

Interoffice Memorandum

DATE: April 21, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve an amendment to the Grand Cypress Resort Planned Development / Land Use Plan (PD / LUP) received March 10, 2025, subject to the conditions listed under the Planning & Zoning Commission (PZC) Recommendation in the Staff Report. District 1.

PROJECT: Grand Cypress Resort Planned Development Land Use Plan Amendment (LUPA-24-11-278)

PURPOSE: The subject property is located south of Winter Garden Vineland Road and west of South Apopka Vineland Road (S.R. 535) and consists of 10.02 acres. The property is designated Planned Development, Rural, and Commercial on the Future Land Use Map and is zoned PD (Planned Development) and R-CE (Country Estate District).

Through this request, the applicant is seeking to rezone 10.02 acres from R-CE (Country Estate District) to PD (Planned Development District) and add the property to the existing Grand Cypress Resort PD. The request also includes updating the overall PD Development Program from 1,668 resort rental units; 1505 hotel rooms; 207 multi-family residential dwelling units; and 100,000 square feet of retail / entertainment uses - To 6,378 Resort Rental units; 1,505 hotel rooms; 207 multi-family residential dwelling units, and 500,000 square feet of retail commercial / entertainment uses.

This proposal received a recommendation of approval from the DRC on March 5, 2025, and a recommendation of approval from the PZC on April 24, 2025.

CASE # LUPA-24-11-278

Commission District: # 1

GENERAL INFORMATION

APPLICANT	David Evans, Evans Engineering, Inc.
OWNER	Grand Cypress Orlando, LLC
PROJECT NAME	Grand Cypress Resort Planned Development (PD) Land Use Plan Amendment (LUPA)
PARCEL ID NUMBER(S)	21-24-28-3125-00-030 (Parcel to be rezoned), 21-24-28-3125-00-050, 21-24-28-3125-00-060, 21-24-28-3125-00-070, 21-24-28-3125-00-080, 21-24-28-3125-00-090, 21-24-28-3125-00-100, 21-24-28-3125-00-120, 21-24-28-3125-00-130, 21-24-28-3125-00-140, 21-24-28-5844-00-450, 21-24-28-5844-01-030 (affected parcels)
TRACT SIZE	10.02 acres (area to be rezoned) 1,606 gross acres (new overall PD acreage)
LOCATION	South of Winter Garden Vineland Road / West of S Apopka Vineland Road
REQUEST	To rezone 10.02 acres from R-CE (Country Estate District) to PD (Planned Development District) and add the property to the existing Grand Cypress Resort PD. The request also includes updating the overall PD Development Program from 1,668 resort rental units; 1505 hotel rooms; 207 multi-family residential dwelling units; and 100,000 square feet of retail / entertainment uses - to 6,378 Resort Rental units; 1,505 hotel rooms; 207 multi-family residential dwelling units, and 500,000 square feet of retail commercial / entertainment uses.
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Fifty-seven (57) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Grand Cypress Resort Planned Development (PD) consists of approximately 1,597 gross acres and is generally located south of Winter Garden Vineland Road and west of South Apopka Vineland Road (S.R. 535). The PD was originally approved in 1975 (as Cypress Walk) and was recently amended on March 21, 2023. The current PD covers about 1,600 acres along Winter Garden Vineland Road and is currently entitled for 1,669 short term rental units; 1,505 hotel rooms; 207 multi-family units; and 100,000 sf of retail/entertainment uses.

Through this Land Use Plan Amendment (LUPA) the applicant is seeking to rezone 10.02 acres from R-CE (Country Estate District) to PD (Planned Development District) and add it to the existing Grand Cypress Resort PD. The request is also to revise the overall PD development program resulting in an increase in short-term rentals (from 1,669 units to 6,378 units) and retail/entertainment space (from 100,000 square feet to 500,000 square feet). The request also includes correcting the entitlement chart to reflect a reduction for Parcel C-1 from 48 to 41 dwelling units and the Core Village from 89 to 87 units based on Development Plan approvals.

