

CASE # CDR-24-08-188

Commission District: # 2

GENERAL INFORMATION

APPLICANT Sean Hickman, Burkett Engineering

OWNER B COM, LLC

PROJECT NAME Evergreen Planned Development (PD)

PARCEL ID NUMBER(S) 05-20-27-0000-00-021

TRACT SIZE 23.24 acres

LOCATION Southwest of North Old Blossom Trail / East of Dora Drive

REQUEST To revise the minimum residential lot size for the PD from one (1) acre to 0.5 acres and to reflect the requirement for 50% open space in the Wekiva Study Area and to amend the applicable previously approved lot standards.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1,000 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. Two hundred and eighty-two (282) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The subject property is zoned Planned Development (PD) and is located southwest of North Old Blossom Trail and east of Dora Drive within the Tangerine Rural Settlement. The Evergreen PD which was originally approved on July 19th, 2005. The Evergreen PD received approval prior to the County's adoption of the Wekiva Study Area policies. However, since the subdivision of the subject property was never completed, any new development must now comply with these policies. Comprehensive Plan Open Space Element Policy OS1.3.6 requires that 50% of the overall PD area be permanently preserved as open space. In response to this requirement, the applicant is requesting a reduction in the minimum lot size while maintaining the same number of previously approved units. This adjustment will facilitate the clustering of residential lots, which is encouraged under the Wekiva policies, including Policy OS1.3.3.

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement (RS 1/1) on the Future Land Use Map. The Evergreen PD currently allows 20 single-family units. The request to revise the minimum residential lot size for the Planned Development (PD) from 1 acre to 0.5 acres and to reflect the requirement for 50% open space in the Wekiva Study Area is consistent with the approved PD development program and with the Comprehensive Plan.

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement (RS 1/1) on the Future Land Use Map and is zoned Planned Development (PD). The proposal appears to be consistent with the Comprehensive Plan.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is located within the Tangerine Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

A Phase I ESA was reported 5/13/22 for this property. No RECs were identified and no further action was recommended.

Within the Wekiva Study Area, all stormwater management and drainage systems proposed to be constructed in karst sensitive areas, areas with known sinkholes, and areas with shallow depth to limestone bedrock, shall be evaluated for the presence of sinkholes through appropriate geotechnical testing. If there is an existing sinkhole within or adjacent to a development site, or likelihood that a sinkhole may develop in the future, then a detailed geological/geotechnical investigation shall be required. If a geotechnical study has been performed, then submit the report to Development Engineering with the revised plan.

This site is located within the Ocklawaha, Wekiwa/Rock Springs, and Wekiva River/Rock Springs Run/Little Wekiva Canal Basin Management Action Plan (BMAP) Areas and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a). On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Transportation Planning

Existing/Valid transportation concurrency entitlements not found. This development will require transportation capacity via a Capacity Encumbrance Letter (CEL) application. Should this project be located near failing roadways, then a Transportation Impact Analysis will be required with the CEL application.

Based on the Concurrency Management database (CMS) dated 8/16/2024, there are multiple failing roadway segments within the project's impact area along Orange Blossom Tr, from Ponkan Rd to Sadler Rd and Earlwood Ave to Lake County Line (2 segment(s)). This information is dated and subject to change.

Community Meeting Summary

The community meeting was held at Tangerine Improvement Society on February 3, 2025. It began by County staff presenting an overview of the project. Approximately 173 residents were in attendance, not including staff and the applicant team.

Main points of concern and discussion were: increased traffic, lot sizes, home values, drainage/runoff issues, safety on roads, Wekiva Open Space, overcrowding of schools, environmental concerns regarding the well and septic proposed, dislike of proposal to realign Allen Street through PD, and not wanting a "traditional neighborhood" in the rural settlement.

Staff clarified that the previously approved zoning designation of Planned Development (PD) does not expire. What expired was the previously approved Preliminary Subdivision Plan (PSP). This request is amending the PD.

