



Interoffice Memorandum

DATE: April 18, 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 26, 2022– Public Hearing
Jennifer Stickler, Kimley-Horn and Associates, Inc.
Granada Planned Development
Case # LUPA-21-06-170 / District 1

The Granada Planned Development (PD) was first approved in 1974, contains over 1,600 acres, and is generally located along South Apopka Vineland Road and Sand Lake Road. The applicant is seeking to rezone a 12.92 gross acre portion of a parcel located at 5838 Emerington Crescent (Parcel ID 21-23-28-0000-00-06) from R-CE (Country Estate District) to PD (Planned Development District), in order to aggregate the property with the existing Granada PD. The R-CE portion of subject parcel was never platted, and the applicant's intent is to combine this area with Lot 21 from the Emerson Point Plat within the Granada PD to allow for the construction of one single-family home. No new entitlements are being proposed with this request.

On February 17, 2022, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

Finally, 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 PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Granada Planned Development / Land Use Plan (PD/LUP) dated “Received November 24, 2021”, subject to the conditions listed under the PZC Recommendation in the Staff Report.
District 1

Attachments
JVW/NT/jhs

GENERAL INFORMATION

APPLICANT	Jennifer Stickler, Kimley-Horn and Associates, Inc.
OWNERS	Jennifer Wetherill; Justin Wetherill
PROJECT NAME	Granada Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan Amendment (PD / LUPA)
REQUEST	R-CE (Country Estate District) to PD (Planned Development District) <i>A request to rezone a portion of one (1) parcel containing 12.92 gross acres from R-CE to PD, in order to construct one (1) home.</i>
LOCATION	5835 Emerington Crescent
PARCEL ID NUMBER	21-23-28-0000-00-006
TRACT SIZE	12.92 gross acres 1.74 net acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred six (106) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	One Single-Family Home

STAFF RECOMMENDATION

Development Review Committee – (January 12, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Granada Planned Development / Land Use Plan Amendment (PD/LUPA), dated "Received November 24, 2021", subject to the following conditions:

1. Development shall conform to the Granada Planned Development Land Use Plan Amendment dated "Received November 24, 2021" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 24, 2021," 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 land use 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. The Windermere Water and Navigation Control District has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Windermere Water and Navigation Control District, this project shall be required to be a participant.

7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.

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 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.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
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, 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 project shall comply with the terms and conditions of that certain Pond Reconfiguration & Roadway Development Agreement approved on April 11, 2017 and recorded at Document number 20170202946, Public Records of Orange County, Florida, as may be amended.

15. A Master Utility Plan (MUP) for the PD 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 PD 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.
16. The developer shall obtain wastewater and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 28, 2014, shall apply:
 - a. 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 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.
 - b. The park shall be completed prior to Certificate of Occupancy of any new building on the existing church property within PD Parcel Northeast B.
 - c. Fast food restaurants with drive-thrus shall be prohibited within PD Parcel Northeast B.
 - d. Outdoor sales, storage and display shall be prohibited.
 - e. The commercial (C-1 uses) within the subject 2.55-acre tract of PD Parcel Northeast B shall be restricted to the 15,500 total square feet, regardless of use (commercial, office, or mixed use).
 - f. The one-hundred (100) foot park/open space buffer located along the entire length of the western boundary line of the Parkside at Dr. Phillips parcel (as shown on the Land Use Plan) shall only allow for passive park type amenities, and up to a ten-foot (10') access encroachment. Any parking, retention, or other type of use in support of the commercial activity shall be prohibited within the designated park/open space area. Additionally, a landscape buffer consisting of an 8' concrete/block wall along the western boundary line with shade trees planted 40' on-center and two understory trees between each of the shade trees shall be planted along the wall within the park/open space buffer. Finally, a developer's agreement shall be executed with the first Development Plan (DP) that specifies park/open space buffer ownership, maintenance and access.
 - g. There shall be a one-hundred (100) foot west boundary building setback within subject 2.55-acre tract of PD Parcel Northeast B.
 - h. Billboards and pole signs shall be prohibited. All other signage shall comply with Ch. 31.5, Orange County Code.

