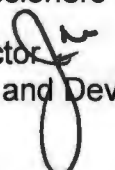





**Interoffice Memorandum**

**DATE:** September 19, 2019

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

**FROM:** Jon V. Weiss, P.E., Director   
Planning, Environmental and Development  
Services Department

**CONTACT PERSON:** Eric Raasch, DRC Chairman   
Development Review Committee  
Planning Division  
(407) 836-5523

**SUBJECT:** October 8, 2019 – Public Hearing  
Darcy Unroe, Unroe Engineering  
Paradise Cove Planned Development  
Case # LUP-18-09-308 / District 1

The Paradise Cove Planned Development (PD) is generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive. The applicant is seeking to rezone five (5) parcels containing 16.77 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) for a water sports rental, wedding, and banquet venue. The request also includes four waivers from Orange County Code related to building setbacks, PD perimeter setbacks, pavement setbacks, and normal high water line setbacks.

On August 15, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was held on January 9, 2019 at Sand Lake Elementary School.

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 Paradise Cove Planned Development / Land Use Plan (PD/LUP) dated "Received June 6, 2019", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

JVW/EPR/nsw  
Attachments

**GENERAL INFORMATION**

**APPLICANT** Darcy Unroe, Unroe Engineering  
**OWNER** Water Sports Management, Inc.  
**PROJECT NAME** Paradise Cove Planned Development (PD)  
**HEARING TYPE** Planned Development / Land Use Plan (PD / LUP)  
**REQUEST** A-2 (Farmland Rural District) to  
PD (Planned Development District)

A request to rezone five (5) parcels containing 16.77 gross acres from A-2 to PD for a water sports rental, wedding, and banquet venue. The request also includes the following four (4) waivers from Orange County Code:

1. A waiver from Section 38-1287(2) to allow for a twenty-one (21) foot side setback on the north property line only, in lieu of a thirty (30) foot side setback.

**Applicant Justification:** *Two existing buildings encroach into the setback. These buildings met the current zoning requirements at the time of erection. All new structures will meet the required setbacks.*

2. A waiver from Section 38-1272(3) to allow for a twenty-one (21) foot PD perimeter setback on the north property line only, in lieu of a twenty-five (25) foot PD perimeter setback.

**Applicant Justification:** *Two existing buildings encroach into the setback. These buildings met the current zoning requirements at the time of erection. All new structures will meet the required setbacks.*

3. A waiver from Section 38-1287(4) to allow a five (5) foot side paving setback on the north property line only, in lieu of a seven and one-half (7.5) foot side paving setback.

**Applicant Justification:** *A portion of the existing parking lot serving the existing water sports development encroaches into the 7.5' paving setback. The existing pavement was constructed to code at the time of installation.*

4. A waiver from Section 38-1503 to allow for a normal high water elevation setback of two (2) feet, in lieu of a normal high water elevation setback of fifty (50) feet.

***Applicant Justification:*** *Several existing buildings (bldg 4, 5, 7, 8 & 9) encroach into the setback. Most of the buildings are open canopy structures and/or sheds. Only one building is an occupied structure (bldg 4). All new structures will meet the required setbacks.*

<b>LOCATION</b>	Generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive
<b>PARCEL ID NUMBERS</b>	27-24-28-4340-00-010, 27-24-28-4340-00-040, 27-24-28-4340-00-050, 27-24-28-4340-00-080, 27-24-28-4340-00-090
<b>TRACT SIZE</b>	16.77 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 500 feet [ <i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i> ]. Two hundred ninety-five (295) notices were mailed to those property owners in the mailing area. A community meeting was held on January 9, 2019 at Sand Lake Elementary School as summarized on page 7 of this staff report.
<b>PROPOSED USE</b>	Water Sport Rental, Wedding, and Banquet Venue

### **STAFF RECOMMENDATION**

#### **Development Review Committee – (July 10, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Paradise Cove Planned Development / Land Use Plan (PD/LUP), dated "Received June 6, 2019", subject to the following conditions:**

1. Development shall conform to the Paradise Cove Wedding Venue Land Use Plan (LUP) dated "Received June 6, 2019," 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 June 6, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this 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. 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.
7. Motorized watercraft are limited to four (4) boats and 12 jet skis in operation at one time.
8. 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.
9. 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).
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. 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.
12. 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.

