

CASE # CDR-16-09-340

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of November 16, 2016, to approve a substantial change to the Andover Lakes Planned Development / Shoppes at Andover Preliminary Subdivision Plan to increase the retail square footage from 21,590 square feet to 33,109 square feet, for an increase of 11,519 square feet. The overall commercial square footage within the PSP would increase from 86,376 square feet to 97,895 square feet on 12.63 acres.

2. PROJECT ANALYSIS

- A. Location: South of Curry Ford Road / East of Young Pine Road
- B. Parcel ID: 08-23-31-7103-01-000 (affected parcel only);
08-23-31-7103-02-000; 08-23-31-0204-00-010;
08-23-31-0204-00-020; 08-23-31-0204-00-030
- C. Total Acres: 0.703 (Lot 4) / 12.63 (entire PSP)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Uses: 97,895 Square Feet Commercial Uses
- J. Site Data: Maximum Building Height: 35' (2-stories)
Building Setbacks:
 - 40' Front
 - 30' East
 - 10' Rear
 - 10' Side
 - 0' Interior Lot Lines
- K. Fire Station: 81 – 901 South Econlockhatchee Trail
- L. Transportation: There is a concurrency vested rights certificate on file for this project. CVRC#93-148. Applicant must provide copy of vested rights certificate at time of building permits.

3. COMPREHENSIVE PLAN

The property has a Future Land Use Map (FLUM) designation of PD-C (Planned Development-Commercial). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Andover Lakes PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Andover Lakes PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Shoppes at Andover Preliminary Subdivision Plan dated "Received November 11, 2016," 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 November 11, 2016," 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. 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 issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development 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.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 4, 2005, shall apply:

- a. Prior to construction plan approval, the master stormwater management plan for the PD shall be revised to accommodate the proposed additions.
- b. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with the approved master utility plan for this PD.
- c. Outdoor storage and display shall be prohibited.
- d. Pole sign and billboards shall be prohibited.
- e. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator.
- f. All previous conditions shall apply.