- i. An 8' wall along the west property line of the subject 2.55-acre tract within PD Parcel Northeast B, and which wraps around the north property line of the tract (extending 15' to the east), shall be required.
- j. Applicant agrees to construct median improvements along Sand Lake Road immediately in front of PD Parcel Northeast B. Such improvements shall consist of landscaping in the median and a turn lane that will accommodate a U-Turn for westbound traffic. Applicant shall also use best efforts to establish a property owners' association for other median improvements along Sand Lake Road between Turkey Lake Road and Apopka Vineland Road which improvements may be provided reclaimed water at no expense to such association pursuant to Resolution 2002-M-03. All improvements constructed by the applicant shall use reclaimed water from Orange County at the applicant's expense until such time as a property owners' association may be established. The improvements in front of the applicant's property shall be maintained by the applicant, the established association or through MSTU/MSBUs. Prior to Development Plan (DP) submittal, a use agreement shall be submitted and approved to address perpetual maintenance of right-of-way from Sandpoint Boulevard to S. Apopka Vineland Road.
- k. A left westbound turn lane on Sand Lake Road directly in front of PD Parcel Northeast B shall be constructed prior to Certificate of Occupancy of the first building.
- l. The following waivers from Orange County Code are applicable to PD Parcel Northeast B only:
 - 1) A waiver from Orange County Code Section 24-5(a)(3) is granted to allow a minimum 10' landscape buffer width along the north perimeter abutting residential, in lieu of the required 15' wide buffer; and
 - 2) A waiver from Section 38-1272(a)(3)(b) is granted to allow for a minimum twenty (20) foot setback from an arterial roadway (Sand Lake Road), in lieu of a minimum 40' building setback from an arterial roadway.
- m. No outdoor speakers, televisions, or amplifications on the commercial portion of PD Parcel Northeast B shall be permitted, unless a Special Event Permit is obtained from the County.
- n. Prior to development plan approval, the developer shall demonstrate to the satisfaction of the County staff that legal access for ingress and egress of motor vehicles and pedestrians over and across the common property of the Sandpointe Townhouse Association has been granted by the Association in favor of the owner of PD Parcel Northeast B and its tenants, employees, agents, customers, and invitees, to provide access from, to, and between PD Parcel Northeast B and the public right-of-way of West Sand Lake Road.

IMPACT ANALYSIS

Overview

The Granada PD contains 1,654.5 acres and was originally approved by the Board of County Commissioners on January 22, 1974.

The existing entitlements are divided into PD quadrants and collectively consist of 3,741 residential units, 1,431 timeshare units, 847 hotel rooms and 155,850 square feet of office / commercial uses.

The area included in Parcel ID 21-23-28-0000-00-006 includes Lot 21 of the Emerson Pointe PSP and Emerson Pointe Plat, which is zoned PD (Planned Development District) as part of the Granada. The remainder of the subject property is zoned R-CE (Country Estate District) and is not platted. In 2020, the current property owner purchased the property comprised of Lot 21 and the unplatted R-CE area, and combined them through the property appraiser's office.

The proposed request is to add 12.92 gross acres into the existing Granada PD – Northwest Tract M, (with no increase to the number of dwelling units currently permitted) for the purpose of expanding Lot # 21 of the plat and allow the construction of one single-family dwelling unit.

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-CE (Country Estate District) to PD (Planned Development District) in order to construct one home.

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR) which allows for a maximum residential density of four (4) dwelling unit per one (1) net developable acres. The proposed PD zoning district and development program is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Dwelling
Adjacent Zoning	N: PD (Planned Development District) 1978 E: PD (Planned Development District) 1978 W: Lake Tibet Butler S: PD (Planned Development District) 1978
Adjacent Land Uses	N: Single-Family Dwelling E: Single-Family Dwelling W: Lake Tibet Butler S: Single-Family Dwelling

SPECIAL INFORMATION

Community Meeting Summary
A community meeting was not required for this request.

Environmental

Conservation Area Determination (CAD-21-10-238) was issued on 12/1/21.

Outstanding Florida Waters - The applicant shall comply with the Florida Department of Environmental Protection rule 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.

Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

MSTU/MSBU - Lake Chase and Lake Tibet Butler has an established Municipal Service Taxing Unit for the purpose of funding lake management services. This project shall be required to be a participant.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 6/23/2021, there is a failing roadway segment within the project's impact area along Apopka-Vineland Road, from Wallace Road to Palm Lake Drive. This information is dated and subject to change.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

This CDR Request would be exempt from transportation concurrency requirements. Future development will need to encumber transportation capacity via a Capacity Encumbrance Letter (CEL) application.

