



**Interoffice Memorandum**

Received: July 5, 2022  
Publish: July 17, 2022  
Deadline: July 12, 2022

**DATE:** June 30, 2022

**TO:** Katie A. Smith, Deputy Clerk of the  
Board of County Commissioners,  
County Comptroller's Office

**THROUGH:** Cheryl Gillespie, Supervisor,  
Agenda Development Office

**FROM:** Lisette M. Egipciaco *LME*  
Senior Development Coordinator  
Planning Division

**CONTACT PERSON(S):** **Lisette M. Egipciaco**  
**Senior Development Coordinator**  
**Planning Division 407-836-5684**  
[lisette.egipciaco@ocfl.net](mailto:lisette.egipciaco@ocfl.net)

**SUBJECT:** Request for Board of County Commissioners  
Public Hearing

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**Project Name:** Heritage Place Planned Development / Big Dan's  
Car Wash Development Plan  
Case # DP-21-06-198

**Type of Hearing:** Development Review Committee (DRC) Appeal

**Appellant:** Solange M. Switzer  
Wonsetler & Webner, P.A.  
717 North Magnolia Avenue  
Orlando, Florida 32803

**Commission District:** 1

**General Location:** North of State Road 417 / West of South John  
Young Parkway

**Parcel ID #(s)** 20-24-29-3477-00-009

**# of Posters:** 0

Use:	4,088 Square Foot Automatic Car Wash
Size / Acreage:	1.05
BCC Public Hearing Required by:	Orange County Code, Section 38-1203
Clerk's Advertising Requirements:	<p>(1) At least 15 days before the BCC public hearing date, publish an advertisement in the Legal Notices section of <i>The Orlando Sentinel</i> describing the particular request, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;</p> <p>and</p> <p>(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.</p>
Spanish Contact Person:	Para más información referente a esta vista pública, favor de comunicarse con la División de Planificación (Planning Division) al número 407-836-8181.

**Advertising Language:**

This request is an appeal of the December 15, 2021 decision of the Development Review Committee (DRC), to approve the Big Dan's Car Wash Development Plan.

**Material(s) Provided:**

- (1) Appeal Letter
- (2) Development Review Committee (DRC) approved meeting minutes dated December 15, 2021
- (3) Location Map
- (4) Site Plan Sheet

**Special Instructions to Clerk (if any):**

Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Please notify Lisette Egipciaco of the scheduled date and time. The Planning Division will notify the applicant / appellant.

Attachments (appeal letter, meeting minutes, location map, and site plan sheet)

**Wonsetler & Webner, P.A.**

717 North Magnolia Avenue  
Orlando, Florida 32803

Office 407-770-0846

Facsimile 407-770-0843

Email: [office@kwpalaw.com](mailto:office@kwpalaw.com)

June 22, 2022

**VIA EMAIL AND FEDEX**

Joseph C. Kunkel, DRC Chairman  
201 South Rosalind Avenue, 2nd Floor  
Orlando, Florida 32801  
[DRC\\_Help@ocfl.net](mailto:DRC_Help@ocfl.net)

Re: Heritage Place Property Owners Association, Inc  
Property: 12600 S John Young Parkway, Orlando, FL 32837

Dear Chairman Kunkel,

Please be advised that this firm represents Heritage Place Property Owners Association, Inc. It has come to our attention that a recent development plan was approved for Big Dan's Car Wash as being consistent with the Heritage Place Planned Development. Unbeknownst to the Association, Bw Bd Jyp Wash Venture LLC., the current Developer, tore down a brick wall which was in place over 25 years. The brick wall was constructed as a result of an agreement reached in 1998 between the Association and Buffets Car Center Inc. The Association fiercely advocated for the erection of the wall due to the business' proximity to the Association's Common Area, specifically Common Area that includes a playground, and to prevent an increase in the ingress and egress of traffic within the community since the Association is not gated. The current Developer did not provide the Association with notice of the wall's demolition nor was the Association given the opportunity to be present at the December 15, 2021 hearing.

The Association is aware of the lack of County Condition of Approval attached to the property in question and the lack of requirement imposed by County Standards. Nevertheless, it is our position that the previous agreement should be recognized and imposed against the current Developer. The 1998 agreement between Buffets Car Center Inc., and the Association was upheld for more than two decades and abided by two different Developers. At the inception of this dispute, the taxpayers of the community provided input regarding the lack of separation between the Association and the commercial business. In order to address the taxpayers' concerns, the Association undertook this enormous project and negotiations with Buffets Car Center Inc. Before the matter went before a public hearing the Developer agreed to erect the brick wall so as to forego the hearing and obtain the remaining requisite permit.

As previously stated, the wall was in place for over two decades and contributed to the aesthetics of the community along with the quality of life of the taxpayers currently residing with the community. The owners within the community prefer not to observe the operations of a car wash when they are visiting the playground and enjoying the use of the land. The Association does not object to the development of a commercial business at the present location but desire the property to be separated from the Association, as it has been for 25 years. The agreement and subsequent brick wall were deemed proper by the County in the 90s and whether the agreement was finalized at the municipal level or not, the Association respectfully request that the agreement be upheld, and the current Developer required to construct the wall.

Therefore, the Association respectfully request that the Department Review Committee approve our appeal and require the current Developer to reconstruct the brick wall. Thank you for your attention to this matter. Please do not hesitate to contact me if additional information is needed.