A question was raised whether the open space could be included as part of the lots - staff clarified that the open space cannot be allocated to the lots and must be in a separate tract. Residents proposed using the open space tract to create the feel of acre lots so the property remains in line with surrounding rural feel.

The overall tone of the meeting was **NEGATIVE**.

Schools

The addition of five (5) more residential units will not trigger the need for a school capacity determination.

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 (DRC) Recommendation – (August 27, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Evergreen PD dated "Received August 8, 2025", subject to the following conditions:

1. Development shall conform to the Evergreen Planned Development (PD) dated "Received August 8, 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 August 8, 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)

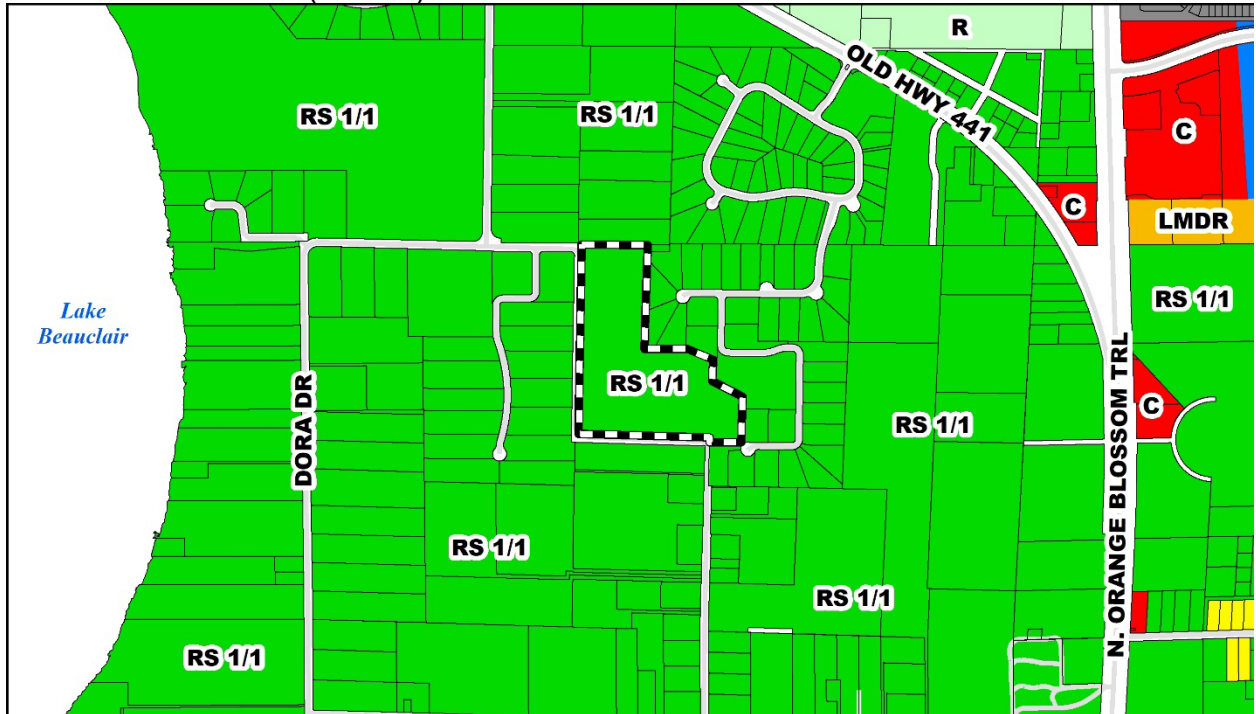
development permits, not recording (or delaying recording of) a plat for the property, or both.

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. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
8. 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.
9. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.