SITE DATA

Existing Use	Undeveloped Land / Retail / Resort Rental
Adjacent Zoning	N: P-D (Planned Development) E: City of Lake Buena Vista W: City of Lake Buena Vista S: City of Lake Buena Vista
Adjacent Land Uses	N: N/A E: Municipal Utility W: Undeveloped Land S: Hotel

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:	25 feet
Maximum Building Height:	75 feet (6 story) or 40 feet (3 story) or 60 feet (5 story)
Minimum Lot Size:	N/A
Minimum Lot Width:	N/A
Minimum Living Area:	1,000 Square Feet (for true residential units)

Minimum Building Setbacks

Front Setback (S.R. 434):	25 feet
Rear Setback:	25 feet
Side Setback:	25 feet

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-CE (Country Estate District) to PD (Planned Development District) to add to the existing Grand Cypress Resort PD and to update entitlement program.

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 Future Land Use (FLUM) designations of Commercial (C), Planned Development (PD), Medium Density Residential (MDR), Low-Medium Density Residential, and Institutional (INST), and is currently zoned (PD) Planned Development and (R-CE) Country Estate District, which is consistent with the FLUM designation. The request is consistent with the comprehensive plan. The proposed PD zoning district and development program is consistent with the Commercial (C) FLUM designation; therefore, a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

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

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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

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

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

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

Overlay Ordinance

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

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.

Environmental

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a wetland/surface water, or within an upland buffer, without first obtaining a Natural Resource Impact Permit (NRIP) approved by the County and obtaining other applicable jurisdictional agency permits. Submit a NRIP permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net.

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).

Transportation Planning

Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

Based on the recently approved Standard Procedures Manual for Specific Transportation Analysis Methodology Plan (STAMP), published February 27, 2024 (Sec.30-562-2 of the Code of Ordinances), an operational traffic analysis study (intersection analysis) will be required at DP level for proposed developments projected to generate 50 or more net PM peak hour vehicle trips. The operational traffic study will be based on the most updated STAMP.

Based on the Concurrency Management database (CMS) dated 12/20/2024, there are multiple failing roadway segments within the project's impact area. Vineland Ave, from Winter Garden-Vineland Rd / Kissimmee Vineland / SR 535 to Little Lake Bryan Pkwy (1 segment(s)) and Winter Garden-Vineland Rd, from Interstate 4 to Buena Vista Dr (2 segment(s)) are failing. This information is dated and subject to change

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orange County Utilities
Wastewater: Orange County Utilities

Schools

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

Parks and Recreation

Parks and Recreation Staff have reviewed the request and did not identify any issues or concerns.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee – (March 5, 2025)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Grand Cypress Planned Development / Land Use Plan Amendment (PD/LUPA), dated “Received March 10, 2025”, subject to the following conditions:

1. Development shall conform to the Grand Cypress Resort PD Land Use Plan Amendment (LUPA) dated "Received March 10, 2025," 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 March 10, 2025," 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 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, as may be amended, 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 23, 2024, shall apply:
 - a. In compliance with FEMA regulations, Property Owner/Engineer may be required to provide a series of FEMA Letter of Map Change (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE), depicted as Zone A, the Owner/Engineer shall perform a study to establish the BFE and obtain FEMA approval prior to construction plan review and approval. For modifications to determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a

Conditional Letter of Map Revision (CLOMR) shall be submitted by the owner/engineer to FEMA for approval. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. The LOMR application shall be submitted to FEMA by the owner/engineer within 30-days of the project completion for FEMA approval. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provided on a 'CUP for CUP' basis in accordance with Chapter 19.

