




Interoffice Memorandum

March 21, 2023

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

FROM: Timothy L. Boldig, Interim 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 11, 2023 – Public Hearing
John Herbert, P.E., American Civil Engineering Co.
Southwick Commons Planned Development
Case # LUPA-22-02-057 / District 3

The proposed Southwick Commons Planned Development (PD) is located east of S. Goldenrod Road, approximately 680 feet south of Lake Underhill Road. The PD was originally approved on October 19, 2010, and currently allows for 124 senior housing (multi-family) units. The applicant is seeking to rezone an adjacent parcel from R-1A (Single Family Dwelling District) to PD (Planned Development District) and incorporate the property into the Southwick Commons Senior Housing PD. Additionally, the request will change the development program of the PD from 124 senior housing (multi-family) units to 72 townhome units, and to change the name to the Southwick Commons PD. No waivers are requested with this request.

This item was continued from the January 10, 2023 and March 7, 2023 Board Meetings.

On October 20, 2022, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on June 15, 2022 with two residents in attendance who had a concern related to access to their adjacent property through an easement on the site.

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 Southwick Commons Planned Development / Land Use Plan (PD/LUP) dated “Received August 25, 2022,” subject to the conditions listed under the PZC Recommendation in the Staff Report. District 3

TLB/JHS/DM

Attachment(s)

GENERAL INFORMATION

| | |
|----------------------------|--|
| APPLICANT | John Herbert, P.E., American Civil Engineering Co. |
| OWNER | Snyder Street Properties, LLC |
| PROJECT NAME | Southwick Commons Planned Development (PD) |
| HEARING TYPE | Planned Development / Land Use Plan Amendment (PD / LUPA) |
| REQUEST | R-1A (Single-Family Dwelling District) to PD (Planned Development District) <i>A request to rezone 0.93 acres from R-1A (Single-Family Dwelling District) to PD (Planned Development District) and incorporate the property into the previously approved Southwick Commons Senior Housing PD. Additionally, the request will change the development program of the PD from 124 senior (multi-family) housing units to 72 townhome units, and to change the name to the Southwick Commons PD.</i> This item was continued from the January 10, 2023 meeting of the Board of County Commissioners. |
| LOCATION | East of S. Goldenrod Road and approximately 680 feet south of Lake Underhill Road. |
| PARCEL ID NUMBER | 35-22-30-6408-00-026 |
| TRACT SIZE | 9.03 gross acres (existing PD) 0.93 gross acres (additional property) 9.96 gross acres (total acreage) |
| PUBLIC NOTIFICATION | The notification area for this public hearing extended beyond 900 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Four hundred (400) notices were mailed to those property owners in the mailing area. A community meeting was held on June 15, 2022, and is summarized further in this report. |
| PROPOSED USE | 72 single-family attached residential dwelling units |

STAFF RECOMMENDATION

Development Review Committee – September 21, 2022

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Southwick Commons Planned Development / Land Use Plan (PD/LUP), dated “Received August 25, 2022”, subject to the following conditions:

1. Development shall conform to the Southwick Commons Planned Development Land Use Plan Amendment dated August 25, 2022, 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 August 25, 2022," 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. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time. Prior to construction plan approval, a Right-of-Way Use Agreement is required for any horizontal infrastructure proposed to be constructed over the Orange County Drainage Easement(s). Prior to approval of the first construction plan associated with this PSP, a master drainage plan consistent with Orange County Code 34-229 must be submitted and approved as a separate E-permit.
 7. Prior to any preliminary subdivision plan/development plan approval, fee simple interest or an easement acceptable to the County Engineer to that approximately 0.08 acre portion of proposed right-of-way for Snyder Drive located at the intersection of Goldenrod Road, and currently encumbered by an access easement initially granted per Official Record Book 3034, page 1890 must be conveyed to Orange County.

8. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, with notification that this site is within the boundary of the Orlando Range and Chemical Yard, Demonstration Range that is a Formerly Used Defense Site (FUDS).
9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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 and Wildlife Conservation Commission (FWC).
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
12. 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.
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 issuance of the initial certificate of occupancy. 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 developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
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 not interrupt the existing potable water service to the existing single family residential development located on parcel 35-22-30-6408-00-036 that is served by an existing public water main located within this PD.
 17. The developer shall provide a public access and utility easement over the public water main, located within PD boundaries, prior to or concurrent with the first plat within this PD.
 18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
 19. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
 20. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 21. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
 22. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 19, 2010, shall apply:
 - a. Outdoor recreational uses associated with child day care, churches, or schools of any kind are prohibited.
 - b. Prior to the approval of any Preliminary Subdivision Plan or Development Plan on this site, the applicant shall conduct groundwater and soil sampling.