10. Two vehicular access points onto Allen Street shall be provided in accordance with the Land Use Plan, and cul-de-sacs shall be prohibited.
11. A 25-foot wide tract shall be provided between individual lots and Allen Street. Fences or walls shall be prohibited within this 25-foot wide tract; with the exception of split-rail style fencing, or other rural or equestrian style fence as approved by the Zoning Manager.
12. Dedication of Allen Street Right-of-Way by separate instrument and/or maintenance map must occur prior to site construction plan approval. The cost of the preparation of the maintenance map shall be by the applicant/developer at no cost to the County.
13. Development shall comply with Chapter 15, Article VIII – Tree Protection and Removal. Regulated trees shall be preserved to the maximum extent practicable with minimal disturbance to the natural grade. Removal of trees on individual lots is limited to the building pad, driveway, and on-site disposal system.
14. The developer shall plant one Live Oak tree per fifty-five (55) feet of frontage along Allen Street. The trees shall be located within a tract owned by the Homeowners Association that is located directly adjacent to Allen Street. Healthy and viable existing on-site trees of a code-acceptable size, species and location that are intended to be preserved may be applied toward the requirements of this condition. Details of the protective barriers and/or other protective measures to be used for said preservation shall be provided in the PSP.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 19, 2005, shall apply:
 - a. Conditions that have been agreed to by the owner/developer during the community meeting. In the cases where the following conditions differ from the LUP (dated April 13, 2005), the following conditions apply:
 - i. Maximum number of lots, 20.
 - ii. Minimum lot width at building line to be 130 feet.
 - iii. The 10-foot easement on the road to be identified as a utility easement.

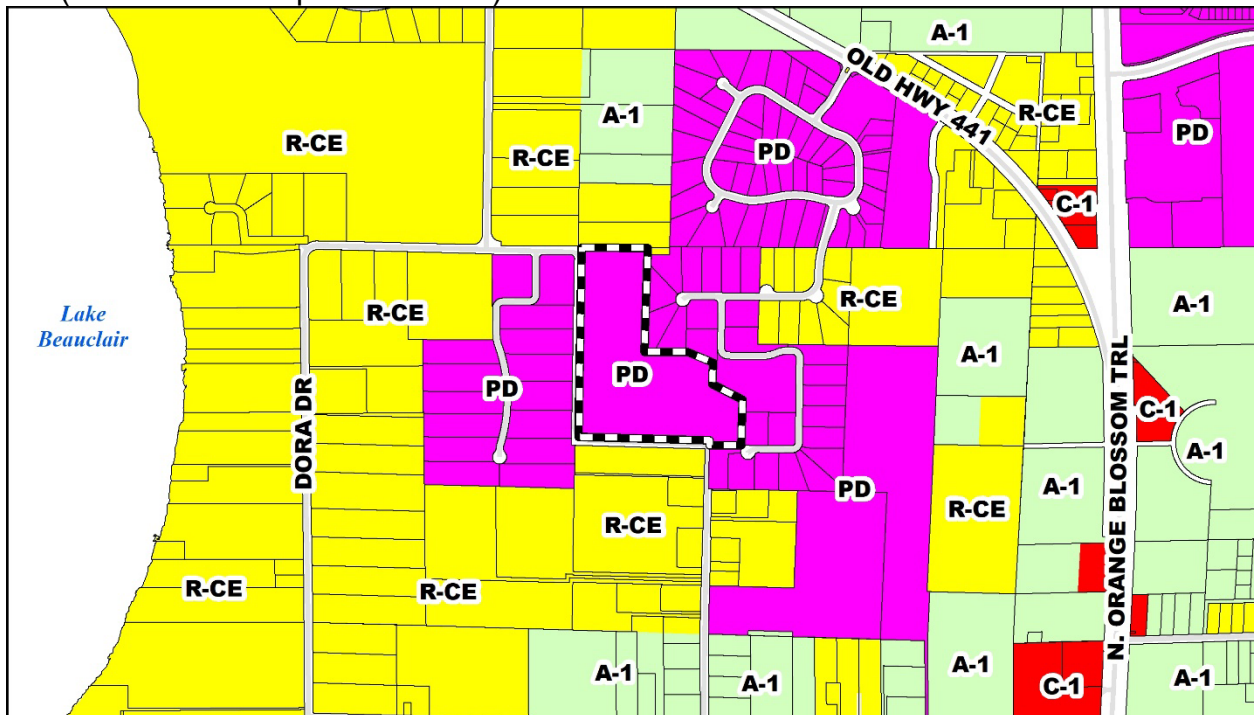
FUTURE LAND USE

Rural Settlement 1/1 (RS 1/1)

