




**Interoffice Memorandum**

**DATE:** March 8, 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:** March 22, 2022 – Public Hearing  
Adam Smith, VHB, Inc.  
The Grow PD - RP / The Grow Master Infrastructure PSP  
Case # PSP-20-06-156 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 15, 2021, to approve The Grow Planned Development (PD) – Regulating Plan (RP) / The Grow Master Infrastructure Preliminary Subdivision Plan (PSP) to subdivide 1,188.98 acres, generally located north of East Colonial Drive and east of South Tanner Road, in order to construct master infrastructure for future development parcels.

This item was continued from the March 8, 2022, Board meeting.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PSP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** **Make a finding of consistency with the Comprehensive Plan and approve The Grow PD – RP / The Grow Master Infrastructure PSP dated “Received February 1, 2022”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

JVW/JK/lme  
Attachments

**CASE # PSP-20-06-156**  
Commission District # 5

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 15, 2021, to approve The Grow Planned Development (PD) – Regulating Plan (RP) / The Grow Master Infrastructure Preliminary Subdivision Plan (PSP) to subdivide 1,188.98 acres, generally located north of East Colonial Drive and east of South Tanner Road, in order to construct master infrastructure for future development parcels.

**2. PROJECT ANALYSIS**

- A. Location: North of East Colonial Drive / East of South Tanner Road
- B. Parcel ID: 08-22-32-0000-00-005, 17-22-32-0000-00-002, 18-22-32-0000-00-001, 18-22-32-0000-00-025, 19-22-32-0000-00-001, 20-22-32-0000-00-002
- C. Total Acres: 1,188.98 gross acres
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: Master Infrastructure
- J. Site Data: Development shall comply with all standards found in The Grow Planned Development – Regulating Plan.
- K. Fire Station: Station 82 - 500 Story Partin Road
- L. Transportation: Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in the decision to approve this preliminary subdivision plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) of Lake Pickett (LP), indicating that it is within the Lake Pickett Study Area. The property is zoned Planned Development-Regulating Plan. The request is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development District) (The Grow PD - RP)

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

Approval subject to the following conditions:

1. Development shall conform to The Grow Planned Development – Regulating Plan; Orange County Board of County Commissioners (BCC) approvals; The Grow Master Infrastructure Preliminary Subdivision Plan dated “Received February 1, 2022,” and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received February 1, 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 preliminary subdivision 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 project shall comply with the terms and conditions of that certain Road Network and Mitigation Agreement for the Grow, aka Lake Pickett South approved on September 20, 2016, and recorded at Document number 2016052906, Public Records of Orange County, Florida, as may be amended.
7. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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).
14. Per the Grow Regulating Plan/PD APF agreement, the 3-acre APF tract for Reclaimed Water Storage and Re-Pump Facility within The Grow PD shall be conveyed to the County prior to approval of the first construction plan set within The Grow PD. The tract shall have a minimum width of 300 feet and be located no more than 1,000 feet from a public road, with a 30-foot minimum width utility and access tract connection to public right-of-way. The tract(s) shall have a typical average slope of 5 percent or less over the existing grade, have an elevation above the 100-year flood plain, be located outside of wetlands (or with the impacts to existing wetlands mitigated as set forth in the APF Agreement), and shall be exclusive of easements and buffers. The developer shall be responsible for obtaining any permits necessary to meet the above requirements including, but not limited to, mass grading, wetland, buffer, and floodplain permits prior to conveyance to Orange County. The developer shall be responsible for completing any work associated with the permits prior to conveyance to Orange County.
15. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, 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 PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and the Lake Pickett Study Area Transmission Systems. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.
16. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
17. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

18. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
19. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
20. Prior to plat recordation for any phase of this Preliminary Subdivision Plan, the various properties shall be reconfigured and deeds recorded in the public records of Orange County so as to not create divided interest in any lot, tract, and/or parcel prior to plat pre-sufficiency.
21. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
22. A Master Property Owners Association "Master POA" shall be formed, and respective Master Declaration "Master CC&R's" shall be recorded in the public records with the initial plat of any portion of this PSP, encompassing all of the lands within The Grow Regulating Plan. In addition to maintaining any streetscape pursuant to Section 3 of the Regulating Plan, County may require that the Master POA also be responsible for ownership and maintenance of Landscape, Signage, and/or Wall easements, as well as Open Space Tracts, Conservation Tracts, and select Stormwater Tracts; however under no circumstance shall any residential HOA be obligated to pay for maintenance of any such stormwater tract that lies outside the limits of their respective preliminary subdivision plan where they are already subject to a MSBU assessment.

