





Interoffice Memorandum

DATE: March 24, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of 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: April 21, 2020 – Public Hearing  
Applicant: Ronald Henson, AVID Group  
Epic Retail Clarcona Planned Development / Epic Retail Clarcona  
Preliminary Subdivision Plan / Lot 1 – Wawa Development Plan  
Case # PSP-19-01-039 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 26, 2020, to approve the Epic Retail Clarcona Planned Development (PD) / Epic Retail Clarcona Preliminary Subdivision Plan (PSP) / Lot 1 – Wawa Development Plan (DP) to subdivide 9.79 acres into three lots and construct a 6,119 square foot Wawa on Lot 1. A community meeting was held for this request on May 15, 2019, and the results of that meeting are summarized in the staff report.

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 Planned Development / Epic Retail Clarcona Preliminary Subdivision Plan / Lot 1 – Wawa Development Plan dated "Received January 31, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme  
Attachments

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**CASE # PSP-19-01-039**

Commission District # 2

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 26, 2020, to approve the Epic Retail Clarcona Planned Development (PD) / Epic Retail Clarcona Preliminary Subdivision Plan (PSP) / Lot 1 – Wawa Development Plan (DP) to subdivide 9.79 acres into three lots and construct a 6,119 square foot Wawa on Lot 1.

A community meeting was held for this request on May 15, 2019 at Lake Gem Elementary School. Eleven area residents attended the meeting and expressed concerns regarding tree removal, traffic and the appearance of the site and building elevations. Residents generally agreed the proposed equestrian-style fencing and architectural modifications were needed to allow the project to be compatible with the existing Rural Settlement.

**2. PROJECT ANALYSIS**

- A. Location: South of Clarcona Ocoee Road / East of Apopka Vineland Road
- B. Parcel ID: 34-21-28-0000-00-016, 34-21-28-0000-00-048,  
34-21-28-0000-00-060, 34-21-28-0000-00-045,  
34-21-28-0000-00-056, 34-21-28-0000-00-049,  
34-21-28-0000-00-070, 34-21-28-0000-00-047
- C. Total Acres: 9.79 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: N/A
- I. Proposed Use: 3 Commercial Lots & 6,119 Square Foot Wawa on Lot 1
- J. Site Data: Maximum Building Height: 50' (4-stories)  
Building Setbacks:  
25' Front  
25' Rear  
30' Side

K. Fire Station: 28 – 3250 Clarcona Road

L. Transportation: On June 19, 2018, the Board of County Commissioners approved a Right-of-Way Agreement ("Agreement") between Epic Retail Clarcona, LLC ("Owner") and Orange County for the dedication of right-of-way for N. Apopka Vineland Road. The Right-of-Way was conveyed by warranty deed on January 29, 2019.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial and Planned Development - Commercial / Rural Settlement. The project is within the Clarcona Rural Settlement and the Wekiva Study Area. The FLUM designation allows for an FAR of 0.15. The request is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (Epic Retail Clarcona PD)

### **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; Lot 1 - Wawa Development Plan BCC approvals; dated "Received January 31, 2020" 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 January 31, 2020," 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 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. 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.

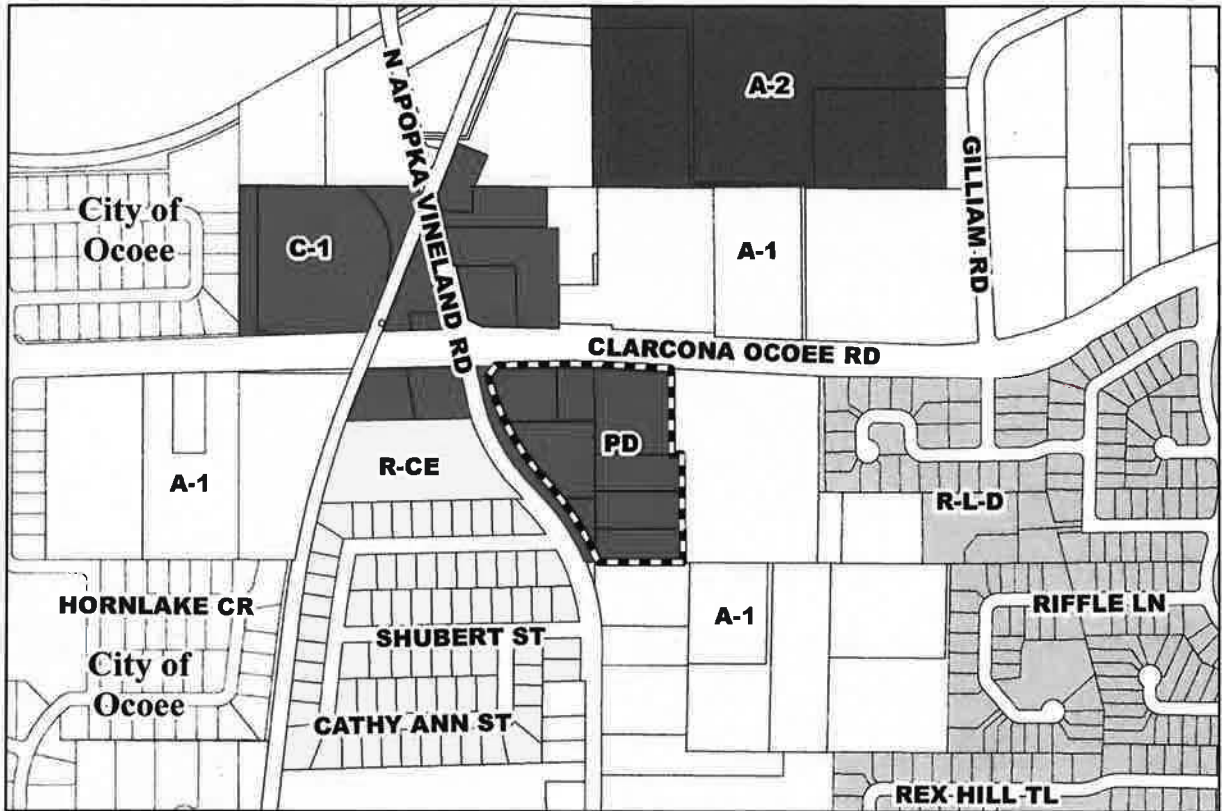
Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