- b. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5 of the Orange County Code, where applicable and as may be amended.
 - c. 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.
 - d. Hotel length of stay shall not exceed 179 consecutive days.
 - e. Within multifamily residential developments, short-term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days.
10. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated March 21, 2023, shall apply:
- a. The following waivers from Orange County Code are granted:
 - i) A waiver from Section 31.5-67(b) to allow a ground sign a maximum height of 14'-6" in lieu of 12' for the ground sign on the west corner of the Gate 1 entry.
 - ii) A waiver from Section 31.5-67 (e) and (f) to permit six (6) ground signs in lieu of (2).
 - iii) A waiver from Section 31.5-67 (e) and (f) to permit three (3) ground signs to be within one hundred (100) feet of each other at the Gate 2 Entry.
 - iv) A waiver from Section 31.5-76 (b) to allow up to (21) SF of allowable copy area in lieu of (6) SF for the Directionals shown on page L30.01.
 - v) A waiver from Section 31.5-76 (c) to allow a sign height of 8' in lieu of 6' for the directionals shown on sheet L30.01
 - vi) A waiver from Section 31.5-76 (e) to allow two (2) directional signs at the Gate 1 Entry area for the directionals shown on sheet L30.01.

11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 18, 2018, shall apply:
- a. 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 updated MUP must be approved prior to construction plan approval.
 - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
 - c. The following Education Condition of Approval shall apply:
 - i) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of October 9, 2018.
 - ii) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 1,446 residential units allowed under the zoning existing prior to the approval of this PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third-party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - iii) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - v) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013, shall apply:
 - a. The following waivers from Orange County Code are applicable for internal lots only (as depicted on the PD/LUP):
 - i) A waiver from Orange County Code Section 38-1258(d) is granted to increase the maximum building height allowed for multi-family to 75' (6-stories) in lieu of 40' (3-stories); and
 - ii) A waiver from Orange County Code Section 38-1272(5) is granted to increase the maximum building height allowed for hotel / timeshare / commercial uses to 75' (6-stories) in lieu of 40' (3-stories).
13. All previous applicable BCC Conditions of approval dated March 4, 2008, and March 29, 2005, shall apply:
 - a. Outdoor sales, storage, and display shall be prohibited.
 - b. A waiver of Section 38-1254(2) is granted to allow a 25-foot setback from State Road 535.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning. Staff indicated that fifty-seven (57) notices were sent to property owners and residents extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

After a short discussion about the resort rental use, a motion was made by Commissioner Boers and seconded by Commissioner Holt to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to thirteen (13) conditions listed in the staff report from Orange County Code. The motion carried 5 to 0.

Motion / Second *David Boers / Marjorie Holt*

Voting in Favor *David Boers, Marjorie Holt, George Wiggins, Eric Gray, Evelyn Cardenas*

Voting in Opposition *None*

Absent *Camille Evans, Nelson Pena, Eddie Fernandez, Michael Arrington*

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (April 24, 2025)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Grand Cypress Planned Development / Land Use Plan Amendment (PD/LUPA), dated "Received March 10, 2025", subject to the following conditions:

1. Development shall conform to the Grand Cypress Resort PD Land Use Plan Amendment (LUPA) dated "Received March 10, 2025," 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 March 10, 2025," 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 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, as may be amended, 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. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to

obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

8. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 23, 2024, shall apply:
 - a. In compliance with FEMA regulations, Property Owner/Engineer may be required to provide a series of FEMA Letter of Map Change (LOMC). For development within the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE), depicted as Zone A, the Owner/Engineer shall perform a study to establish the BFE and obtain FEMA approval prior to construction plan review and approval. For modifications to determined BFE (Zone AE), floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a Conditional Letter of Map Revision (CLOMR) shall be submitted by the owner/engineer to FEMA for approval. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. The LOMR application shall be submitted to FEMA by the owner/engineer within 30-days of the project completion for FEMA approval. Compensation Storage for all projects within the 1% annual chance flood (100-year flood) floodplain shall be provided on a 'CUP for CUP' basis in accordance with Chapter 19.
 - b. Pole signs and billboards shall be prohibited. All other signage shall comply with the approved master sign plan or Chapter 31.5 of the Orange County Code, where applicable and as may be amended.
 - c. 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.
 - d. Hotel length of stay shall not exceed 179 consecutive days.
 - e. Within multifamily residential developments, short-term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days.
10. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated March 21, 2023, shall apply:
 - a. The following waivers from Orange County Code are granted:

