





Interoffice Memorandum

DATE: June 11, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of 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: July 2, 2019 – Public Hearing
Robert Reese, Brossier Corporation
The Registry at Grass Lake Planned Development
Case # LUP-18-12-417 / District 1
(Related to Road Impact Fee Agreement #RAG-19-03-015)

The Registry at Grass Lake Planned Development is located at 14544 Avalon Road; or generally located on the west side of Avalon Road, approximately 1,800 feet north of W. Irlo Bronson Memorial Highway.

The applicant is seeking to rezone one parcel containing 18.33 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 360 multi-family residential dwelling units. Additionally, four waivers are requested related to multi-family building height adjacent to single-family zoned property.

On May 16, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was required for the related Future Land Use Map amendment that was approved by the Board of County Commissioners on May 21, 2019.

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 and approve the The Registry at Grass Lake Planned Development / Land Use Plan dated “Received April 25, 2019”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1**

Attachments
JVW/EPR/stt

GENERAL INFORMATION

APPLICANT	Robert Reese, Brossier Corporation
OWNER	18 Avalon Road, LLC
PROJECT NAME	The Registry at Grass Lake Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	A-1 (Citrus Rural District) to PD (Planned Development District)

A request to rezone one (1) parcel containing 18.33 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 360 multi-family residential dwelling units.

The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258(a) is requested to allow two (2) story multi-family buildings no less than twenty-five (25) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height.

Applicant Justification: The existing use for the parcel to the north (Parcel #31-24-27-000-00-007) is single-family however, the future land use designation is commercial. It will likely be developed as commercial in the future, which is also consistent with the Village parcel to north of it as well.

2. A waiver from Section 38-1258(b) is requested to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, no less than eighty (80) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property.

Applicant Justification: The existing use for the parcel to the north (Parcel #31-24-27-000-00-007) is single-

family however; the Future Land Use designation is Commercial. It will likely be developed as commercial in the future, which is also consistent with the Village parcel to north of it as well.

3. A waiver from Section 38-1258(c) is requested to allow multi-family buildings to be five (5) stories, seventy (70) feet in height no less than eighty (80) feet from single-family zoned properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories, forty (40) feet in height.

Applicant Justification: *The existing use for the parcel to the north (Parcel #31-24-27-000-00-007) is single-family however; the Future Land Use designation is Commercial. It will likely be developed as commercial in the future, which is also consistent with the Village parcel to north of it as well.*

4. A waiver from Section 38-1258(d) is requested to allow two (2) story multi-family buildings no less than twenty-five (25) feet from single-family zoned properties and multi-family buildings five (5) stories, seventy (70) feet in height no less than eighty (80) feet from single-family zoned properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height and multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

Applicant Justification: *The property to the north is currently a single-family residence however, the Future Land Use is Commercial and, per Orange County Code the setback from commercial is 25 feet. There are many new developments in the immediate area that are 5-stories or greater. Therefore, a 2-story carriage house product along the northern boundary will fulfill this purpose. Thus, the project will be stepped in height from north to south.*

LOCATION	14544 Avalon Road; or generally located on the west side of Avalon Road, approximately 1,800 feet north of W. Irlo Bronson Memorial Highway
PARCEL ID NUMBER	31-24-27-0000-00-020
TRACT SIZE	18.33 gross acres

PUBLIC NOTIFICATION

The notification area for this public hearing extended beyond 1,500 feet [*Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet*]. One hundred and five(105) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application, but one was held for the recently approved Future Land Use Map amendment.