23. In order to comply with the intent of Section 177.091(18), F.S., lot and tract designations as depicted on the plat must be consecutive and consistent with the PSP. Failure to meet this requirement may require a change to the PSP and may delay approval of the plat.
24. In accordance with standard Condition of Approval #4, the applicant shall ensure that any and all publicly dedicated rights-of-way have the necessary subordinations and/or agreements with any pre-existing utility providers prior to construction plan approval.
25. Future Development of the parcels created by this Infrastructure PSP will be required to re-plat.
26. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
27. A Utilities Developer Agreement related to the extension and oversizing of utility mains included in this PSP may be required. If required, an agreement must be approved by the BCC prior to construction plan approval.
28. Prior to approval of the first construction plan set for residential or commercial development within the Grow Regulating Plan/PD or prior to the certificate of completion for the roadway shown in this PSP, the easement for the 20-inch Orange County Utilities Reclaimed Water Main shall be conveyed to the County. The easement shall extend from East Colonial Drive along APF Street A and Street B to the APF tract access. The easement shall be located outside of wetlands (or with the impacts to existing wetlands mitigated as set forth in the APF Agreement), and shall be exclusive of easements and buffers.
29. Prior to construction plan approval, the Developer shall provide an acceptable utility corridor for the CIP reclaimed water main, that meets Orange County Utilities Standards and Specifications, extends from East Colonial Drive to the APF Utility tract, is located outside of wetlands (or with the impacts to existing wetlands mitigated as set forth in the APF agreement), and is exclusive of easements and buffers. The utility corridor must be approved by Orange County Utilities.



# Zoning Map

PSP-20-06-156



 Subject Property



 Subject Property

## Zoning Map

**ZONING:** PD (Planned Development District)  
 (The Grow Planned Development-  
 Regulating Plan)

**APPLICANT:** Adam Smith, VHB, Inc.

**LOCATION:** North of East Colonial Drive/  
 East of South Tanner Road

**TRACT SIZE:** 1,188.98 gross acres

**DISTRICT:** # 5

**ST/R:** 08-22-32 and 17-22-32 and  
 19-22-32 and 20-22-32

1 inch = 2,300 feet

## ORANGE COUNTY / SEMINOLE COUNTY LINE



Site Data & Notes & Site Plan Sheet



- Legend**
- 1. FUTURE DEVELOPMENT
  - 2. EXISTING DEVELOPMENT
  - 3. FUTURE ROADWAY
  - 4. EXISTING ROADWAY
  - 5. FUTURE UTILITIES
  - 6. EXISTING UTILITIES
  - 7. FUTURE LANDSCAPE
  - 8. EXISTING LANDSCAPE
  - 9. FUTURE PARKING
  - 10. EXISTING PARKING
  - 11. FUTURE TRAIL
  - 12. EXISTING TRAIL
  - 13. FUTURE BIOPATH
  - 14. EXISTING BIOPATH
  - 15. FUTURE BICYCLEWAY
  - 16. EXISTING BICYCLEWAY
  - 17. FUTURE WATERWAY
  - 18. EXISTING WATERWAY
  - 19. FUTURE WETLAND
  - 20. EXISTING WETLAND
  - 21. FUTURE OPEN SPACE
  - 22. EXISTING OPEN SPACE
  - 23. FUTURE PLANTING
  - 24. EXISTING PLANTING
  - 25. FUTURE LIGHTING
  - 26. EXISTING LIGHTING
  - 27. FUTURE SIGNAGE
  - 28. EXISTING SIGNAGE
  - 29. FUTURE FURNITURE
  - 30. EXISTING FURNITURE
  - 31. FUTURE SECURITY
  - 32. EXISTING SECURITY
  - 33. FUTURE SAFETY
  - 34. EXISTING SAFETY
  - 35. FUTURE HEALTH
  - 36. EXISTING HEALTH
  - 37. FUTURE WELLNESS
  - 38. EXISTING WELLNESS
  - 39. FUTURE COMMUNITY
  - 40. EXISTING COMMUNITY
  - 41. FUTURE CULTURE
  - 42. EXISTING CULTURE
  - 43. FUTURE ARTS
  - 44. EXISTING ARTS
  - 45. FUTURE RECREATION
  - 46. EXISTING RECREATION
  - 47. FUTURE LEISURE
  - 48. EXISTING LEISURE
  - 49. FUTURE ENTERTAINMENT
  - 50. EXISTING ENTERTAINMENT