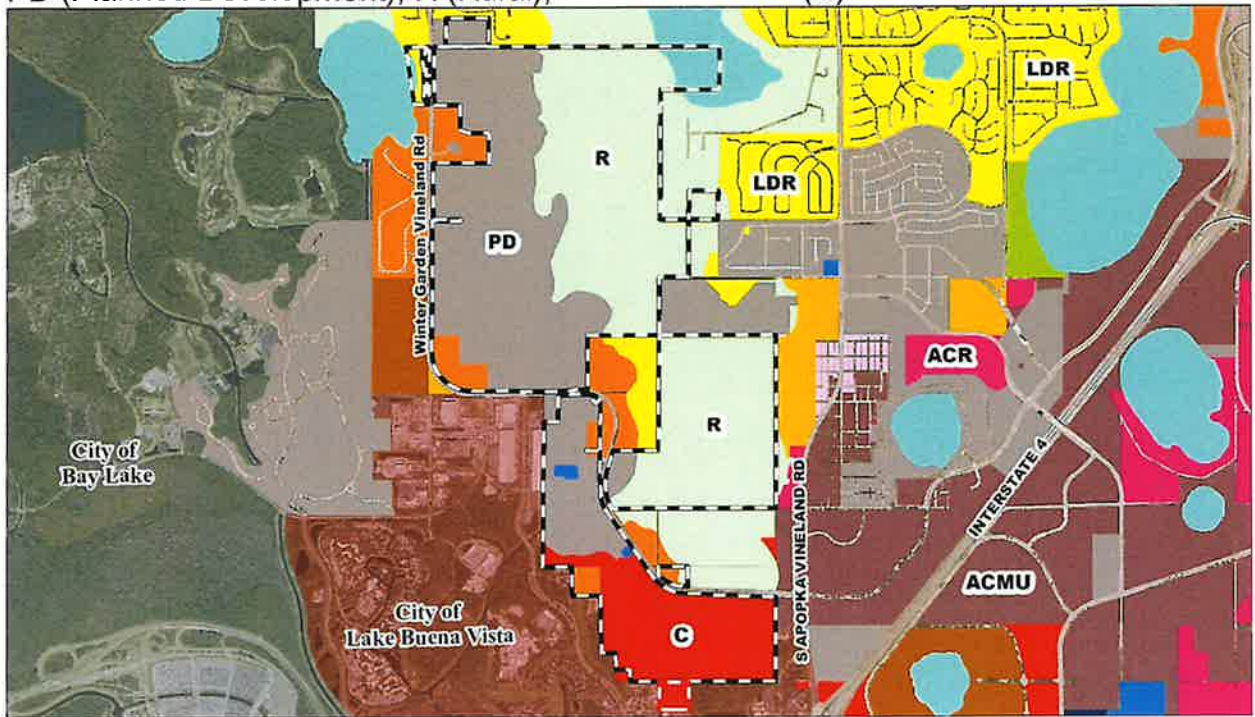
- i) A waiver from Section 31.5-67(b) to allow a ground sign a maximum height of 14'-6" in lieu of 12' for the ground sign on the west corner of the Gate 1 entry.
 - ii) A waiver from Section 31.5-67 (e) and (f) to permit six (6) ground signs in lieu of (2).
 - iii) A waiver from Section 31.5-67 (e) and (f) to permit three (3) ground signs to be within one hundred (100) feet of each other at the Gate 2 Entry.
 - iv) A waiver from Section 31.5-76 (b) to allow up to (21) SF of allowable copy area in lieu of (6) SF for the Directionals shown on page L30.01.
 - v) A waiver from Section 31.5-76 (c) to allow a sign height of 8' in lieu of 6' for the directionals shown on sheet L30.01
 - vi) A waiver from Section 31.5-76 (e) to allow two (2) directional signs at the Gate 1 Entry area for the directionals shown on sheet L30.01.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 18, 2018, shall apply:
- a. 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 updated MUP must be approved prior to construction plan approval.
 - b. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
 - c. The following Education Condition of Approval shall apply:
 - i) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of October 9, 2018.
 - ii) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 1,446 residential units allowed under the zoning existing prior to the approval of this PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement

Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third-party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- iii) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - iv) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - v) Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013, shall apply:
- a. The following waivers from Orange County Code are applicable for internal lots only (as depicted on the PD/LUP):
 - i) A waiver from Orange County Code Section 38-1258(d) is granted to increase the maximum building height allowed for multi-family to 75' (6-stories) in lieu of 40' (3-stories); and
 - ii) A waiver from Orange County Code Section 38-1272(5) is granted to increase the maximum building height allowed for hotel / timeshare / commercial uses to 75' (6-stories) in lieu of 40' (3-stories).
13. All previous applicable BCC Conditions of approval dated March 4, 2008, and March 29, 2005, shall apply:
- a. Outdoor sales, storage, and display shall be prohibited.
 - b. A waiver of Section 38-1254(2) is granted to allow a 25-foot setback from State Road 535.

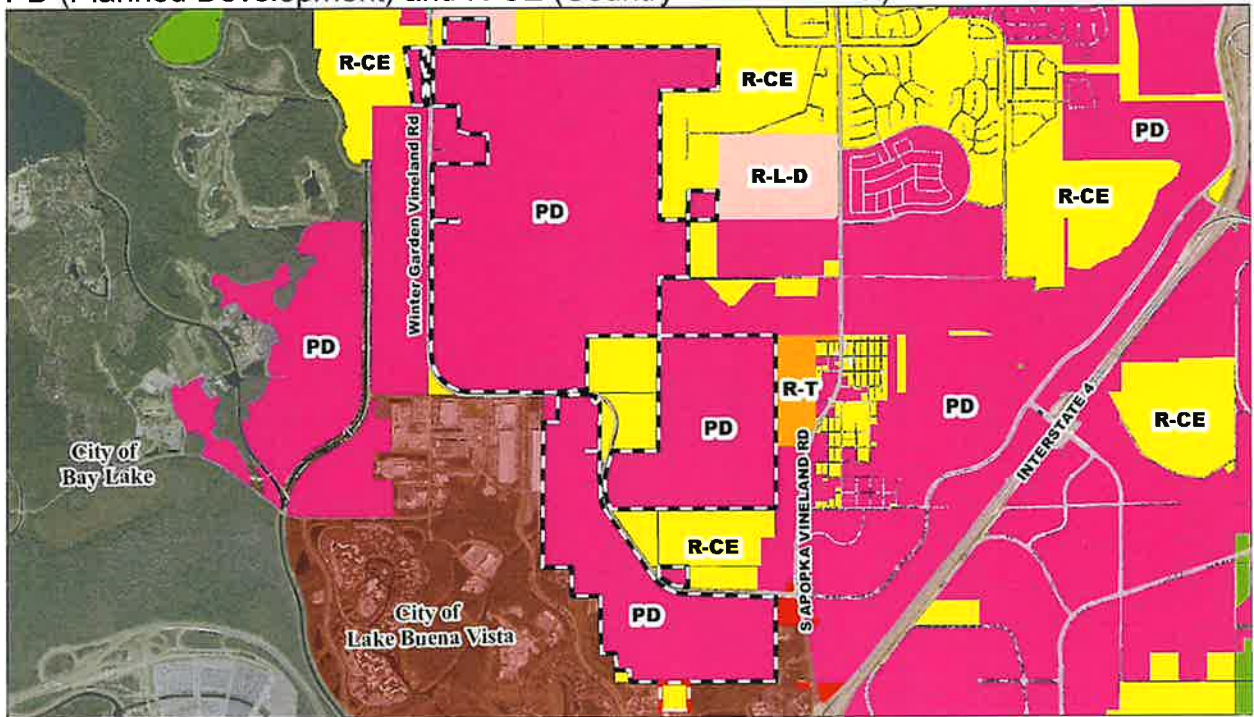
FUTURE LAND USE

PD (Planned Development), R (Rural), and Commerical (C)



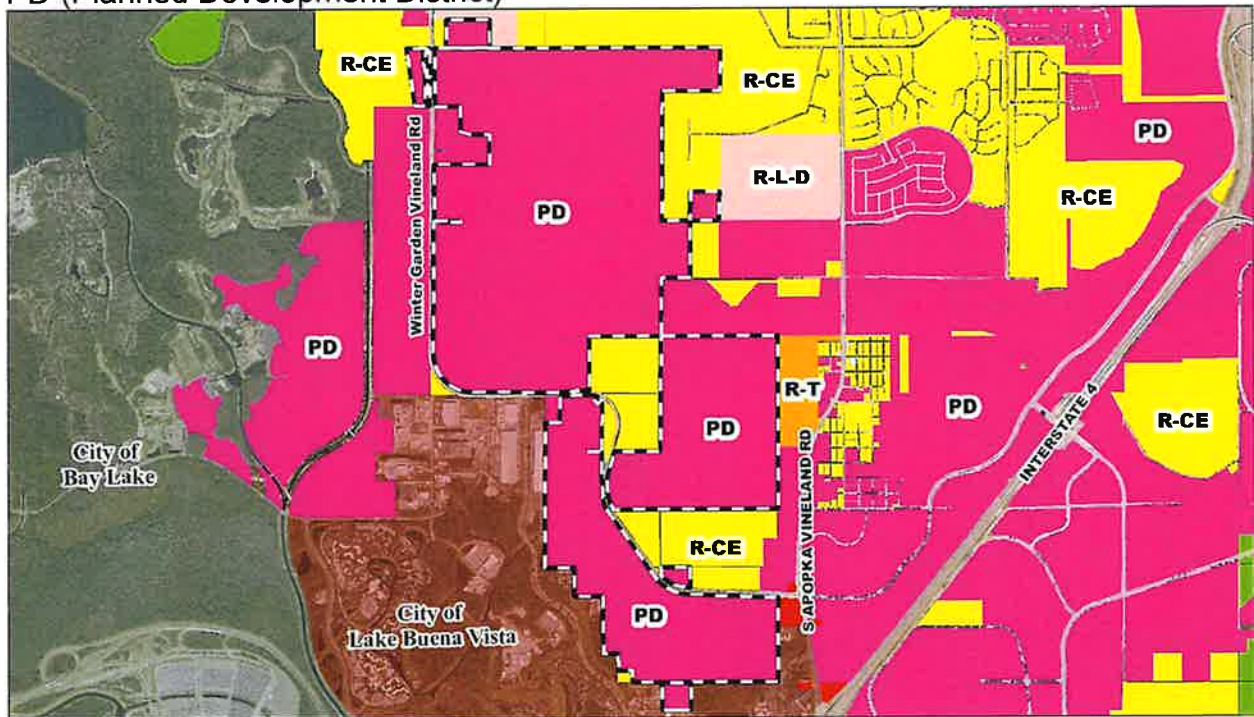
ZONING - CURRENT

PD (Planned Development) and R-CE (Country Estate District)