13. 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.
14. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
15. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
16. Outside sales, storage, and display shall be prohibited.
17. 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.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
19. Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.
20. A Development Plan will be required to be approved prior to the issuance of any permits
21. Building permits will be required for all existing structures that do not have Building permits.
22. Approval of this LUP voids previous Board of Zoning Adjustment approvals.
23. The following waivers from Orange County Code are granted (for existing structures only):
  - a. A waiver from Section 38-1287(2) to allow for a twenty-one (21) foot side setback on the north property line only, in lieu of a thirty (30) foot side setback.

- b. A waiver from Section 38-1272(3) to allow for a twenty-one (21) foot PD perimeter setback on the north property line only, in lieu of a twenty-five (25) foot PD perimeter setback.
- c. A waiver from Section 38-1287(4) to allow a five (5) foot side paving setback on the north property line only, in lieu of a seven and one-half (7.5) foot side paving setback.
- d. A waiver from Section 38-1503 to allow for a normal high water elevation setback of two (2) feet, in lieu of a normal high water elevation setback of fifty (50) feet.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District) in order to allow for a water sports rental, wedding, and banquet venue use. The applicant is also seeking approval of four (4) waivers to reduce the building setbacks, PD perimeter setbacks, pavement setbacks, and normal high waterline setback.

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

### **Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU) which allows for a maximum residential density of thirty (30) dwelling unit per net developable acre (maximum thirty (30) percent of development site) and a maximum non-residential floor area ratio of 3.0. The proposed PD zoning district and development program is consistent with the Activity Center Mixed Use FLUM designation and the following CP provisions:

**GOAL FLU1** states that Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

**OBJ FLU1.1** states that Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

**OBJ FLU2.1** states that 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 FLU1.4** states that the following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.

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

**Policy FLU8.1.2** states that Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

**Policy FLU8.2.1** states that land use changes shall be required to be compatible with the 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

**Community Meeting Summary**

A community meeting was held on January 9, 2019 at Sand Lake Elementary School. There were three (3) residents in attendance who expressed concerns pertaining to road capacity and site design.

**SITE DATA**

<b>Existing Use</b>	Water Sport Rental, Wedding, and Banquet Venue
<b>Adjacent Zoning</b>	N: PD (Planned Development) (Lake Bryan PD) (1996) E: PD (Planned Development) (Lake Bryan PD) (1996) W: R-3 (Multiple-Family Dwelling District) (1987) S: R-3 (Multiple-Family Dwelling District) (1987)
<b>Adjacent Land Uses</b>	N: Undeveloped Land E: Undeveloped Land W: Multiple-Family Dwelling Units S: Single-Family Dwelling Unit

**APPLICABLE PD DEVELOPMENT STANDARDS**

PD Perimeter Setback:	21 feet (waiver requested)
Maximum Building Height:	60 feet (35 feet within 100 feet of single-family residential)



Minimum Building Setbacks

Front Setback:	40 feet
Rear Setback:	50 feet
Side Setback:	21 feet (waiver requested)
NHWE Setback:	2 feet (waiver requested)
Minimum Open Space:	25 percent

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone 16.77 acres from A-2 (Farmland Rural District) to PD (Planned Development District) for a water sports rental, wedding, and banquet venue. Four (4) waivers from Orange County Code are requested related to the side building setback on the northern property line, the paving setback on the north property line, and the normal high waterline elevation setback. These waivers are applicable to existing development only.

There are currently two (2) Special Exceptions approved for the subject property for a privately owned amusement recreational facility open to the public. The first of these special exceptions was originally approved on April 15, 1982 for Lot 8 and was subsequently amended on February 5, 1991. The amended approval was subject to the following conditions.

1. Continue approval as amended on 6/4/87;
2. Allow 2 ski boats and 6 jet skis in operation at any one time;
3. Provide site plan showing existing building identified as Items #3, #4, #5, and #6 in the BZA approval as follows:
  - a. 7 ft. x 8 ft. commercial building to be used as storage.
  - b. 16.5 ft. x 16.5 ft. commercial building for office use in conjunction with water sports business.
  - c. 7.9 ft. x 15.7 ft. commercial building for storage only.
  - d. Convert commercial building from storage and pro shop to storage and sale of ski-related supplies and equipment, and ancillary retail sales of water sports-related items.
4. And further, allowing existing buildings to remain, provided permits are obtained to bring them up to code.
5. Approval shall expire if permits are not obtained within one year from approval date.
6. Remove existing docks and submit a plan for a new dock to be located in an appropriate location according to lakeshore protection regulations.

