





**Interoffice Memorandum**

**DATE:** May 19, 2021

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

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

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

**SUBJECT:** June 8, 2021 – Public Hearing  
William R. Hockensmith, P.E., Florida Engineering Group, Inc.  
Cypress Point Planned Development  
Case # CDR-21-03-087 / District 1

The Cypress Point Planned Development (PD) is generally located south of Point Cypress Drive and east of S. Apopka Vineland Road. The existing PD development program allows for 238 single family units, 313 multi-family units, 10,000 square feet of veterinary clinic uses, and 10,000 square feet of professional office uses.

Through this PD substantial change, the applicant is requesting one waiver from Orange County Code to reduce the PD perimeter setback on the southern edge of the property to accommodate the existing building along the south side, which has a 10.7' setback and to allow for expansion of the existing building to replace the existing kennel building and metal shed.

On April 28, 2021, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

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

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Cypress Point Planned Development / Land Use Plan (PD/LUP) dated “Received March 26, 2021”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments  
JVW/EPR/nt

**CASE # CDR-21-03-087**

Commission District: # 1

**GENERAL INFORMATION**

**APPLICANT** William R. Hockensmith, P.E., Florida Engineering Group, Inc.  
**OWNER** SLAC Real Estate, LLC  
**PROJECT NAME** Cypress Point Planned Development  
**PARCEL ID NUMBER(S)** 33-23-28-1863-00-002 (affected parcel)  
**TRACT SIZE** 0.873 gross acres (affected area)  
**LOCATION** South of Point Cypress Drive / East of S. Apopka Vineland Road  
**REQUEST** A PD substantial change to request the following waiver from Orange County Code:

1. A waiver from Section 38-1272(a)(3) to allow a minimum 10' PD perimeter setback on the south side of Parcel ID 33-23-28-1863-00-002, in lieu of a minimum 25' PD perimeter setback.

***Applicant Justification:*** This request is made to accommodate the existing building along the south side, which has a 10.7' setback and to allow for expansion of the existing building to replace the existing kennel building and metal shed, which have lesser setbacks than the proposed 10' building setback. The proposed building expansion consists of an enclosed building structure, which will eliminate the kennel and have lesser adverse impacts on the adjacent property to the south and a lesser setback deficiency, which would be an enhancement of existing conditions

**PUBLIC NOTIFICATION** A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred four (204) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

## **IMPACT ANALYSIS**

### **Special Information**

The 296.2-acre Cypress Point PD was originally approved on May 19, 1986 and is generally located along the west side of S. Apopka Vineland Road, approximately 3/4 of a mile south of W. Sand Lake Road. Existing PD development entitlements include 238 single family units, 313 multi-family units, 10,000 square feet of veterinary clinic uses, and 10,000 square feet of professional office uses.

Through this PD Change Determination Request (CDR), the applicant is requesting one waiver from Orange County Code to reduce the PD perimeter setback on the southern edge of the property to accommodate the existing building along the south side, which has a 10.7' setback, and to allow for expansion of the existing building to replace the existing kennel building and metal shed.

### **Land Use Compatibility**

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

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

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

### **Overlay Ordinance**

The subject property is not located within an 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 Joint Planning Area.

### **Environmental**

Environmental Protection Division (EPD) staff has reviewed the request and did not identify any issues or concerns.

### **Transportation Concurrency**

Transportation Planning staff has reviewed the proposed request, but did not identify any issues or concerns.

### **Community Meeting Summary**

A community meeting was not required for this request.

