




Interoffice Memorandum

DATE: March 8, 2022

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

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

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

SUBJECT: April 5, 2022 – Public Hearing
Applicant: Ronald Henson, AVID Group, LLC
Epic Retail Clarcona Planned Development / Epic Retail Clarcona
Preliminary Subdivision Plan / Lot 2 – O'Reilly Auto Parts
Development Plan
Case # DP-21-07-217 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 26, 2022, to approve the Epic Retail Clarcona Planned Development (PD) / Epic Retail Clarcona Preliminary Subdivision Plan (PSP) / Lot 2 – O'Reilly Auto Parts Development Plan (DP) to construct an Auto Parts Store on Lot 2 on a total of 1.51 acres, generally located south of Clarcona Ocoee Road and east of Apopka Vineland Road.

This item was continued from the March 8, 2022, Board meeting.

A community meeting was held on March 21, 2022.

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 Epic Retail Clarcona PD / Epic Retail Clarcona PSP / Lot 2 - O'Reilly Auto Parts DP dated "Received December 27, 2021", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/JK/lme
Attachments

CASE # DP-21-07-217

Commission District # 2

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 26, 2022, to approve Epic Retail Clarcona Planned Development (PD) / Epic Retail Clarcona Preliminary Subdivision Plan (PSP) / Lot 2 – O'Reilly Auto Parts Development Plan (DP) to construct an auto parts store on lot 2 on a total of 1.51 acres.

2. PROJECT ANALYSIS

- A. Location: South of Clarcona Ocoee Road / East of Apopka Vineland Road

- B. Parcel ID: 34-21-28-0000-00-016 (portion of), 34-21-28-0000-00-045 (portion of), 34-21-28-0000-00-056 (portion of)

- C. Total Acres: 1.51 gross acres

- D. Water Supply: Orange County Utilities

- E. Sewer System: Orange County Utilities

- F. Schools: N/A

- G. School Population: N/A

- H. Parks: Clarcona Ocoee Connector Trail - 0.1 Mile

- I. Proposed Use: Auto Parts Store

- J. Site Data: Maximum Building Height: 35'
Building Setbacks:
30' Front
25' Side
10' Rear
10' Side Street
30' Major Road

- K. Fire Station: 28 - 3250 Clarcona Road

- L. Environmental: Erosion Control - Use caution to prevent erosion during construction along the boundary of the property 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 as indicated in 34-250(g). This may require periodic street sweeping.

Solid Waste - 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

M. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.

The Roadway Agreement (RAG-21-06-018) was approved by the BCC on August 24, 2021.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Planned Development – Commercial / Rural Settlement (PD-C/RS). The is zoned PD and is within the Epic Retail Clarcona PD. The request to a retail auto parts store appears to be consistent with the comprehensive plan.

4. ZONING

PD (Planned Development District) (Epic Retail Clarcona PD). Condition of Approval #13 dated June 19, 2018, for the Epic Retail Clarcona PD requires that all development plans within this PD shall require a public hearing with the Board of County Commissioners.

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Epic Retail Clarcona Planned Development; Orange County Board of County Commissioners (BCC) approvals; Epic Retail Clarcona Preliminary Subdivision Plan; BCC approvals; Lot 2 - O'Reilly Auto Parts Development Plan dated "Received December 27, 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.
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 / development 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