IMPACT ANALYSIS

Land Use Compatibility

The Southwick Commons Senior Housing PD was originally approved on October 19, 2010, and currently allows for 124 senior housing (multi-family) units. The applicant is seeking to rezone an adjacent parcel from R-1A (Single Family Dwelling District) to PD (Planned Development District) in order to incorporate the subject property into the Southwick Commons Senior Housing PD. Additionally, the request will change the development program of the PD from 124 senior housing (multi-family) units to 72 townhome units, and to change the name to the Southwick Commons PD. No waivers are requested with this request.

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) which allows for a maximum residential density of twenty (20) dwelling units per one (1) net developable acre. The proposed PD zoning district and development program is consistent with the MDR FLUM designation, therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

FLU1.4.1 Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.21 Orange County will encourage the use of vacant land within the Urban Service Area for redevelopment to improve existing conditions on-site.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.

FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.

FLU8.2.11 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.

Community Meeting Summary

A community meeting was held on June 15, 2022. Two (2) residents were in attendance who had a neutral response to the request. The residents expressed concerns related to access to their adjacent property through an easement on the site.

SITE DATA

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|---------------------------|---|
| Existing Use | Single-Family Residential |
| Adjacent Zoning | N: R-3 (Multi Family Dwelling District) R-1A (Single-Family Dwelling District) |
| | E: C-1 (Retail Commercial District) P-O (Professional Office District) |
| | W: PD (Planned Development District) (Palms at Lake Underhill PD) |
| | S: R-1A (Single-Family Dwelling District) P-O (Professional Office District) |
| Adjacent Land Uses | N: Child Care Vacant Land |
| | E: Retail Multi-Tenant |
| | W: Office-Medical Retail Fast Food |
| | S: Single- Family Residential Vacant Land |

APPLICABLE PD DEVELOPMENT STANDARDS

| | |
|--------------------------|------------------------------|
| PD Perimeter Setback | 25 feet |
| Maximum Building Height: | 35 feet |
| Minimum Lot Size: | 2700 sq. feet |
| Minimum Lot Width: | 20 feet |
| Minimum Living Area: | 750 Square Feet (under HVAC) |

Minimum Building Setbacks

| | |
|------------------------|---------|
| Front Setback: | 25 feet |
| Rear Setback: | 25 feet |
| Side Setback: | 0 feet |
| Side Setback (street): | 20 feet |
| Building separation: | 20 feet |

SPECIAL INFORMATION

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) Amendment

The subject property has an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) which allows for a maximum residential density of twenty (20) dwelling units per one (1) net developable acre. The proposed PD zoning district and development program is consistent with the MDR FLUM designation, therefore a CP amendment is not necessary.

Environmental

An Orange County Conservation Area Determination CAD-22-08-156 application was received on 8/11/22 and has been approved. Once the wetland limits have been verified through a site visit, a CAD Classification letter will be sent. The applicant must then submit a letter of agreement to the classification and submit a certified boundary survey showing the limits of the wetlands to complete the CAD.

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.

Transportation Planning

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.

Water / Wastewater / Reclaim

Existing service or provider

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaimed: Orange County Utilities

Schools

Orange County Public Schools (OCPS) has determined that capacity does not exist for this project. Currently, the elementary school (Chickasaw Elementary) and middle school (Liberty Middle) has available capacity, however the high school (Colonial High School) does not have capacity. Colonial High School currently operates at an adjusted utilization rate of 101.9% and if this project is approved, the rate would increase to 102.2%, with 8.13 high school students being generated from the project. Unless otherwise vested, the development is required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

Parks and Recreation

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

Specific Project Expenditure Report and Relationship Disclosure Forms

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

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

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, subject to twenty-two (22) conditions.

Staff indicated that four hundred (400) notices were sent to an area extending beyond 900 feet from the subject property, with one (1) response in favor and none in opposition received. The applicants were present and agreed with the staff recommendation.

Following a brief discussion, a motion was made by Commissioner Sorbo to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Southwick Commons Planned Development / Land Use Plan (PD/LUP) dated "Received August 25, 2022", subject to the twenty-two (22) conditions listed in the staff report. Commissioner Abdallah seconded the motion, which was then carried on a 7-0 vote.

