



## Interoffice Memorandum

June 10, 2024

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

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

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

SUBJECT: July 9, 2024 – Public Hearing  
Applicant(s): Thomas Skelton, American Civil Engineering Co.  
Project Name: Young Pine Business Park Preliminary Subdivision  
Plan  
Project No.: PSP-22-07-244 / District 4

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of May 8, 2024, to approve the Young Pine Business Park Preliminary Subdivision Plan. The project is generally located north of Young Pine Road and east of the intersection with Lee Vista Boulevard. The request is to subdivide 17.5 acres into three lots and one conservation tract. In addition, one waiver from Orange County Code Section 34.152(c), is requested to allow access to lots 2 and 3 through an ingress/egress easement in lieu of the 20-foot access to a dedicated public paved street. A community meeting was not required for this project.

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 documents and the plans may be found in the Planning Division for further reference.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Young Pine Business Park PSP (PSP-22-07-244) dated "Received May 29, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

TW/JCK/kh  
Attachments

**CASE # PSP-22-07-244**

Commission District # 4

**1. GENERAL INFORMATION**

Applicant: Thomas Skelton, American Civil Engineering Co.

Owner: Young Pine Business Park, LLP

Project Name: Young Pine Business Park PSP

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To subdivide 17.5 acres into three lots and one conservation tract.

In addition, one waiver from Section 34-152(c) is also requested.

1. A waiver from Orange County Code Section 34.152(c), is requested to allow access to lots 2 and 3 through an ingress/egress easement in lieu of the 20 foot access to a dedicated public paved street.

***Applicant Justification:*** *The access for each lot/tract will be by a twenty (20) foot paved drive in a cross access easement. This access road will not serve a public purpose and will be dedicated to and maintained by the property owners association.*

**2. PROJECT INFORMATION**

A. Overview: The subject property is located north of Young Pine Road and east of Lee Vista Boulevard. The property is designated Industrial on the Future Land Use Map and zoned I-1 / I-5 (Industrial District). The applicant seeks to subdivide 17.5 acres into three lots for uses consistent with the land use and zoning, and one conservation tract. This PSP also identifies a common private cross access driveway and utility easement to be determined during the lot 1 development, and drainage easements on lots 2 and 3, all to be owned and maintained by the property owners association.

B. Location:	Northside of Young Pine Road / East of intersection with Lee Vista Boulevard
C. Parcel ID(s):	16-23-31-0000-00-004
D. Total Acres:	17.5 acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	N/A
H. School Population:	N/A
I. Parks:	N/A
J. Proposed Use:	Three commercial lots and one conservation tract
K. Site Data:	Maximum Building Height: 50' (35' within 100' of residential or district) Minimum Living Area: N/A Minimum Lot Width: N/A Building Setbacks: Front: (Minor Collector) Greater of 100' from C/L or 35' from ROW) Side: (West P/L) 25' Side: (West P/L Adj. to Res.) 50' Side: (East P/L) 50' Rear: (North P/L) 25' Front: 35' N.H.W.E.: 50'
L. Fire Station:	Fire station 81 - 901 South Econlockhatchee Trail
M. Public Notification:	The notification area for this public hearing extended beyond 800 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Ninety-six (96) notices were mailed to those property owners in the mailing area.
N. Community Meeting Summary:	A community meeting was not required for this case.

O. 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 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. This development will require Transportation Capacity via a Capacity Encumbrance Letter (CEL) Application.

Based on the Concurrency Management (CMS) database dated 8/02/2022, capacity exists within the project's impact area. This information is dated and subject to change.

P. Environmental Protection Division:

This site could be adversely impacted by existing solid waste management activities from Material Recycling of Orlando (5361 Young Pine Rd, Orlando, FL 32829) which is adjacent to the project area. Potential odor and noise disturbance should be considered during design. Prospective property owners should be notified of this proximity.

This site could be adversely impacted by existing solid waste management activities from the Orange County Landfill (5901 Young Pine Rd, Orlando, FL 32829) which is in close proximity to the project area. Potential odor and noise disturbance should be considered during design. Prospective property owners should be notified of this proximity.

Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The

construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping.

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Recycling of materials is encouraged if applicable.