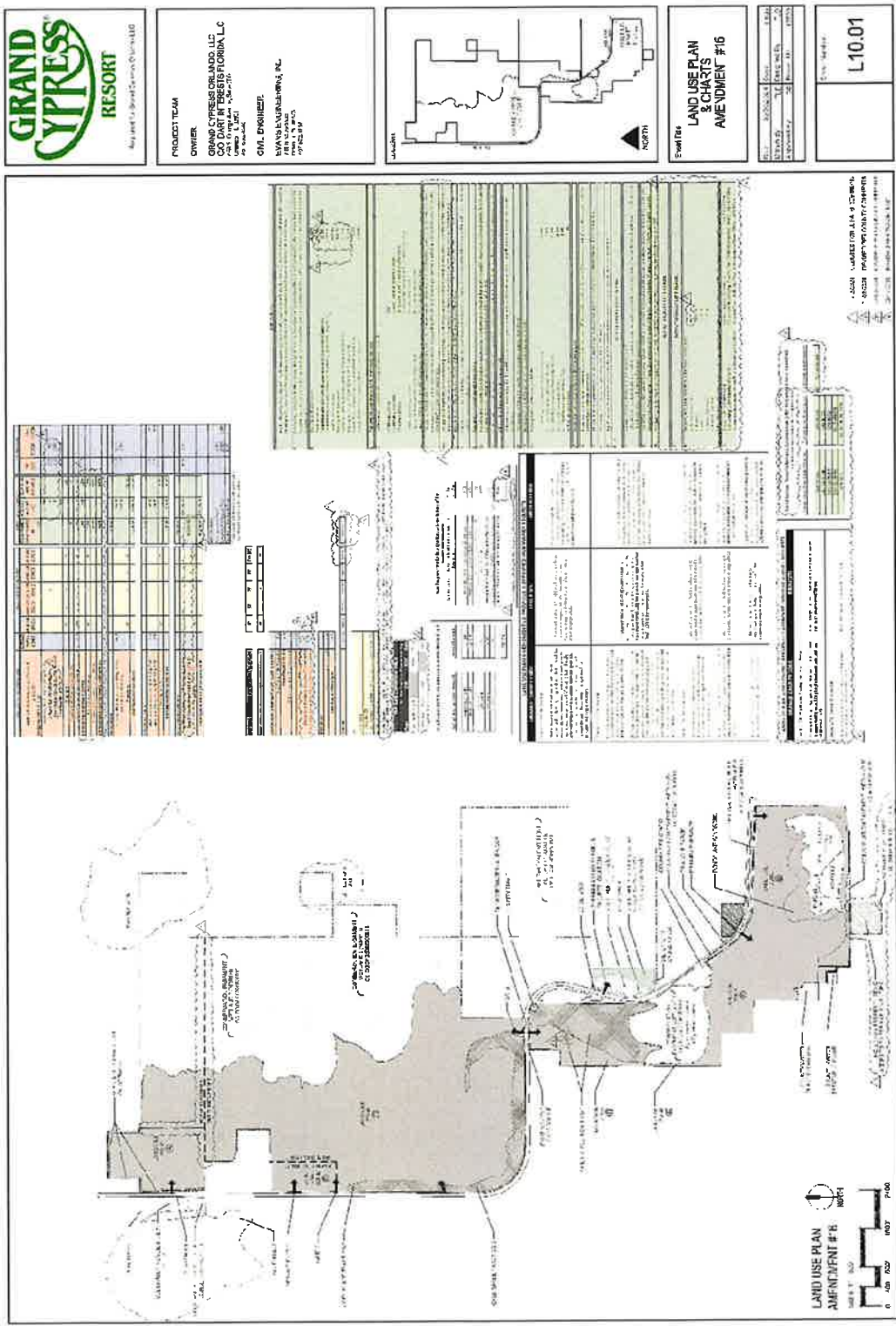


ZONING - PROPOSED

PD (Planned Development District)