PROPOSED USE

360 multi-family residential dwelling units

STAFF RECOMMENDATION

Development Review Committee – (April 10, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Registry at Grass Lake Planned Development / Land Use Plan (PD/LUP), dated "Received April 25, 2019", subject to the following conditions:

1. Development shall conform to The Registry on Grass Lake Land Use Plan (LUP) dated "Received April 25, 2019," 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 April 25, 2019," 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 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. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement

Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- 7. The Project shall comply with terms and conditions of that certain Transportation Impact Fee Agreement to be approved by the BCC with this Land Use Plan.
- 8. 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, 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.
- 9. 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).
- 10. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

11. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater within any 12 month period.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code within any 12-month period.
14. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
15. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(a) to allow two (2) story multi-family buildings twenty-five (25) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single story in height;
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings be five (5) stories, 70 feet in height eighty (80) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property
 - c. A waiver from Section 38-1258(c) to allow five (5) stories, seventy (70) feet in height multi-family buildings eighty (80) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height; and
 - d. A waiver from Section 38-1258(d) two (2) story multi-family buildings twenty-five (25) feet from single-family properties and five (5) stories, seventy (70) feet multi-family-buildings eighty (80) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single story in height and multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

IMPACT ANALYSIS

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Growth Center – Planned Development – Medium-High Density Residential (GC-PD-MHDR), which allows for a maximum residential density of 35 dwelling units per net developable acre, and has an adopted development program of 360 multi-family dwelling units. The Board of County Commissioners recently approved this FLUM designation on May 21, 2019.

The proposed PD zoning district and development program are consistent with the Growth Center – Planned Development – Medium-High Density Residential (GC-PD-MHDR) FLUM designation and the following CP provisions:

FLU1.1.4F states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities.

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU7.4.4 states that Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

GOAL H1 states that Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 states that the County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

Community Meeting Summary

A community meeting was required for the recently approved Future Land Use Map amendment. The community meeting was held on October 8, 2018 and eight (8) residents attended the meeting. They stated concerns with impacts to wetlands on the property, increased traffic, and access.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957)
	E: PD (Planned Development District) (Sutton Lakes PD) (1996)
	A-1 (Citrus Rural District) (1957)
	W: PD (Planned Development District) (Cassis PD) (1995)
	S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Single Family Residential
	E: Undeveloped Commercial, Undeveloped Residential, Grazing

W: Undeveloped Commercial

S: Submerged

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback: 25 feet

Maximum Building Height: 70 feet / 5-stories

Minimum Living Area: 600 Square Feet (under HVAC)

Minimum Building Setbacks

Avalon Road Setback: 35 feet

Rear Setback: 25 feet

Side Setback: 25 feet

NHWE Setback: 50 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone one (1) parcel containing 18.33 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 360 multi-family residential dwelling units. This request is consistent with approved development programs in the nearby Growth Center and Horizon West Village I consisting of multi-family development, timeshares, short-term rental, denser single-family development and other commercial uses.

This request also includes four (4) waivers from Orange County Code to permit a 70 foot, 5 story building, which is a height consistent with nearby apartments, short-term rentals, and timeshare developments in the adjacent area.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Growth Center – Planned Development – Medium-High Density Residential (GC-PD-MHDR). The proposed use is consistent with the FLUM designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

The Orange County Environmental Protection Division issued a Conservation Area Determination (CAD) #CAD-18-08-127 on January 21, 2019. The CAD identified 3.473 acres of wetlands, 3.414 acres of Surface Waters, and 11.444 acres of uplands. A Conservation Area Impact permit to alter the on-site wetlands is not proposed for this request.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment. Show and label all protective measures in PSP/DP and permit applications.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment of December 21, 2017 reported the presence of gopher tortoises on site.

Transportation / Concurrency

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

This LUP is associated with FLUM Amendment #2019-1-A-1-1. The applicant submitted a traffic analysis in support of the proposed amendment. Staff reviewed the study and found that the proposed amendment for the proposed multifamily development will generate 166 PM peak hour trips, which represents a net reduction in the number of PM peak hour trips within the project impact area.

Based on the Concurrency Management System database dated January 7, 2019, all

segments within the study area are currently operating within the adopted maximum service volumes and there are no deficiencies. This information is dated and subject to change.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.

Right of way is required for the widening of Avalon Road from the Orange County Line to Flamingo Crossings Blvd. A Road Impact Fee agreement for this right-of-way (#RAG-19-03-015) will be heard concurrently with this request.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Toho Water Authority
Wastewater:	Toho Water Authority
Reclaimed:	Toho Water Authority

Schools

The applicant has submitted an application for a Capacity Enhancement Agreement (CEA) to Orange County Public Schools (OCPS). This agreement (CEA #OC-18-040) was reviewed by OCPS and was approved by the Orange County School Board on April 23, 2019.