7. Comply with County requirements regarding paved parking, drainage, and meet all commercial site plan criteria.
8. Provide paved access to site.
9. To include previously approved conditions:
10. Hours of operation limited from sunrise to sunset;
11. No outside speakers permitted;
12. No retail sale on premises of beverages, food, or liquor; this restriction shall not be deemed to prohibit vending machines on premises.

The second Special Exception was approved on March 19, 1991 for lots one and two. The following ten (10) restrictions are associated with the approval:

1. Subject to compliance with all applicable government rules and regulations; and
2. Existing boat dock to be removed prior to issuance of any certificate of occupancy; and
3. Landscaping along south property line to meet the provisions of the Orange County Landscape Ordinance; and
4. Hours of operation from 7:00 am to 7:00 pm; and
5. No sales or consumption of alcoholic beverages shall be permitted; and
6. Use of loudspeakers is not permitted; and
7. Patron use of vending machines for snacks only; no kitchen or restaurant facilities shall be permitted; and
8. Only the ancillary retail sales of water sports related items shall be permitted; and
9. Limited to two (2) boats and six (6) jet skis; and
10. Permits are to be obtained within one year.

Through discussion with the applicant, it appears the facility has been operating beyond the allowances of the Special Exceptions. The applicant wishes to maintain their current operation, but does not wish to expand upon it. If approved, this PD will become the controlling approval and the Special Exceptions will be rescinded. Additionally, the applicant has also stated some of the existing structures have been erected and/or modified without permits. Staff has been informed the applicant will apply for after-the-fact permits for all existing structures

**Comprehensive Plan (CP) Amendment**

The property has an underlying Future Land Use Map (FLUM) designation Activity Center Mixed Use (ACMU). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is located within the Tourist Commercial Signage Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

**Transportation / Concurrency**

Based on the Concurrency Management System database dated October 31, 2018, there is one failing roadway within a one mile radius of this development. Vineland Avenue is currently operating at level of service F from Winter Garden Vineland Road to Little Lake Bryan Parkway and there is no available capacity. This information is dated and subject to change. A traffic study will be required prior to obtaining and approved Capacity Encumbrance Letter.

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**

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

**Schools**

Orange County Public Schools (OCPS) staff has reviewed the request but did not identify any issues or concerns.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**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 Paradise Cove Planned Development (PD) Land Use Plan, subject to twenty-three (23) conditions.

Staff indicated that two hundred and ninety-one (291) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries received in support of the request and one (1) received in opposition. The applicant was present for the hearing and concurred with staff's recommendation. There were three (3) members of the public that spoke in opposition to this request.

After a discussion regarding the code enforcement history and the current operation of the site, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Paradise Cove PD Land Use Plan, subject to the twenty-three (23) conditions listed under the DRC Recommendation. Commissioner Cantero seconded the motion, which then carried on a 8-0 vote

<b>Motion / Second</b>	<i>Jimmy Dunn / Jose Cantero</i>
<b>Voting in Favor</b>	<i>Jimmy Dunn, Jose Cantero, Gordon Spears, Eddie Fernandez, Carlos Nazario, Diane Velazquez, Yog Melwani, and Mohammed Abdallah</i>
<b>Voting in Opposition</b>	<i>None</i>

Absent

JaJa Wade

### **PZC RECOMMENDED ACTION**

Planning and Zoning Commission (PZC) Recommendation – (August 15, 2019)

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Paradise Cove Planned Development / Land Use Plan (PD/LUP), dated "Received June 6, 2019", subject to the following conditions:**

1. Development shall conform to the Paradise Cove Wedding Venue Land Use Plan (LUP) dated "Received June 6, 2019," 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 June 6, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022,

the applicant shall obtain all other applicable state or federal permits before commencement of development.