Q. Comprehensive Plan:

The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). The subject property is designated I-1 / I-5 (Industrial District) on the Zoning Map, which is consistent with the FLUM Designation.

R. Zoning:

I-1/I-5 (Industrial District)

### **3. REQUESTED ACTION:**

#### **Development Review Committee (DRC) Recommendation – (May 8, 2024)**

**Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Young Pine Business Park Preliminary Subdivision Plan dated "Received May 29, 2024", subject to the following conditions:**

1. Development shall conform to the Young Pine Business Park Preliminary Subdivision Plan dated "Received May 29, 2024," 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 May 29, 2024," 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
8. Prior to site construction plan approval and any filling within the 100-year flood zone, the applicant must obtain the required permit(s) and approval(s) from the Orange County Floodplain Administrator authorizing any fill pursuant to Chapter 19, Orange County Code.
9. A mandatory pre-application/sufficiency review meeting for the plat 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.
10. Unless otherwise allowed by County Code, the property shall be platted/replatted prior to the issuance of any vertical building permits.
11. All infrastructure other than public utilities shall be privately owned and maintained. At the time of platting, Commercial and industrial developments shall establish a Property Owners Association (POA) which shall be responsible for such maintenance, as provided in a Declaration of Covenants, Conditions, and Restrictions (CC&R's), to the reasonable satisfaction of the County. This does not mean that gates are required or permitted.
12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

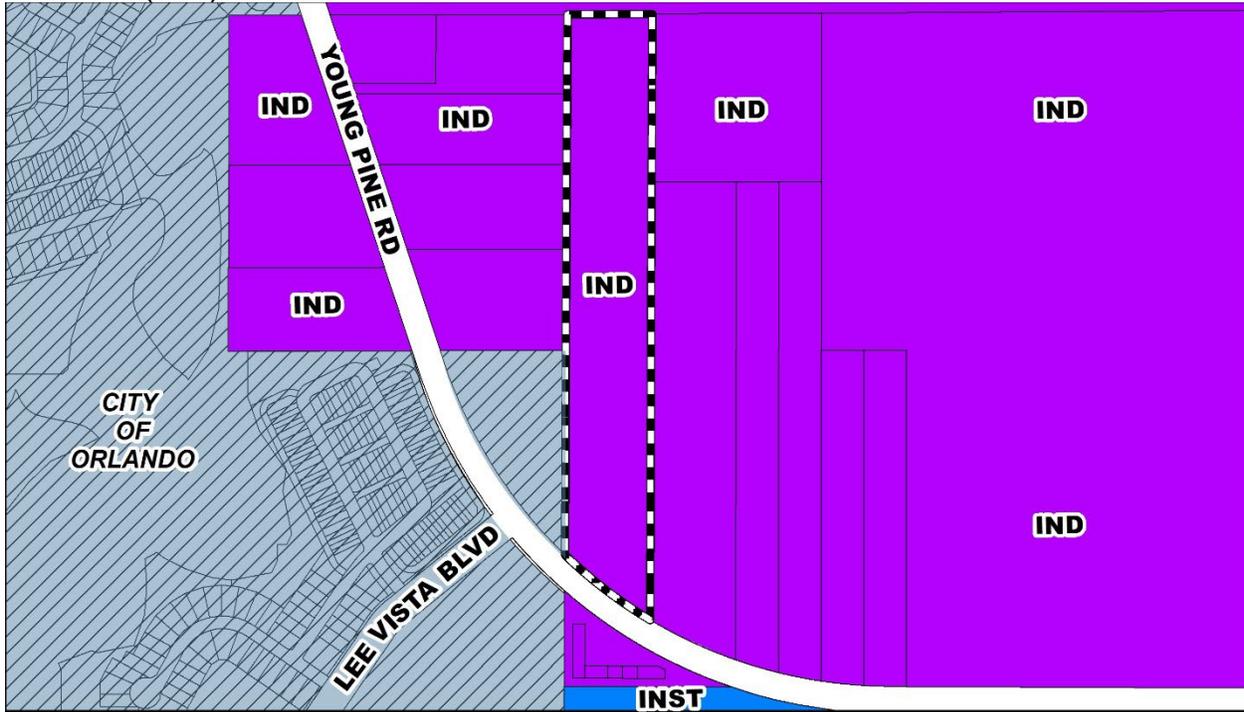
13. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, with notification that this site is within the boundary of the Pinecastle Jeep Range (aka Pinecastle Bombing Range and Pinecastle Chemical Demonstration Range), a Formerly Used Defense Site (FUDS).
14. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
15. 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.
16. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
17. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, with notification that this site is located adjacent to the East of Materials Recycling of Orlando.
18. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, with notification that this site is less than 0.05 mile from the ORANGE COUNTY LANDFILL and that noises, odors, and aesthetic objections may be associated with the function of this facility.
19. "No Parking" signs shall be installed along the access road(s) prior to issuance by county of a certificate of completion for the infrastructure.

