





**Interoffice Memorandum**

**DATE:** July 7, 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:** July 27, 2021 – Public Hearing  
Applicant: Karin Leissing, Harris Civil Engineers, LLC  
The Home Depot at Lee Road and I-4 Preliminary Subdivision Plan  
Case # CDR-20-07-180 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 9, 2021, to approve a substantial change to The Home Depot at Lee Road and I-4 Preliminary Subdivision Plan (PSP) to combine Lots 3 and 4 into one parcel, referenced as Lot 3A on the proposed PSP.

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 PSP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** **Make a finding of consistency with the Comprehensive Plan and approve The Home Depot at Lee Road and I-4 PSP dated "Received June 11, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme  
Attachments

**CASE # CDR-20-07-180**

Commission District # 2

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of June 9, 2021, to approve a substantial change to The Home Depot at Lee Road and I-4 Preliminary Subdivision Plan (PSP) to combine Lots 3 and 4 into one parcel, referenced as Lot 3A on the proposed PSP.

**2. PROJECT ANALYSIS**

- A. Location: North of Lee Road / West of Interstate 4
- B. Parcels: 02-22-29-6304-03-000, 02-22-29-6304-04-000
- C. Total Acres: 3.80 (Lot 3A)  
21.21 gross overall acreage
- D. Water Supply: City of Winter Park
- E. Sewer System: City of Winter Park
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: Commercial
- J. Lot Dimension: Maximum Building Height: 70' (per VA-21-02-134)  
Building Setbacks:  
Front: 25'  
Side: 5'  
Street Side: 5'  
Rear: 15'
- K. Fire Station: 41 – 4412 Fairview Avenue
- L. Transportation: 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 preliminary subdivision 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.

This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant may be required to submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The subject property is designated Restricted C-2 (General Commercial District - Restricted) on the Zoning Map, which is consistent with the FLUM Designations.

### **4. ZONING**

Restricted C-2 (General Commercial District - Restricted)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to The Home Depot at Lee Road & I-4 Preliminary Subdivision Plan dated "Received June 11, 2021," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received June 11, 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 preliminary subdivision 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 any certificate of occupancy for any building, right-of-way for Lake Destiny Drive and Diplomat Circle shall be conveyed, at no cost, to the County.
  7. 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