Utilities

Water:	Orlando Utilities Commission
Wastewater:	Orange County Utilities
Reclaim Water:	Orange County Utilities

Schools

Orange County Public Schools (OCPS) staff reviewed the request and determined that the request is de minimus as it does not involve an increase in the number of units already permitted.

Parks and Recreation

Parks and Recreation staff reviewed the request and did not express any comments or concerns.

State of Florida Notice

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.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (February 17, 2022)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning subject to the following conditions of approval:

1. Development shall conform to the Granada Planned Development Land Use Plan Amendment dated "Received November 24, 2021" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 24, 2021," 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 land use 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. The Windermere Water and Navigation Control District has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Windermere Water and Navigation Control District, this project shall be required to be a participant.
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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 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.

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14. The project shall comply with the terms and conditions of that certain Pond Reconfiguration & Roadway Development Agreement approved on April 11, 2017 and recorded at Document number 20170202946, Public Records of Orange County, Florida, as may be amended.
15. A Master Utility Plan (MUP) for the PD 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 PD 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.
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 - a. 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 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.
 - b. The park shall be completed prior to Certificate of Occupancy of any new building on the existing church property within PD Parcel Northeast B.
 - c. Fast food restaurants with drive-thrus shall be prohibited within PD Parcel Northeast B.
 - d. Outdoor sales, storage and display shall be prohibited.

- e. The commercial (C-1 uses) within the subject 2.55-acre tract of PD Parcel Northeast B shall be restricted to the 15,500 total square feet, regardless of use (commercial, office, or mixed use).
- f. The one-hundred (100) foot park/open space buffer located along the entire length of the western boundary line of the Parkside at Dr. Phillips parcel (as shown on the Land Use Plan) shall only allow for passive park type amenities, and up to a ten-foot (10') access encroachment. Any parking, retention, or other type of use in support of the commercial activity shall be prohibited within the designated park/open space area. Additionally, a landscape buffer consisting of an 8' concrete/block wall along the western boundary line with shade trees planted 40' on-center and two understory trees between each of the shade trees shall be planted along the wall within the park/open space buffer. Finally, a developer's agreement shall be executed with the first Development Plan (DP) that specifies park/open space buffer ownership, maintenance and access.
- g. There shall be a one-hundred (100) foot west boundary building setback within subject 2.55-acre tract of PD Parcel Northeast B.
- h. Billboards and pole signs shall be prohibited. All other signage shall comply with Ch. 31.5, Orange County Code.
- i. An 8' wall along the west property line of the subject 2.55-acre tract within PD Parcel Northeast B, and which wraps around the north property line of the tract (extending 15' to the east), shall be required.
- j. Applicant agrees to construct median improvements along Sand Lake Road immediately in front of PD Parcel Northeast B. Such improvements shall consist of landscaping in the median and a turn lane that will accommodate a U-Turn for westbound traffic. Applicant shall also use best efforts to establish a property owners' association for other median improvements along Sand Lake Road between Turkey Lake Road and Apopka Vineland Road which improvements may be provided reclaimed water at no expense to such association pursuant to Resolution 2002-M-03. All improvements constructed by the applicant shall use reclaimed water from Orange County at the applicant's expense until such time as a property owners' association may be established. The improvements in front of the applicant's property shall be maintained by the applicant, the established association or through MSTU/MSBUs. Prior to Development Plan (DP) submittal, a use agreement shall be submitted and approved to address perpetual maintenance of right-of-way from Sandpoint Boulevard to S. Apopka Vineland Road.
- k. A left westbound turn lane on Sand Lake Road directly in front of PD Parcel Northeast B shall be constructed prior to Certificate of Occupancy of the first building.
- l. The following waivers from Orange County Code are applicable to PD Parcel Northeast B only:

