



Interoffice Memorandum

June 6, 2024

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

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

CONTACT PERSON: **Joseph C. Kunkel, P.E., DRC Chairman**
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: July 9, 2024 – Public Hearing
Applicant(s): Momtaz Barq, Terra-Max Engineering, Inc.
Project Name: Somita Planned Development (PD) / Land Use Plan (LUP)
Project No.: LUP-23-06-198 / District 1

This public hearing is to consider a recommendation from the Planning and Zoning Commission's (PZC) meeting on May 16, 2024, to approve the Somita Planned Development (PD) / Land Use Plan (LUP). The subject property is generally located north of 6th Street and east of S. Apopka Vineland Road.

The request is to rezone 0.64 acres from R-CE (Country Estate District) to PD (Planned Development District) in order to construct up to 6,900 square feet of medical, office, and commercial uses consistent with the P-O (Professional Office) zoning district. Additionally, the applicant is requesting three waivers from Orange County Code to allow for reduced landscape parkway of 8 feet rather than the required 18 feet along the east side of the roadway, this includes a 7.5 foot sidewalk in lieu of the required 8 foot sidewalk; to allow for a minimum lot size of 0.636 acres rather than the required 4.50 acres for Activity Center Mixed Use (ACMU) properties within the Buena Vista North (BVN) Overlay District; and to allow for a reduced landscape building base of 5 feet rather than the required 10 feet.

A community meeting was held on September 27, 2023, at Bay Meadows Elementary School for this project. There were 12 residents in attendance who spoke about concerns regarding the uses proposed and potential effects on the surrounding area.

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 documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve Somita Planned Development (PD) / Land Use Plan (LUP) (LUP-23-06-198) dated "Received April 10, 2024", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

TW/JCK/rb

Attachments

CASE # LUP-23-06-198

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Momtaz Barq, Terra-Max Engineering, Inc.
OWNER	Apopka Vineland Holdings, LLC
PROJECT NAME	Somita Planned Development (PD) / Land Use Plan (LUP)
PARCEL ID NUMBER(S)	15-24-28-6211-52-150, 15-24-28-6211-50-110, 15-24-28-6211-52-130
TRACT SIZE	0.64 acre
LOCATION	North of 6th Street / East of S. Apopka Vineland Road
REQUEST	A request to rezone 0.64 acres from R-CE (Country Estate District) to PD (Planned Development District) in order to construct up to 6,900 square feet of medical, office and commercial uses consistent with the P-O zoning district.

In addition, three waivers are requested from Orange County Code:

1. A waiver from Section 38-1391.3(a)(1)b. Street Design Requirements to reduce the landscape parkway along the east side of the roadway to 8-feet in lieu of the required 18-foot wide landscaped parkway on each side of the roadway, including a 7.5-foot-wide sidewalk in lieu of an 8-foot-wide sidewalk along the east side of the roadway.

Applicant Justification: An existing Lynx bus bay is located at the intersection of the unopened 6th Street right-of-way (ROW) and Apopka Vineland Road. Based on discussions with Lynx, the bus bay will need to be relocated north of the 6th Street ROW. To accommodate the bus bay, the landscaped parkway along the length of the bus bay will be reduced to 7.5 feet in width. Additionally, the existing 5-foot sidewalk along the S. Apopka Vineland ROW line will be reconfigured to encompass the 7.5' landscape parkway around the proposed bus bay and to 8' wide fronting the subject parcel outside of the bus bay area.

2. A waiver from Section 38-1392, Buena Vista North District Standards to allow for a minimum lot size of 0.636 acres in lieu of 4.50 acres within the ACMU Future Land Use designation.

Applicant Justification: The existing lot size is below the minimum size required by the Buena Vista North District Code for ACMU Future Land Use designation. However, the requested uses will be limited to restaurants with no drive-thru or walk-up windows, banks, medical offices, and business and personal services that would otherwise be permitted in the P-O zoning district. The requested uses are commensurate with an office Future Land Use which requires a minimum unified development site size of 0.75 acre. The applicant was not able to unify additional abutting properties. Existing lot size is below the minimum required by Buena Vista North Code for office uses and all other uses deeming it unusable for redevelopment.