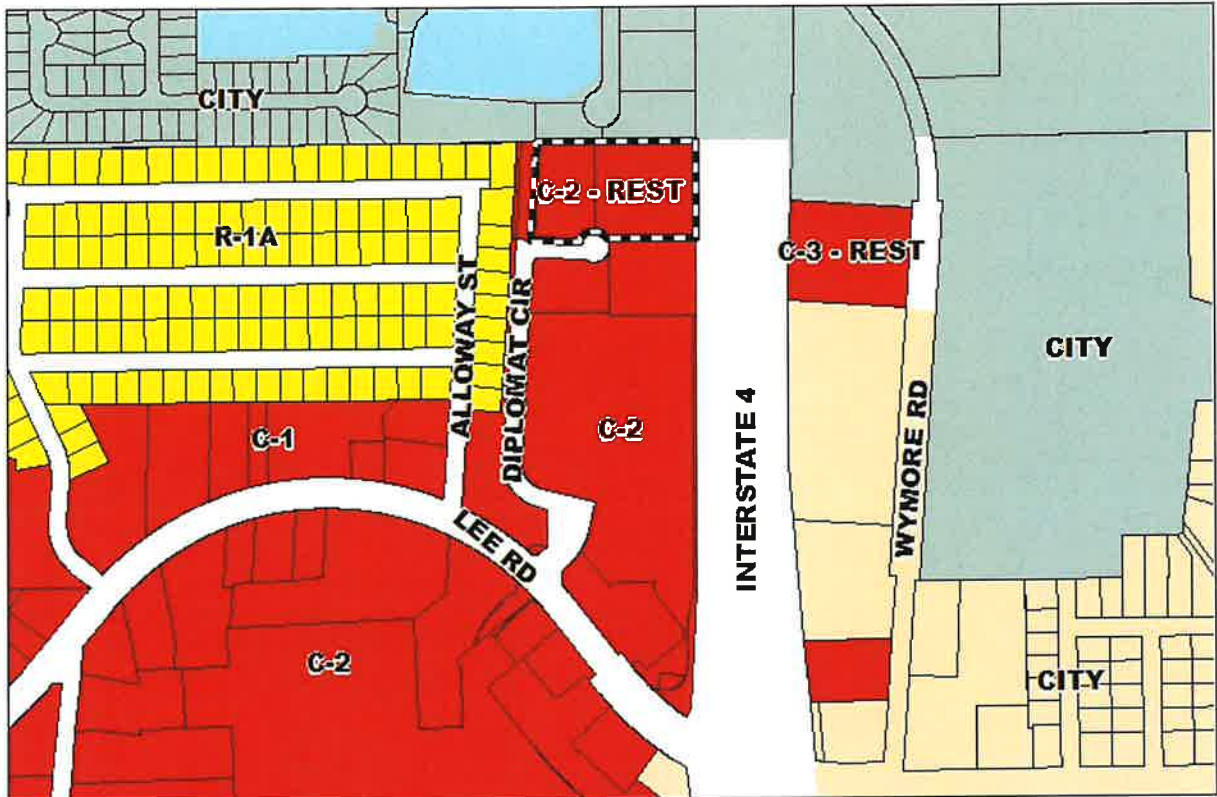
- approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
8. Use on Lot 2 shall be limited to C-1 uses, and the C-2 uses of auto sales with ancillary auto repair.
  9. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
  10. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
  11. A mandatory pre-application/sufficiency review meeting for the plat / replat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
  12. Unless otherwise allowed by County Code, the property shall be platted / replatted prior to the issuance of any vertical building permits.
  13. A knee-wall shall be constructed along Lee Road in front of Lot 1, Parcel 2.
  14. Storage of semi-trucks shall be prohibited on Lot 1, Parcel 2.
  15. A waiver is granted to allow existing landscaping, parking, and setbacks for the existing building on Lot 2. Upon redevelopment of Lot 2, this waiver will cease to apply.
  16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 23, 2016, shall apply:
    - a. A Mobility analysis is required prior to obtaining building permit for the proposed development.
    - b. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
    - c. New pole signs and billboards shall be prohibited. Unless otherwise waived by the Board of County Commissioners, ground signs shall be per

the Master Sign Plan, and all other signage shall comply with Chapter 31.5 of the Orange County Code.

- d. Outside sales, storage, and display shall be prohibited.
  - e. A waiver from Orange County Code Section 38-1476 is granted to allow 389 parking spaces on Lot 1, in lieu of 712 parking spaces.
  - f. Approval of this Preliminary Subdivision Plan constitutes lot split approval.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 18, 2001, shall apply:
- a. New development shall conform to the commercial design standards as adopted by the BCC on June 19, 2001.
  - b. The special exception allowing a heliport shall be voided with this PSP.
  - c. Canopy structure shall include brick veneer wrap on the base portion of the support columns.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 18, 2001, shall apply:
- a. Prior to construction plan approval, a master stormwater management plan shall be submitted to the County engineer for review and approval.
  - b. The six-foot (6') wall along the west boundary shall be masonry block with a stucco finish on both sides.

## Zoning Map

CDR-20-07-180



Subject Property



Subject Property

**Zoning Map**

ZONING: C-2 Restricted (General Commercial District Restricted)

APPLICANT: Karin Leissing, Harris Civil Engineers, LLC

LOCATION: North of Lee Road / West of Interstate 4

TRACT SIZE: 3.8 gross acres (affected parcels)

DISTRICT: # 2

S/T/R: 02/22/29

1 inch = 500 feet



# Site Data & Site Plan Sheet

**HARRIS**  
 HARRIS ENGINEERING, LLC  
 10000 W. BOULEVARD  
 SUITE 100  
 ORANGE COUNTY, FLORIDA 32837  
 PHONE: 407.261.1100  
 FAX: 407.261.1101  
 WWW.HARRIS-ENG.COM