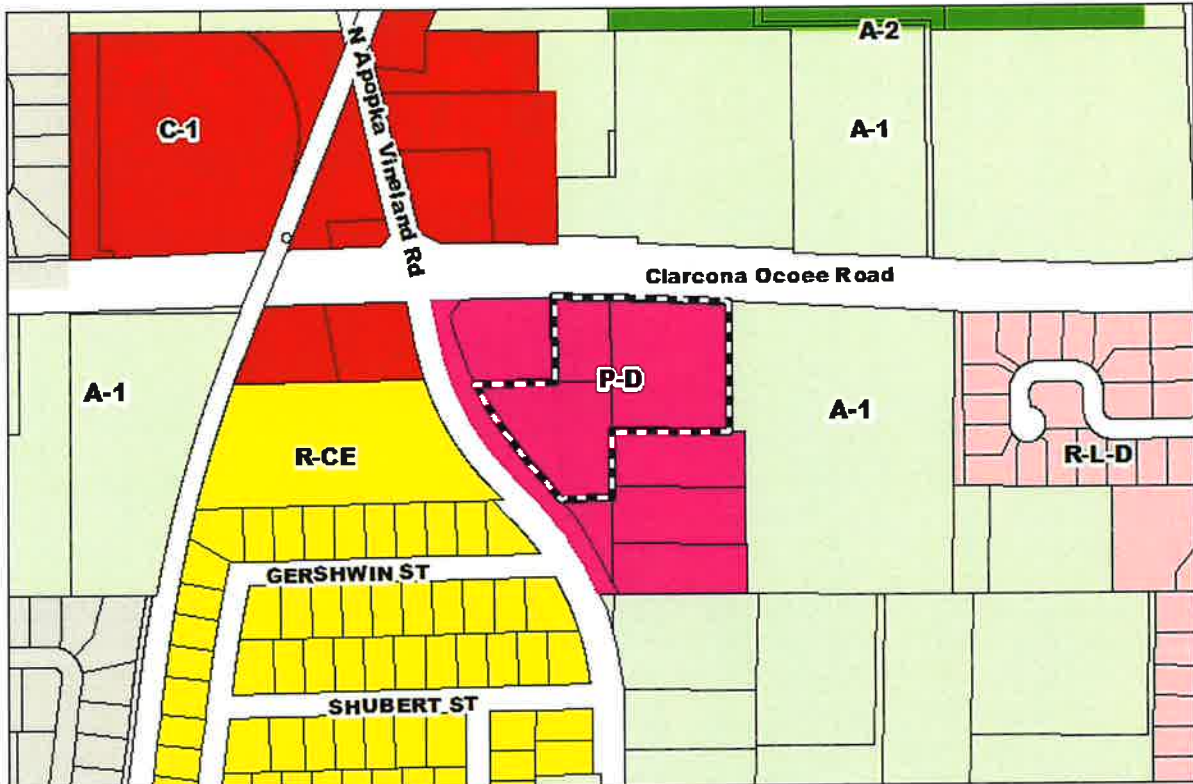
issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
7. 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.
8. 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.

9. 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.
10. 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).
11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
12. Outside sales, storage, and display shall be prohibited.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
14. 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.
15. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
16. Associated infrastructure, including connecting roadways and drainage systems, shall be substantially completed prior to issuance of a Certificate of Occupancy.

Zoning Map

DP-21-07-217



Subject Property



Subject Property

Zoning Map

ZONING: P-D (Planned Development District)
 (Epic Retail Clarcona LUP)