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

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – October 20, 2022

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Southwick Commons Planned Development / Land Use Plan (PD/LUP), dated “Received August 25, 2022”, subject to the following conditions:

1. Development shall conform to the Southwick Commons Planned Development Land Use Plan Amendment dated August 25, 2022 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 August 25, 2022," 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. In accordance with FEMA requirements, a Letter of Map Change (LOMC) may be required from the owner/engineer. New development within the 100-year floodplain where no established Base Flood Elevations (BFE) have been identified must perform a study to establish the BFE prior to construction plan review. Compensation storage must be provided for all floodwater displaced by development within 100-year floodplain in accordance with Orange County Ordinance 2021-37, and as may be amended from time to time. Prior to construction plan approval, a Right-of-Way Use Agreement is required for any horizontal infrastructure proposed to be constructed over the Orange County Drainage Easement(s). Prior to approval of the first construction plan associated with this PSP, a master drainage plan consistent with Orange County Code 34-229 must be submitted and approved as a separate E-permit.

7. Prior to any preliminary subdivision plan/development plan approval, fee simple interest or an easement acceptable to the County Engineer to that approximately 0.08 acre portion of proposed right-of-way for Snyder Drive located at the intersection of Goldenrod Road, and currently encumbered by an access easement initially granted per Official Record Book 3034, page 1890 must be conveyed to Orange County.

8. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, with notification that this site is within the boundary of the

Orlando Range and Chemical Yard, Demonstration Range that is a Formerly Used Defense Site (FUDS).

9. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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 and Wildlife Conservation Commission (FWC).
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
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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 issuance of the initial certificate of occupancy. 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 developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
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 not interrupt the existing potable water service to the existing single family residential development located on parcel 35-22-30-6408-00-036 that is served by an existing public water main located within this PD.

17. The developer shall provide a public access and utility easement over the public water main, located within PD boundaries, prior to or concurrent with the first plat within this PD.
18. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
19. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
20. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
21. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
22. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 19, 2010, shall apply:
 - a. Outdoor recreational uses associated with child day care, churches, or schools of any kind are prohibited.
 - b. Prior to the approval of any Preliminary Subdivision Plan or Development Plan on this site, the applicant shall conduct groundwater and soil sampling.