**The Grow**  
 Master Infrastructure  
 Orange County, Florida

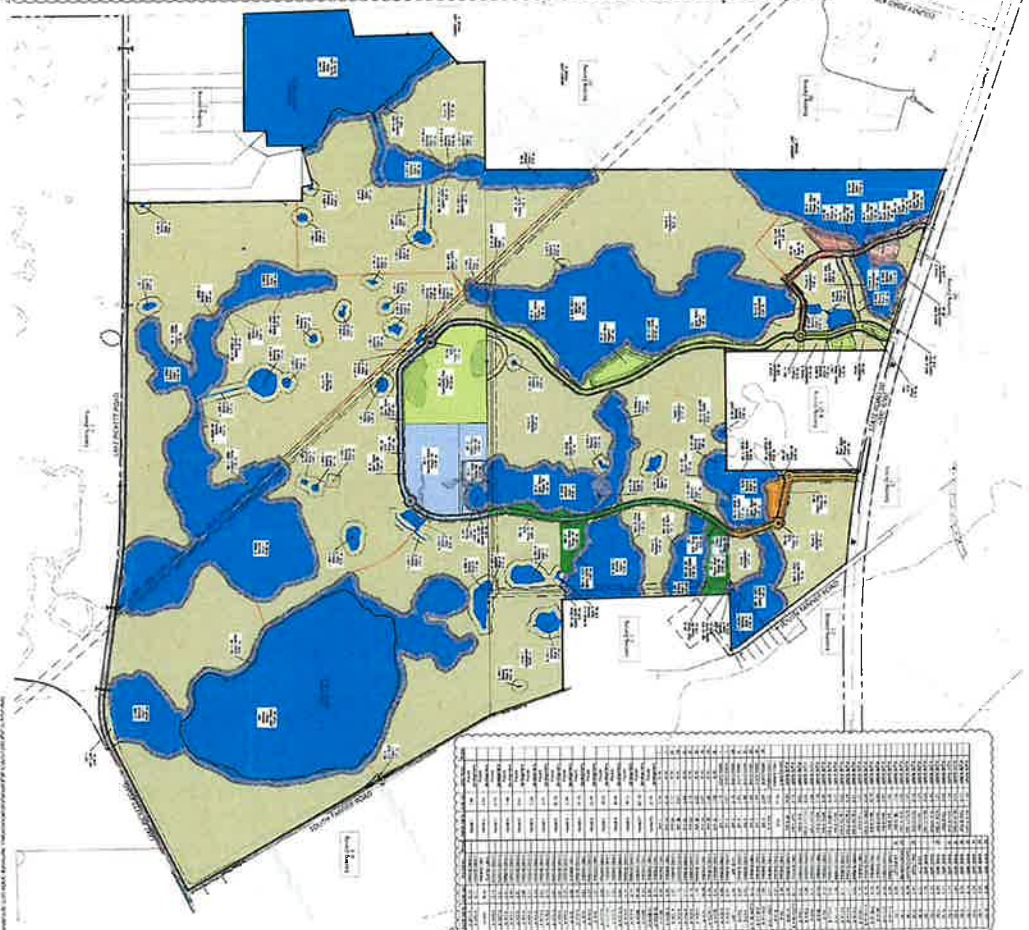
Scale: 1" = 100'