APPLICANT: Ronald Henson
 AVID Group

LOCATION: South of Clarcona Ocoee Road /
 East of Apopka Vineland Road

TRACT SIZE: 1.51 gross acres

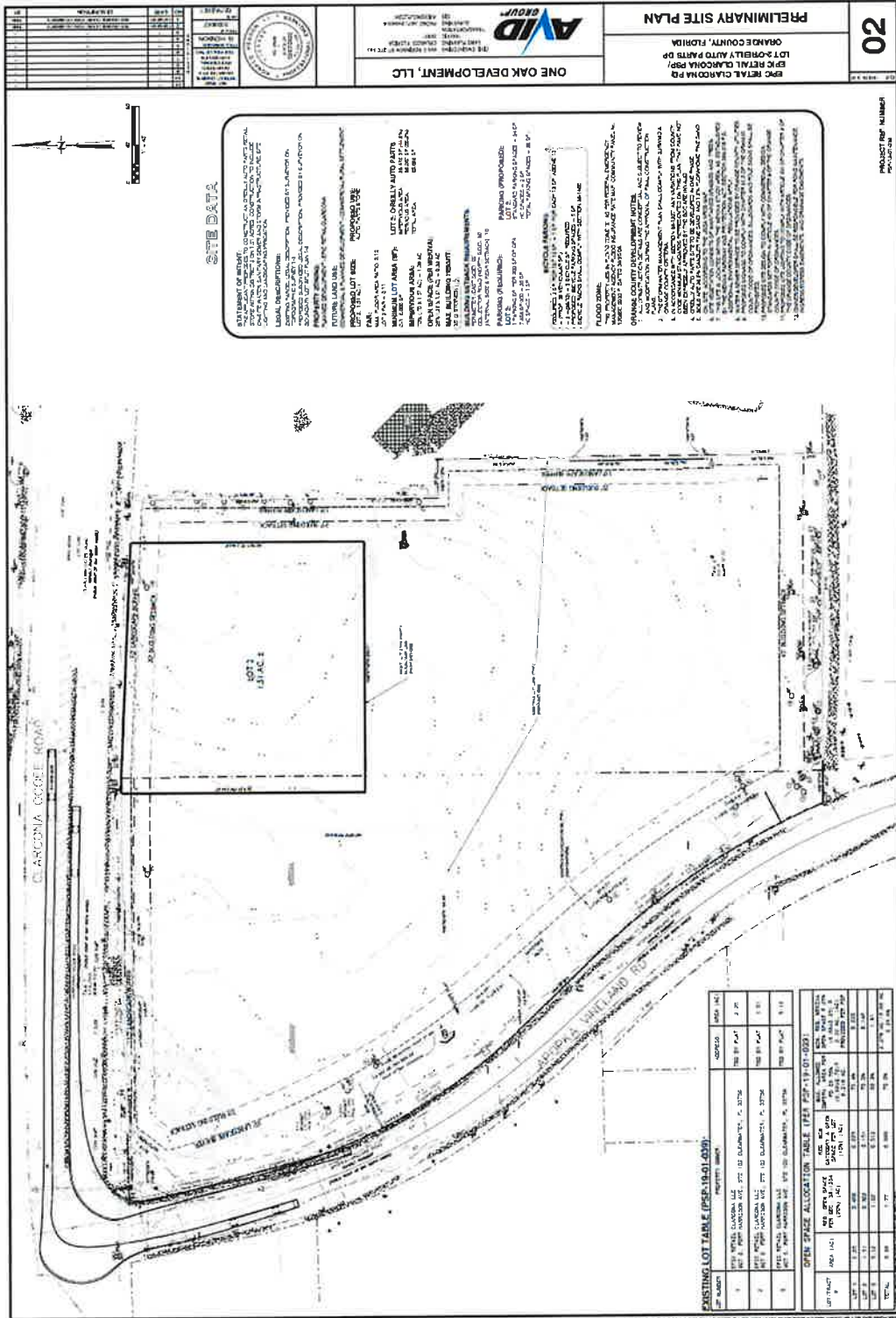
DISTRICT: # 2

ST/R: 34-21-28

1 inch = 375 feet



Site Data & Notes Sheet



EXISTING LOT TABLE (PER 10-01-003)

LOT NUMBER	AREA (SQ. FT.)	PERMITTED USES	AREA (SQ. FT.)	PERMITTED USES
1	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
2	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
3	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
4	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
5	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY

OPEN SPACE ALLOCATION TABLE (PER 10-01-003)

LOT NUMBER	AREA (SQ. FT.)	PERMITTED USES	AREA (SQ. FT.)	PERMITTED USES
1	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
2	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
3	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
4	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY
5	10,000	RESIDENTIAL SINGLE-FAMILY	10,000	RESIDENTIAL SINGLE-FAMILY

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PRELIMINARY SITE PLAN
 ORANGE COUNTY, FLORIDA
 BPC RETAIL CLANONIA RD
 LOT 2 ORIGINALLY AUTO PARTS (P)

ONE OAK DEVELOPMENT, LLC
 1000 W. UNIVERSITY BLVD., SUITE 100
 ORANGE COUNTY, FLORIDA 32137
 407.881.1111

SITE DATA

STATEMENT OF WORK: THE DESIGNER SHALL PROVIDE ALL NECESSARY ENGINEERING, ARCHITECTURAL, AND LANDSCAPE ARCHITECTURE SERVICES FOR THE PRELIMINARY SITE PLAN AND ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.