20. In compliance with Chapter 19 of the Orange County Code, the property owner/engineer must provide a series of FEMA Letter of Map Changes (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without an established Base Flood Elevations (BFE), depicted as Zone A, the owner/engineer must perform a study to establish the BFE and obtain a FEMA LOMR (Letter of Map Revision) prior to site construction plan submittal. For modifications to a determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval must be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy and/or Certificate of Completion. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provide on a "cup for cup" basis in accordance with Chapter 19-107(1).
21. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
22. A Master Utility Plan (MUP) for the PSP 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 PSP 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.
23. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
24. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
25. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.

26. Tree removal/earthwork shall not occur unless and until construction plans for each lot, with a tree removal and mitigation plan, have been approved by Orange County.
  
27. A waiver from Orange County Code Section 34-152(c) is granted, allowing access to Lots 2 and 3 through an ingress/egress easement, to be dedicated via plat or separate instrument, in lieu of a 20-foot fee simple access to a dedicated public paved street.

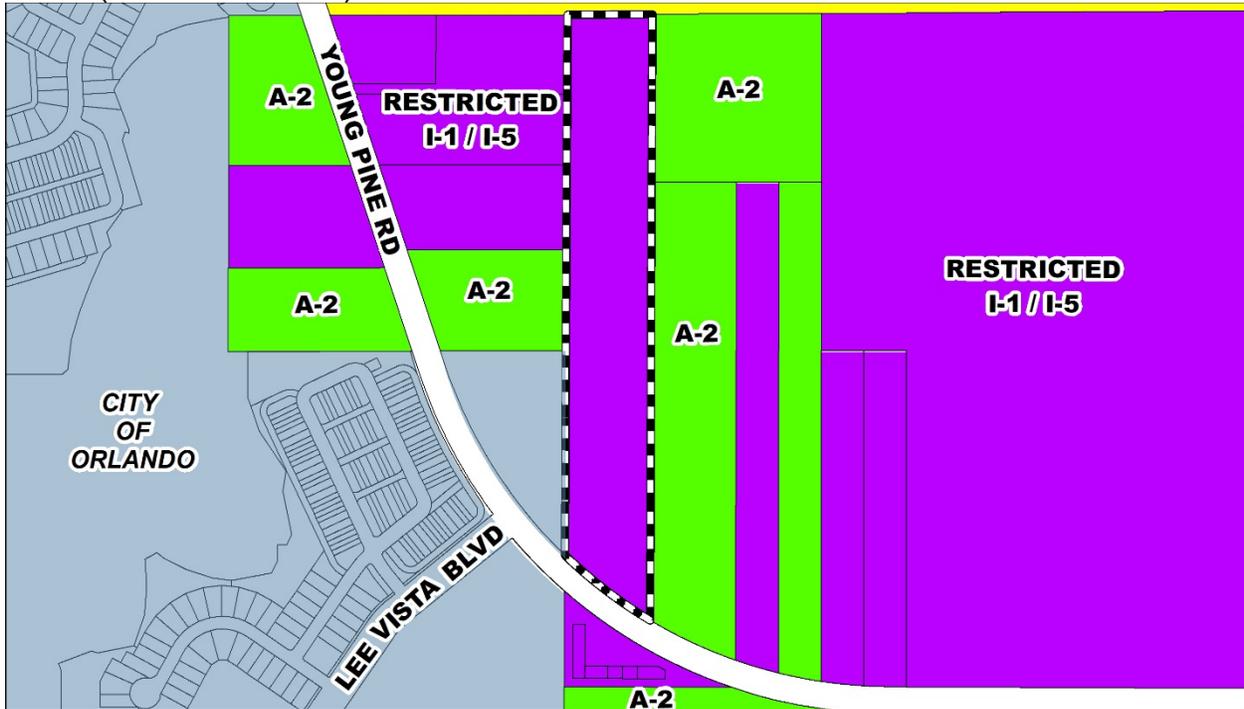
**FUTURE LAND USE**

Industrial (IND)