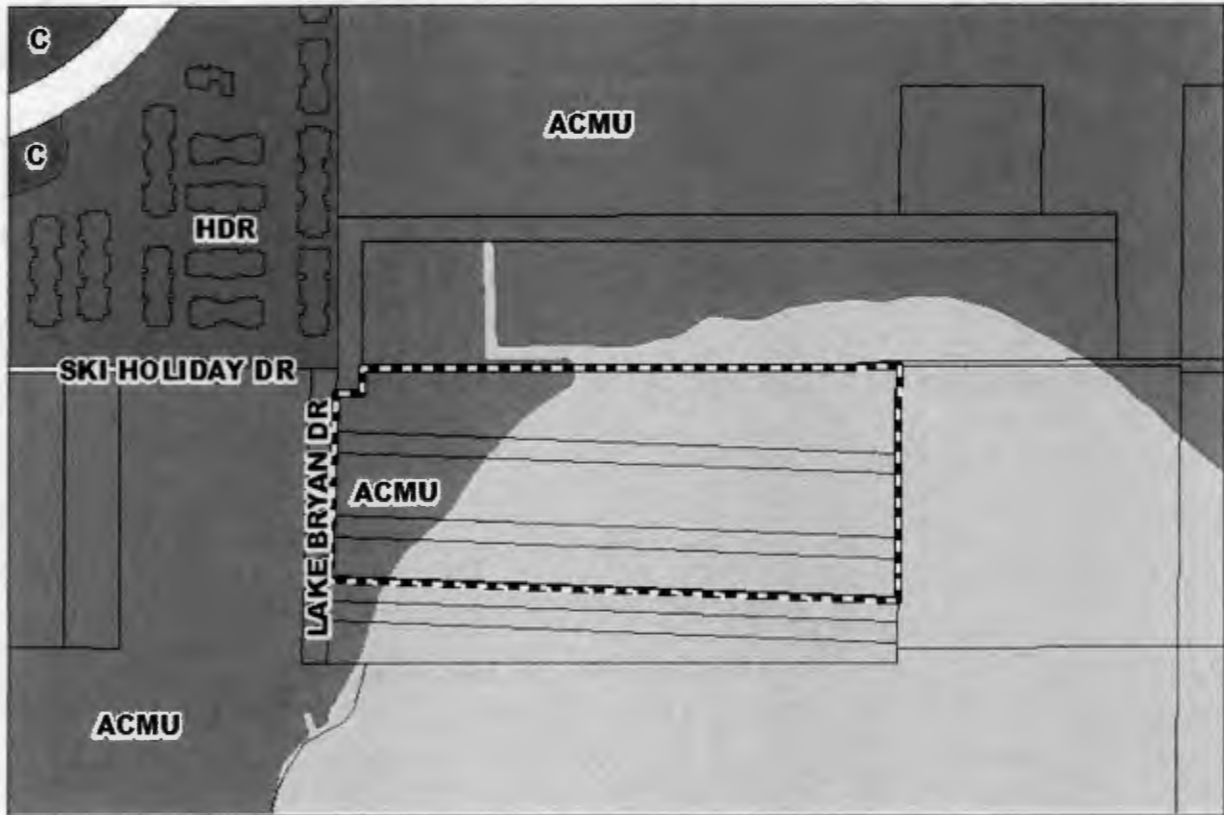
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that 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. 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.
7. Motorized watercraft are limited to four (4) boats and 12 jet skis in operation at one time.
8. 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.
9. 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).

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. 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.
12. 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.
13. 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.
14. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
15. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
16. Outside sales, storage, and display shall be prohibited.
17. 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.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
19. Property shall be aggregated through the Orange County Property Appraiser into one parcel prior to submitting for any building permits.

20. A Development Plan will be required to be approved prior to the issuance of any permits
21. Building permits will be required for all existing structures that do not have Building permits.
22. Approval of this LUP voids previous Board of Zoning Adjustment approvals.
23. The following waivers from Orange County Code are granted (for existing structures only):
  - a. A waiver from Section 38-1287(2) to allow for a twenty-one (21) foot side setback on the north property line only, in lieu of a thirty (30) foot side setback.
  - b. A waiver from Section 38-1272(3) to allow for a twenty-one (21) foot PD perimeter setback on the north property line only, in lieu of a twenty-five (25) foot PD perimeter setback.
  - c. A waiver from Section 38-1287(4) to allow a five (5) foot side paving setback on the north property line only, in lieu of a seven and one-half (7.5) foot side paving setback.
  - d. A waiver from Section 38-1503 to allow for a normal high water elevation setback of two (2) feet, in lieu of a normal high water elevation setback of fifty (50) feet.