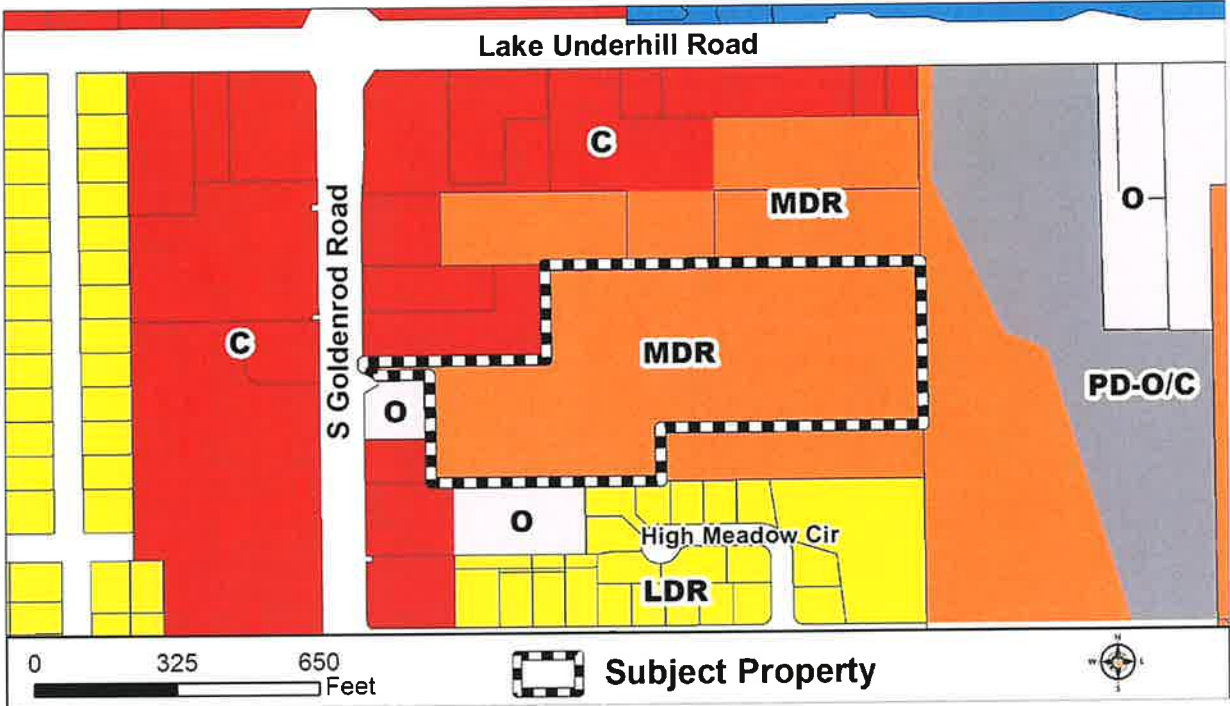
 Subject Property



1 inch = 245 feet

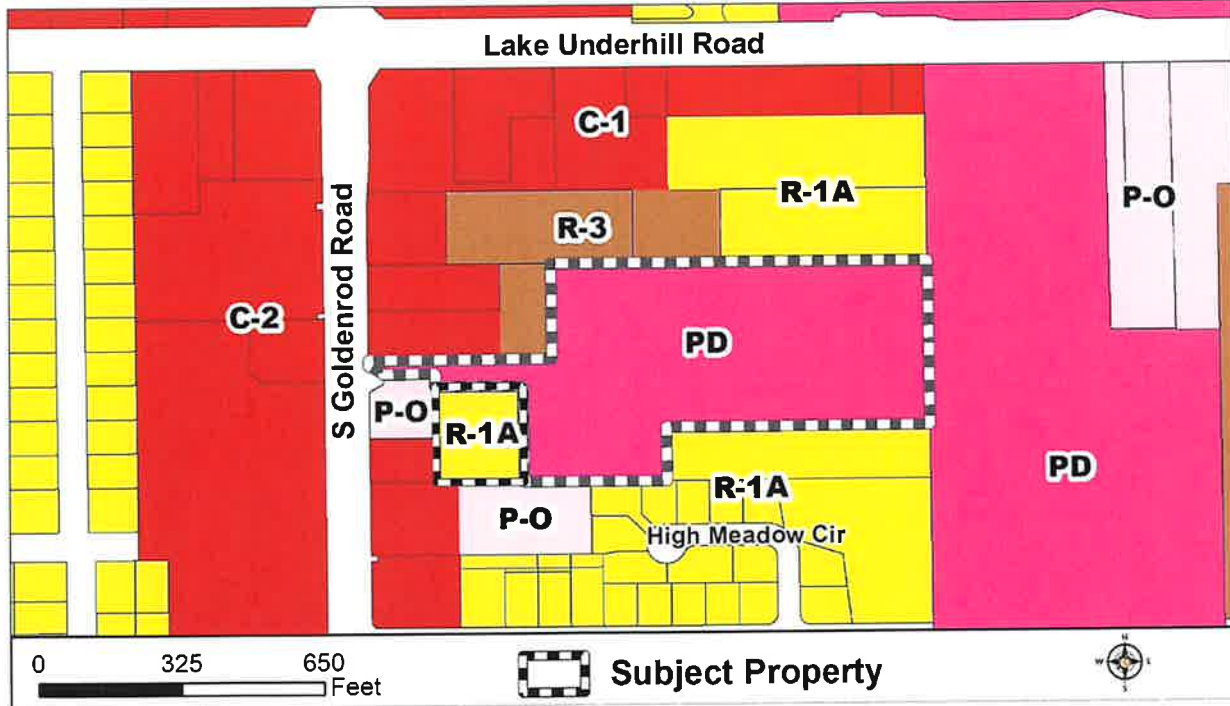
FUTURE LAND USE

Medium Density Residential (MDR)