- 1) A waiver from Orange County Code Section 24-5(a)(3) is granted to allow a minimum 10' landscape buffer width along the north perimeter abutting residential, in lieu of the required 15' wide buffer; and
 - 2) A waiver from Section 38-1272(a)(3)(b) is granted to allow for a minimum twenty (20) foot setback from an arterial roadway (Sand Lake Road), in lieu of a minimum 40' building setback from an arterial roadway.
- m. No outdoor speakers, televisions, or amplifications on the commercial portion of PD Parcel Northeast B shall be permitted, unless a Special Event Permit is obtained from the County.
- n. Prior to development plan approval, the developer shall demonstrate to the satisfaction of the County staff that legal access for ingress and egress of motor vehicles and pedestrians over and across the common property of the Sandpointe Townhouse Association has been granted by the Association in favor of the owner of PD Parcel Northeast B and its tenants, employees, agents, customers, and invitees, to provide access from, to, and between PD Parcel Northeast B and the public right-of-way of West Sand Lake Road.
- o. During the initial 6-month period following the opening of the project, the developer shall have an off-duty sheriff deputy on site during the peak hours of operation to assist with traffic control and to ensure that customers and visitors do not park in adjoining neighborhoods. Signage shall be posted on site informing customers and visitors that those parking within adjoining neighborhood will be subject to being towed. The development shall have an employee on site during hours of operation to monitor activities within the development, including complying with onsite parking requirements and ensuring that customers and visitors will not park vehicles in adjoining neighborhoods.
18. All previous applicable BCC Conditions of Approval, dated March 12, 2013, shall apply:
- a. The following waivers from Orange County Code are applicable to PD Parcel Northeast C only:
 - 1) A waiver from Section 38-1253(b) is granted to reduce the required ratio of active and passive recreation areas per one-thousand (1,000) projected population from 2.5 acres to 1.17 acres, thus providing 0.3 acres of recreation areas, in lieu of the required 0.64 acres of recreation areas;
 - 2) A waiver from Section 38-1254(1) is granted to allow for a 20-foot PD perimeter setback, in lieu of the required 25-foot PD perimeter setback; and
 - 3) A waiver from Section 38-1405(g) is granted to allow for a minimum 5-foot side street setback, in lieu of a minimum 15-foot side street setback.

19. All previous applicable BCC Conditions of Approval dated February 16, 2010; February 21, 2006; September 20, 2005; January 2, 1979; May 16, 1974 and January 22, 1974 shall apply.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred six (106) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request stating concerns for loss of property value and view of Lake Tibet.

A motion was made by Commissioner Spears, and seconded by Commissioner Cardenas to recommend APPROVAL of the requested PD (Planned Development District) zoning. The motion carried unanimously.

Motion / Second	<i>Gordon Spears / Evelyn Cardenas</i>
Voting in Favor	<i>Gordon Spears, Evelyn Cardenas, Eddie Fernandez, Nelson Pena, and Walter Pavon</i>
Voting in Opposition	<i>None</i>
Absent	<i>Trevor Sorbo, Mohammed Abdallah, JaJa Wade, and George Wiggins</i>

