




Interoffice Memorandum

DATE: July 21, 2023

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

FROM: Andres Salcedo, P.E., Acting 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: August 8, 2023 – Public Hearing
Applicant: Morgan Hampton, Common Oak Engineering
Epic Retail Clarcona Planned Development / Epic Retail Clarcona
Preliminary Subdivision Plan / Lot 2 – Big Dan’s Car Wash
Development Plan
Case # DP-23-01-018 / District 2

This public hearing is to consider a recommendation from the Development Review Committee’s (DRC) meeting of June 28, 2023, to approve the Epic Retail Clarcona Planned Development (PD) / Epic Retail Clarcona Preliminary Subdivision Plan (PSP) / Lot 2 – Big Dan’s Car Wash Development Plan (DP), generally located south of Clarcona Ocoee Road, east of North Apopka Vineland Road, to construct a free-standing automatic car wash on 1.51 acres.

A community meeting was held on March 22, 2023, at the Clarcona Community Center and per PD Condition of Approval #13, a public hearing before the Board is required for any Development Plans within the Epic Retail Clarcona PD.

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 DP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the Epic Retail Clarcona PD / Epic Retail Clarcona PSP / Lot 2 – Big Dan’s Car Wash DP dated “Received May 17, 2023”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

AS/JCK/lme
Attachments

CASE # DP-23-01-018
Commission District #2

1. GENERAL INFORMATION

Applicant	Morgan Hampton, Common Oak Engineering
Owner	Epic Retail Clarcona, LLC
Project Name	Epic Retail Clarcona PD / Epic Retail Clarcona PSP / Lot 2 – Big Dan’s Car Wash DP
Hearing Type	Development Plan
Request	To construct a free-standing automatic car wash on Lot 2.

2. PROJECT ANALYSIS

A. Overview:	The Epic Retail Clarcona Planned Development (PD) contains 9.79 gross acres, and was originally approved on June 19, 2018. The subject property is located South of Clarcona Ocoee Road, and east of North Apopka Vineland Road within the Clarcona Rural Settlement. The overall PD is approved for 58,022 square feet of retail commercial uses. The PD includes specific architectural standards and a list of prohibited uses, in order to ensure compliance with the Rural Settlement compatibility policies. In addition, PD Condition of Approval #13 requires a public hearing before the Board of County Commissioners for any Development Plans within the PD.
B. Location:	South of Clarcona Ocoee Road / East of North Apopka Vineland Road
C. Parcel ID:	34-21-28-8616-02-000
D. Total Acres:	1.51 gross acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	N/A

- H. School Population: N/A
- I. Parks: N/A
- J. Proposed Use: Free-Standing Automatic Car Wash
- K. Site Data: Maximum Building Height: 50'
Building Setbacks:
30' Front
25' Side
10' Rear
10' Side Street
- K. Fire Station: 28 – 3250 Clarcona Road
- L. Public Notification: The notification area for this public hearing extended 800 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet. 230 notices were mailed to those property owners in the mailing area.
- M. Community Meeting Summary: A community meeting was held on March 22, 2023, at the Clarcona Community Center with 22 attendees. Residents primarily expressed concerns regarding traffic, hours of operation, redundancy of the use type, night lighting and noise.
- N. Transportation: The Board of County Commissioners on 6/19/2018 approved a Right-of-Way Agreement ("Agreement") between Epic Retail Clarcona, LLC ("Owner") and Orange County for the dedication of right-of-way for N. Apopka Vineland Road. Within 120 days of the effective date of this Agreement the Owner shall convey to Orange County a total of 0.91 acres of right-of-way for N Apopka Vineland Road by warranty deed or by plat. The value of the right-of-way has been established in the amount of \$348,480.00 per acre. The total amount of transportation impact fee credits for the 0.91 acres to be dedicated equals \$317,000.00. The right-of-way has been conveyed and a Transportation Credit Account (TCA-259) was established.

Based on the Concurrency Management database (CMS) dated 2/1/2023, there is a failing roadway segment within the project's impact area along Powers Dr., from Silver Star Rd. to North Ln. This information is dated and subject to change. Existing/Valid transportation capacity entitlements not found. A Capacity Encumbrance Letter (CEL) Application CEL-23-03-025 was approved on 5/15/2023.

O. EPD: The Environmental Protection Division has reviewed the request and has no comments or concerns at this time.

P. Comprehensive Plan: The subject property is designated on the Future Land Use Map (FLUM) as Planned Development-Commercial (PD-C) and Rural Settlement (RS). The subject property is designated PD (Planned Development District) on the zoning map, which is consistent with the FLUM designation.