3. A waiver from Section 38-1394.1(a), Buena Vista North District Standards to allow the landscaped area to be equal to the full linear length of the building base and have five (5) feet of building base green space only on the eastern side of the proposed building in lieu of a ten (10) foot building base green space for a one- story building.

Applicant Justification: The site constraints of the existing property will make achieving a 10' building base green space along the eastern side of the building difficult to achieve due to the triangular shape and narrow dimensions of the site, it will be necessary to reduce the building green base on the east side to allow for a viable building envelop and comply with dimensional criteria, such as parking and drive aisles, etc. Four (4) canopy trees that were to be provided in the east building base green space shall be planted elsewhere on-site.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 900 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 seventeen (217) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The applicant is seeking to rezone 0.64 acres from R-CE (Country Estate District) to PD (Planned Development District). The proposed development program is 6,900 square feet of office and restaurant uses. The subject property is located within the Buena Vista North (BVN) Overlay District and is designated Activity Center Mixed Use (ACMU) on the Future Land Use Map indicating it is within the I-Drive Activity Center.

In addition, three waivers are requested from Orange County Code to allow for a minimum lot size of 0.636 acre in lieu of 4.50 acres, to reduce the landscape requirements

of the landscaped parkway to eight feet in lieu of the required 18-feet, and to have five feet of building base green space in lieu of the required 10 feet.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-CE (Country Estate District) (1968) E: R-CE (Country Estate District) (1968) W: R-CE (Country Estate District) (1968) S: R-CE (Country Estate District) (1968)
Adjacent Land Uses	N: Undeveloped Land E: Residential/ Institutional W: Undeveloped Land S: Undeveloped Land

APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height:	35 feet
Minimum Lot Size:	0.64 acre

Minimum Building Setbacks

Front (Apopka Vineland Road):	20 feet
Side (North) Setback:	35 feet
Side (South) Setback:	10 feet
Rear Setback:	35 feet

Minimum Open Space:	25%
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Land Use Compatibility

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) on the Future Land Use Map. As described in the International Drive Element of the Comp Plan, ACMU is a mixture of tourist-related development and supportive residential activity. Per Comprehensive Plan Policy FLU1.1.4 The ACMU FLUM designation allows uses up to a maximum FAR of 3.0, hotel/motel lodging uses up to a maximum of 60 rooms/acre, and residential uses at a minimum of 12 and up to a maximum of 30 units per developable acre. The proposed PD zoning district and development program is consistent with the ACMU 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 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.

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 Buena Vista North (BVN) Overlay 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

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). No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits.

This site is located approximately two miles northwest of Shingle Creek, managed by South Florida Water Management District. The nearby property may require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices may include, but not limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management. Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation Planning

Pursuant to Article XII, Chapter 30, Orange County Code, 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, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat 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 Concurrency Management database (CMS) dated 7/20/2023, there are multiple failing roadway segments within the project's impact area. This information is dated and subject to change. Existing/Valid transportation capacity entitlements not found. Development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Please contact the Concurrency Management Office for more information. NOTE: should this project be located near failing roadways then a traffic study will be required with the CEL application.

Community Meeting Summary

A community meeting was held September 27, 2023 at Bay Meadows Elementary School for this project. A total of 217 notices were sent to a 900- foot buffer surrounding the proposed project area. There were approximately 16 residents in attendance, excluding Orange County staff, representatives from District 1, and the applicant team. Several concerns were expressed during the meeting including the type of uses proposed and the possible effects on surrounding neighborhood, the number of waivers proposed, especially for architectural elements (note: at the time it was 12, that has since been reduced to three (3), and no waivers for architectural elements are now requested), increased traffic, particularly around the mosque and in the Ruby Lake neighborhood to the east. Of particular concern was the requirement of the county to open the currently unopened and unimproved ROW for Sixth Street all the way to Ruby Lake Road.