Parks and Recreation

Orange County Parks and Recreation reviewed the request, but did not identify any issues or concerns.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

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.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested The Registry at Grass Lake Planned Development (PD), subject to fifteen (15) conditions, as well as a staff recommended revision to the Condition #15 to clarify the requested waivers.

Staff indicated that one hundred and five (105) notices were mailed to surrounding property owners within a buffer of 1,500 feet from the subject property, with one (1)

commentary in support and one (1) in opposition. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public were present to speak on this request.

After limited discussion, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of The Registry at Grass Lake Planned Development (PD) zoning, subject to fifteen (15) conditions, and with the staff recommended revision to Condition #15. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

Motion / Second	<i>Jimmy Dunn / Jose Cantero</i>
Voting in Favor	<i>Jimmy Dunn, Jose Cantero, Jaja Wade, Diane Velazquez, Mohammed Abdallah, Eddie Fernandez, Yog Melwani, Carlos Nazario, and Gordon Spears</i>
Voting in Opposition	None
Absent	None

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (May 16, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Registry at Grass Lake Planned Development / Land Use Plan (PD/LUP), dated "Received April 25, 2019", subject to the following conditions:

1. Development shall conform to The Registry on Grass Lake Land Use Plan (LUP) dated "Received April 25, 2019," 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 April 25, 2019," 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 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. The following Education Condition of Approval shall apply:

- a. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019.
- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

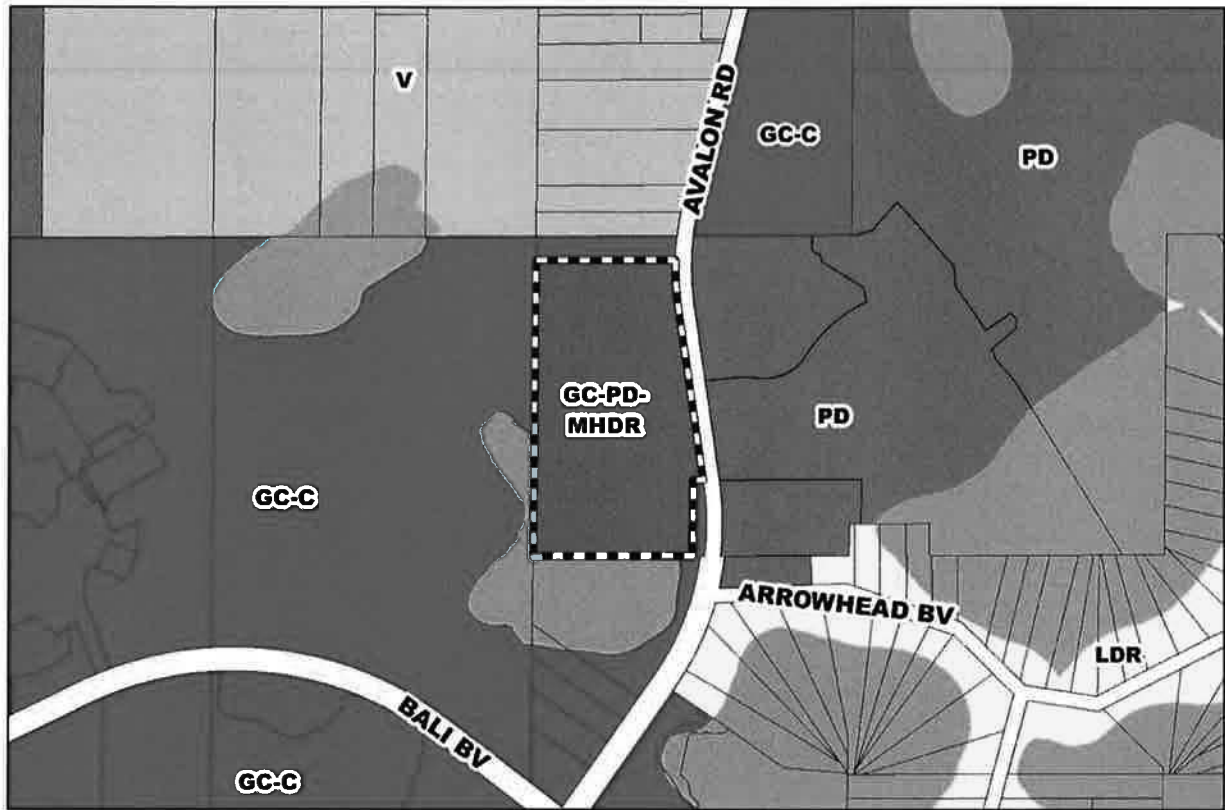
7. The Project shall comply with terms and conditions of that certain Transportation Impact Fee Agreement to be approved by the BCC with this Land Use Plan.
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction 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, 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.
9. 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).
10. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other

similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

11. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater within any 12 month period.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code within any 12-month period.
14. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
15. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(a) to allow two (2) story multi-family buildings no less than twenty-five (25) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height;
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, no less than eighty (80) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property;
 - c. A waiver from Section 38-1258(c) to allow multi-family buildings to be five (5) stories, seventy (70) feet in height no less than eighty (80) feet from single-family zoned properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories, forty (40) feet in height; and
 - d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings no less than twenty-five (25) feet from single-family zoned properties and multi-family buildings five (5) stories, seventy (70) feet in height no less than eighty (80) feet from single-family zoned properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being

restricted to a single story in height and multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

LUP-18-12-417



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Growth Center - Planned Development - Medium High Density Residential (GC-PD-MHDR)

APPLICANT: Robert Reese, Brossier Corporation

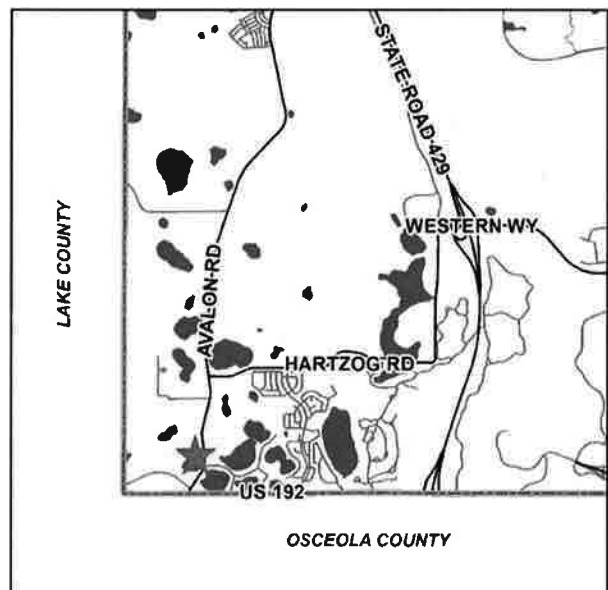
LOCATION: 14544 Avalon Road; or generally located on the west side of Avalon Road, approximately 1,800 feet north of W. Irlo Bronson Memorial Highway