LEGAL DESCRIPTION: LOT 2, ORIGINALLY AUTO PARTS (P), BPC RETAIL CLANONIA RD, ORANGE COUNTY, FLORIDA.

PROPERTY ADDRESS: 1000 W. UNIVERSITY BLVD., SUITE 100, ORANGE COUNTY, FLORIDA 32137.

FUTURE LAND USE: RETAIL AUTO PARTS (P).

DATE OF THIS REPORT: 03/15/2022.

PREPARED BY: [NAME]

DESIGNED BY: [NAME]

ENGINEER: [NAME]

ARCHITECT: [NAME]

LANDSCAPE ARCHITECT: [NAME]

SCALE: 1" = 40'

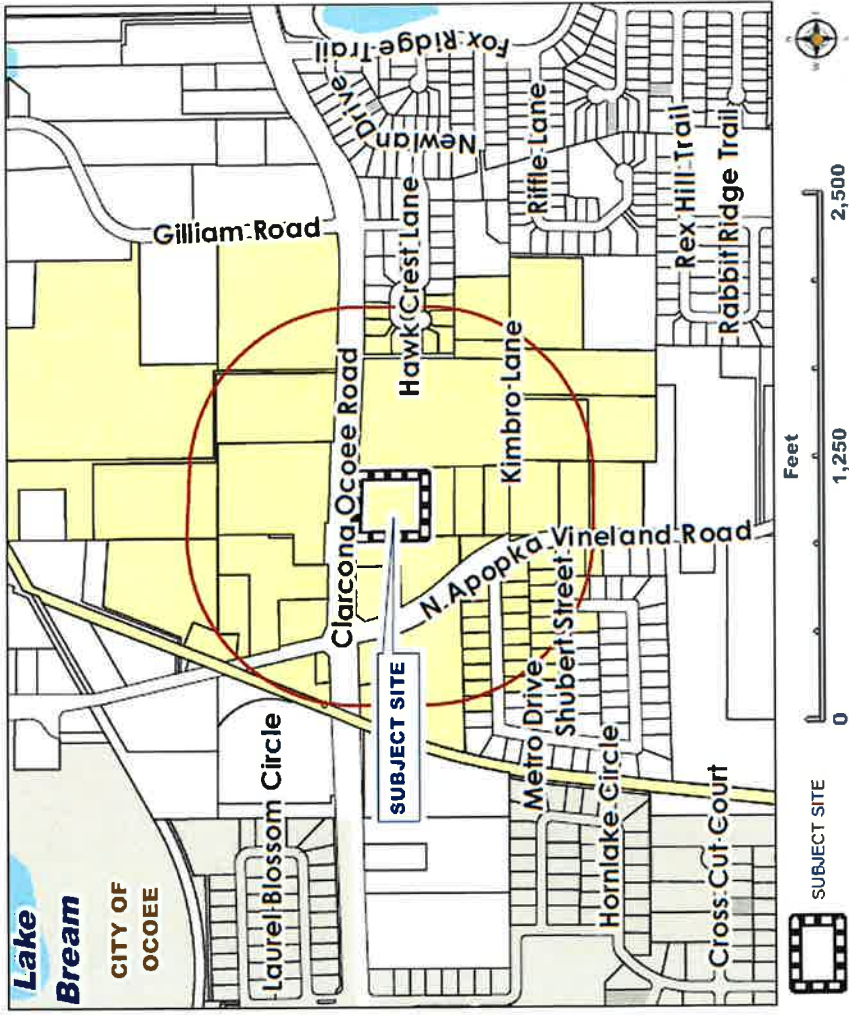
DATE: 03/15/2022

PROJECT NUMBER: 20






Notification Map

Public Notification Map

DP-21-07-217



MAP LEGEND

-  SUBJECT SITE
-  800_FT_BUFFER
-  PARCELS
-  NOTIFIED_PARCELS
-  HYDROLOGY

BUFFER DISTANCE: 800
 # OF NOTICES: 87