LUP-18-09-308



Subject Property

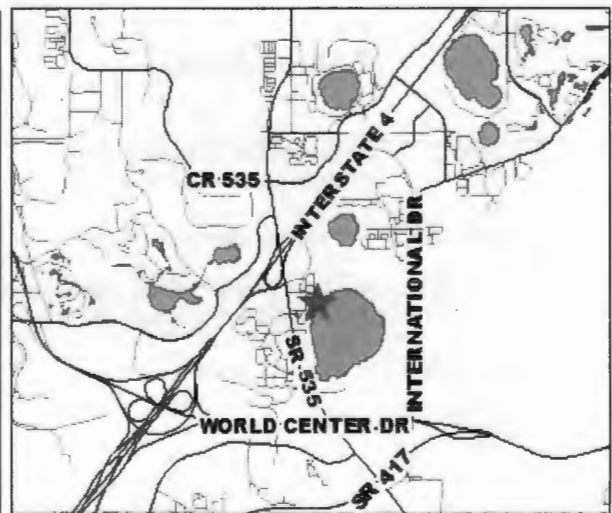


Subject Property

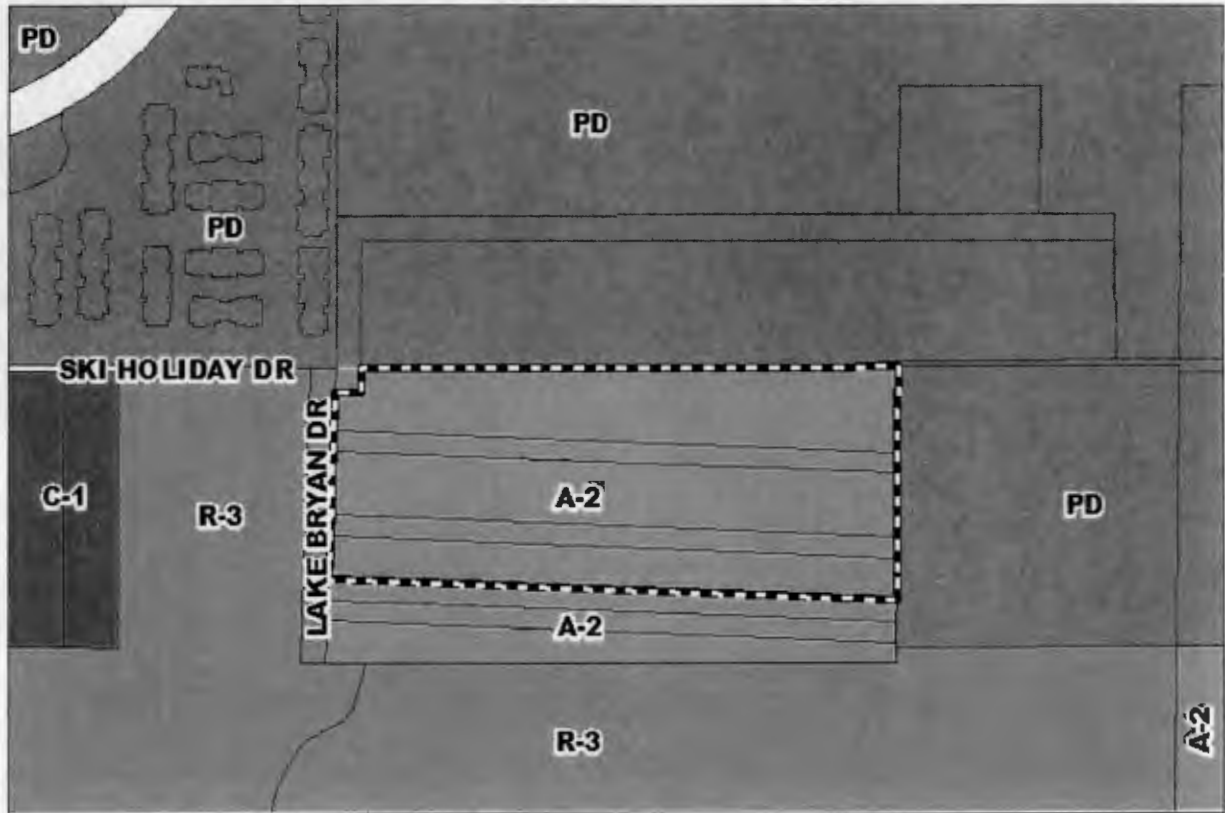
**Future Land Use Map**

FLUM: Activity Center Mixed Use (ACMU)  
 APPLICANT: Darcy Unroe, Unroe Engineering  
 LOCATION: Generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive  
 TRACT SIZE: 16.77 gross acres  
 DISTRICT: # 1  
 S/T/R: 27/24/28