Schools

Orange County Public Schools has reviewed this plan and did not identify any outstanding issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

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

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (March 13, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Somita Planned Development / Land Use Plan (PD/LUP), dated "Received April 10, 2024", subject to the following conditions:

1. Development shall conform to the Somita Land Use Plan (LUP) dated "Received April 10, 2024" 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 April 10, 2024", the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plant 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, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of 6th Street.

8. Safe and adequate U-turns on Apopka Vineland Road at 5th Street and Apopka Vineland Road at Jureane Drive, for the design vehicle, must be provided, shown, and accepted by the County at the DP/PSP submittal phase.
9. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24- hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations.
10. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities, must be submitted as an E-Plan and have a Certificate of Completion prior to platting.
11. 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).
12. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement needed for future roadway improvements. The easement area required shall be conveyed concurrently at time of platting, or dedicated to the County via separate instrument, prior to Development Plan Approval.
13. Pursuant to Article XII, Chapter 30, Orange County Code, 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 a plate 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.
14. The Developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

15. 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 (including hydraulically dependent development) within the PD.
16. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5-195 (Buena Vista North) of the Orange County Code, as may be amended.
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. Four (4) canopy trees that would have been planted within the east building base green space, with minimum four (4) inch caliper and 14 feet in height at the time of planting, shall be provided elsewhere on-site and reviewed at development plan stage.
19. Uses shall be limited to restaurants with no drive-thru or walk-up windows, banks, medical offices, and business and personal services that would otherwise be permitted in the P-O zoning district.
20. Hours of operation for restaurants shall be limited to 7 am to 10 pm, 7 days a week, with hours for holidays and special events limited to 5 am to 1 am. Hours of operation for office uses shall be limited to 6 am to 7 pm Monday through Friday, and 8 am to 7 pm Saturday and Sunday.
21. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1391.3(a)(1)b. Street Design Requirements to reduce the landscape parkway along the east side of the roadway to 8-feet in lieu of the required 18-foot wide landscaped parkway on each side of the roadway, including a 7.5-foot-wide sidewalk in lieu of an 8-foot-wide sidewalk along the east side of the roadway.
 - b. A waiver from Section 38-1392, Buena Vista North District Standards to allow for a minimum lot size of 0.636 acres in lieu of 4.50 acres within the ACMU Future Land Use designation.
 - c. A waiver from Section 38-1394.1(a), Buena Vista North District Standards to allow the landscaped area to be equal to the full linear length of the building base and have five (5) feet of building base green space only on the eastern side of the proposed building in lieu of a ten (10) foot building base green space for a one-story building.

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 April 10, 2024", the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plant 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, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of 6th Street.
8. Safe and adequate U-turns on Apopka Vineland Road at 5th Street and Apopka Vineland Road at Jureane Drive, for the design vehicle, must be provided, shown, and accepted by the County at the DP/PSP submittal phase.
9. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24- hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations.
10. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities, must be submitted as an E-Plan and have a Certificate of Completion prior to platting.
11. 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).
12. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement needed for future roadway improvements. The easement area required shall be conveyed concurrently at time of platting, or dedicated to the County via separate instrument, prior to Development Plan Approval.