July 2, 2008

PSP

**SCHEDULE**

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY DESIGN	07/02/08	W.S.
2	FINAL DESIGN	07/02/08	W.S.
3	CONSTRUCTION		
4	OPERATION		
5	MAINTENANCE		
6	REPAIR		
7	REPLACEMENT		
8	UPGRADE		
9	RECONSTRUCTION		
10	DEMOLITION		
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NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY DESIGN	07/02/08	W.S.
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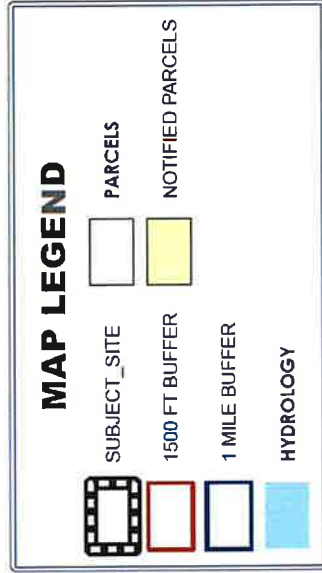
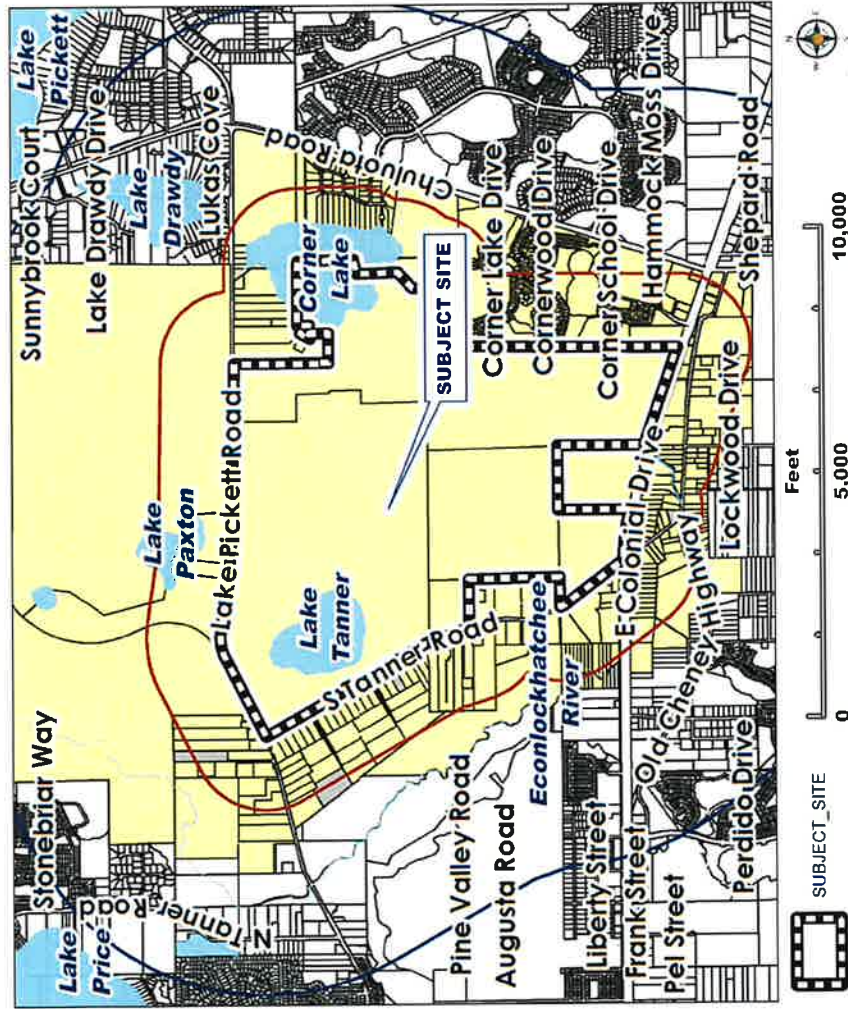
C-2

# Notification Map



## Public Notification Map

The Grow PD-Reg Plan\_The Grow Master Infrastructure\_PSP-20-06-156



BUFFER DISTANCE: 1500 FT  
 # OF NOTICES: 757