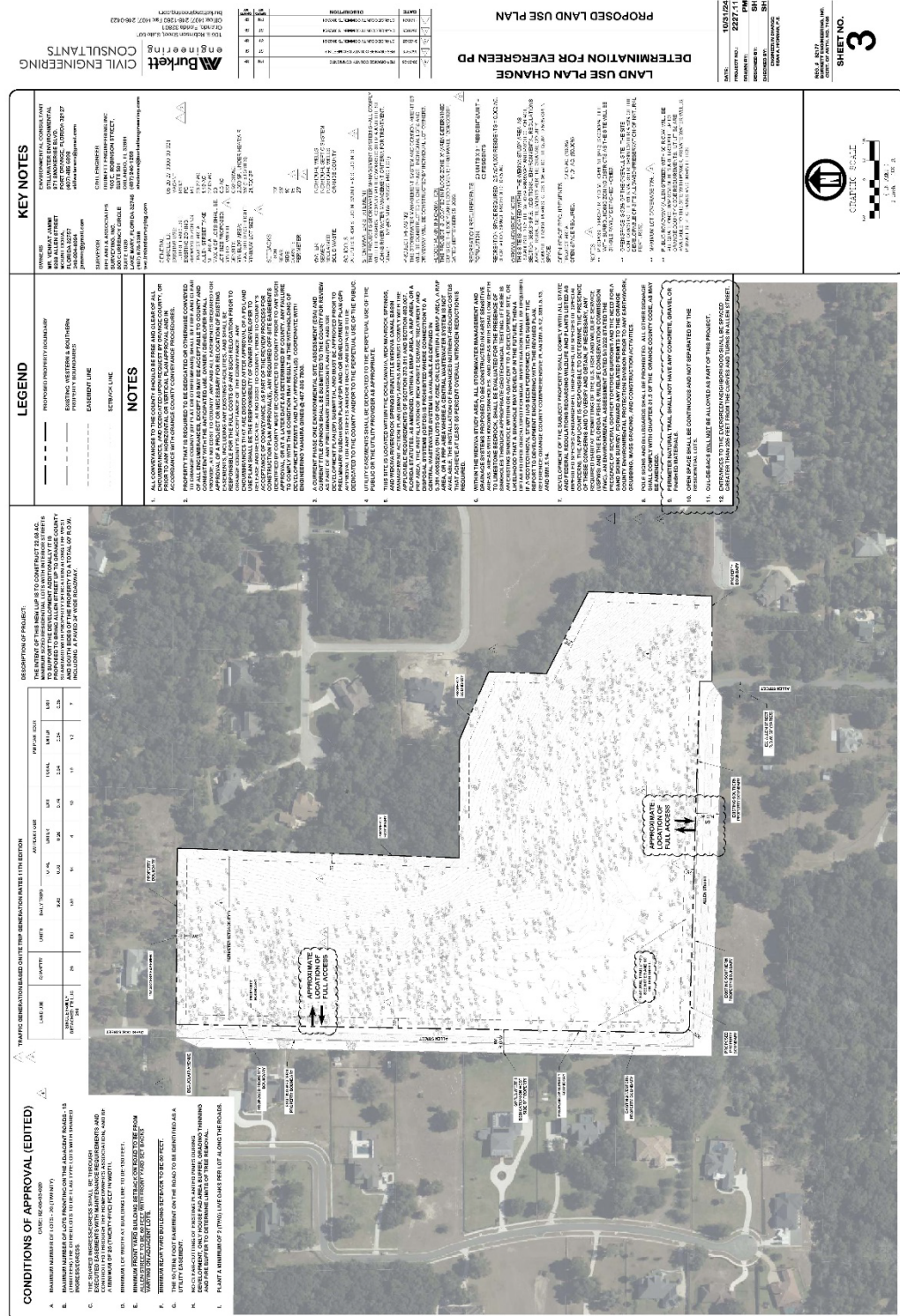


ZONING

PD (Planned Development District)