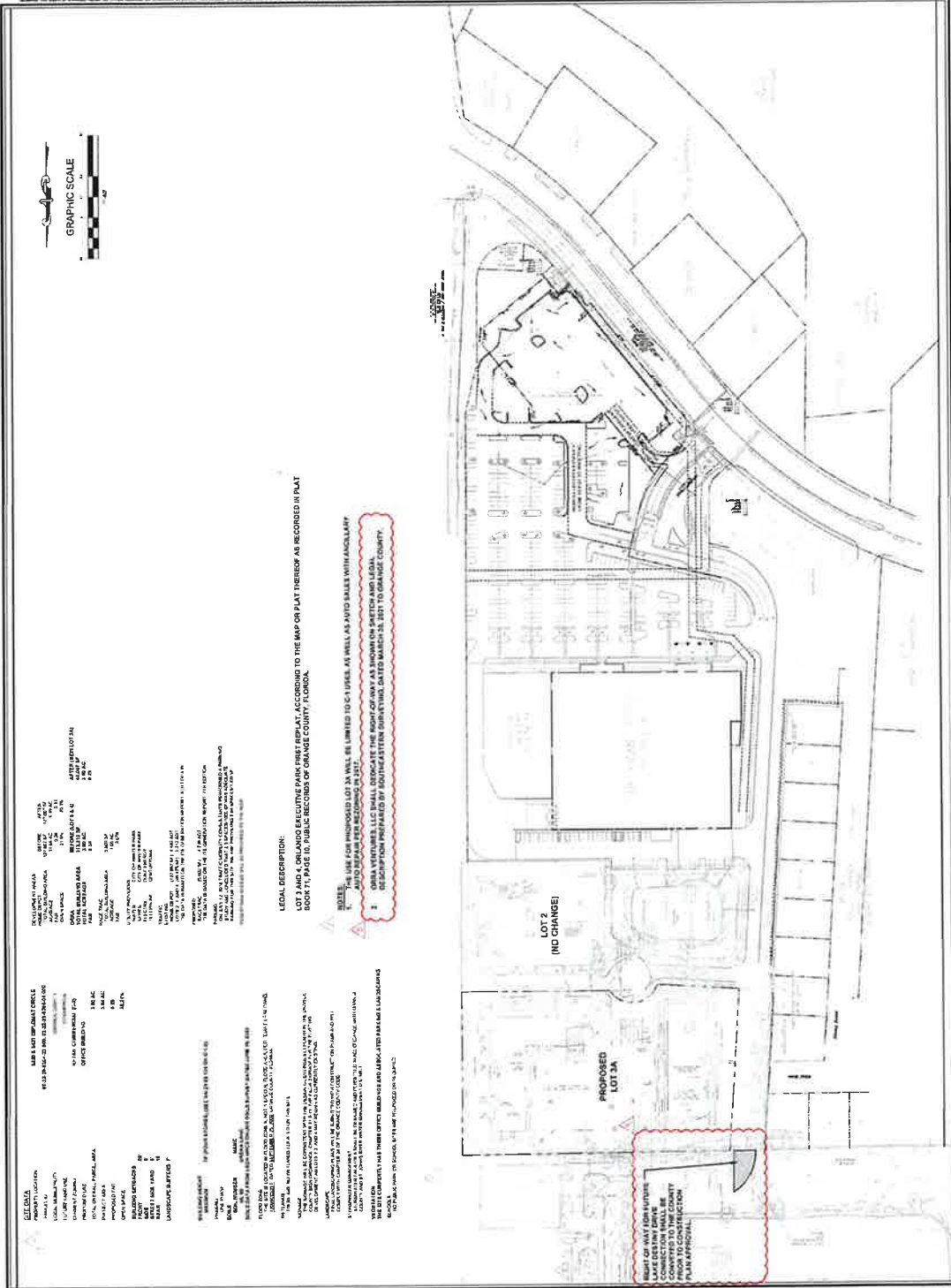
Orlando Regional Realtor Association (ORRA)  
 Preliminary Subdivision Plan  
 6405 SAGE WIND PALM COURT  
 ORLANDO, FLORIDA 32835

