



Interoffice Memorandum

DATE: September 15, 2021

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee
Planning Division
(407) 836-5523

SUBJECT: September 28, 2021 – Public Hearing
Applicant: Kathy Hattaway, Poulos & Bennett, LLC
BB Groves South Planned Development
Case # LUP-21-01-010 / District 1

The proposed BB Groves South Planned Development (PD) is located west of Avalon Road, north and south of Grove Blossom Way, and east of the Lake County line. The applicant is seeking to rezone two parcels containing 118.89 gross acres from A-2 (Farmland Rural District) and PD (Lake Austin Planned Development District) to PD (BB Groves South Planned Development District), in order to construct 500 single-family attached or detached residential dwelling units.

On August 19, 2021, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the BB Groves South Planned Development / Land Use Plan (PD/LUP) dated "Received June 30, 2021", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/jsh

GENERAL INFORMATION

APPLICANT	Kathy Hattaway, Poulos & Bennett, LLC
OWNER	BB Groves, LLC
PROJECT NAME	BB Groves South Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	<p>A-2 (Farmland Rural District) and PD (Lake Austin Planned Development District) to PD (BB Groves South Planned Development District)</p> <p>A request to rezone two (2) parcels containing 118.89 gross acres from A-2 (Farmland Rural District) and PD (Lake Austin Planned Development District) to PD (BB Groves South Planned Development District), in order to construct 500 single-family attached or detached residential dwelling units.</p>
LOCATION	West of Avalon Road, north and south of Grove Blossom Way, east of the Lake County line
PARCEL ID NUMBERS	31-24-27-0000-00-036 30-24-27-0000-00-003
TRACT SIZE	118.89 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Seven hundred fifty-seven (757) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	500 attached or detached single-family dwelling units

STAFF RECOMMENDATION

Development Review Committee – (July 28, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the BB Groves South Planned Development / Land Use Plan (PD/LUP), dated “Received June 30, 2021”, subject to the following conditions:

1. Development shall conform to the BB Groves South Land Use Plan (LUP) dated "Received June 30, 2021" 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 June 30, 2021," 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, 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. 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 & Wildlife Conservation Commission (FWC).
7. 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.
8. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate 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 capacity encumbrance letter or a capacity reservation certificate.

11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date 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 MUP and updates must be approved prior to Construction Plan approval.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
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. 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.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) and PD (Planned Development District) to PD (Planned Development District) in order to construct 500 single-family attached or detached residential dwelling units..

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 Growth Center / Planned Development (GC/PD – Resort/LMDR) which allows for a maximum development program of 500 units of resort and/or low-medium density residential uses, or some combination therein, as well as commercial and office uses.

The proposed PD zoning district and development program are consistent with the GC/PD FLUM designation; therefore, a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

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

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.

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

Community Meeting Summary

A community meeting was not required for this request.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: PD (Planned Development District) (2020)
	E: PD (Planned Development District) (2010)
	W: Lake County
	S: PD (Planned Development District) (2010) A-1 (Citrus Rural District) (1957)

Adjacent Land Uses N: Vacant
 E: Resort / Hotel
 W: Lake County
 S: Vacant

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback: 25 feet

	<u>Detached / Attached</u>
Maximum Building Height:	45 / 55 feet
Minimum Lot Size:	3,520 / 1,600 square feet
Minimum Lot Width:	32 / 16 feet
Minimum Living Area:	1,000 / 1,000 square feet (under HVAC)

Minimum Building Setbacks

Front Setback:	15 / 15 feet and 7 / 10 feet for front porches
Rear Setback:	20 / 14 feet
Side Setback:	4 / 0 or 7 feet

Minimum Open Space: 10%

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcels from A-2 (Citrus Rural District) and PD (Lake Austin Planned Development District) to PD (BB Groves South Planned Development District) in order to construct 500 single-family attached and/or detached residential dwelling units.