1 inch = 375 feet



LUP-18-09-308



Subject Property



★ Subject Property

**Zoning Map**

**ZONING:** A-2 (Farmland Rural District) to PD (Planned Development District)

**APPLICANT:** Darcy Unroe, Unroe Engineering

**LOCATION:** Generally located at the southeast corner of Ski Holiday Drive and Lake Bryan Drive

**TRACT SIZE:** 16.77 gross acres

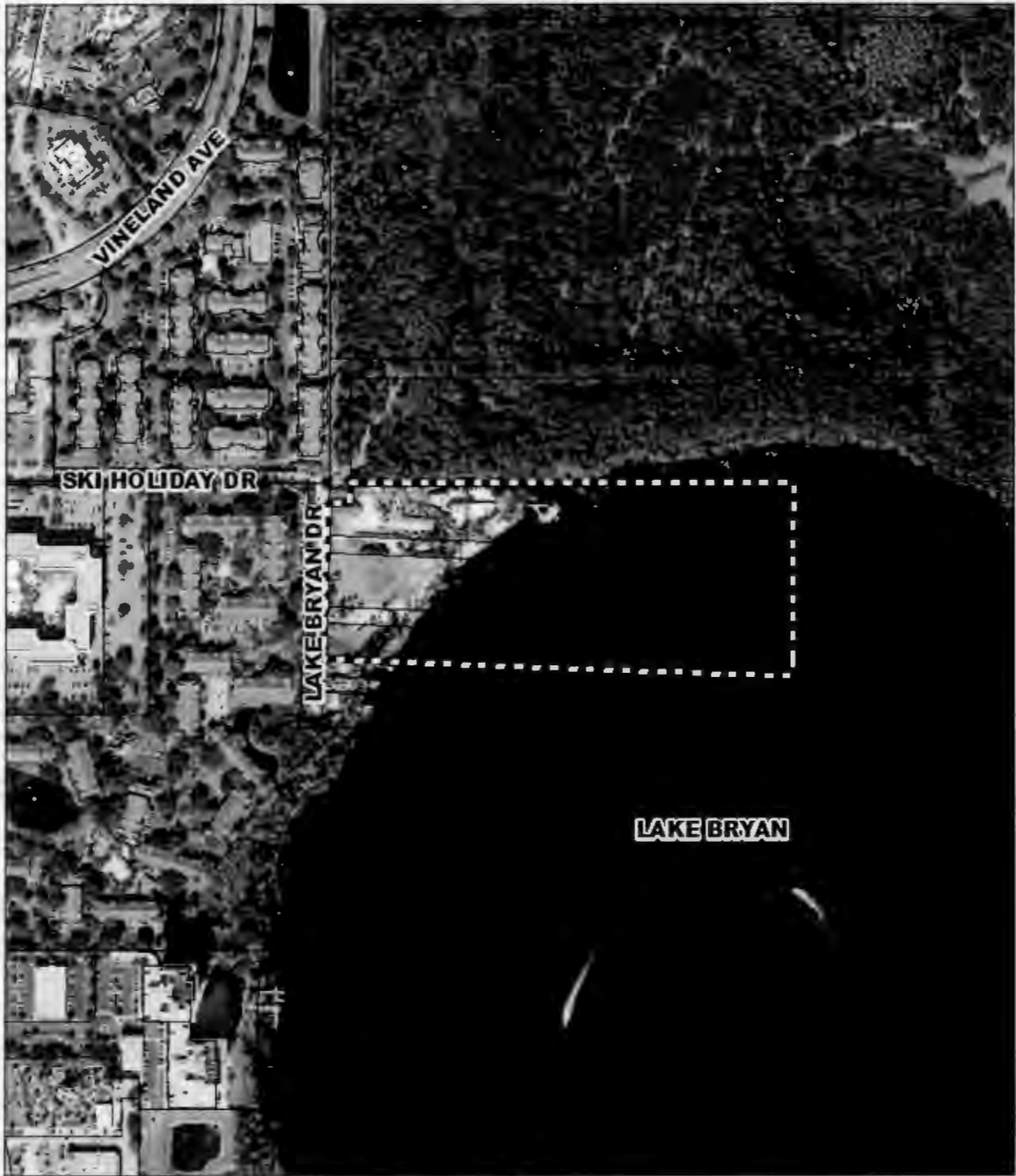
**DISTRICT:** # 1

**S/T/R:** 27/24/28

1 inch = 375 feet



LUP-18-09-308



 Subject Property



1 inch = 375 feet



# LAND USE PLAN FOR Paradise Cove Wedding Venue

### Existing Land Use

- Existing use of the property is subject to their local zoning and all other applicable laws.