Revisions:

No.	Date	Description
1	08-25-2020	PRELIMINARY SUBDIVISION PLAN
2	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
3	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
4	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
5	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
6	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
7	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
8	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
9	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN
10	08-25-2020	REVISIONS TO THE PRELIMINARY SUBDIVISION PLAN

**SITE PLAN**  
 Project No. 000000  
 Date: 08-20-2020  
 Drawn By: [Name]  
 Checked By: [Name]

Release: PERMITTING  
**C-10**



DEVELOPER: HARRIS ENGINEERING, LLC  
 PROJECT: 6405 SAGE WIND PALM COURT  
 SUBDIVISION: 6405 SAGE WIND PALM COURT  
 LOT: 3A  
 AREA: 1.00 AC  
 ZONING: RS-M  
 PLANNING BOARD: 08/25/2020  
 CITY: ORLANDO

**LEGAL DESCRIPTION:**  
 LOT 3 AND 4, ORLANDO EXECUTIVE PARK FIRST REPLAY, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 77, PAGE 10, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**NOTE:** THIS LINE FOR PROPOSED LOT 3A WILL BE LIMITED TO 4 LINES AS WELL AS AUTO SALES WITH AN ALLY. ALSO BE SUBJECT TO RECORDING IN LOT 3A. ALSO BE SUBJECT TO RECORDING IN LOT 3A. ALSO BE SUBJECT TO RECORDING IN LOT 3A.

**DEVELOPER:** HARRIS ENGINEERING, LLC  
**PROJECT:** 6405 SAGE WIND PALM COURT  
**SUBDIVISION:** 6405 SAGE WIND PALM COURT  
**LOT:** 3A  
**AREA:** 1.00 AC  
**ZONING:** RS-M  
**PLANNING BOARD:** 08/25/2020  
**CITY:** ORLANDO

**PROPOSED LOT 3A:** THIS LOT IS PROPOSED TO BE 1.00 AC IN AREA. IT IS BOUND BY THE PROPOSED DRIVE TO THE WEST AND THE PROPOSED DRIVE TO THE SOUTH. IT IS ADJACENT TO LOT 2 TO THE NORTH AND LOT 3B TO THE EAST.

**LOT 2 (NO CHANGE):** THIS LOT IS 1.00 AC IN AREA. IT IS BOUND BY THE PROPOSED DRIVE TO THE WEST AND THE PROPOSED DRIVE TO THE SOUTH. IT IS ADJACENT TO LOT 3A TO THE NORTH AND LOT 3B TO THE EAST.

**LOT 3B:** THIS LOT IS 1.00 AC IN AREA. IT IS BOUND BY THE PROPOSED DRIVE TO THE WEST AND THE PROPOSED DRIVE TO THE SOUTH. IT IS ADJACENT TO LOT 2 TO THE NORTH AND LOT 3A TO THE EAST.