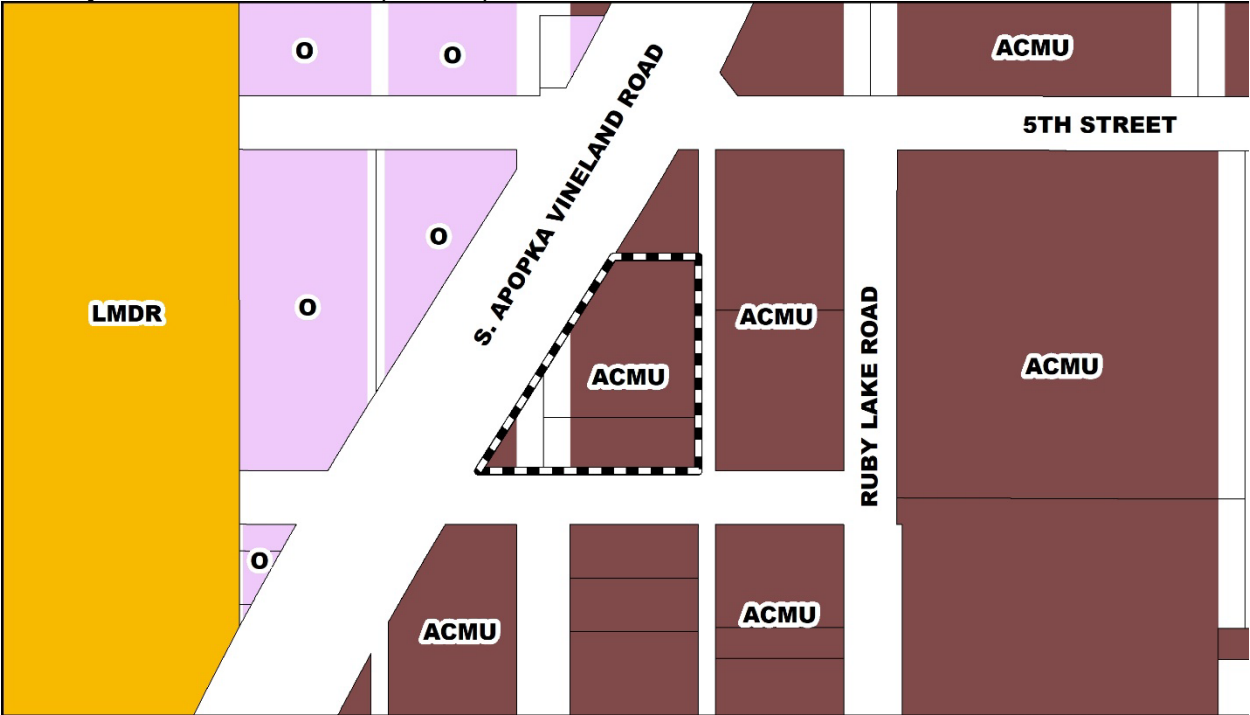
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14. The Developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development (including hydraulically dependent development) within the PD.
16. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5-195 (Buena Vista North) of the Orange County Code, as may be amended.
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. Four (4) canopy trees that would have been planted within the east building base green space, with minimum four (4) inch caliper and 14 feet in height at the time of planting, shall be provided elsewhere on-site and reviewed at development plan stage.
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20. Hours of operation for restaurants shall be limited to 7 am to 10 pm, 7 days a week, with hours for holidays and special events limited to 5 am to 1 am. Hours of operation for office uses shall be limited to 6 am to 7 pm Monday through Friday, and 8 am to 7 pm Saturday and Sunday.

21. The following waivers from Orange County Code are granted:

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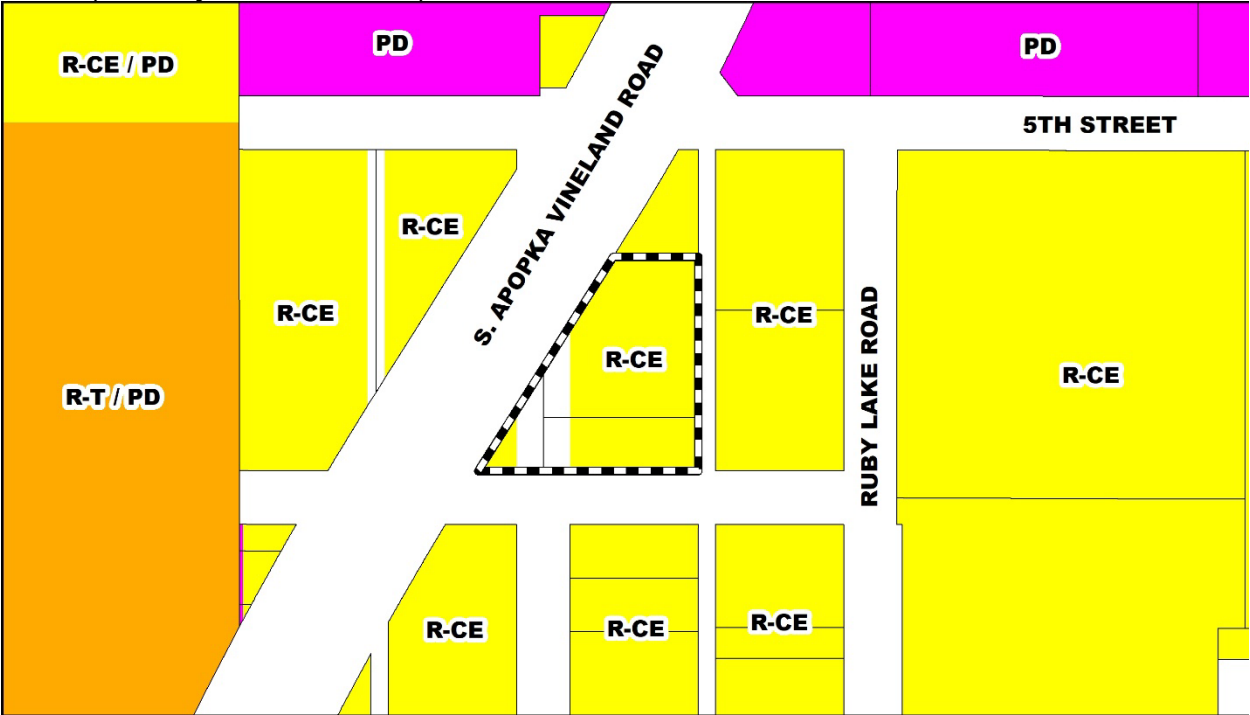
FUTURE LAND USE