TRACT SIZE: 18.33 gross acres

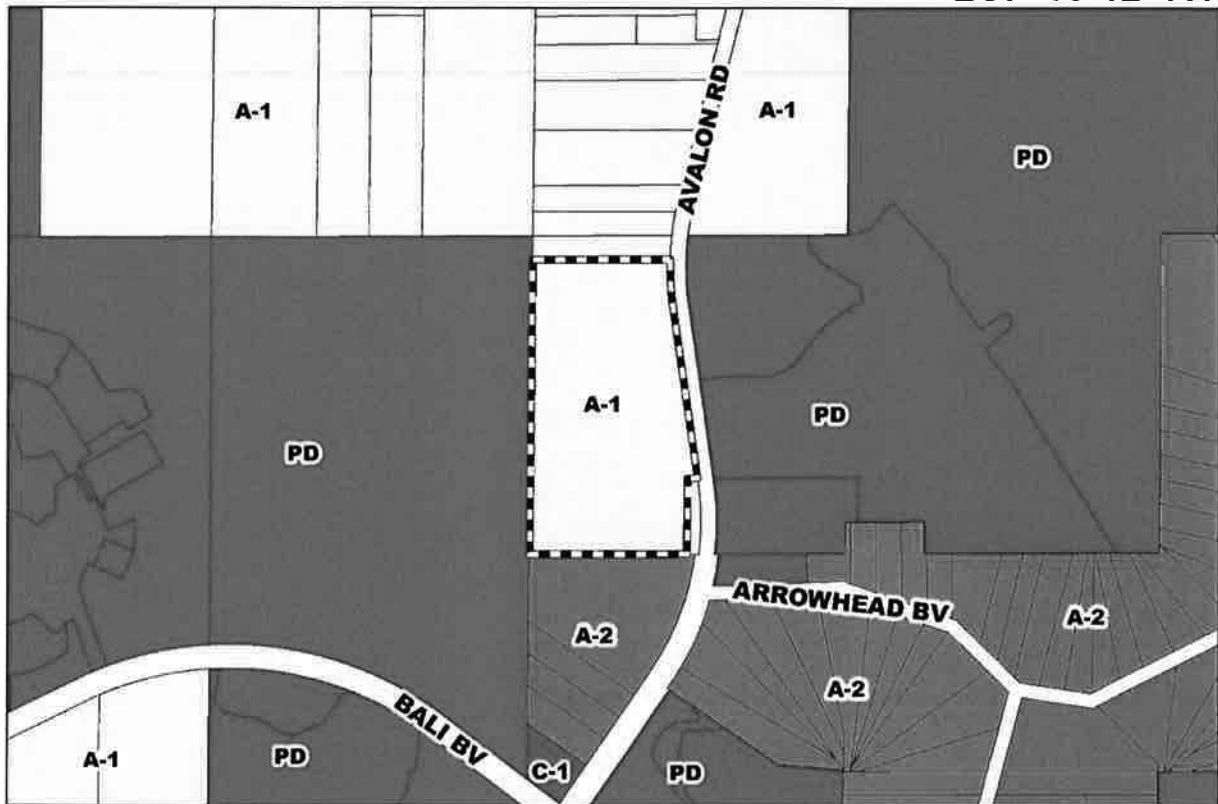
DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 650 feet



LUP-18-12-417



 Subject Property



 Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to
PD (Planned Development District)

APPLICANT: Robert Reese, Brossier Corporation

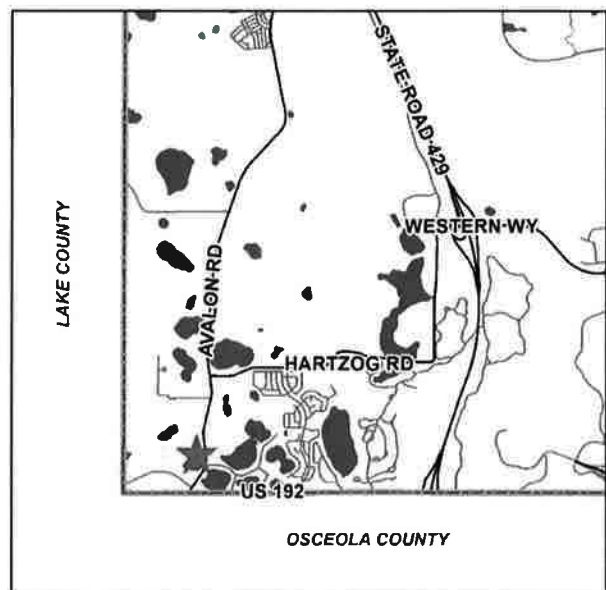
LOCATION: 14544 Avalon Road; or generally located
on the west side of Avalon Road,
approximately 1,800 feet north of W. Irlo
Bronson Memorial Highway

