



## Interoffice Memorandum

DATE: January 14, 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: January 26, 2021 – Public Hearing  
Applicant: Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor &  
Reed, P.A.  
Energy Air Lots 1, 2, 3 & 4 Preliminary Subdivision Plan  
Case # CDR-20-08-231 / District 2

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 16, 2020, to approve a substantial change to the Energy Air Lots 1, 2, 3 and 4 Preliminary Subdivision Plan (PSP), located east of North Pine Hills Road and south of Beggs Road. The property is zoned for industrial uses and the request is to combine Lots 1 – 3 into new Lot 1A, remove the outside / outdoor storage and display restrictions from new Lot 1A, remove residential gated community requirements, and combine Lot 4 and Tracts A and B into new Lot 2A. The request also includes the removal of Board condition of approval #8 from March 8, 2005 to remove the requirement for a Property Owners' Association, as the shared private road and stormwater pond are both proposed to be aggregated into Lot 2A.

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

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the Energy Air Lots 1, 2, 3 & 4 PSP dated "Received December 7, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2**

JVW/EPR/lme  
Attachments

**CASE # CDR-20-08-231**

Commission District # 2

## 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of December 16, 2020, to approve a substantial change to the Energy Air Lots 1, 2, 3 and 4 Preliminary Subdivision Plan (PSP), located east of North Pine Hills Road and south of Beggs Road. The property is zoned for industrial uses and the request is to combine Lots 1 – 3 into new Lot 1A, remove the outside / outdoor storage and display restrictions from new Lot 1A, remove residential gated community requirements, and combine Lot 4 and Tracts A and B into new Lot 2A. The request also includes the removal of Board condition of approval #8 from March 8, 2005 to remove the requirement for a Property Owners' Association, as the shared private road and stormwater pond are both proposed to be aggregated into Lot 2A. That condition currently reads:

8. *The streets and drainage of this industrial subdivision shall be private, but not gated. The streets and drainage shall be owned and maintained by a Property Owners' Association. The subdivision shall comply with all applicable requirements of Orange County Code 34-280 and 24-290.*

## 2. PROJECT ANALYSIS

- |                       |  |
|-----------------------|--|
| A. Location:          | East of North Pine Hills Road / South of Beggs Road  |
| B. Parcel ID:         | 31-21-29-2483-00-010, 31-21-29-2483-00-020,<br>31-21-29-2483-00-030, 31-21-29-2483-00-002,<br>31-21-29-2483-00-001 |
| C. Total Acres:       | 12.84 gross acres  |
| D. Water Supply:      | Orange County Utilities  |
| E. Sewer System:      | Orange County Utilities  |
| F. Schools:           | N/A  |
| G. School Population: | N/A  |
| H. Parks:             | Rolling Hills Park – 1 Mile  |
| I. Proposed Use:      | Industrial / Warehouse   |
| J. Site Data:         | Maximum Building Height: 35' (2-stories)<br>Building Setbacks:<br>35' Front / Major Road<br>25' Side               |

50' Side Abutting Residential  
20' Rear  
50' Side Abutting Residential

K. Fire Station: 40 – 5570 West Beggs Road

L. Transportation: There are failing roadway segments within the project's impact area along both Edgewater Drive and Maitland Boulevard. 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 the decision to approve this 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.

### **3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). The subject property is designated I-1 / I-5 (Industrial District) on the Zoning Map, which is consistent with the underlying FLUM Designation.

### **4. ZONING**

I-1 / I-5 (Industrial District)

### **5. REQUESTED ACTION:**

Approval subject to the following conditions:

1. Development shall conform to the Energy Air Lots 1, 2, 3 and 4 Preliminary Subdivision Plan dated "Received December 7, 2020," 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. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received December 7, 2020," 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 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 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

