart Christensen Property Survey and Legal Description Orange County BCC Conditions of Approval Price Property Survey and Legal Description Orange County, Florida Grand Cypress Orlando LLC 60 Grand Cypress Biva., Orlando, R. 32836 ph. 407.239,1929 1. 407.238,6316 Evans Engineering, Inc. 719 Ima Avenue, Orlando, Raida 32803 ph; 407.872,1515 **Project Team** Sheet Index L10.01 L10.02 L20.01 L20.02 110.00

Grand Cypress Resort PD / LUP



Notification Map