### **Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any 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 – (April 28, 2021)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Cypress Point Planned Development / Land Use Plan (PD/LUP), dated "March 26, 2021", subject to the following conditions:**

1. Development shall conform to the Cypress Point PD Land Use Plan dated "Received March 26, 2021," 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 26, 2021," 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 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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.
7. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow a minimum 10' PD perimeter setback on the south side of PD Tract B-1, in lieu of a minimum 25' PD perimeter setback.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 19, 2014, shall apply:

- a. Tree removal / Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and / or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
  - b. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP).
  - c. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
  - d. Outside sales, storage, and display shall be prohibited.
  - e. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated December 13, 1994, shall apply:
- a. Prior to development plan approval, a revised master drainage plan and calculations shall be submitted to the Engineering Department for approval.
  - b. The proposed lot layout is not approved with this plan.
  - c. The concept of a private-streets subdivision is approved as part of this land use approval.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated June 16, 1986, shall apply:
- a. The veterinarian clinic shall be a permitted use with the Planned Development at the existing location with an allowable 6,000 square foot expansion provided there be sufficient buffering of the surrounding residential areas.
  - b. Multi-family areas shall be restricted to one story with 100 feet of single-family residential uses and shall develop consistent with R-3 requirements of Article XX of the Zoning Resolution.
  - c. There shall be no fill below the 101-foot contour lines.
  - d. A Conservation Easement shall be provided along all lots fronting Lake Sheen and Lake Tibet-Butler. The easement shall cover the area below the 101-foot elevation contour line. There shall be no development within the Conservation Easement, except for access, in accordance with the County

Lakeshore Protection Ordinance. Lakeshore property owners shall be notified of the Conservation Easement and the ordinance requirements through Covenants and Deed Restrictions. Developer shall provide a copy of such Covenants and Deed Restrictions to the County for review at the time of plat approval.

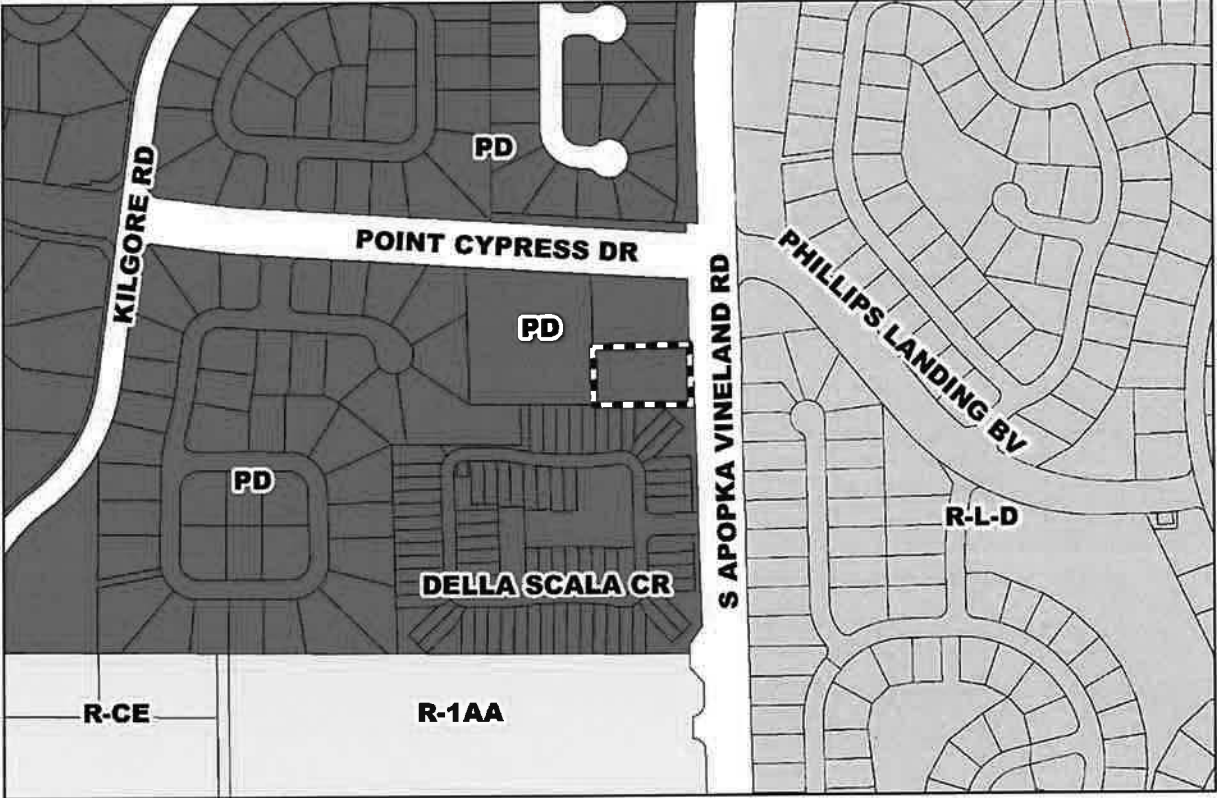
- e. Access rights for land abutting Apopka-Vineland Road and Kilgore Road shall be dedicated to Orange County, except at the approved access locations.
- f. Access may be from Kilgore Road until 100 units are constructed; at that time the main access shall be constructed.
- g. The Developer shall pay for the installation of a traffic signal at the intersection of the main driveway with Apopka-Vineland Road when warranted. The Developer shall also pay for the construction of a right-turn deceleration and a left-turn storage lane along Apopka-Vineland Road at its intersection with the main driveway road.
- h. A five (5) foot sidewalk shall be provided along the west side of Apopka-Vineland Road the length of the P-D frontage on the road. Sidewalks four (4) feet in width shall be provided along both sides of Kilgore Road and the internal streets, unless waivers are granted.
- i. The applicant shall execute a Developer's Agreement regarding ownership and maintenance responsibility for all common private facilities.
- j. Private boat ramps will not be permitted.
- k. Reverse swales shall be constructed prior to land clearing.
- l. The yacht and tennis club, with dining facilities and boat ramp shall be approved as a residential tract with densities and housing types the same as those approved for Cypress Point on adjacent parcels.
- m. Stormwater design shall comply with existing County and State regulations for Outstanding Florida Waters.
- n. Lots 1-8 located on the peninsular land area approved for development on private access easement, with the extent of reduced road widths and substituted road materials to be approved in conjunction with the final development plan approval.
- o. Water service to be provided by Orlando Utilities Commission.
- p. Drive thru facilities shall be prohibited.