Activity Center Mixed Use (ACMU)



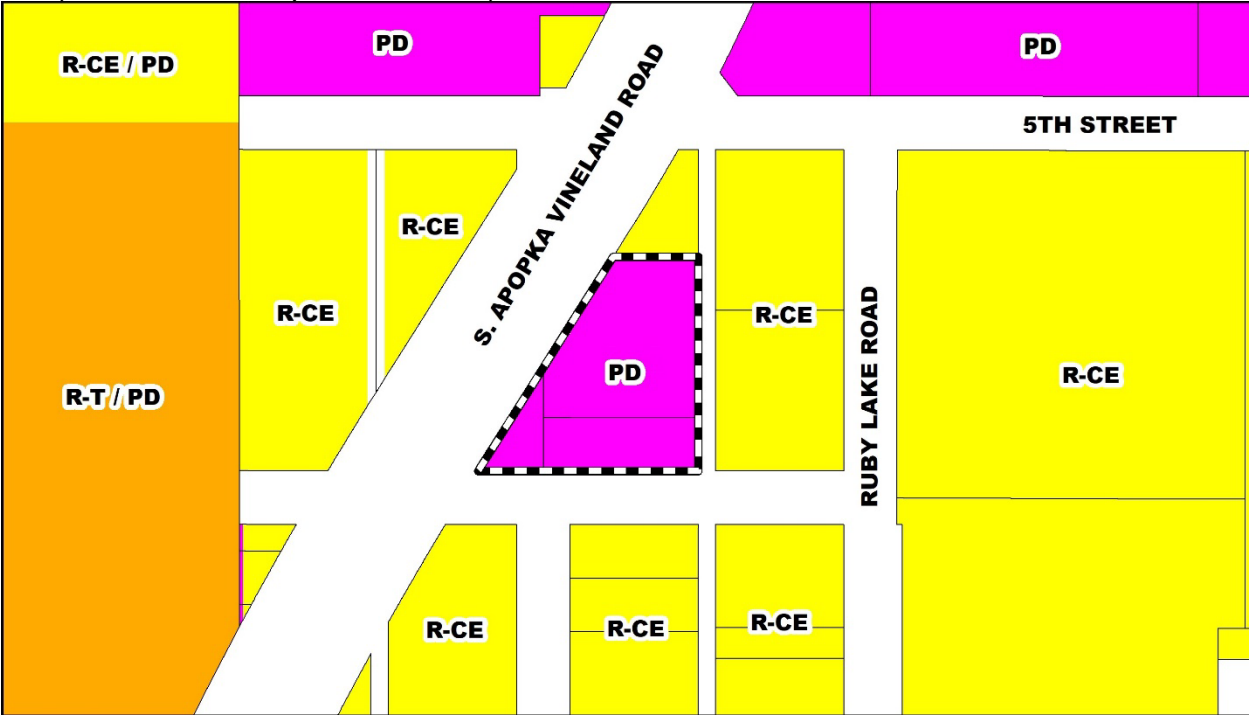
ZONING - CURRENT

R-CE (Country Estate District)