Q. Zoning: PD (Planned Development) (Epic Retail Clarcona PD)

3. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Epic Retail Clarcona Planned Development; Orange County Board of County Commissioners (BCC) approvals; Epic Retail Clarcona Preliminary Subdivision Plan; BCC approvals; Lot 2 - Big Dan's Car Wash Development Plan dated "Received May 17, 2023" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

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 preliminary subdivision plan / development 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

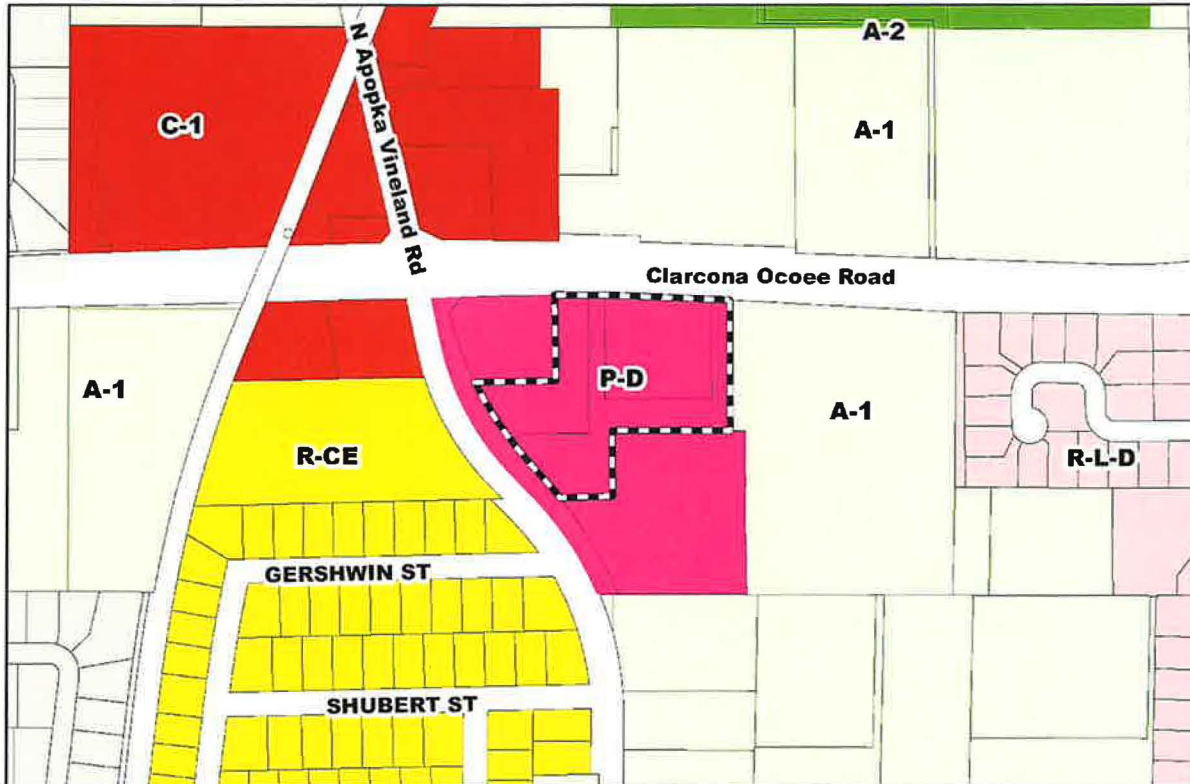
for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, 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. Development plan (DP) approval by the DRC (or BCC, as applicable), shall automatically expire if construction plans are required and have not been submitted and approved within two (2) years from DP approval; if construction plans are not required, such DP shall expire two (2) years from approval unless a building permit has been obtained within such two-year period. The foregoing notwithstanding, the DRC may, upon good cause shown, grant successive one (1) year extensions to the expiration date of a DP if the developer makes written request to the DRC chair prior to the expiration date.
8. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
9. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
10. 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 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.

11. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
12. Outside sales, storage, and display shall be prohibited.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
14. This Development Plan shall require a public hearing with the Board of County Commissioners.
15. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and ponds have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
16. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.

Zoning Map

DP-23-01-018



Subject Property



Subject Property

Zoning Map

ZONING: P-D (Planned Development District)
 (Epic Retail Clarcona LUP)

