

**PLANNING, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING DIVISION PUBLIC HEARING REPORTS**  
**August 9, 2022**

This packet contains the following public hearings to be heard by the Board of County Commissioners on Tuesday, August 9, 2022.

**NAME OF REQUEST**

Solange M Switzer, Heritage  
Place PD / PSP District 1

**CASE NUMBER**

DP-21-06-198

**TYPE OF HEARING**

DRC Appeal



## Interoffice Memorandum

DATE: July 28, 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: August 9, 2022 – Public Hearing  
Appellant: Solange M. Switzer, Wonsetler & Webner, P.A.  
Heritage Place Planned Development / Big Dan's Car Wash  
Development Plan  
Case # DP-21-06-198 / District 1

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of December 15, 2021 to approve the Heritage Place Planned Development (PD) / Big Dan's Car Wash Development Plan (DP).

This appeal has been made on behalf of the Heritage Place Property Owners Association, who object to the removal of the brick wall which was located along Appomatox Drive on the subject property. The wall was constructed as part of the previous carwash development on the property and was the result of an unwritten private agreement between the previous developer and the Property Owners Association. The wall was not a requirement of Orange County Code.

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

**ACTION REQUESTED: Uphold the DRC action of December 15, 2021 and approve the Heritage Place PD / Big Dan's Car Wash DP dated "Received May 9, 2022", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

JVW/JK/nt  
Attachments

**CASE # DP-21-06-198**

Commission District # 1

**1. REQUEST**

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of December 15, 2021 to approve the Heritage Place Planned Development (PD) / Big Dan's Car Wash Development Plan (DP).

**2. PROJECT ANALYSIS**

- A. Location: North of State Road 417 / West of South John Young Parkway
- B. Parcel ID: 20-24-29-3477-00-009
- C. Total Acres: 1.05
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: 4,088 Square Foot Automatic Car Wash
- J. Site Data: Maximum Building Height: 35'  
Building Setbacks:  
40' Front  
10' Side  
10' Side Street
- K. Fire Station: 58 – 2900 Deerfield Boulevard
- 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 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.

### **3. COMPREHENSIVE PLAN**

The subject property is designated on the Future Land Use Map (FLUM) as Medium Density Residential (MDR). The zoning is PD, within the Heritage Place PD. Lot 4 of the Heritage Place PD is designated for commercial retail use. The request is consistent with the comprehensive plan.

### **4. ZONING**

PD (Planned Development) (Heritage Place PD)

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

Uphold the DRC action of December 15, 2021 to approve the Heritage Place Planned Development (PD) / Big Dan's Car Wash Development Plan subject to the following conditions of approval:

1. Development shall conform to the Heritage Place Planned Development; Orange County Board of County Commissioners (BCC) approvals; Big Dan's Car Wash Development Plan dated "Received May 9, 2022"; 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

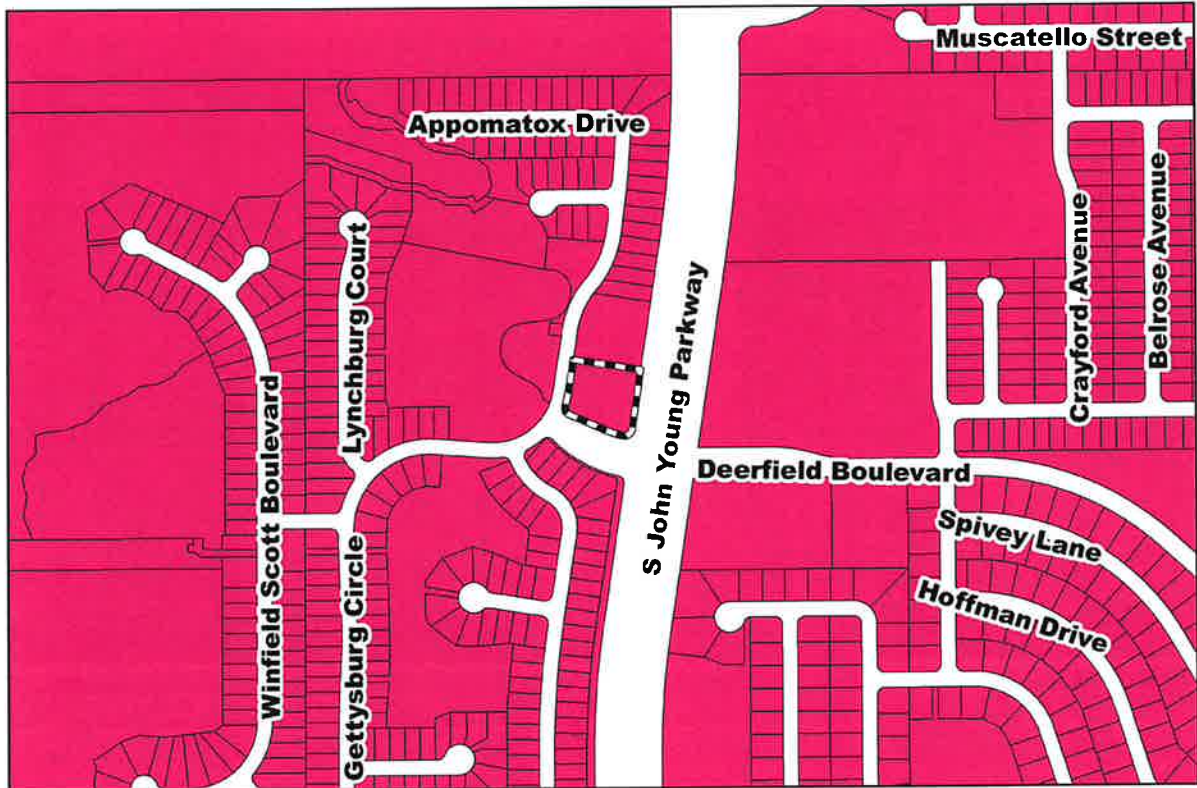
development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this 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 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.

8. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
9. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
10. 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.
11. 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.
12. 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.
13. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development (including hydraulically dependent development) within the PD.
14. Outside sales, storage, and display shall be prohibited.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.

## Zoning Map

DP-21-06-198



 Subject Property



 Subject Property

### Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Maleia Storum, Bowman Consulting

LOCATION: North of State Road 417 / West of South  
John Young Parkway

TRACT SIZE: 1.05 acres

DISTRICT: # 1

S/T/R: 20/24/29

1 inch = 500 feet



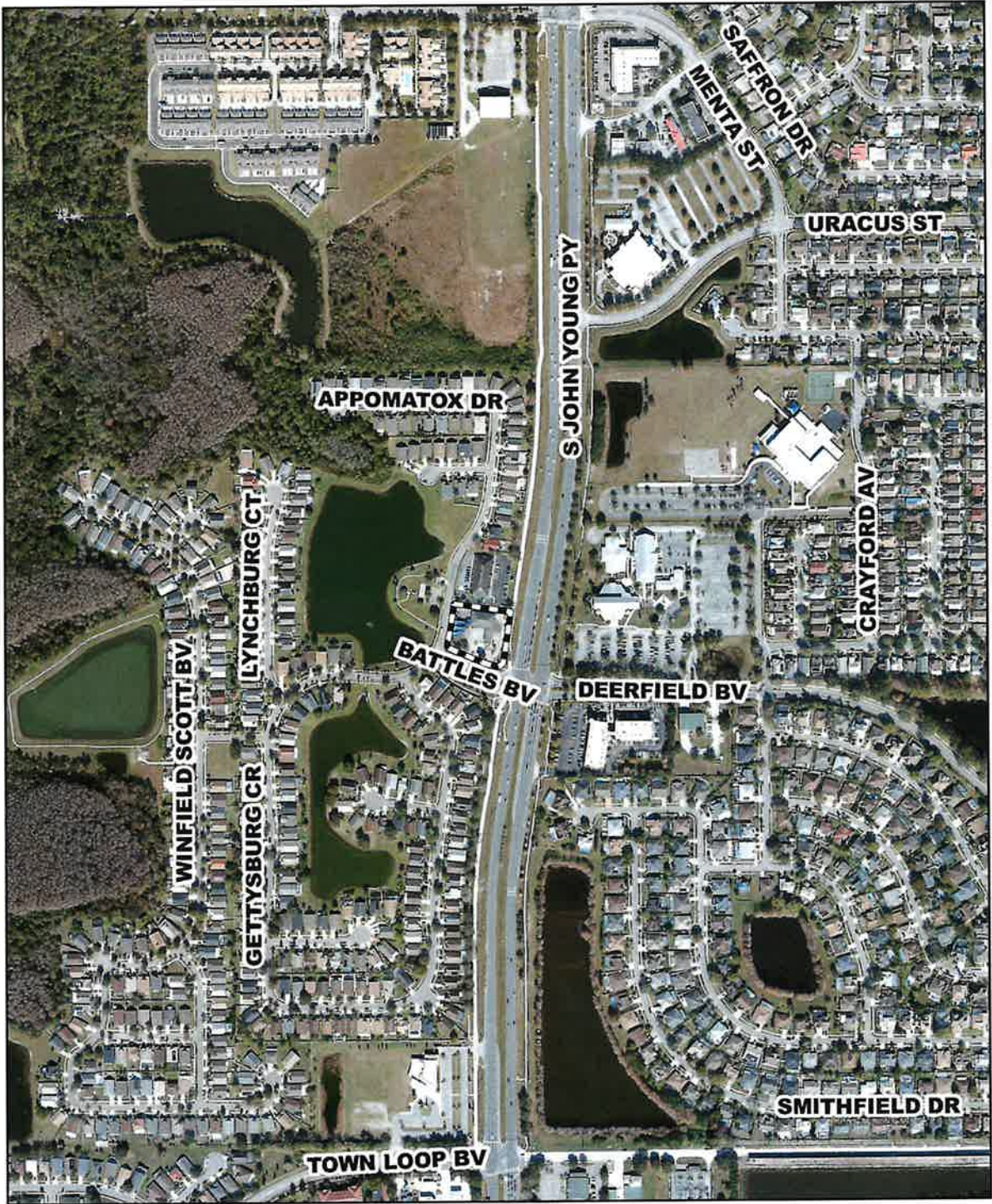
## Site Plan





Aerial

DP-21-06-198



 Subject Property



1 inch = 500 feet





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## Existing Wall

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