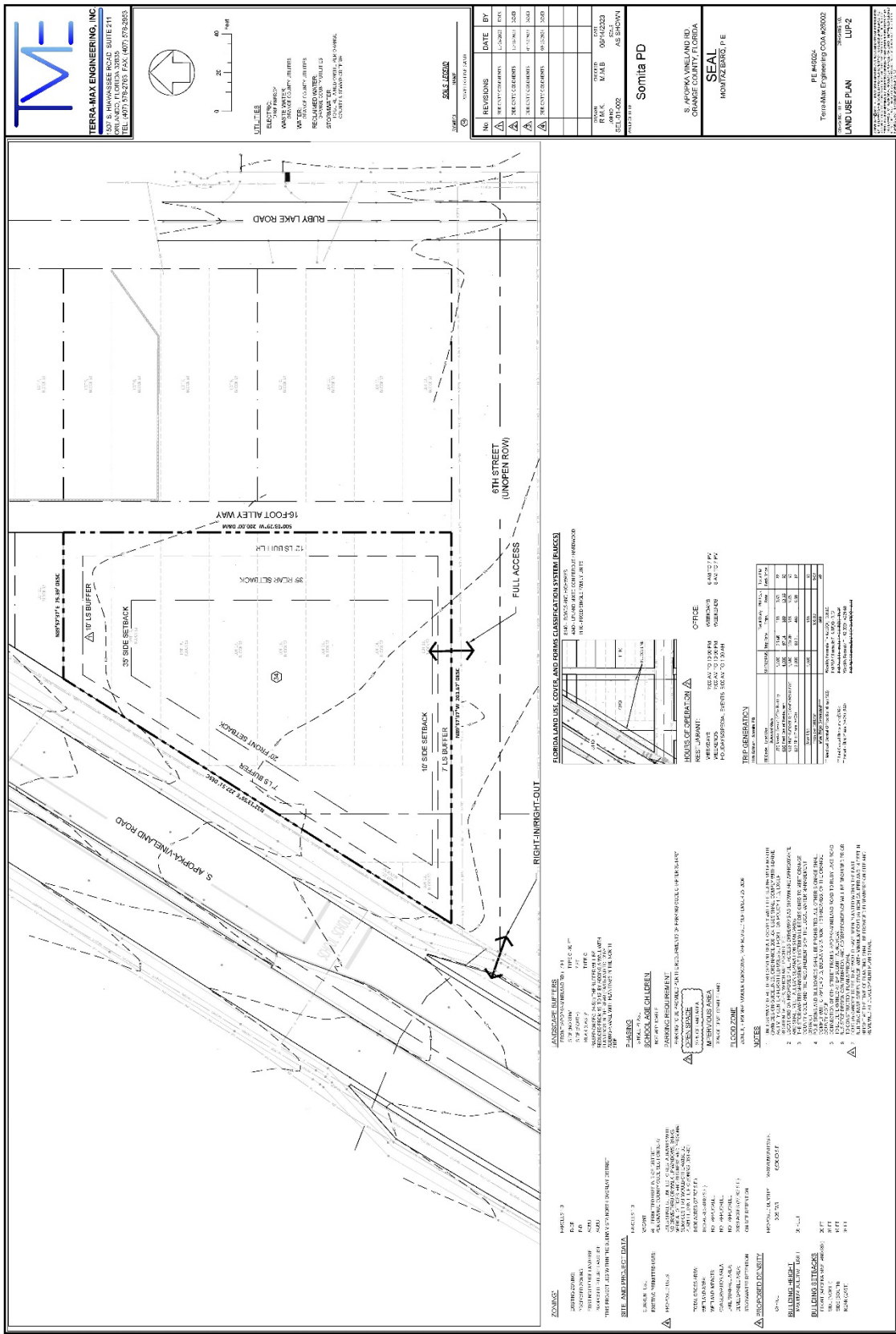


ZONING - PROPOSED

PD (Planned Development District)