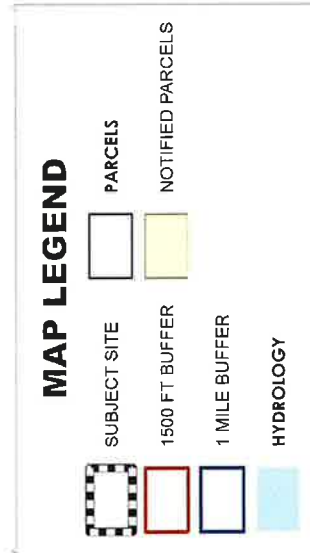
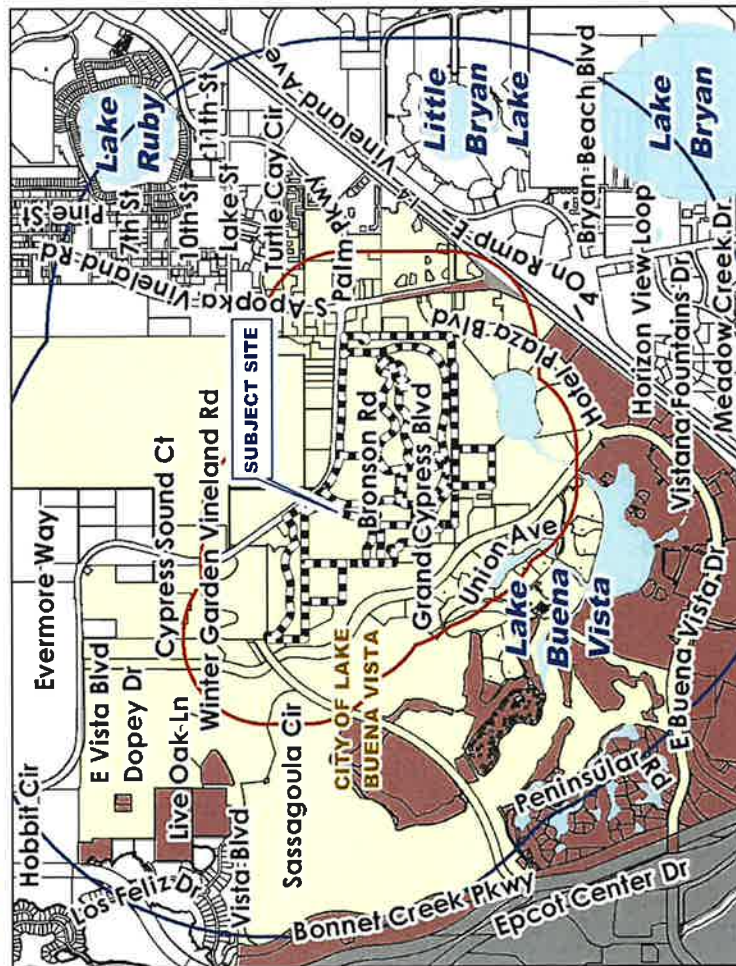
Site Plan Sheet



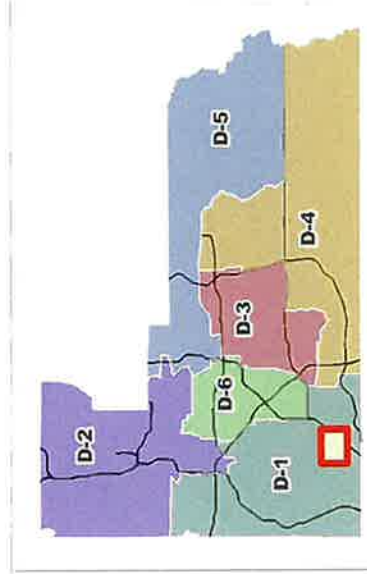
Notification Map

Public Notification Map

Grand Cypress Resort PD LUPA LUPA-24-11-278



BUFFER DISTANCE: 1500
OF NOTICES: 57



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