LUPA-21-06-170



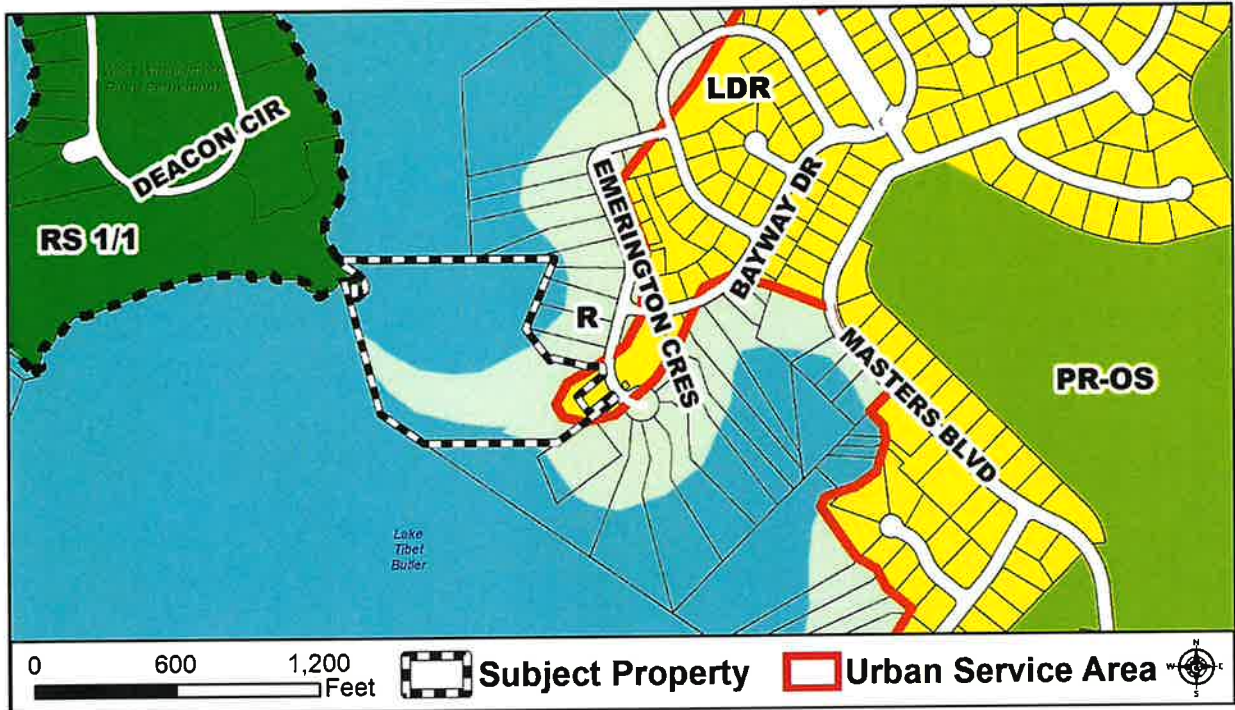
 Subject Property



1 inch = 200 feet

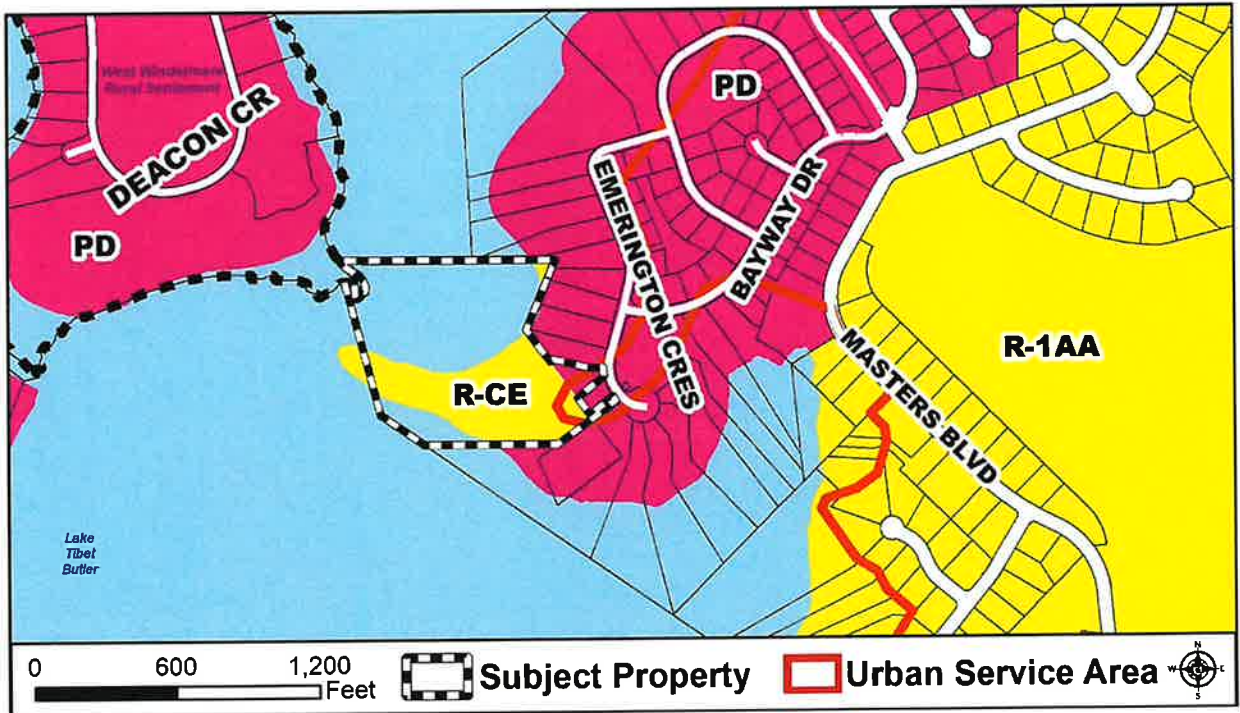
FUTURE LAND USE

Rural

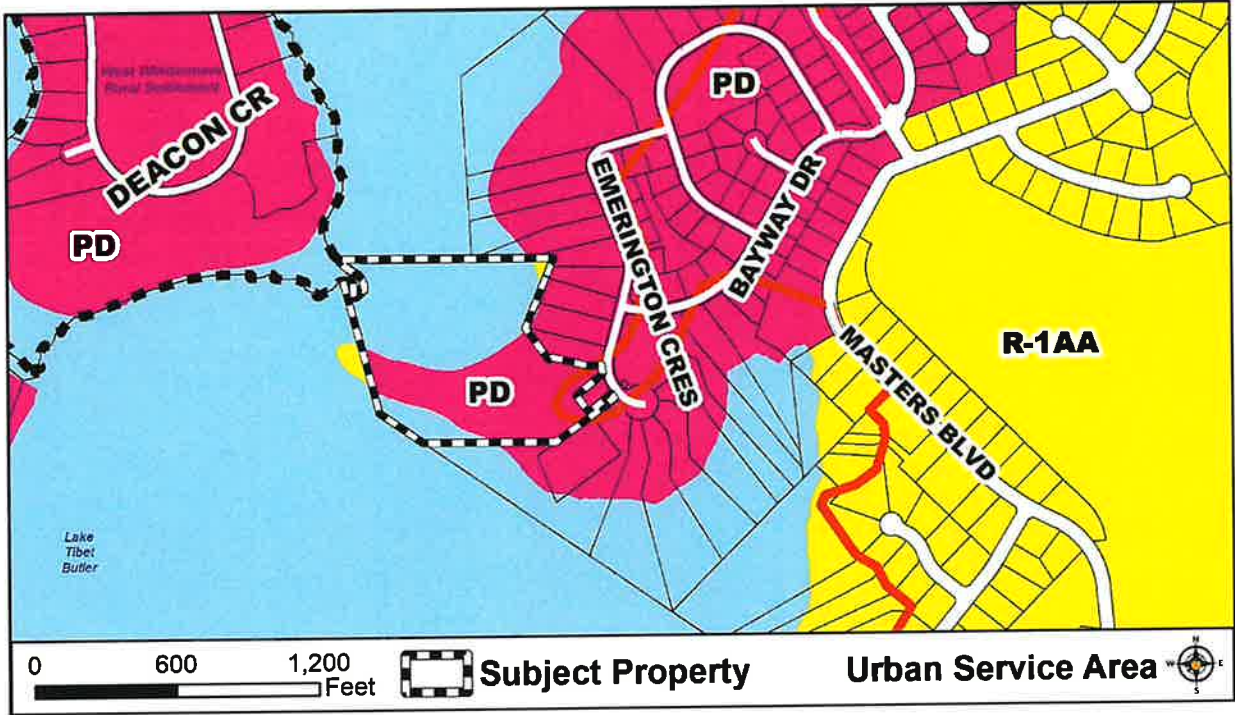


ZONING – CURRENT

R-CE (Country Estate District)



ZONING – PROPOSED
PD (Planned Development District)



Granada PD / LUPA (Cover Sheet)

GRANADA PD LAND USE PLAN AMENDMENT FOR NORTH WEST PARCEL M

PARCEL ID: 21-23-28-0000-00-006

LUPA-21-06-170
 ORANGE COUNTY, FLORIDA

DECEMBER 13, 2013
 REVISED: NOVEMBER 23, 2021
 PREPARED FOR

JUSTIN M WETHERILL
 AND

JENNIFER WETHERILL
 2121 S. HIAWASSEE RD, SUITE 120
 ORLANDO, FLORIDA 32835
 PHONE: (321) 445-8810

PREPARED BY
Kimley»Horn

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PLAN INDEX

- 1 COVER SHEET
- 2 PREVIOUSLY APPROVED TRIP GENERATION
- 3 EXISTING & PROPOSED TRIP GENERATION
- 4 PROPOSED LAND USE PLAN NORTHWEST PARCEL
- 5 PROPOSED LAND USE PLAN NORTHEAST PARCEL
- 6 PROPOSED LAND USE PLAN NORTHWEST PARCEL DATA