**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION** *(August 19, 2014)*

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried by all members voting aye by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Rick Blecha, Stillwater Technologies, Inc., Cypress Point Planned Development / Land Use Plan (PD / LUP) Case # CDR-14-02-025, to amend the Cypress Point Land Use Plan (Phase II Tract B) by splitting the existing PD Tract B into two (2) small tracts identified as "Tract B-1" and "Tract B-2." Tract B-1 would retain entitlements for an existing 6,098 square foot veterinary clinic and 3,902 square feet for a future expansion, with proposed Tract B-2 being allocated 10,000 square feet of restricted Professional Office (PO) uses.

CDR-21-03-087



Subject Property



Subject Property

**Zoning Map**

**ZONING:** PD (Planned Development District)

**APPLICANT:** William R. Hockensmith P.E., Florida Engineering Group, Inc.

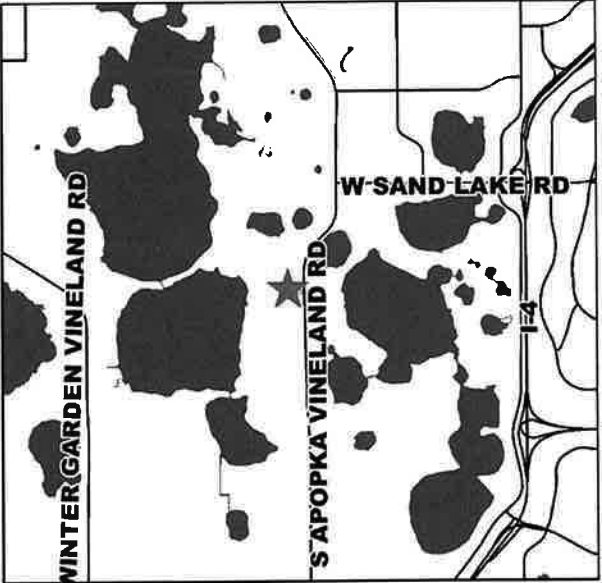
**LOCATION:** South of Point Cypress Drive / East of Apopka Vineland Road