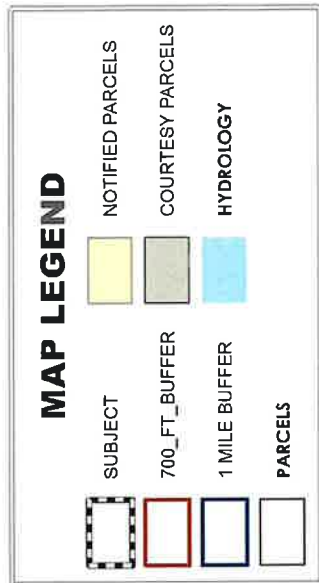
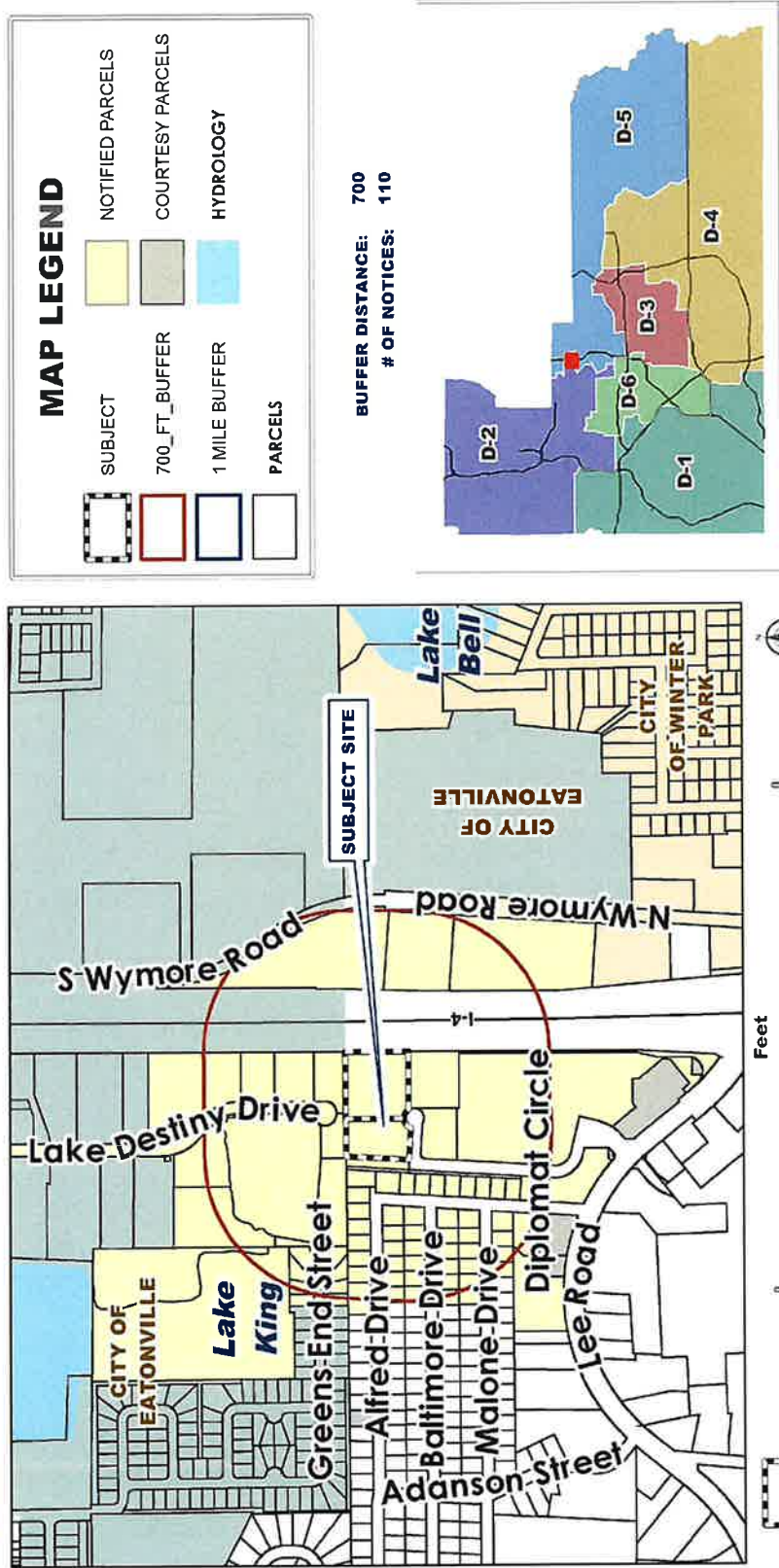
# Notification Map

\\ocnas\gndep\Business Systems\Board Administrators\SUBSTANTIAL CHANGE\2021\DRCT\The Home Depot at Lee Road & I-4 PSP\_CDR-2



## Public Notification Map

The Home Depot at Lee Road & I-4 PSP\_CDR-20-07-180



BUFFER DISTANCE: 700  
 # OF NOTICES: 110