The majority of this property is within the Lake Austin PD and was presented to DRC alongside concurrent application CDR-18-254, which will remove the affected portion from the Lake Austin PD if this rezoning is approved. This property's Future Land Use Map designation was recently changed through Regular Cycle Amendment 2018-2-A-1-2, adopted at the December 15, 2020 BCC hearing, with the following development program:

- Resort and LMDR Uses: Capped at 500 units in total;
- Resort Uses: Any combination of up to 500 detached/attached multi-family or single-family units, hotel rooms, resort villas, or timeshare units, all operated as transient or short-term uses;
- LMDR Residential Uses: Any combination of up to 500 detached/attached, multi-family or single-family residential units;
- Commercial: 10,000 square feet; and,
- Office: 20,000 square feet.

The proposed PD is for 500 single-family attached and/or detached units only. Additionally, a portion of the property was formerly established as the Grove Blossom Way right-of-way, which was vacated under case # PTV-21-04-018 on August 3, 2021.

Rural Settlement

This request is not located within a Rural Settlement.

Joint Planning Area (JPA)

This request is not located within a Joint Planning Area.

Overlay District Ordinance

This request is not located within an Overlay District.

Airport Noise Zone

This request is not located within the Airport Noise Zone.

Environmental

Conservation Features - The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Habitat Protection Regulations - The ecological assessment dated February 14, 2018 reported the presence of listed species on site, including numerous gopher tortoise burrows and sand skink habitat, among others. 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).

Transportation / Concurrency

A traffic study was submitted in 2018 with Comprehensive Plan amendment 2018-2-A-1-2 for Lake Austin. A traffic study will be required at the concurrency stage.

Based on the Concurrency Management System (CMS) database dated January 29, 2021, there are multiple failing roadway segments within the project's impact area. Four segments of Avalon Road, from US 192 to Old YMCA Road, are failing.

An operational analysis or Traffic Study will be required at all project entrances located at Grove Blossom Way during the Development Plan stage. The analysis of the project entrances will be used by Traffic Engineering to determine any access modifications that are required.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. 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.

There is an ongoing Preliminary Design Study for C.R. 545 (Avalon Road) and Flemings Road (Village I PDS). The limits of the study include C.R. 545 from Water Springs Boulevard to south of New Hartzog Road and Flemings Road from east of 545 to the west County line. The purpose of this study is to assess and recommend roadway improvements to meet future travel demand needs on these two roadways. The study considers the social and environmental impacts of adding travel lanes and other features such as, but are not limited to, drainage, a multi-use path and sidewalk, raised medians, lighting, and intersection improvements. The study began in 2020.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County
Wastewater:	Orange County
Reclaimed:	Orange County

Schools

A Capacity Enhancement Agreement (OC-18-051 A1, BB Groves South) exists for this property that mitigates for up to 500 residential units of any type. If more than 500 units are requested, an additional Capacity Determination will be required.

Parks and Recreation

Parks and Recreation staff has reviewed the request but did not identify any issues or concerns.

Code Enforcement

Code Enforcement staff has reviewed the request but did not identify any issues or concerns.

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 PD (Planned Development District) zoning, subject to seventeen (17) conditions.

Staff indicated that seven hundred fifty-seven (757) notices were sent to an area extending beyond 500 feet from the subject property, with zero (0) responses in favor and zero (0) in opposition received. Kathy Hattaway, applicant, was present and agreed with the staff recommendation. No members of the public were present to speak on this request. Staff presented condition of approval #17, which covers an existing Capacity Enhancement

Agreement. Kathy Hattaway, applicant, was present and agreed with the staff recommendation.

After a brief discussion, a motion was made by Commissioner Sorbo to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the BB Groves South PD Land Use Plan, subject to seventeen (17) conditions. Commissioner Spears seconded the motion, which then carried on a 6-0 vote. Commissioner Abdullah declared a conflict of interest and abstained from voting.