### Proposed Land Use

- Proposed project will consist of 100,000 sq. ft. of wedding venue and 200,000 sq. ft. of parking.

### Open Space/Buffering

- Open space shall consist of 100,000 sq. ft. of open space in accordance with the proposed plan.

### Utility Services

- Water service shall be provided by the Orange County Water District.
- Sewer service shall be provided by the Orange County Water District.

### Stormwater Management

- Stormwater management shall be provided in accordance with the Orange County Code.
- The stormwater management shall be provided in accordance with the Orange County Code.

### Conservation Areas

- All conservation areas shall be identified in the Orange County Code and their setbacks shall be in accordance with the Orange County Code.
- All setbacks shall be in accordance with the Orange County Code.

### LUP Notes

1. In accordance with Section 20.12.07, any variances from Code of Ordinances shall be provided in this plan and shall not be deemed as approval by the Board of Commissioners.
2. All setbacks shall be in accordance with the Orange County Code.
3. All setbacks shall be in accordance with the Orange County Code.
4. All setbacks shall be in accordance with the Orange County Code.
5. All setbacks shall be in accordance with the Orange County Code.
6. All setbacks shall be in accordance with the Orange County Code.
7. All setbacks shall be in accordance with the Orange County Code.
8. All setbacks shall be in accordance with the Orange County Code.
9. All setbacks shall be in accordance with the Orange County Code.
10. All setbacks shall be in accordance with the Orange County Code.



Building Setback Waiver Exhibit

### Schedule of Drawings

COV	Land Use Plan Cover Sheet
LUP1	Land Use Plan
LUP2	Site, Flood Plain, Land Use & Aerial Photo
LUP3	Boundary & Topographic Survey

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY LUP	10/15/11	UNROE ENGINEERING, INC.
2	FINAL LUP	10/15/11	UNROE ENGINEERING, INC.
3	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
4	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
5	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
6	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
7	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
8	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
9	REVISIONS	10/15/11	UNROE ENGINEERING, INC.
10	REVISIONS	10/15/11	UNROE ENGINEERING, INC.

Unroe Engineering, Inc.

RECEIVED  
By BCC Office on 10/15/11, 10/15/11

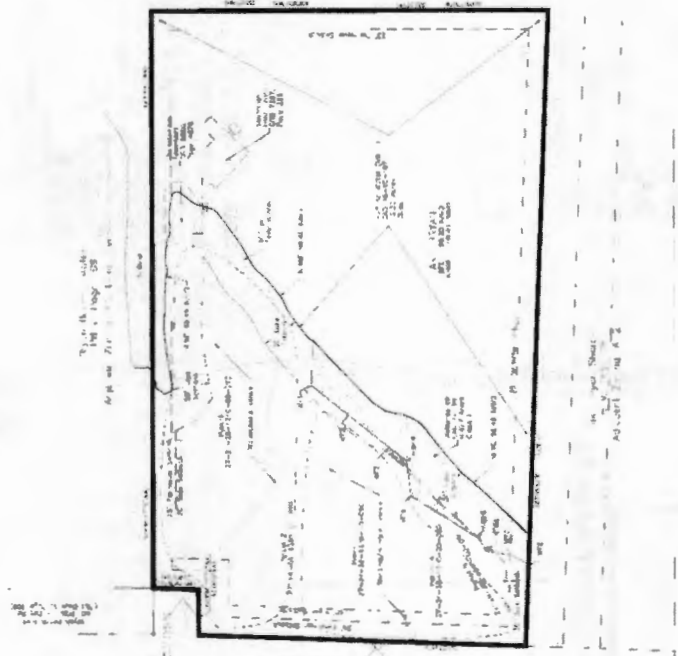
COV

Paradise Cove PD / LUP (Cover Sheet)