Evergreen PD (Site Plan)

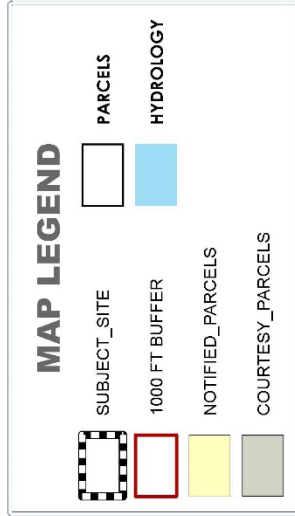
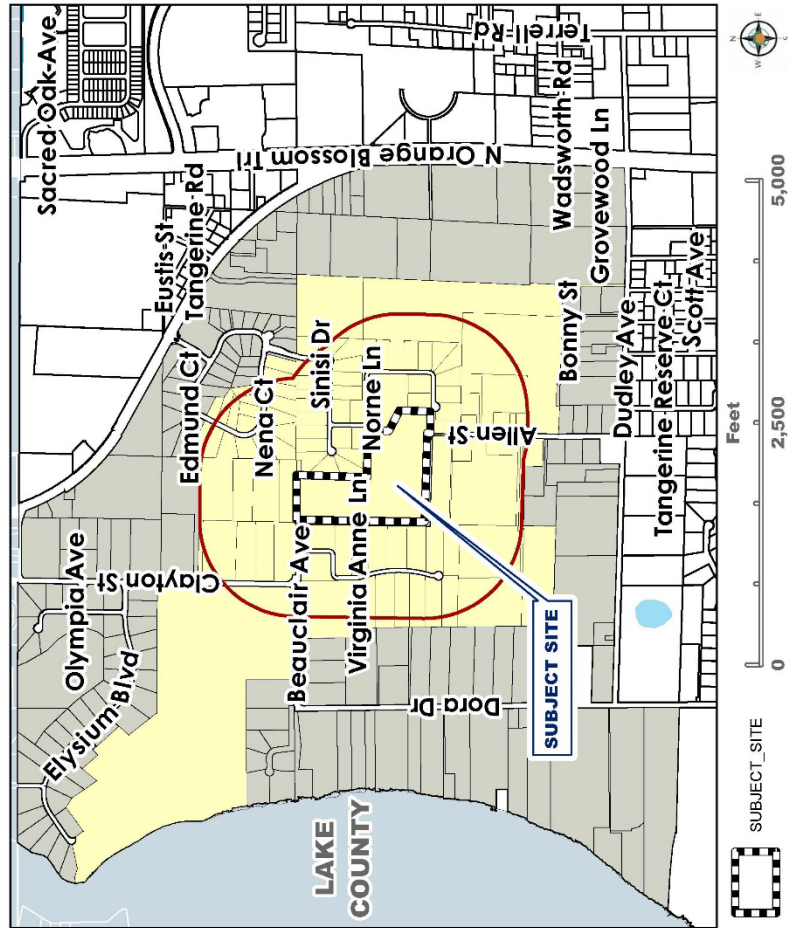


Notification Map

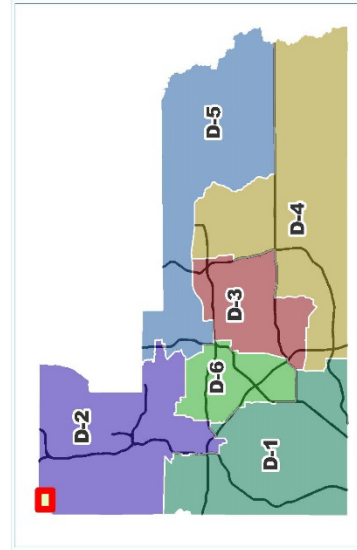


Public Notification Map

Evergreen PD_CDR-24-08-188



Buffer Distance: 1000
of Notices: 282



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