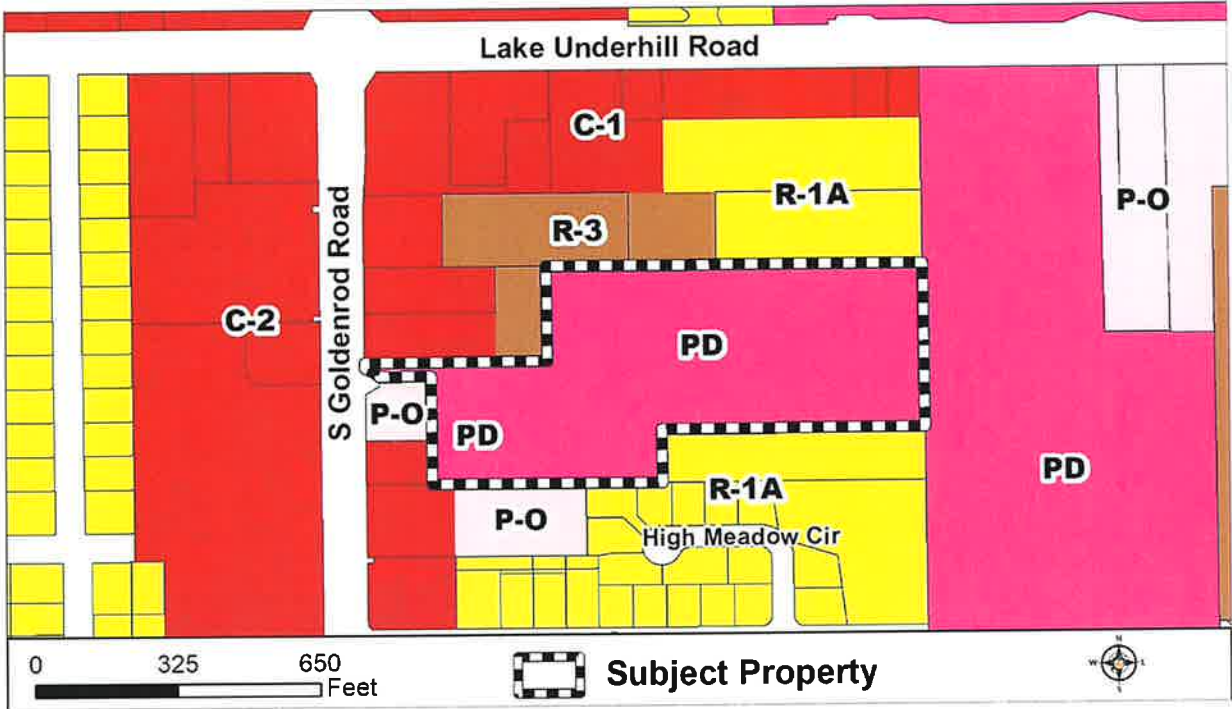


ZONING – CURRENT



R-1A (Single Family Dwelling District)



ZONING – PROPOSED
PD (Planned Development District)



Southwick Commons PD / LUP (Cover Sheet)

| <p style="text-align: center;">SOUTHWICK COMMONS PLANNED DEVELOPMENT LAND USE PLAN</p> <p style="text-align: center;">CASE NUMBER: LUPA-22-02-057 PARCEL ID NO. 35-22-30-6408-00-026</p> |  <p style="text-align: center;">LOCATION MAP 1" = 400 FT</p> <p style="text-align: center;">SECTION 35, TOWNSHIP 22 S, RANGE 30 E ORANGE COUNTY, FLORIDA</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">INDEX OF SHEETS</th> </tr> <tr> <td style="width: 5%; text-align: center;">1</td> <td>COVER SHEET</td> </tr> <tr> <td style="text-align: center;">2</td> <td>LAND USE PLAN</td> </tr> <tr> <td style="text-align: center;">3</td> <td>BOUNDARY & TOPOGRAPHIC SURVEY - 1</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BOUNDARY & TOPOGRAPHIC SURVEY - 2</td> </tr> <tr> <td style="text-align: center;">5</td> <td> </td> </tr> <tr> <td style="text-align: center;">6</td> <td> </td> </tr> <tr> <td style="text-align: center;">7</td> <td> </td> </tr> <tr> <td style="text-align: center;">8</td> <td> </td> </tr> <tr> <td style="text-align: center;">9</td> <td> </td> </tr> <tr> <td style="text-align: center;">10</td> <td> </td> </tr> </table> | INDEX OF SHEETS | | 1 | COVER SHEET | 2 | LAND USE PLAN | 3 | BOUNDARY & TOPOGRAPHIC SURVEY - 1 | 4 | BOUNDARY & TOPOGRAPHIC SURVEY - 2 | 5 | | 6 | | 7 | | 8 | | 9 | | 10 | |
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|  <p style="text-align: center;">Land Use Plan Amendment SOUTHWICK COMMONS</p> | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; text-align: center;"> Digitally signed by John J Herbert Date: 2022.09.14 13:36:28 -0400 </td> <td style="width: 40%; text-align: center;"> Page 1 of 4 1 of 4 </td> </tr> </table> | Digitally signed by John J Herbert Date: 2022.09.14 13:36:28 -0400 | Page 1 of 4 1 of 4 | | | | | | | | | | | | | | | | | | | | |
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Notification Map