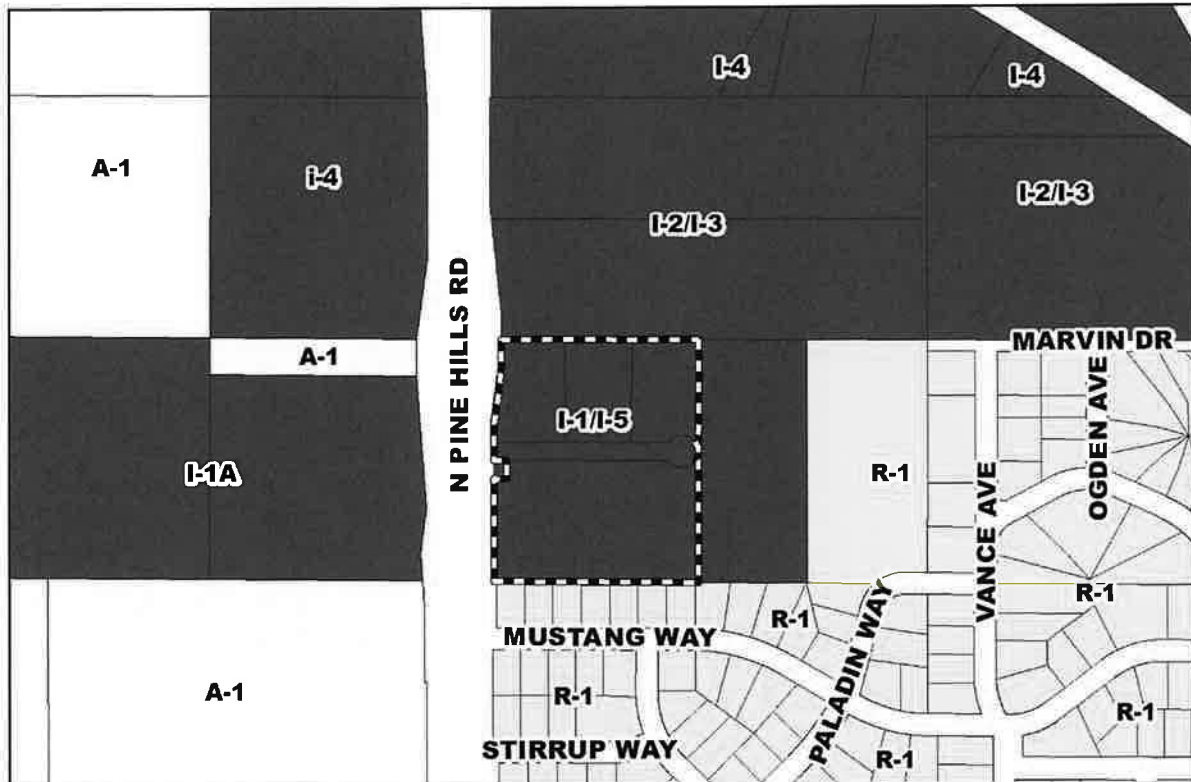
this condition may result in the withholding of development permits and plat approval(s).

6. A mandatory pre-application / sufficiency review meeting for the re-plat shall be required prior to re-plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the re-plat to the County.
7. Unless otherwise allowed by County Code, the property shall be re-platted prior to the issuance of any vertical building permits.
8. 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 PSP.
9. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
10. 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.
11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. 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 & Wildlife Conservation Commission (FWC).
13. 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.

14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County code.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 8, 2005, shall apply:
  - a. The stormwater management system shall be designed to retain the 100-year/24- hour storm event on site 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 the developer shall comply with all applicable state and local stormwater requirements and regulations.
  - b. With the exception of Lot 1A, outdoor storage and / or display shall be prohibited.

## Zoning Map

CDR-20-08-231



Subject Property



Subject Property

### Zoning Map

**ZONING:** I-1/1-5 (Industrial District)

**APPLICANT:** Rebecca Wilson  
 Lowndes, Drosdick, Doster,  
 Kantor & Reed P.A.

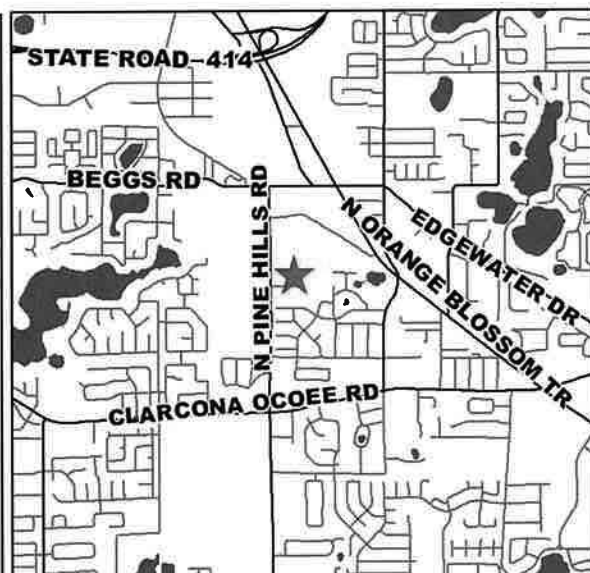
**LOCATION:** East of North Pine Hills Road /  
 South of Beggs Road

**TRACT SIZE:** 12.84 gross acres

**DISTRICT:** #2

**S/T/R:** 31/21/29

1 inch = 415 feet









Notification Map

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