Motion / Second	<i>Trevor Sorbo / Gordon Spears</i>
Voting in Favor	<i>Gordon Spears, Sean McQuade, JaJa Wade, Trevor Sorbo, Nelson Pena, and Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Eddie Fernandez, Carlos Nazario</i>
Abstain / Conflict	<i>Mohammed Abdallah</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (August 19, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the BB Groves South Planned Development / Land Use Plan (PD/LUP), dated "Received June 30, 2021", subject to the following conditions:

1. Development shall conform to the BB Groves South Land Use Plan (LUP) dated "Received June 30, 2021" 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 June 30, 2021," 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, 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. 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 & Wildlife Conservation Commission (FWC).

7. 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.
8. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate 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 capacity encumbrance letter or a capacity reservation certificate.
11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date 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 MUP and updates must be approved prior to Construction Plan approval.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
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. 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.
17. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the School Mitigation Agreement for Capacity Enhancement (OC-18-051) approved by the Orange County School Board on February 26, 2019, recorded on March 25, 2019 as Document #20190176754, and the First Amendment to School Mitigation Agreement for Capacity Enhancement (OC-18-051 A1) recorded on December 7, 2020 as Document #20200636461, (collectively the "Capacity Enhancement Agreement").
 - 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 500 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.

LUP-21-01-010

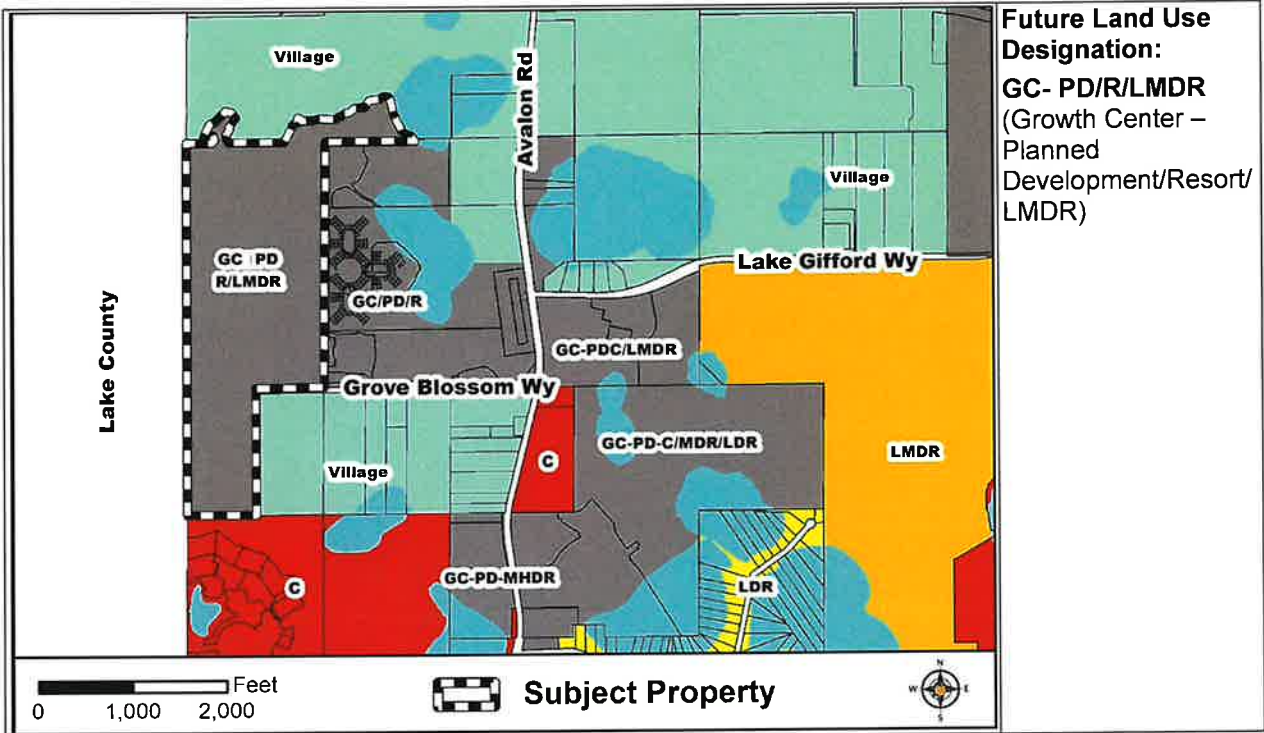


Subject Property

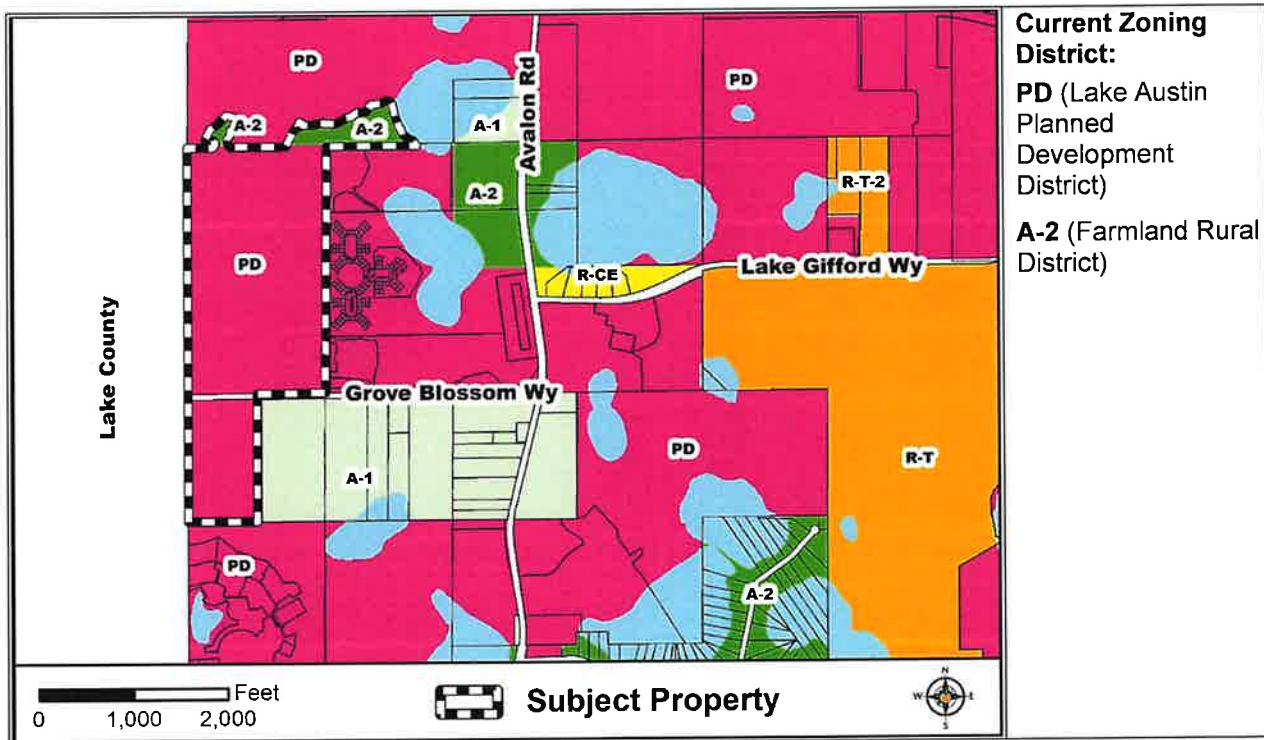


1 inch = 1,000 feet

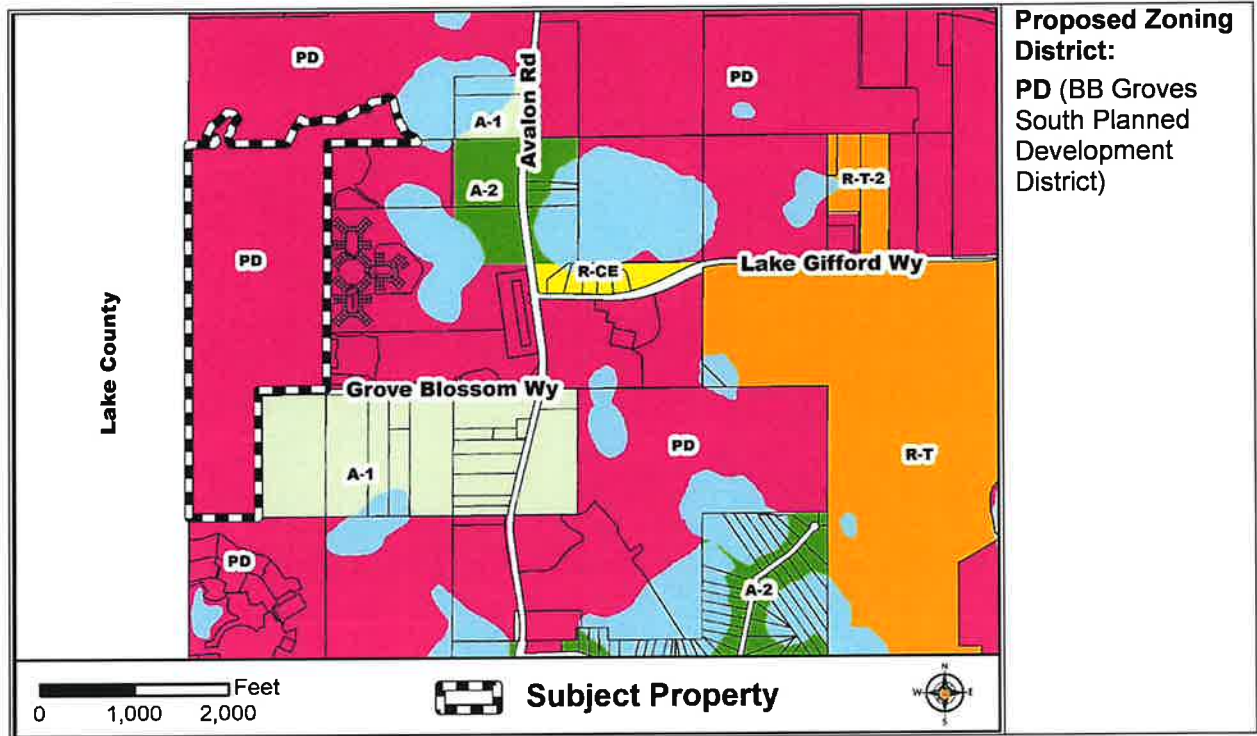
FUTURE LAND USE – CURRENT



ZONING - CURRENT



ZONING - PROPOSED



BB Groves South PD / LUP (Cover Sheet)

Planned Development/Land Use Plan for BB Groves South PD LUP-21-01-010 Orange County, FL

Parcel Id. No.:
31-24-27-0000-00-036
30-24-27-0000-00-003 (A Portion Of)

Sheet Id.	Sheet Index	Sheet Title	Submit Rec.
1.00	1.00	Planning Conditions	1
2.00	2.00	Land Use Plan	2
2.10	2.10	Land Use Data & Tables	2
3.00	3.00	Project Design Standards	3
		Amendments	4
		Boundary March of Donagooan	5
		Submitted to Change County	6
		Revised Submitted to Change County	7
		Revised Submitted to Change County	8
		Revised Submitted to Change County	9
		Revised Submitted to Change County	10