LEGAL DESCRIPTION

PARCEL M: 21-23-28-0000-00-006

TO HAVE AND TO HOLD TO THE USE OF THE COUNTY OF ORANGE, FLORIDA, THE FOLLOWING DESCRIBED PARCEL TO-WIT: PARCEL M, SECTION 28, TOWNSHIP 23 NORTH, RANGE 28 WEST, COUNTY OF ORANGE, FLORIDA, BEING THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 23 NORTH, RANGE 28 WEST, COUNTY OF ORANGE, FLORIDA, AS SHOWN ON THE PLAT OF THE GRANADA PD LAND USE PLAN AMENDMENT, FILED FOR RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNDER CASE NO. LUPA-21-06-170, DATED NOVEMBER 23, 2021, AND AS SHOWN ON THE PLAT OF THE GRANADA PD LAND USE PLAN AMENDMENT, FILED FOR RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNDER CASE NO. LUPA-21-06-170, DATED NOVEMBER 23, 2021, AND AS SHOWN ON THE PLAT OF THE GRANADA PD LAND USE PLAN AMENDMENT, FILED FOR RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNDER CASE NO. LUPA-21-06-170, DATED NOVEMBER 23, 2021.

The following is a copy of the rezoning application as submitted to the Planning Department by the applicant:

1. Aerial from Chapter 24, Florida Statutes, is requested to be amended with existing zoning and other rezoning related to Parcel M.
2. Aerial from Section 28, Florida Statutes, is requested to be amended with existing zoning and other rezoning related to Parcel M.

THE LAND USE PLAN AMENDMENT REQUESTED TO AMEND THE PLAT OF THE GRANADA PD LAND USE PLAN AMENDMENT, FILED FOR RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNDER CASE NO. LUPA-21-06-170, DATED NOVEMBER 23, 2021, AND AS SHOWN ON THE PLAT OF THE GRANADA PD LAND USE PLAN AMENDMENT, FILED FOR RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNDER CASE NO. LUPA-21-06-170, DATED NOVEMBER 23, 2021.

RECEIVED
 By: DCC OFFICE on Nov 24, 2021



PROFESSIONAL TEAM

DAVEY PUMP
 1000 N. UNIVERSITY AVENUE
 SUITE 1000
 ORLANDO, FLORIDA 32811
 PHONE: (407) 850-1111

UTILITY COMPANIES

POWER:
 FLORIDA POWER & LIGHT COMPANY
 6700 S. FLORIDA AVENUE
 MIAMI, FLORIDA 33156
 PHONE: (305) 462-1000

SEWER AND RECLAIMED WATER:
 ORANGE COUNTY RECLAIMED WATER
 1600 COUNTY ROAD 70, BOX 317
 ORLANDO, FLORIDA 32817
 PHONE: (407) 839-1111

WATER:
 ORANGE COUNTY WATER
 1600 COUNTY ROAD 70, BOX 317
 ORLANDO, FLORIDA 32817
 PHONE: (407) 839-1111

GRANADA PD GENERAL DESCRIPTION

The Granada PD covers a total of 40 Sections, with generally described as follows:
 The northern portion of Section 14, Township 23, Range 28 AND the northern portion of Section 21, Township 23, Range 28.
 THE SOUTHERN PORTION OF SECTION 27, TOWNSHIP 23, RANGE 28
 THE SOUTHERN PORTION OF SECTION 28, TOWNSHIP 23, RANGE 28 AND THE SOUTHERN PORTION OF SECTION 21, TOWNSHIP 23, RANGE 28
 THE SOUTHERN PORTION OF SECTION 28, TOWNSHIP 23, RANGE 28
 THE SOUTHERN PORTION OF SECTION 21, TOWNSHIP 23, RANGE 28
 THE SOUTHERN PORTION OF SECTION 24, TOWNSHIP 23, RANGE 28 AND THE SOUTHERN PORTION OF SECTION 25, TOWNSHIP 23, RANGE 28

DATE	BY	DESCRIPTION

Notification Map