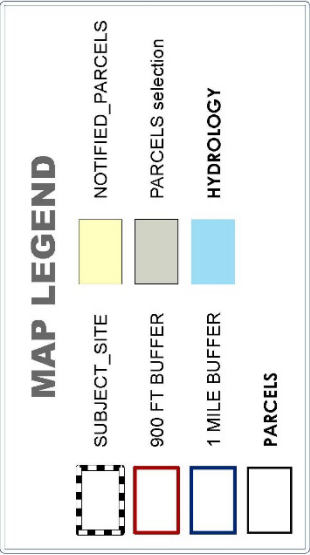
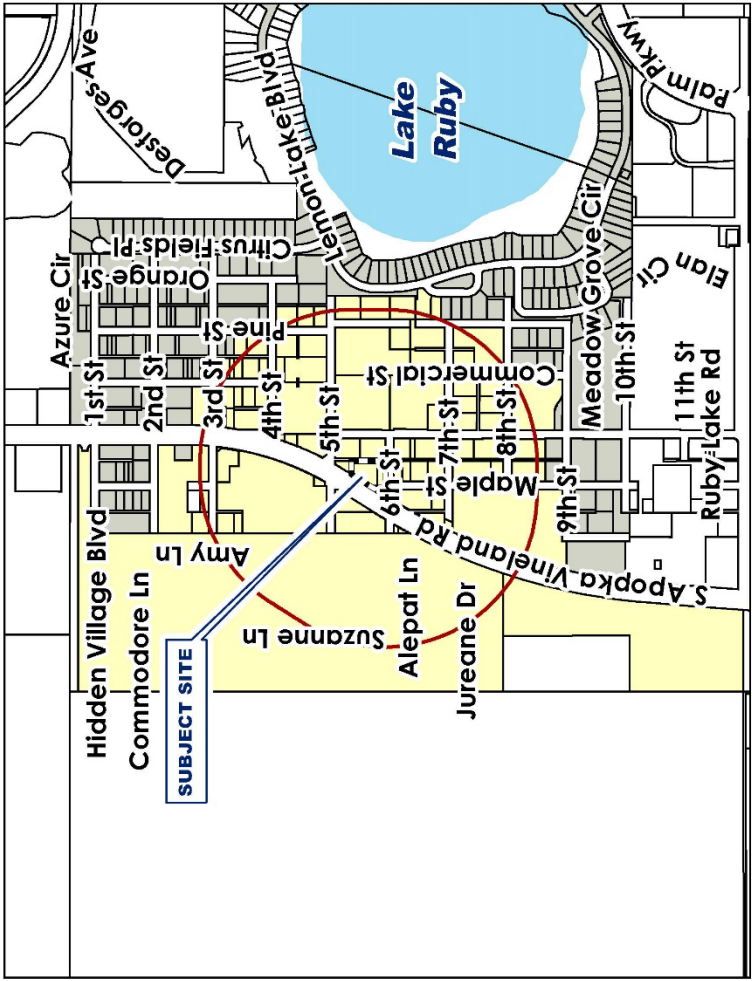
Site Plan Sheet



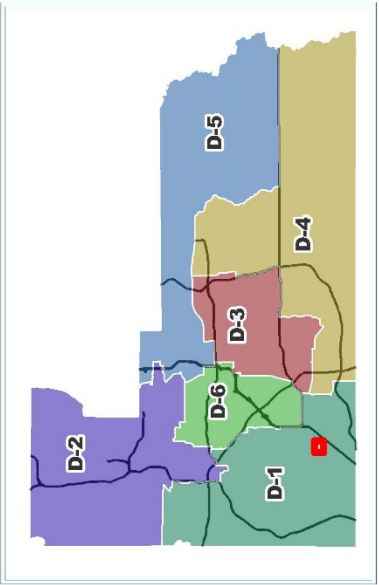


Public Notification Map

Somita_LUP-23-06-198



BUFFER DISTANCE: 900
OF NOTICES: 217



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