TRACT SIZE: 18.33 gross acres

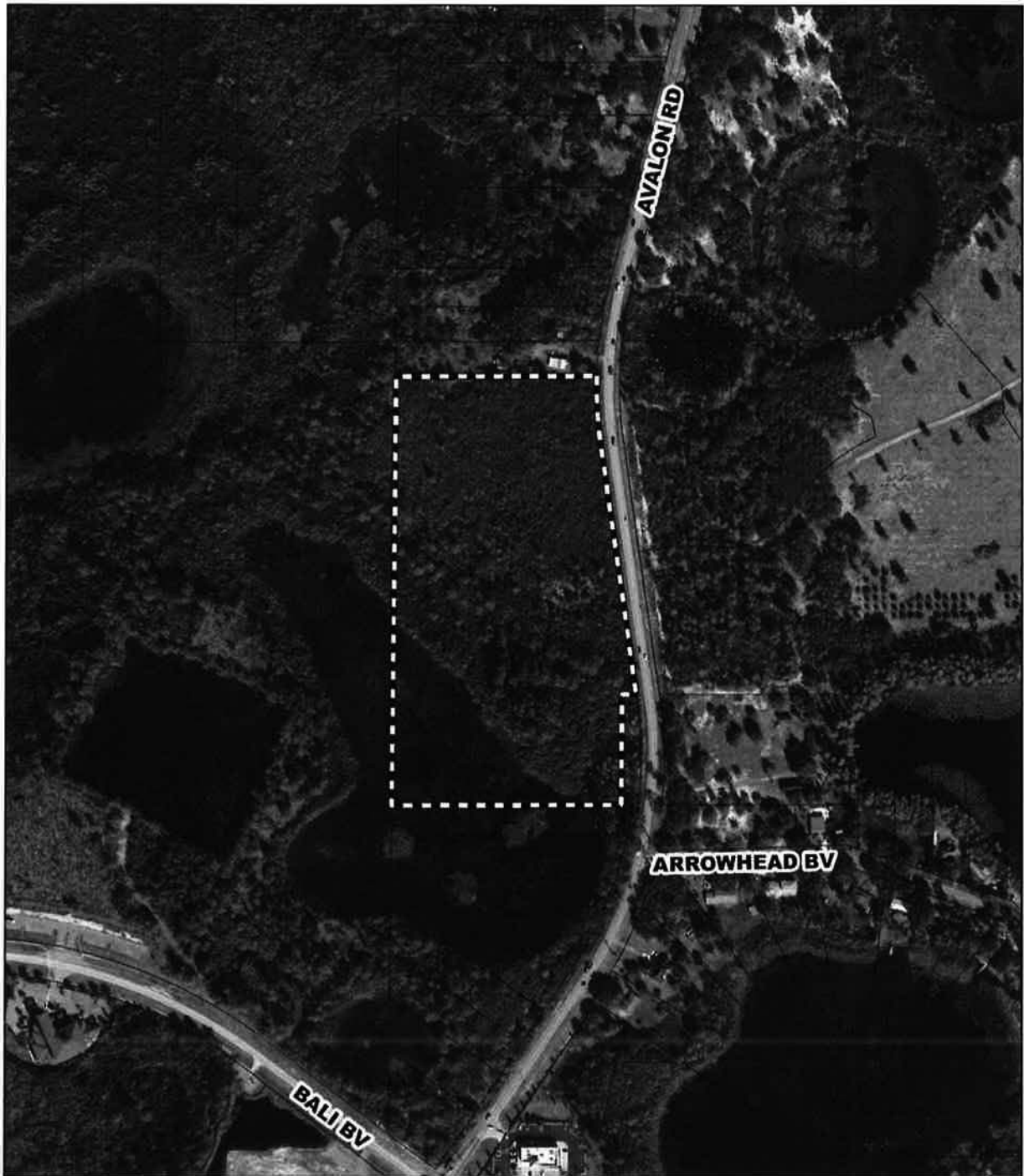
DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 650 feet