Sincerely,   
Solange M. Switzer  
Solange M. Switzer, Esq.

APPROVED MEETING MINUTES  
DECEMBER 15, 2021

14. **DP-21-06-198 - DISTRICT 1**  
**HERITAGE PLACE PD / BIG DAN'S CAR WASH DP**

Present for discussion were Maleia Storum, Wright Barrs, and Armando Cabre. Michael Rosso presented the TRG Summary report to the DRC.

This request proposes to demolish the existing car wash and redevelop with a 4,088 square foot automatic car wash on a total of 1.05 acres.

Discussion ensued regarding the fire review outstanding issue, the applicant will be submitting a revised plan to address comments. Discussion also ensued regarding clarification of the fence boundary around an existing driveway.

***MOTION by Jennifer Moreau, seconded by Alberto Vargas, to make a finding that the BIG DAN'S CAR WASH DEVELOPMENT PLAN is consistent with the Heritage Place Planned Development, pursuant to the conditions of approval, is consistent with the relevant provisions of the Code and therefore, APPROVE, subject to submittal and approval of a revised plan.***

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 \*"; 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

**APPROVED MEETING MINUTES  
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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.

**APPROVED MEETING MINUTES  
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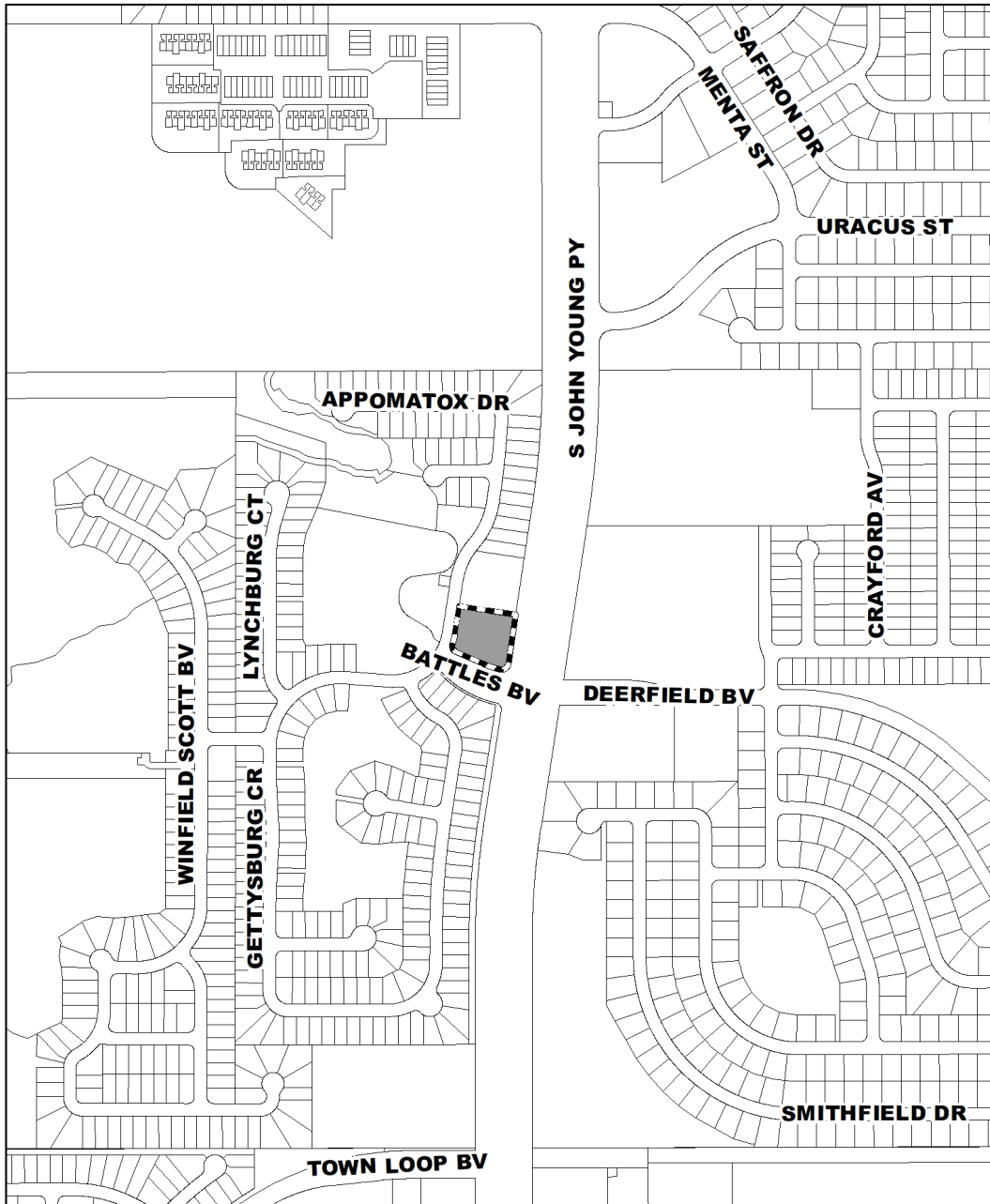
10. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to 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.

***MOTION CARRIED.***

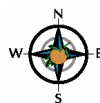


For questions regarding this map, please call the Planning Division at 407-836-5600.

DP-21-06-198



 Subject Property



1 inch = 500 feet