**TRACT SIZE:** 0.873 gross acres

**DISTRICT:** # 1

**S/T/R:** 33/23/28

1 inch = 400 feet



# Cypress Point PD / LUP (Cover Sheet)

## CYPRESS POINT PD - PHASE II TRACT 'B' LAND USE PLAN CHANGE DETERMINATION MARCH 2021



**RECEIVED**  
 By DRC Office at 3:35 pm, Mar 26, 2021

THIS PD LIES WITHIN SECTION 33, TOWNSHIP 23 SOUTH, RANGE 28 EAST

CASE No. CDR-21-03-087

PARCEL I.D. No. 33-23-28-1863-00-002

SITE VICINITY MAP



SHEET INDEX	
COVER	SHEET 1 OF 5
LUP01	SHEET 2 OF 5
LUP02	SHEET 3 OF 5
LUP03	SHEET 4 OF 5
LUP04	SHEET 5 OF 5

**AFFECTED PARCEL:** 33-23-28-1863-00-002  
**LEGAL DESCRIPTION:** LUP01 FOR CYPRESS POINT  
**SITE AREA:** 0.88 ACRES

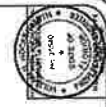
LEGAL DESCRIPTION TRACT B-1  
 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT B; THENCE N89°23'00"W, ALONG THE  
 SOUTH LINE OF SAID TRACT B, A DISTANCE OF 242.00 FEET TO THE SOUTHWEST CORNER OF  
 TRACT B; THENCE S89°23'00"W, ALONG THE WEST LINE OF SAID TRACT B, A DISTANCE OF  
 100.00 FEET TO THE POINT OF BEGINNING; THENCE S00°00'00"W, ALONG THE WEST LINE OF  
 SAID TRACT B, A DISTANCE OF 250.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT B,  
 SAID POINT ALSO BEING ON THE WEST LINE OF SAID TRACT B AND SAID WEST RIGHT-OF-WAY  
 LINE, A DISTANCE OF 242.00 FEET TO THE POINT OF BEGINNING.

**NOTICE:**  
 OF THE FOLLOWING CHANGE CASE IS REQUESTED, A MARKER FROM SECTION 33-12714103 TO ALLOW A  
 MINIMUM 10' FOOTER STRUCK ON THE SOUTH SIDE OF PD TRACT B-1 IN LIEU OF A MINIMUM 25' PD PERMETER  
 STRUCK TOOK - THIS REQUEST IS MADE TO ACCOMMODATE THE EXISTING BUILDING ALONG THE SOUTH SIDE WHICH HAS A  
 10.7 FT SETBACK AND TO ALLOW FOR CONVERSION OF THE EXISTING BUILDING TO REPLACE THE EXISTING BUILDING  
 EXPANSION CONSISTS OF AN ENCLOSED WALKING STRUCTURE WHICH WILL ELIMINATE THE ROOFLINE AND HAVE LESSER  
 CHANGES TO THE EXISTING CONCRETE PROPERTY TO THE SOUTH AND A TALLEST SETBACK DEFERENCE, WHICH WOULD BE IN  
 CONFORMANCE WITH THE EXISTING CONCRETE PROPERTY TO THE SOUTH.