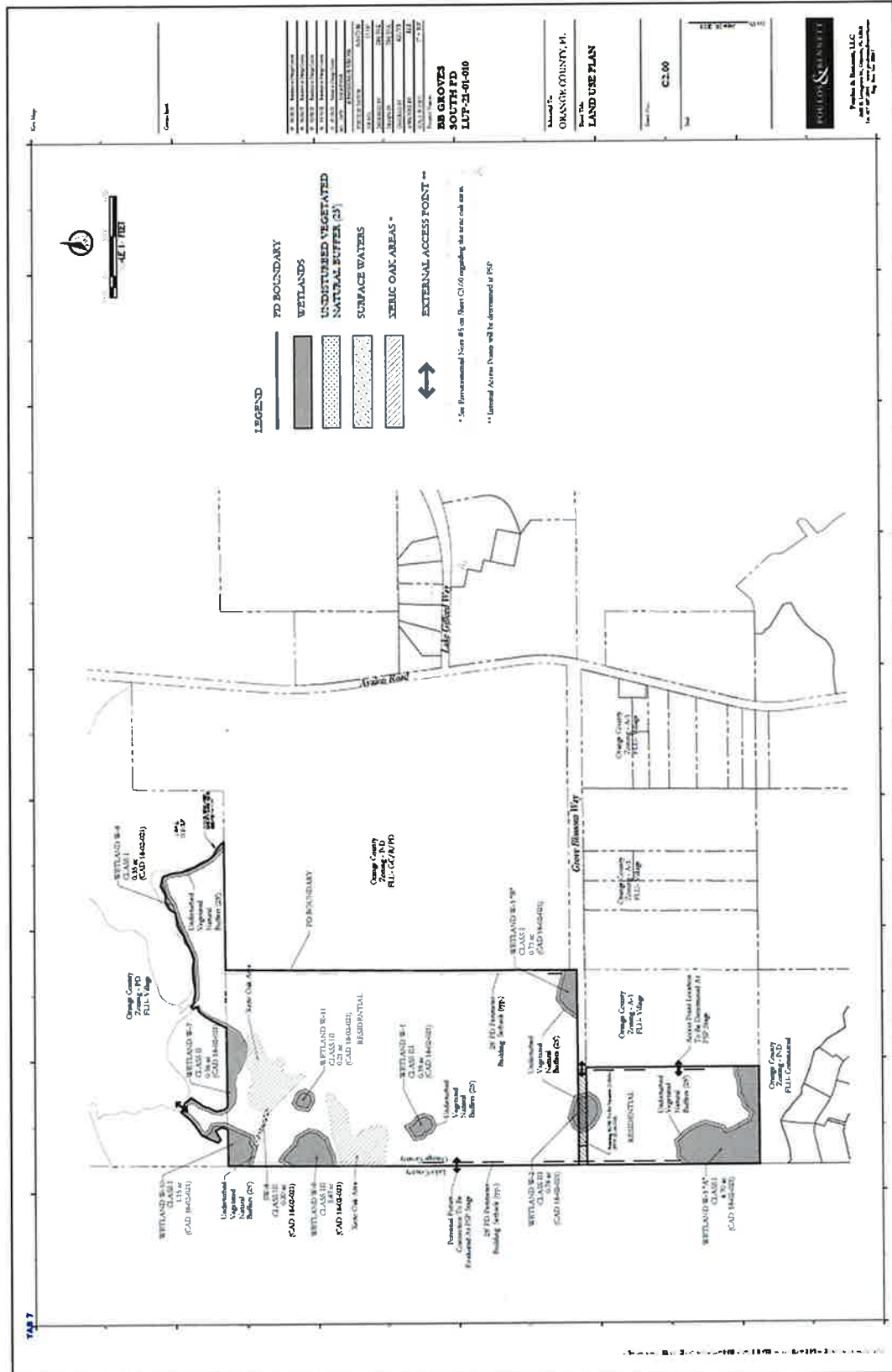
Owner/Applicant:
BB Groves, LLC
283 Cause Boon Blvd. Ste 111
Altamonte Springs, FL 32701-5465



Map 11-1-1101

RECEIVED
By 2021-09-28 10:00 AM
For 2021-09-28 10:00 AM

BB Groves South PD / LUP



Notification Map