APPLICANT: Morgan Hampton,
 Common Oak Engineering

LOCATION: South of Clarcona Ocoee Road /
 East of Apopka Vineland Road

TRACT SIZE: 1.51 gross acres

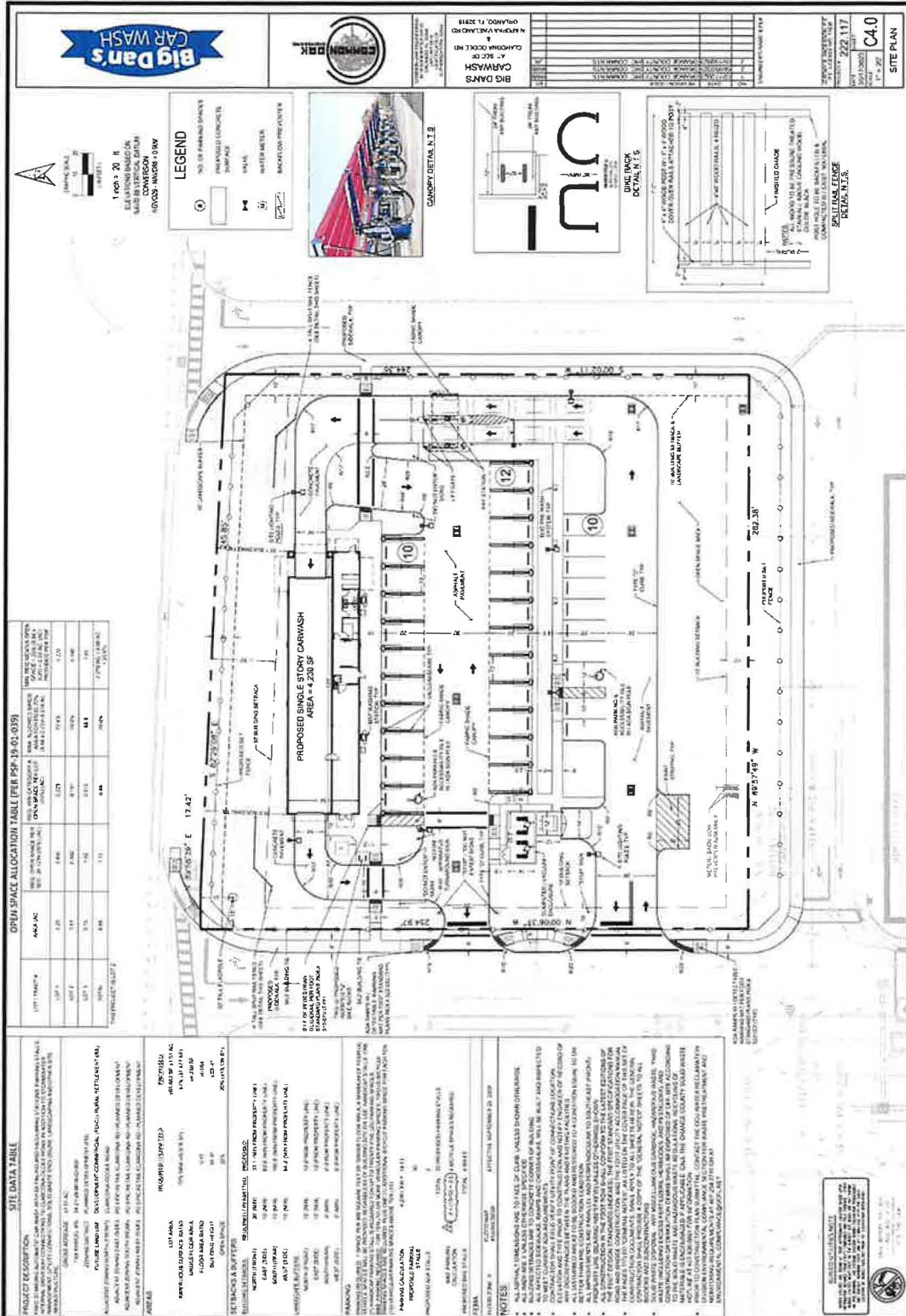
DISTRICT: # 2

S/T/R: 34-21-28

1 inch = 375 feet



Site Plan Sheet

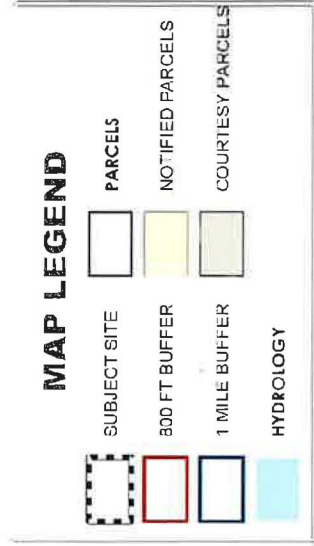


Notification Map

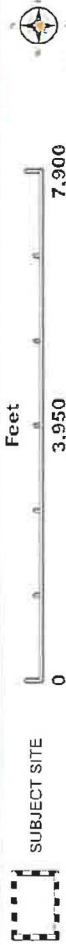
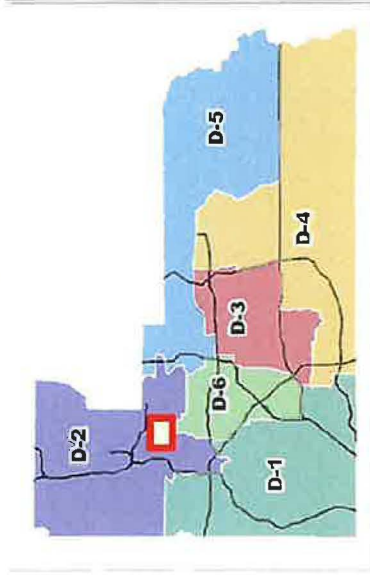


Public Notification Map

DP-23-01-018 (Epic Retail Clarcona PD_PSP_Lot 2 - Big Dan's Car Wash DP)



BUFFER DISTANCE: 800
 # OF NOTICES: 230



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