Rezoning Staff Report  
Case # LUP-18-09-308  
BCC Hearing Date: October 8, 2019

Paradise Cove PD / LUP

Land Use Plan for Paradise Cove Wedding Venue  
 Prepared by: Unrue Engineering, Inc.  
 173 New Richmond, Columbus, Ohio 43260  
 Phone: (614) 277-0880  
 Fax: (614) 277-0881  
 www.unrue.com



UNRUE ENGINEERING, INC.  
 173 NEW RICHMOND, COLUMBUS, OHIO 43260  
 (614) 277-0880  
 www.unrue.com

DATE: 10/15/18  
 DRAWN BY: J. BRYAN  
 CHECKED BY: J. BRYAN  
 PROJECT: PARADISE COVE WEDDING VENUE

OWNER: J. BRYAN  
 ADDRESS: 10000 W. BRYAN RD., COLUMBUS, OH 43240

PROJECT: PARADISE COVE WEDDING VENUE  
 ZONE: PD  
 AREA: 1.2 ACRES

PROPOSED: 10000 W. BRYAN RD., COLUMBUS, OH 43240

EXISTING: 10000 W. BRYAN RD., COLUMBUS, OH 43240

ADJACENT: 10000 W. BRYAN RD., COLUMBUS, OH 43240

ACCESS: 10000 W. BRYAN RD., COLUMBUS, OH 43240

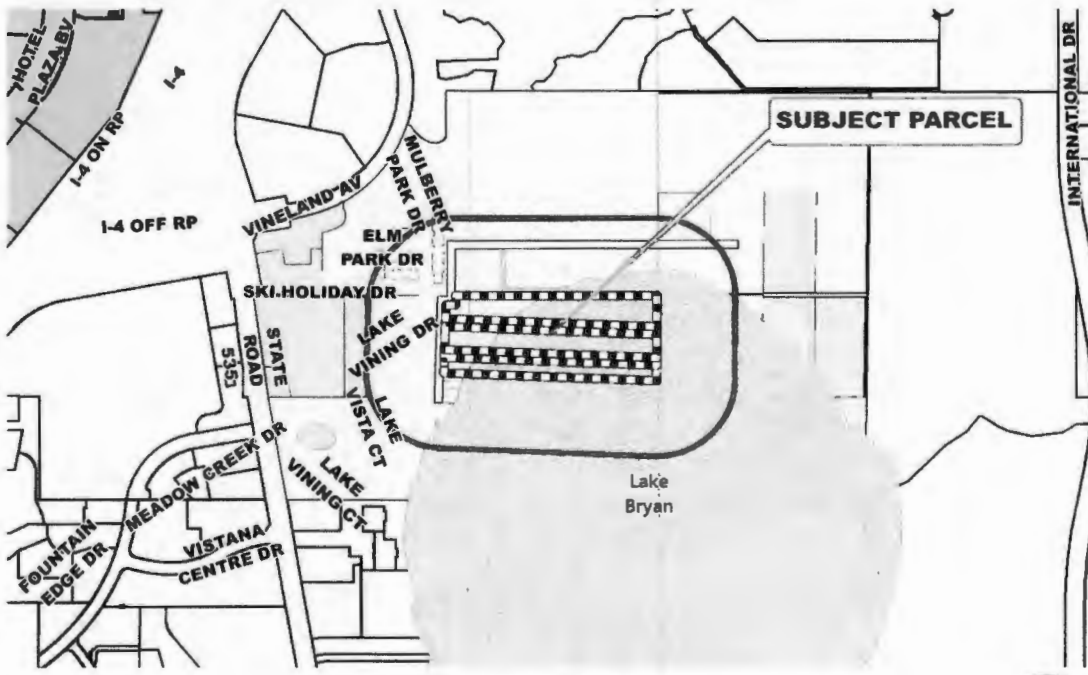
LAFFAYETTE DRIVE

UNRUE ENGINEERING, INC.



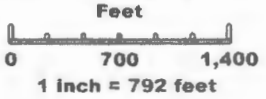
# Public Notification Map

## Paradise Cove LUP-18-09-308



- MAP LEGEND**
- SUBJECT
  - 500\_FT\_BUFFER
  - HYDROLOGY
  - NOTIFIED\_PARCELS
  - COURTESY\_PARCELS
  - PARCELS

**500 : FT BUFFER**  
**295 : NOTICES**  
**183 : RESIDENTIAL COUNT**



### Notification Map

**Rezoning Staff Report**  
**Case # LUP-18-09-308**  
**BCC Hearing Date: October 8, 2019**