LUP-18-12-417

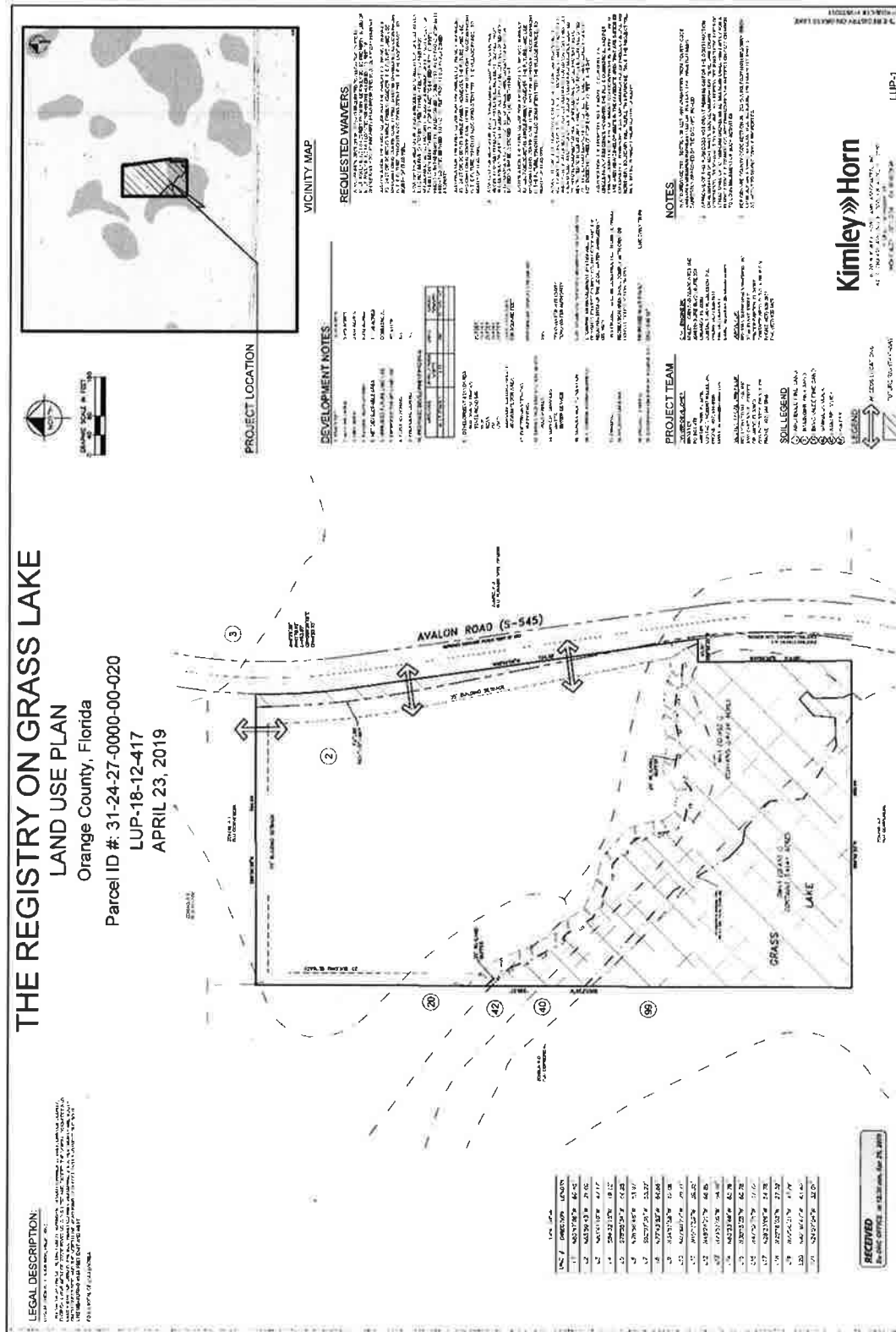


Subject Property



1 inch = 375 feet

The Registry at Grass Lake PD / LUP

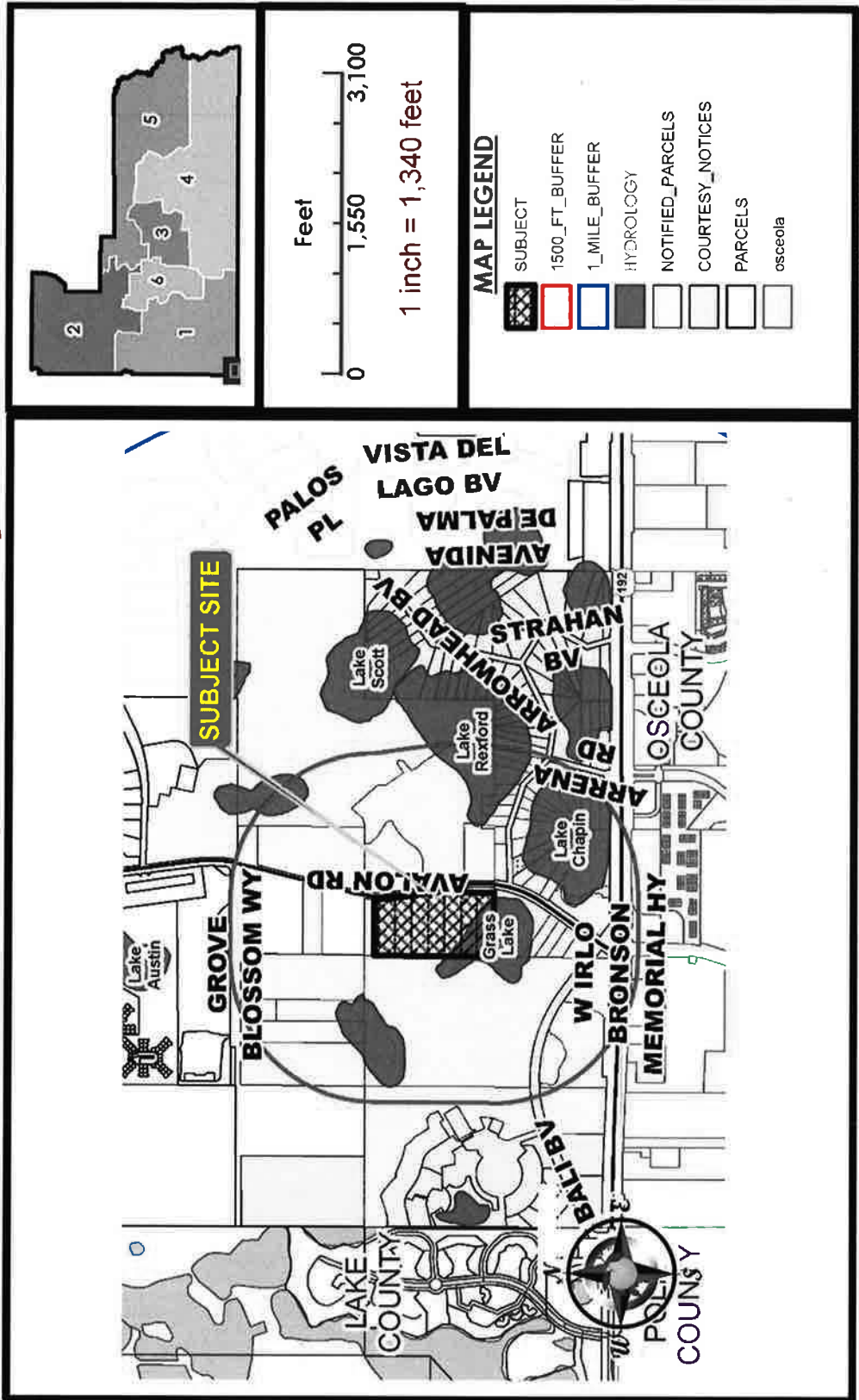


Public Notification Map

LUP-18-12-417

1500 FT BUFFER, 105 NOTICES

Notification Map



\\Ocnas\gmeapp\Business Systems\Board Administration\BCC\2019\5-MAY 16, 2019\LUP-18-12-417\LUP-18-12-417.mxd