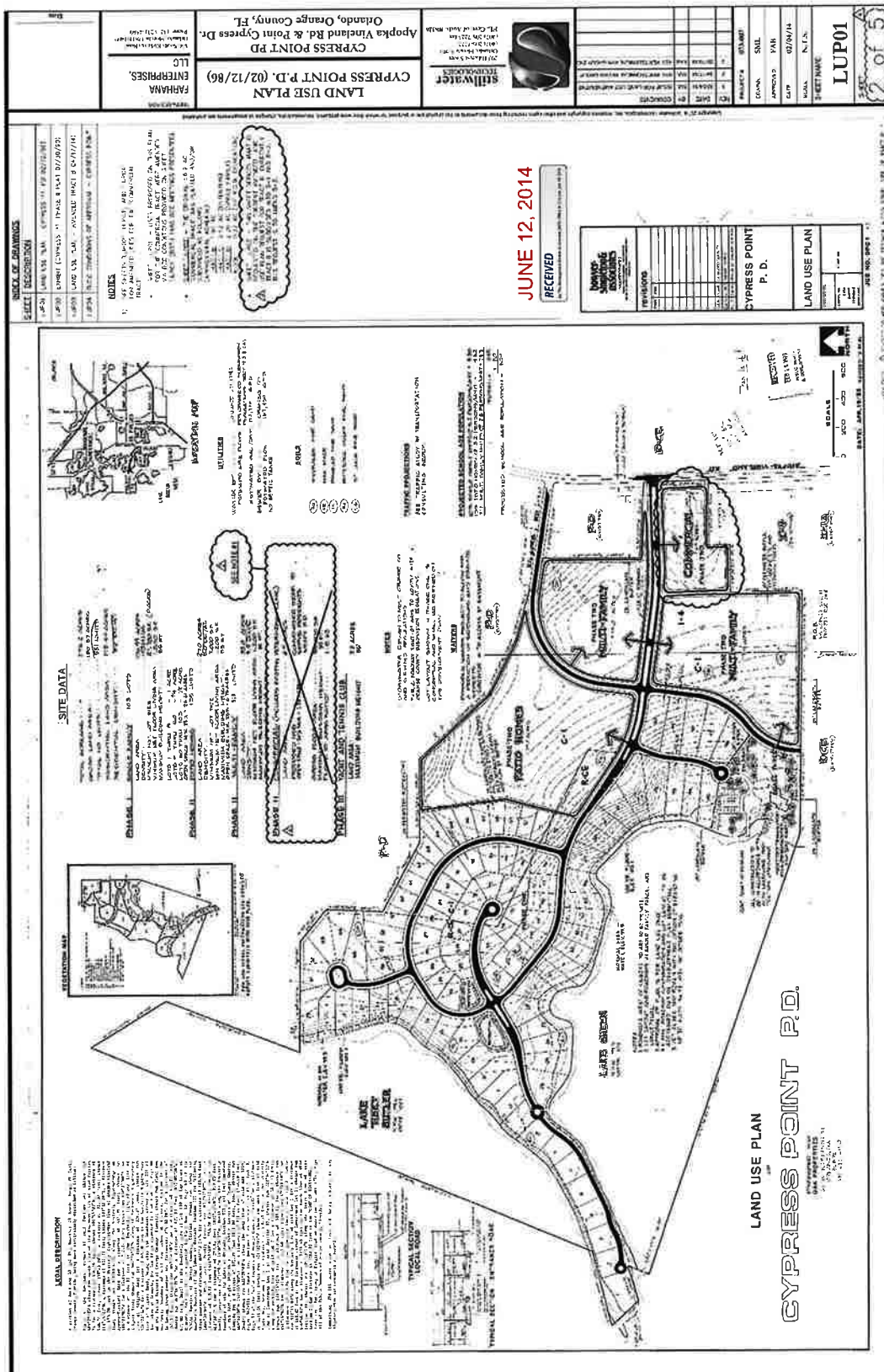
SCALE  
 1" = 400'

**FEG**  
 FLORIDA  
 ENGINEERING  
 GROUP  
 Engineering the Future

5127 S. Orange Avenue, Suite 200  
 Orlando, FL 32809  
 Phone: 407-895-0324  
 Fax: 407-895-0325  
 www.feg-inc.us



# Cypress Point PD / LUP





# Notification Map

S:\Business Systems\Board Administrators\SUBSTANTIAL CHANGE\2021\DR\Cypress Point\_PD\_CDR-21-03-087\Cypress Point\_PD\_CDR-

## Public Notification Map

Cypress Point PD\_CDR-21-03-087



**MAP LEGEND**

- SUBJECT
- 500 FT BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY PARCELS

**BUFFER DISTANCE: 500**  
**# OF NOTICES: 204**  
**RESIDENTIAL ADDRESSES: 83**

