

**CASE # CDR-16-06-209**

Commission District # 4

**1. REQUEST**

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 5, 2016, to approve a substantial change to the Eagle Creek PD / Parcel N South Commercial Center Preliminary Subdivision Plan to reconfigure three (3) commercial lots and associated access tracts into eleven (11) commercial lots and associated access tracts. Additionally, the request results in a reduction of commercial entitlements from 172,500 square feet to 163,000 square feet.

**2. PROJECT ANALYSIS**

- A. Location: North and South of Eagle Creek Center Boulevard / East of Narcoossee Road
- B. Parcel ID: 29-24-31-0000-00-002; 32-24-31-0000-00-013;  
29-24-31-2200-01-000; 29-24-31-2200-02-000;  
29-24-31-2200-03-000; 29-24-31-2200-00-001;  
29-24-31-2200-00-002; 29-24-31-2200-00-003;  
29-24-31-2200-00-004; 29-24-31-2200-00-005
- C. Total Acres: 23.83
- D. Water Supply: Orlando Utilities Commission
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: Eleven (11) commercial lots and associated access tracts, with 163,000 square feet of commercial uses.
- J. Site Data: Maximum Building Height: 50' (3 stories)  
Building Setbacks:  
15' Front  
15' Rear  
15' Side Street  
0' Side Interior  
40' Narcoossee Road
- K. Fire Station: 76 – 11351 South Narcoossee Road

- L. Transportation: No new entitlements are proposed under this request. 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.

### **3. COMPREHENSIVE PLAN**

The subject property is designated on the Future Land Use Map (FLUM) as Planned Development – Low Density Residential / Low Medium Density Residential / Medium Density Residential / Commercial / Institutional / Planned Recreation – Open Space / Conservation (PD-LDR/LMDR/MDR/C/INST/PR-OS/CONS). The project is consistent with the Comprehensive Plan.

### **4. ZONING**

PD (Planned Development) (Eagle Creek PD)

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

Approval subject to the following conditions:

1. Development shall conform to the Eagle Creek PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel N South Commercial Center Preliminary Subdivision Plan dated "Received November 29, 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 29, 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. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to 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 plat to the County.
7. Prior to the issuance of any vertical building permits, the property shall be replatted.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater and reclaimed water systems have been designed to support all development within the PSP, and that construction plans are consistent with an approved Master Utility Plan for the PD.
9. Billboards and Pole Signs shall be prohibited. Ground Signs shall comply with the Master Sign Plan and Fascia Signs shall comply with Ch. 31.5.
10. Outside sales, storage, and display shall be prohibited.
11. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
12. 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.
13. 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.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2011, shall apply:

- a. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.
- b. Prior to construction plan approval, documentation must be provided that this project has the legal right to tie into the master drainage system.
- c. Prior to construction plan approval, a revised Master Utility Plan shall be approved, supporting the new wastewater pump station location and collection system configuration.
- d. Prior to any construction plan approval for this (Preliminary Subdivision Plan) PSP, the Master Stormwater Plan shall be revised and approved.