7. 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.
8. 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.
9. 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.
10. 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.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. Outside sales, storage, and display shall be prohibited.
13. 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/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.

14. 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.
15. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
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 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.
17. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. 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.
18. The existing trees within the twenty-five (25) foot buffer along the southern property line shall be preserved.
19. Any Development Plan (DP) within this PD shall require a public hearing with the Board of County Commissioners.

## Zoning Map

PSP-19-01-039



Subject Parcel



Subject Property

### Zoning Map

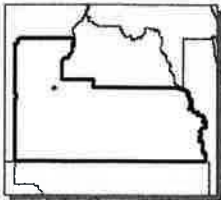
ZONING: PD (Planned Development District)  
 APPLICANT: Ronald Henson, AVID Group  
 LOCATION: South of Clarcona Ocoee Road / East of Apopka Vineland Road  
 TRACT SIZE: 9.79 gross acres  
 DISTRICT: 2  
 S/T/R: 34/21/28



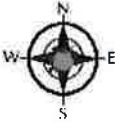




**Aerial**



**Epic Retail Clarcona PD / Epic Retail  
Clarcona PSP / Lot 1 – Wawa DP**

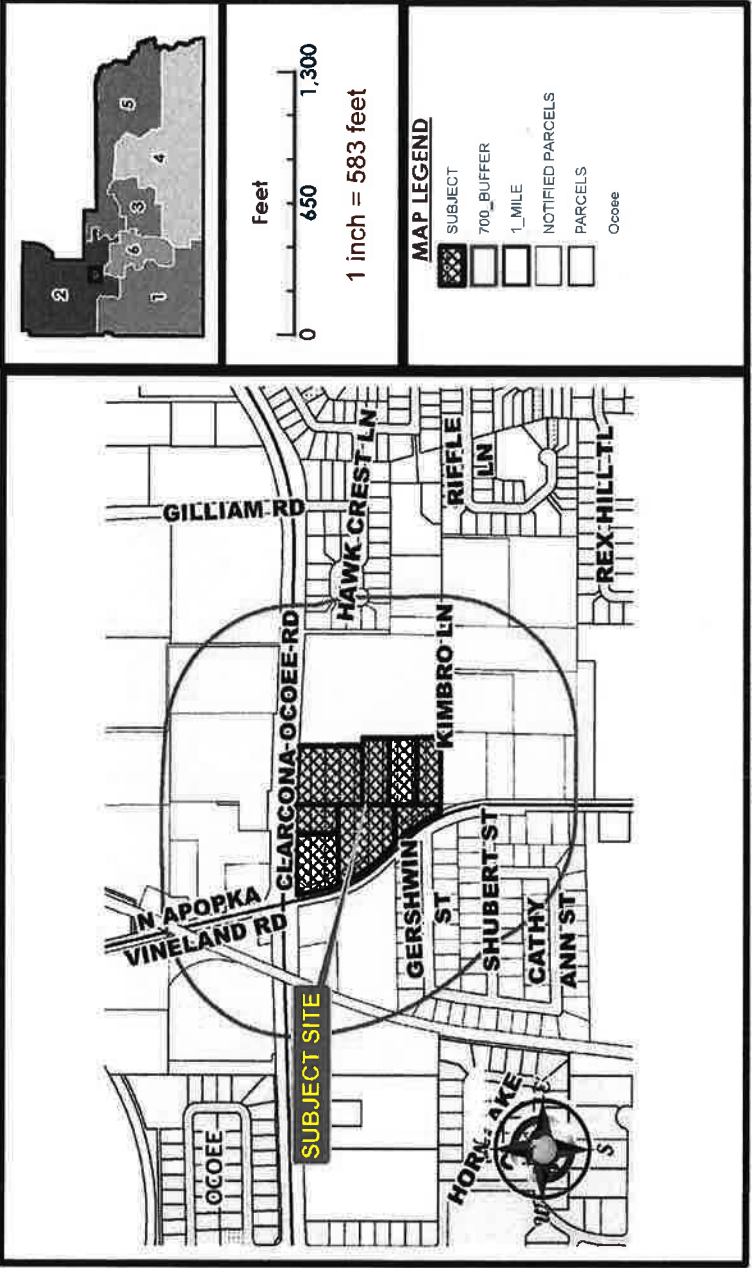


 Parcels	 Subject Property	 Jurisdiction	 Hydrology
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1 : 1,200  
1 in : 100 ft

Notification Map

**Public Notification Map**  
 Epic Retail Clarcona PD/PSP\_PSP-19-01-039  
 700 FT BUFFER, 132 NOTICES



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