**ZONING**

I-1/I-5 (Industrial District)



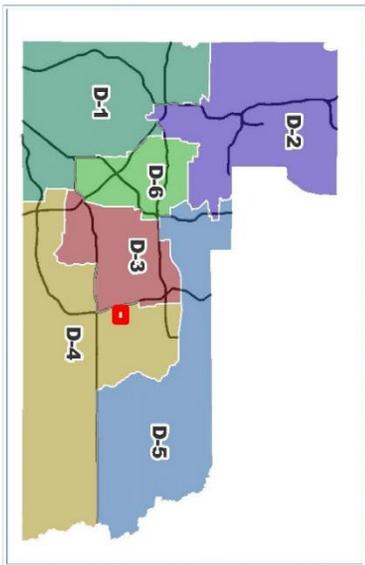
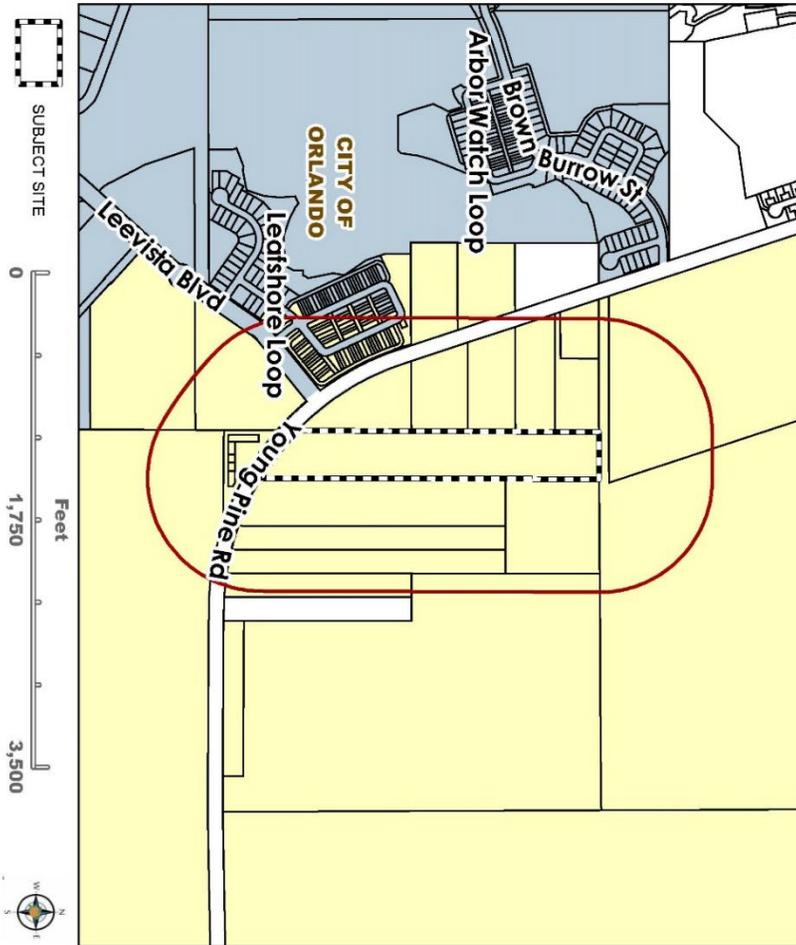


## Notification Map



# Public Notification Map

PSP-22-07-244



**MAP LEGEND**

- SUBJECT SITE
- NOTIFIED PARCELS
- 800FT BUFFER
- 1 MILE BUFFER
- PARCELS

**BUFFER DISTANCE: 800**  
**# OF NOTICES: 96**

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